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Committee Meeting

of

NEW JERSEY LEGISLATIVE SELECT COMMITTEE ON INVESTIGATION

"The testimony of Regina Egea concerning the committee's investigation into all aspects of the finances, operations, and management of the Port Authority of New York and New Jersey, and any other matter raising concerns about abuse of government power or an attempt to conceal an abuse of government power, including, but not limited to, the reassignment of access lanes in Fort Lee, New Jersey, to the George Washington Bridge"

LOCATION: Committee Room 11
State House Annex
Trenton, New Jersey

DATE: July 17, 2014
10:00 a.m.

MEMBERS OF COMMITTEE PRESENT:

Senator Loretta Weinberg, Co-Chair
Assemblyman John S. Wisniewski, Co-Chair
Senator Linda R. Greenstein
Senator Kevin J. O'Toole
Assemblywoman Marlene Caride
Assemblyman Paul D. Moriarty
Assemblywoman Amy H. Handlin

ALSO PRESENT

Philip M. Mersinger
Michael R. Molimock
Office of Legislative Services
Committee Aides

Francisco Maldonado
Senate Majority
Kate McDonnell
Assembly Majority
Committee Aides

Frank Dominguez
Senate Republican
Keith A. Loughlin
Assembly Republican
Committee Aides

Tony Barkow, Esq.
Special Counsel

Meeting Recorded and Transcribed by
The Office of Legislative Services, Public Information Office,
Hearing Unit, State House Annex, PO 068, Trenton, New Jersey

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SENATOR LORETTA WEINBERG (Co-Chair): Good morning, everybody.

I will call the Select Committee to order.

May we have a roll call, please?

MR. MOLIMOCK (Committee Aide): Assemblywoman Schepisi. (no response)

Senator O'Toole.

SENATOR O'TOOLE: Here.

MR. MOLIMOCK: Assemblywoman Handlin.

ASSEMBLYWOMAN HANDLIN: Here.

MR. MOLIMOCK: Assemblyman Carroll (no response)

Assemblywoman Vainieri Huttle. (no response)

Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Here.

MR. MOLIMOCK: Majority Leader Greenwald. (no response)

Senator Greenstein.

SENATOR GREENSTEIN: Here.

MR. MOLIMOCK: Senator Gill. (no response)

Assemblywoman Caride.

ASSEMBLYWOMAN CARIDE: Present.

MR. MOLIMOCK: Co-Chair Wisniewski.

ASSEMBLYMAN JOHN S. WISNIEWSKI (Co-Chair): Present.

MR. MOLIMOCK: Co-Chair Weinberg.

SENATOR WEINBERG: Here.

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Thank you very much.

The Committee calls Regina Egea, Director of the Authorities Unit.

Oh, okay; pardon me, Ms. Egea. We will get to all the formal part of this in a few moments.

I know that Assemblywoman Handlin has asked to be recognized.

Amy.

ASSEMBLYWOMAN HANDLIN: Thank you; I appreciate that.

This Committee, as everyone knows, was formed to investigate potential abuses of power affecting operations of the Port Authority -- not just potential abuses of power coming from the Christie Administration.

And, as everyone knows, allegations have been made that the Mayor of Jersey City ordered a deliberate disruption of traffic to the Holland Tunnel to serve his own ends.

Now, I know that Chairman Wisniewski has already stated that this Committee should stay focused on the George Washington Bridge. Now while I, frankly, don't understand why the Holland Tunnel is less important than the George Washington Bridge, I won't argue that. What I will do is make a motion that every member of this Committee should support to show a sincere and bipartisan commitment to rooting out potential abuses of power.

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So I move that we officially and collectively refer the Jersey City matter to the Attorney General.

SENATOR O'TOOLE: Second.

SENATOR WEINBERG: Is there a second?

SENATOR O'TOOLE: Second.

SENATOR WEINBERG: Any discussion on the motion from anybody?

Yes, Senator O'Toole.

SENATOR O'TOOLE: Yes, Chair, just a comment.

I've heard-- I've seen the newspapers and the comments, and there's a question as to where we are with this Committee. I think when an allegation like that gets raised -- and I think no one has to say that there is guilt imparted on one party or another. But if it rises to a level where the allegations are made, and such a serious note has been printed on page 2 of the *Star-Ledger* and the *Jersey Journal* on numerous times, and the allegations raised to-- And it may be false, it may be contrived, it may be political, it may be payback, or there may be hints of the truth. If it rises to this level, I think, in this new era of being on this level of watch, at the bare minimum I would agree that, yes, at least refer to the Attorney General and let them do with it as they see fit.

SENATOR WEINBERG: Assemblywoman Caride.

ASSEMBLYWOMAN CARIDE: Yes, Chairperson, at this time I make a motion to table the motion to send this to the

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Attorney General. SENATOR WEINBERG: Do we have a second?

ASSEMBLYMAN WISNIEWSKI: I second the motion.

SENATOR WEINBERG: Roll call on the motion to table.

MR. MOLIMOCK: On the motion to table the motion.

Senator O'Toole.

SENATOR O'TOOLE: No.

MR. MOLIMOCK: Assemblywoman Handlin.

ASSEMBLYWOMAN HANDLIN: Obviously, I'm going to vote no, but I also want to say that I intend--

SENATOR WEINBERG: Well, a motion to table is not debatable.

ASSEMBLYWOMAN HANDLIN: I'm not debating it; I'm just saying that I will be sending the letter, and I would ask for members of the Committee, who feel that they have a sincere commitment to rooting out potential abuses of power, to join me in signing that letter.

MR. MOLIMOCK: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: No.

MR. MOLIMOCK: Senator Greenstein.

SENATOR GREENSTEIN: Yes.

MR. MOLIMOCK: Assemblywoman Caride.

ASSEMBLYWOMAN CARIDE: Yes.

MR. MOLIMOCK: Co-Chair Wisniewski.

ASSEMBLYMAN WISNIEWSKI: Yes.

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MR. MOLIMOCK: Co-Chair Weinberg.

SENATOR WEINBERG: I will vote to table, and follow the proviso of what Assemblywoman Handlin just outlined.

Now that that vote's over, let me--

SENATOR O'TOOLE: Madam Chair, could you just-- Because I'm a little confused on that. Just so we're clear, because I want to join Assemblywoman Handlin in writing--

SENATOR WEINBERG: I'm voting to table.

SENATOR O'TOOLE: Okay, but you said to follow with the proviso. I missed what--

SENATOR WEINBERG: I'm just adding my own comment, which I'm about to explain.

Any member of the public and any member of this Committee has the right to refer anything to the Attorney General's Office, and it's up to the Attorney General to decide whether or not he wants to investigate.

I think that's a much more appropriate place than this Committee. If this Committee is going to investigate the broader issue of abuse of power, we will be in business for the next five years, at a minimum, and we're going to need a much larger staff. Because there is a long list, and a long litany that each of us could add to that list of abuse of power.

So we are focused on the George Washington Bridge, and on the issues that have arisen around the Port Authority. Let me just state that again: That what we hope comes out of this Committee. There is the criminal investigation that we are not

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participating in. What we hope comes out of this Committee is some real legislative changes that will address some of the issues that have led to why we're sitting here today.

So at the risk of repeating what this is all about, I wanted to repeat that, and certainly the Attorney General will hear the issues around the allegations around the former Police Chief and the current Mayor of Jersey City, and it is up to him to decide whether or not to investigate.

Senator O'Toole.

SENATOR O'TOOLE: Chair, then I'm a little more confused.

I thought the motion by Assemblywoman Handlin was to forward this to the Attorney General, not here.

SENATOR WEINBERG: Yes.

SENATOR O'TOOLE: Okay.

SENATOR WEINBERG: Right.

SENATOR O'TOOLE: So it was tabled, so there's no interest in this Committee to have a collective letter go to the Attorney General?

SENATOR WEINBERG: I think what Assemblywoman Handlin finished her motion, or in the discussion portion, stated that she was going to go ahead and send it to the Attorney General's Office. And I am merely noting that anybody, individually or collectively, has the right to send anything they want to, to the Attorney General. I think, certainly, there will be enough press

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reports about what took place here today that he will take notice, if he hasn't already.

Assemblyman Wisniewski.

ASSEMBLYMAN WISNIEWSKI: Thank you, Co-Chair Weinberg.

And I just wanted to weigh in on this, because I think that this makes for interesting copy for the press that's covering this, but I think that there's a distinction that has to be observed between what we are doing with this Committee and our charge, and the repeated attempts to expand the scope of the Committee's work to other areas. We've gotten requests to investigate the Newark Board of Education; we've gotten requests now to investigate the Mayor of Jersey City.

As a legislative body, going back to the fundamentals we all learned in school about our form of government with checks and balances, a legislature serves as a co-equal branch of government. And one of our fundamental obligations is to make sure that other branches of government are playing by the rules. We have an allegation -- more than an allegation -- we have clear proof of an abuse of power that originated in the Governor's Office with the e-mail from Bridget Kelly. That is an abuse of power that comes out of the Governor's Office, that it's our obligation, as a Legislature, to investigate.

I think when we start looking at investigating abuses of power that come out of a Mayor's office -- there are 564 municipalities in New Jersey, and there are 611 school boards. To

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the point that Co-Chair Weinberg made, if the intention here is to create a permanent Committee on Investigations and every time there is an allegation made -- and, in this particular case, by an employee who was demoted, so clearly he has an ax to grind -- then we should do that. We should create a permanent Committee that will investigate every issue that potentially can be raised, either by a legislator, a mayor, a councilman. But I think that takes our Legislature into an area that it has not been previously.

And so I think there's a distinction in the roles. I think that it's easy to conflate it and say, "Well, that's an abuse of power, this is an abuse of power. We ought to investigate all abuses of power." But I think it then runs almost contrary to what people have been saying -- is that, we ought to be wrapping this up, as opposed to now amping up other investigations.

And finally, the Attorney General is vested with the authority to investigate. It defies logic why the Attorney General hasn't investigated any of these allegations. He's been remarkably silent in this entire process.

And so the Attorney General is free to investigate whatever may have happened in Jersey City. And if the Attorney General of the State of New Jersey thinks it's meritorious, then he ought to do that. But I think it's, quite frankly, just, again, an effort to distract the focus of this Committee's work -- which is to investigate an abuse of power that we know came out of the Governor's Office.

Thank you.

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SENATOR O'TOOLE: Chair.

SENATOR WEINBERG: Senator O'Toole.

SENATOR O'TOOLE: Thanks.

SENATOR WEINBERG: And we do have a witness waiting, so--

SENATOR O'TOOLE: I understand. I have a couple of procedural issues, but I have to address an issue.

SENATOR WEINBERG: Yes, go ahead.

SENATOR O'TOOLE: You know, when we looked at the legal bills through March we saw that Mayor Fulop had already been interviewed so it's not like he's a foreign entity to this body. And I know that some members of this Committee, including one of the Chairs, had said that we should be expanding this into Hoboken; we've read that before. So it's kind of a mixed message we're getting here, but I think-- And part of that -- I know we only have 7 of the 12 members here -- I would suggest when we can have all 12 members together, and I say this to both Chairs, I'd like to have a meeting either here or, if it's appropriate, in the executive, to talk about the direction of this Committee as to where we're really going. Because there seems to be some confusion, and there's some fits and some starts.

And along those lines, I read in the newspaper -- I think I was told by staff that -- did Reid Schar receive a letter, or was it just a communication, from the U.S. Attorney's Office about a purported "do-not-call list"? And if that exists, I'd like to know, and let me just tell you why, Chair, so we're clear.

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If there's a list of individuals who we have looked at and said we should think about having a discussion before us, and if the U.S. Attorney's Office has said that we don't want them here to interfere, or possibly trample on, or confuse the Federal investigation, I'm a little bit concerned that I don't know the entities of those individuals. Because when I'm asking Regina Egea or the next witness a question, and if they're saying, "Well, you're going to go into areas about what an individual said, and it could be an individual who's on the targeted do not call list," that gives me a little concern. So I, as one of the members, would like to know the entities and the identities of those "do-not-call individuals" so I will put my questions in a manner so I will not intrude upon what he or she said so I don't want to impact the Federal investigation.

So if we can talk about that without going into details so I can feel more comfortable--

SENATOR WEINBERG: Senator O'Toole, we have had discussions about this in executive session. Everybody on this Committee knows that before we call a witness to actually appear here, that our attorney checks with the U.S. Attorney's Office to make sure that there is no reason that we not call the person -- or that there's no reason not to call the person. So that's been discussed quite clearly.

SENATOR O'TOOLE: Yes.

SENATOR WEINBERG: Obviously, we don't know the details; that's all we ever find out from the U.S. Attorney's Office. That list changes, sometimes weekly.

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SENATOR O'TOOLE: Right.

SENATOR WEINBERG: Sometimes somebody is on, "No, you can't call them this week, but next week you'll be able to call them." So it changes weekly if you're-- Whatever is the up-to-date list, as of the last telephone call that our attorney made, we will make sure that you have that list.

SENATOR O'TOOLE: But even before--

SENATOR WEINBERG: But everybody here knows and knew that this is part of our procedure -- that we are respectful of the criminal investigation, or the apparent criminal investigation. We don't want to interfere with it.

SENATOR O'TOOLE: But Chair, do you understand my--

SENATOR WEINBERG: And that's how we've been operating.

SENATOR O'TOOLE: I totally agree, Chair. And I understand what you're saying; I agree with you. But my point is the step beyond that. If there is an ever-evolving "do-not-touch" list, and that if we, as members, are not aware of that list-- You know, if they say Mr. Smith is on that list. I'd be really hard pressed to ask Regina Egea questions about what Mr. Smith said to her at a given time.

SENATOR WEINBERG: Well, you don't have to worry about that because if, in fact, the U.S. Attorney has not objected to Ms. Egea being called by this -- or any other witness that we interview here--

SENATOR O'TOOLE: I'm not talking about Ms. Egea.

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SENATOR WEINBERG: The U.S. Attorney has also not given us parameters on what we're allowed to ask. So you don't have to worry about that; you can ask whatever you so choose, that whatever witness is sitting in front of us can answer. We have received no instructions, no any kind of implications that, yes, you can call such-and-such a witness, but you may not ask them about such-and-such.

SENATOR O'TOOLE: Chair, let me just--

SENATOR WEINBERG: So feel free.

SENATOR O'TOOLE: Let me just finish my comments so you can go to the witness.

And I hear what you're saying, but I think perhaps we should have a meeting with all 12 of us to talk about--

SENATOR WEINBERG: Yes, by all means.

SENATOR O'TOOLE: Would that be appropriate? I think we should--

SENATOR WEINBERG: Yes.

ASSEMBLYMAN WISNIEWSKI: Yes.

SENATOR O'TOOLE: All right.

And to that point, before we start the questioning here today, I want to make-- There's a correction: page 14 of the product that Mr. Schar's office gave us -- there's a mistake. I want to make sure everyone is aware of that mistake before they may venture down that road. If you could just look at page 14, there appears to be a mistake, about halfway down, right after the December 31 date. I'll give everybody a second.

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SENATOR WEINBERG: Go ahead.

SENATOR O'TOOLE: About halfway down the second blocked paragraph there, it says, "You also forward the subpoena to Gramiccioni, Tab 34. Did you discuss it with her?" I looked at Tab 34; it appears that Crifo forwarded that to Gramiccioni. And if I'm mistaken -- unless I'm mistaken, I think that needs to be corrected so as not to confuse us or the witness.

Maybe Counsel, if you could take a look at that to make sure that I'm on solid ground here.

And maybe there's more than one that they're referring to. The one that I have has Crifo to Gramiccioni in Tab 34.

SENATOR WEINBERG: So the correction is--

SENATOR O'TOOLE: That it's not that this witness forwarded the subpoena to Gramiccioni, as per Tab 34; it appears, having read that, that it was Crifo who forwarded it to Gramiccioni. I just want to make sure I'm correct on that, so that could be corrected for everyone else.

Does Counsel see that?

SENATOR WEINBERG: It does say Crifo. Yes, you are correct.

SENATOR O'TOOLE: Okay.

Last point, Chair, and I appreciate the latitude.

There's been-- I think heading up into our meeting -- whenever that meeting is -- I would like to have some State work done by, maybe, our staff and others that would be really, really helpful. There's been talk about the costs and the purpose-- I think

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part of this stuff has to be talking about what the costs we've incurred. I have legal bills that only go through March from our lawyers, and we'd like to have the collective legal bills through, perhaps, July at that time.

I'd also like to know if we can put a figure -- if OLS can put a figure as to what their costs have been in terms of man hours or expenditures. And I'd like to know from the Attorney General's Office what the legal bills have been for representation for individuals. I know there's been some publications about this person required an attorney, this person required an attorney. By the time we get together, Madam Chair, I'd like to have the totality of what -- if it's possible; if it's an open public record -- if we could have those numbers and, perhaps, the Port Authority can share with our counsel as to the aggregate number in terms of legal bills of the total spent with regard to the SCI, Federal investigation notwithstanding.

SENATOR WEINBERG: We will see if we can compile those.

SENATOR O'TOOLE: That would be wonderful.

SENATOR WEINBERG: Assemblyman Wisniewski.

ASSEMBLYMAN WISNIEWSKI: I just wanted to, Senator O'Toole, respond to clarify some of the questions that you had asked.

SENATOR O'TOOLE: Sure.

ASSEMBLYMAN WISNIEWSKI: There is no letter, or list, or any written document received from the U.S. Attorney's Office.

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As Senator Weinberg pointed out, our practice has been to internally share with Committee members -- and we did; we have put together a list of some 13 people who, potentially, would be individuals of interest to the Committee and then we narrow those down. And prior to issuing subpoenas, our counsel vets them. And the purpose of that is to make sure that we're not intruding into a territory that really implies Judge Jacobson's decision-- which, we all remember, among other things, talked about how this Committee and testimony in front of this Committee does provide immunity, and the documents presented to the Committee provide immunity.

And so our singular focus is not to unwittingly immunize someone that would be contrary to the interests of the U.S. Attorney's Office. I believe -- and I do not have independent confirmation of it -- that's their singular concern. But they have not provided any instruction on questions, on what you can and can't ask. It's just simply a matter of the possibility that somebody testifying here could claim immunity. And I think the singular goal of us is to not, in some way, take away from the U.S. Attorney's Office somebody who might be of interest to them because of something that was said here.

SENATOR O'TOOLE: Okay.

ASSEMBLYMAN WISNIEWSKI: So insofar as asking Ms. Egea questions, they clearly don't have an issue with her testifying. And so whatever questions you ask are not--

SENATOR O'TOOLE: Did you understand my point, John?

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ASSEMBLYMAN WISNIEWSKI: Yes.

SENATOR O'TOOLE: Okay, because I didn't know that the singular purpose has been identified by the Feds, that it's simply if they come before us there's an immunization issue.

ASSEMBLYMAN WISNIEWSKI: I'm not saying that that's what they've identified. They-- I have to give credit to the U.S. Attorneys -- they haven't told us anything about what they're doing or why, except that we have given them the respect of saying, "We may call this person, what do you think?" And putting my legal hat on -- and you're a lawyer too -- understating that what we do here may invoke immunity. I believe that that is the issue that's at play here.

SENATOR WEINBERG: Okay, well, since I'm not a lawyer, I'd like to move on.

ASSEMBLYMAN WISNIEWSKI: Would you?

SENATOR WEINBERG: If we can.

ASSEMBLYMAN WISNIEWSKI: Okay. (laughter)

SENATOR WEINBERG: Yes.

Assemblywoman Caride.

ASSEMBLYWOMAN CARIDE: Yes, Madam Chair. Since we have a quorum right now, and I don't know what the afternoon will bring, I'd like to make a motion that all the exhibits provided to the Committee here today be made a part of the official public record and attached to the official transcript of today's meeting, provided that certain personal information contained therein first be redacted by special counsel to the Committee.

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SENATOR WEINBERG: Can I have a second, please?

ASSEMBLYMAN WISNIEWSKI: Second.

SENATOR WEINBERG: Any discussion? (no response)

This is the motion -- the regular procedural motion we make to release the documents after.

Roll call, please.

MR. MOLIMOCK: Senator O'Toole.

SENATOR O'TOOLE: Yes.

MR. MOLIMOCK: Assemblywoman Handlin.

ASSEMBLYWOMAN HANDLIN: Yes, and when we're done with this, if I could just beg the indulgence of the Chairs to ask one more question.

MR. MOLIMOCK: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. MOLIMOCK: Senator Greenstein.

SENATOR GREENSTEIN: Yes.

MR. MOLIMOCK: Assemblywoman Caride.

ASSEMBLYWOMAN CARIDE: Yes.

MR. MOLIMOCK: Co-Chair Wisniewski.

ASSEMBLYMAN WISNIEWSKI: Yes.

MR. MOLIMOCK: Co-Chair Weinberg.

SENATOR WEINBERG: Yes.

Okay, back to where we started.

ASSEMBLYWOMAN HANDLIN: May I?

SENATOR WEINBERG: Assemblywoman Handlin.

ASSEMBLYWOMAN HANDLIN: Thank you very much.

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I'm not a lawyer either, and so I don't have a legal hat to put on.

And I would like to ask for some clarification of a matter that I think the ordinary person who is not a lawyer is probably -- is wondering about. And it's related to this conversation about conversations with the U.S. Attorney's Office and whether there is or there isn't a "do-not-call" list.

You know, the simple fact of the matter is there is a list of 13 people, I believe, who received subpoenas because they were deemed--

SENATOR WEINBERG: No, no subpoenas.

ASSEMBLYMAN WISNIEWSKI: Nobody's receiving--

ASSEMBLYWOMAN HANDLIN: Okay, who were considered as people who would receive subpoenas because they were judged, presumably by the Chairs in consultation with Mr. Schar, to be key or to have information that would be key to the investigation of the George Washington Bridge matter.

Now, my further understanding is that three-quarters of those people were eliminated because the U.S. Attorney decided that those people were also key to his investigation of the matter.

So the question I have is, again, pretty simple, and that is that by definition the only people who are left to us, as members of this Committee, are people who have already been determined by the U.S. Attorney's Office to have nothing to say -- unless whatever they were going to say is either marginal, at best, or immaterial, at worst.

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So what exactly is the end game here?

SENATOR WEINBERG: Well, Assemblywoman, let me correct -- let me again remind you what I said earlier.

That list can change weekly. Our attorney, as everybody knows-- And those names were shared with this Committee as being-- We didn't-- They weren't done in secret; they didn't fall out of the sky. They were shared with the entire Committee. And the entire Committee knows what the procedure is: that our attorney checks with the U.S. Attorney's Office. And sometimes the week that we might want to have the meeting, and we ask if we can call A, B, C, or D, the U.S. Attorney says no. And the following week, the Attorney can say yes. So we don't know the answer to that.

But if we could get on with the business of today, that would be a great help. And then if you want to have an executive session after this meeting with the proviso that we won't have all the details that Senator O'Toole asked for, we can certainly discuss this list, how it was handled, and how it is a fluid list.

There are people who we could have called the week before had we been ready -- who then became, "No, you can't call them this week." So we are being respectful of the U.S. Attorney's investigation. I know that there's nobody on this Committee who would suggest that we do otherwise. But we can't come to a conclusion about that list because it is not a permanent list; it is not a permanent "you're never going to be able to call these

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people;" it isn't even permanent enough to say, "You can call them next week."

So I'm perfectly happy, if we get finished at a reasonable hour here -- if we can get on with it -- to have an executive session and we'll discuss that list in further detail.

ASSEMBLYWOMAN HANDLIN: Okay, so we want to be fluid, but not fluid enough to investigate allegations of potential abuse related to the Port Authority by other individuals? Just to put that on the table. So that seems to be the conclusion here.

ASSEMBLYMAN MORIARTY: That's kind of unwarranted. Where did that come from?

ASSEMBLYWOMAN HANDLIN: Where it came from--

ASSEMBLYMAN MORIARTY: Who said that? No one said that.

ASSEMBLYWOMAN HANDLIN: What I understood from comments that were made by the Chair is that he doesn't want this Committee to widen its scope, such that we are investigating allegations of abuses of power by anyone in elected office. And I want it to be crystal clear that that's not what I'm suggesting this Committee should be concerned with.

SENATOR WEINBERG: Look, I'm going to end this discussion.

ASSEMBLYWOMAN HANDLIN: I thought this Committee was supposed to be investigating allegations of abuse of power affecting the Port Authority.

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ASSEMBLYMAN MORIARTY: Through the Chair, I think that was uncalled for.

SENATOR WEINBERG: Please, excuse me.

ASSEMBLYMAN MORIARTY: I think it was inappropriate.

SENATOR WEINBERG: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Thank you.

SENATOR WEINBERG: Let us end this discussion.

ASSEMBLYWOMAN HANDLIN: I'm finished.

SENATOR WEINBERG: We have a witness sitting in front of us.

ASSEMBLYMAN WISNIEWSKI: Who is enjoying this.

SENATOR WEINBERG: And if we are going to investigate abuse of power by elected officials anywhere, the list will be much fatter than this black book is.

SENATOR O'TOOLE: Let's get it.

SENATOR WEINBERG: So let's move on.

The Committee now calls Regina Egea, Director of the Authorities Unit in the Office of the Governor, to testify.

Ms. Egea, thank you for appearing here today. I'm Senator Loretta Weinberg; this is Assemblyman John Wisniewski. We're Co-Chairs of this Committee.

Are you accompanied by an attorney today?

R E G I N A M. E G E A: I am.

SENATOR WEINBERG: Feel free, please, to have the attorney introduce himself.

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M I C H A E L M A R T I N E Z, Esq.: Co-Chair, I'm Mike Martinez. I'm with the firm Mayer Brown; and I'm here with my colleague, David Lizmi, also of Mayer Brown.

SENATOR O'TOOLE: I'm sorry, could you repeat your colleague's name?

MR. MARTINEZ: My colleague's name is David Lizmi.

SENATOR WEINBERG: Okay, and when your red mike is on that is recorded into the record. So if you want to talk to each other, make sure you turn your mike off so that it's not into the written record that's going to be produced today.

MS. EGEA: Thank you.

SENATOR WEINBERG: Ms. Egea, do you understand that if the statements you make today are willfully false, or you fail to answer a pertinent question, or commit perjury, you may be subject to penalties under the law?

MS. EGEA: I do.

SENATOR WEINBERG: Did you receive a subpoena from this Committee compelling your testimony?

MS. EGEA: Yes.

SENATOR WEINBERG: Did you receive a copy of the Code of Fair Procedure, together with the subpoena?

MS. EGEA: Yes, I did.

SENATOR WEINBERG: Do you understand you have certain rights under the Code of Fair Procedure, including the right to be accompanied by counsel who shall be permitted to confer with

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you during your questioning, advise you of your rights, and submit proposed questions on your behalf?

MS. EGEA: Yes.

SENATOR WEINBERG: As you can see, we have a Hearing Reporter here from the Office of Legislative Services. Your testimony is being recorded; it may be transcribed for the Committee, and it may also be used in other proceedings. Do you understand that?

MS. EGEA: Yes, I do.

SENATOR WEINBERG: You are entitled to a copy of the transcript of your testimony at your expense when such copy is available. Do you understand that?

MS. EGEA: Yes.

SENATOR WEINBERG: You have the right to file a brief sworn statement relevant to your testimony for the record at the conclusion of your examination. Do you understand that?

MS. EGEA: Yes.

SENATOR WEINBERG: Please note all of your responses should be verbal; we cannot record a head shake or a nod. If you don't understand a question, ask for clarification. Otherwise I'm going to assume that you understand the question and that your answers are responsive to the question. Do you understand that?

MS. EGEA: Yes.

SENATOR WEINBERG: And before we proceed with the oath, do you have any questions?

MS. EGEA: I do not; thank you.

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SENATOR WEINBERG: Thank you. Please stand and raise your right hand.

(witness stands and raises right hand)

Ms. Egea, do you swear or affirm that the testimony you are about to give is true, correct, and complete to the best of your information, knowledge, and belief?

MS. EGEA: I do.

SENATOR WEINBERG: Thank you. Please be seated and state your name for the record.

MS. EGEA: Regina Egea.

SENATOR WEINBERG: Thank you. Do you or your attorney have any kind of an opening statement you'd like to make?

MS. EGEA: I do.

SENATOR WEINBERG: Feel free.

MS. EGEA: Thank you for having me today.

I am happy to fully cooperate with the Committee in its business, and I hope my participation will assist in concluding its business as swiftly as possible.

SENATOR WEINBERG: Mr. Attorney, would you turn your microphone off? She will come through--

Go ahead.

MS. EGEA: Thank you.

And I just want to state at the outset that I had no prior knowledge, no participation in the lane realignment at the George Washington Bridge in September of 2013.

And with that, I'm prepared to take your questions.

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SENATOR WEINBERG: Do you have any statement from the attorney?

MR. MARTINEZ: No, Co-Chair.

SENATOR WEINBERG: Thank you.

Okay, let's, if we may-- Please describe what your duties and responsibilities are as the head of the Authorities Unit in the Governor's Office, and to whom you report.

MS. EGEA: Surely. I have a staff of four attorneys, and we oversee approximately 53 authorities and commissions -- some single, inside New Jersey, some are bi-state authorities. And our responsibilities are to work with each of the entities in terms of their Board items; that the items that come before them comply with both our State laws, bylaws of the entity, as well as the policies. And the attorneys have assigned to them a portfolio; you can think of it as 12 to 14 authorities that are assigned to each one of them. And the Office of the Director of the Authorities reports to the Chief Counsel.

SENATOR WEINBERG: And to whom do you report?

MS. EGEA: Chief Counsel.

SENATOR WEINBERG: Okay. And which of your attorneys was assigned to the Port Authority?

MS. EGEA: Nicole Crifo.

SENATOR WEINBERG: Okay, thank you.

Let me start off, just to be clear in my own mind, how all the reporting took place. What staffer -- or was it you -- who had

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the responsibility of informing the Governor of major developments taking place at independent Authorities?

MS. EGEA: Typically, the office operates in a two-chief model. So I would normally report anything of import to the Chief Counsel.

SENATOR WEINBERG: Okay. We have-- In reviewing prior documents -- and I guess just looking over the transition report that came in about public Authorities during the Governor's transition as he was first elected to office -- it talked about a *clear vision* for public authorities. Did you know what the Governor's clear vision was for the Port Authority, or for any of the Authorities under your--

MS. EGEA: No. I was not-- That report was issued in late 2009, I believe. I don't think I've read it; if I did, I haven't read it in four or five years. So I don't recall what's in it, and what was intended

SENATOR WEINBERG: Well, did you have any idea of what the Governor's clear vision was for any of the Authorities from the time you took responsibility for public Authorities?

MS. EGEA: Well, as I said, the scope of the responsibility we have are to ensure compliance with both the law and bylaws, and policies that we support.

SENATOR WEINBERG: Okay. So let's get down to some of the details.

If in the normal course of business, the Executive Director of any one of these public Authorities that you are

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responsible for widely circulated a letter and e-mail claiming that laws might have been broken and that processes were not followed, what would you foresee your responsibility to be to react to that letter or e-mail?

MS. EGEA: Well, so are you asking specifically about the Port Authority e-mail?

SENATOR WEINBERG: No, I'm asking you about any Authority under your jurisdiction, where the Executive Director of any one of those Authorities might have distributed a letter or an e-mail -- widely distributed, that came across your desk -- claiming that none of their processes were followed, and that laws were broken. What would you have done with that?

MS. EGEA: Well, as a-- It's always in context for me, because each of the Authorities is different. They have different executive directors, they have different scope; some are bi-states, some are single state. So there's an enormous amount of context that has to, really, be thought about in order to respond to you question. And so I'd have to have some context, but as a general matter I'd certainly want to speak with the Executive Director, and understand to the extent that I had a relationship with that Executive Director, and understand what occurred, and understand what evidence they could produce to support some of the claims.

SENATOR WEINBERG: So what would the context be that you might not want to speak to the Executive Director? The context you gave us, is that -- that would be what you would do,

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and what would the context be that you might not want to follow through?

MS. EGEA: Well, as I stated, where I had a relationship with the Executive Director-- In the case of, well, I'll use the Port Authority -- my relationship was really with the Deputy. And there are-- These bi-state authorities, I don't always have a relationship directly with each of the executive directors.

SENATOR WEINBERG: So your questioning of whether laws were broken would be based upon a personal relationship -- or a relationship with the Executive Director, not with what the allegations might be?

MR. MARTINEZ: Respectfully, Co-Chair, I think that misstates her prior answer.

SENATOR WEINBERG: No, I think-- I'm trying to explore this a little further. Ms. Egea is in charge of public Authorities in the State of New Jersey. So what she just testified to, if I understand that correctly, is that her reaction to such an allegation would depend upon her relationship with whichever Executive Director made the allegation. So I am trying to find out, what does that mean? What kind of a relationship would you have that would prevent you from exploring such an allegation?

MS. EGEA: Well, what I intended to communicate was that I have day-to-day working relationships with some executive directors, with some chairmen, with some deputies, and I try to understand what the context was of any of allegations that are made. And, most typically, I wouldn't always go to the -- I would

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go to the person that I most typically work with, and I think that that's not unusual.

SENATOR WEINBERG: Okay, because I'm, again, exploring the way these procedures operate out of the public Authorities' office.

On September 6, 2013, David Wildstein wrote an e-mail to Bridget Kelly telling her to instruct the Mayor of Springfield that Governor Christie had approved Springfield's request for a grant of $60,000 under the Port Authority's Local Assistance Program. Would things like that have gone through your office? Or how does that work, where a public Authority is approving a grant? Does that go to your office, does it go directly to the Governor's Office? How does that operate?

MS. EGEA: I'm not familiar with that specific; I've never seen that in the press, in terms of the materials that we released. But no, not everything-- Typically, it's matters that go before the Boards that come through our office. So if that hadn't come before the Board, I wouldn't typically see it.

SENATOR WEINBERG: Yes, it's on Tab 43, if you want to put that up on the screen. I'm sorry -- Tab 43, if you want to put it up on the screen. It's David Wildstein's e-mail to Bridget Kelly. You have to scroll down there.

All right, let me go back now to the Executive Director of the Port Authority.

I think it was on -- perhaps right on September 13 when you received from Bill Baroni, forwarded to you, the e-mail from

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Patrick Foye with allegations that none of their procedures were followed, in reference to the George Washington Bridge lane closures; none of their processes were followed; and laws were broken. It was marked *high importance,* I assume to discern it from the routine e-mails that you receive.

You forwarded that e-mail with high importance to somebody else. So could you tell me what your reaction was to that e-mail, and why you forwarded it, and to whom?

MS. EGEA: So I'll start with my reaction to it. I believe--

SENATOR WEINBERG: Excuse me, that's on Tab 2, which you can put up on the screen.

But go ahead; I'm sorry.

MS. EGEA: Sure, sure.

I believe Bill and I spoke; Bill Baroni had called me because I did not open it and did not know that I was receiving it, but I didn't really understand it until I read it, and then was in some conversation with him. And Bill and I spoke about the allegations -- which are serious -- in it. And in my conversation with Bill, he indicated that he disagreed with the assessment of the Executive Director, and that it was interference in a project that Bill thought was essential to his duties as Deputy and that, as I said, he disagreed with all the allegations. And I inquired as to, "Is there anything about this to really be concerned about?" and he indicated no.

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So at the bottom of the e-mail, the Executive Director says, "He will get to the bottom of it." I took that to mean that he was going to do a full investigation. And I said to Bill, "Then let him look," so that he should examine it to the extent until he satisfies himself -- when the Executive Director satisfies himself that these allegations are either true or not.

SENATOR WEINBERG: And you did not think that it was appropriate for you to actually ask the Executive Director? I mean, these were pretty serious allegations. They were not -- they didn't sound like a disgruntled employee. This is the Executive Director of the Port Authority of New York and New Jersey making allegations that laws were broken. You did not think it was part of your responsibility to speak to the Executive Director, try to find out for yourself? What did Mr. Baroni explain to you about the necessity for doing this? What was his explanation?

MS. EGEA: They were exploring ways to improve the traffic flow at the Bridge -- at the George Washington Bridge.

And I would also call your attention, though -- the Chairman and the Vice Chairman were also copied, so it wasn't as though I was the only person who was aware of the e-mail.

SENATOR WEINBERG: I'm well aware of all the people who were aware of this e-mail, and all the people who didn't do anything about it. If our Committee has learned anything, that's a fact.

MS. EGEA: Well, I only differ in that I took his comment as he was ensuing to open up and pursue any allegation that he had

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made. He had full access to all the information that I, frankly, didn't have.

SENATOR WEINBERG: Did you read any reports about the ensuing traffic jam in the clips that go to the Governor's Office -- the various newspaper reports, or issues that were around this huge traffic jam, where they were studying traffic lanes to the George Washington Bridge the week of September 11? Had you read any reports about that?

MS. EGEA: There had been no press that I knew of during the week. I think I looked at one over the weekend once I received this, and I think I saw one. But I didn't see any during the week, no.

SENATOR WEINBERG: Okay. So once you saw those clips, you didn't think -- once you saw the news reports about what was going on there, did you think that there was anything further-- I mean, I know hindsight -- I know all the proverbs that go around that -- but there was at least one clip that came to your attention, according to what you just said. And there were huge traffic jams, with an accusation -- again, alleged, in Mr. Foye's e-mail -- that, perhaps, emergency folks couldn't get through to where they needed to get through. There were news clips, and there was beginning to become a story-- So let me finish my sentence there. Was there anything about this situation that made you think you should look at it a little further?

MS. EGEA: Well, as I said, I thought it was being looked at. So I thought that the appropriate steps were being taken at the

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Port Authority since the Executive Director had made the accusation and said he wanted to look into it. And I certainly would have fully cooperated in any part of it, and I expected Bill to, and that's what I indicated to him.

SENATOR WEINBERG: Did you ever follow up with Mr. Baroni at all about how the investigation was going -- anytime between September 13 when this e-mail came out, and then November 25, when he gave his testimony?

MS. EGEA: I can't produce an e-mail or any indication that I formally asked that. And I did not receive anything that indicated that.

SENATOR WEINBERG: Did you have any phone conversations with him?

MS. EGEA: I can't recall. It would have been normal course; I might have checked in, but I don't have any recollection of it.

SENATOR WEINBERG: Okay. And just let me point out that according to Ms. Crifo's interview, according to what she told, the Governor's-- She said that you told her that the Governor's Office won't involve itself in "this" -- talking about what was going on there, which is on page 5 of Nicole Crifo's Mastro interview.

MS. EGEA: So I want--

SENATOR WEINBERG: What did you mean by that?

MR. MARTINEZ: Co-chair, she--

SENATOR WEINBERG: Tab 42, I'm sorry; page 5.

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MS. EGEA: So for the purposes of your understanding, I've not read any of the memos in the Mastro report. So I'll have to take a minute to read it.

SENATOR WEINBERG: Take a moment to review it.

MS. EGEA: Thank you.

MR. MARTINEZ: And which page?

SENATOR WEINBERG: Page 5, Tab 42.

(attorney and witness review the exhibit)

MS. EGEA: So could you repeat your question for me now that I've read it?

SENATOR WEINBERG: Yes -- that according to what Ms. Crifo said, you told her that the Governor's Office would not--

(lights flicker)

SENATOR WEINBERG: Thank you. Somebody leaned against the light switch. (laughter)

ASSEMBLYMAN WISNIEWSKI: They have to move those light switches.

SENATOR WEINBERG: That the Governor's Office would not involve itself in this issue.

MS. EGEA: I mean, as a general matter, we did not get involved in operational issues, but I don't know what conversations she might be referring to. But we didn't have any conversation--

SENATOR WEINBERG: So you have no recollection of telling that--

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MS. EGEA: Not about that week -- about Fort Lee? No, no, but as a general matter, we did not get involved in operational issues; it was really Board matters, as I said.

SENATOR WEINBERG: Well, was one of your responsibilities to actually look at the agenda for each of these commissions?

MS. EGEA: For the public Board meetings and the public committees?

SENATOR WEINBERG: Yes.

MS. EGEA: Yes.

SENATOR WEINBERG: Uh-huh. And did you pass judgment on what was appropriate on an agenda, what was legally appropriate, and how it represented the Governor's policies?

MS. EGEA: Legally, as well as comports with the policies that we were pursuing, yes.

SENATOR WEINBERG: So you were involved-- Your responsibility involved yourself enough in the Port Authority to actually review agendas, see if they were appropriate legally, and whether they purported with the Governor's policies?

MS. EGEA: Typically, a staff attorney did that, and then it would be sent--

SENATOR WEINBERG: But the attorney who reported to you, correct?

MS. EGEA: Yes, yes.

SENATOR WEINBERG: Yes, okay.

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MS. EGEA: And if there were questions, we would discuss them.

SENATOR WEINBERG: Okay, and how would you know whether-- Let's concentrate on the Port Authority. Who translated to you what the Governor's policies were, so you would know -- getting back to my phrase from the transition report -- what his clear vision might have been? How would you know whether an agenda item purported to follow the Governor's policies?

MS. EGEA: Well, when I say *policies* I'm referring to fairly specific items that were along the lines of the sharing of healthcare premiums that employees ought to be participating in, the financial burden of health care that's provided to employees from a salary perspective -- that we were not doing salary increases across the board, and we tended to not approve them at any of the Authorities.

Items like the E-ZPass and use of E-ZPass -- if those were fringe benefits that no longer ought to be afforded to -- and they came in various shapes and sizes in different Authorities.

But when I say policies, that's what I meant by policies.

SENATOR WEINBERG: So was personnel issues-- Would you turn your microphone off? (referring to attorney) Yes, thanks. It's just she comes through clearer without both microphones on.

It was personnel policies, salary scales, things like that, that--

MS. EGEA: Those were the most frequent items of discussion with each of the Authorities, including the Port

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Authority. And they, in fact, adopted many of the expectations that we had for the health care.

SENATOR WEINBERG: Okay, let's go to Tab 16, which is the marked-up copy of what might have evolved into Bill Baroni's unsworn testimony before the Assembly Transportation Committee.

MS. EGEA: Sure.

SENATOR WEINBERG: Can you briefly look at that and tell me what -- first of all, who did the crossing out? Did you do any of that?

MS. EGEA: On this first page, primarily I think I--

SENATOR WEINBERG: On any of the pages.

MS. EGEA: On any of the pages? I did many of it, but not all; there are several references in here that I did not make.

SENATOR WEINBERG: Okay. And who would have done the other crossing out?

MS. EGEA: What I did, when I marked it -- and then Nicole was going to take it to the Port Authority, so she had it. It could have been hers. I think I've come to learn that some of those marks were hers, but I don't know that they were.

SENATOR WEINBERG: And why would you have been-- Why would Mr. Baroni have submitted his testimony to you to be edited in what appears to be a pretty substantial way?

MS. EGEA: I was asked to assist Mr. Baroni in making the opening statement -- not his whole testimony, but his opening statement -- as concise and to the point as we possibly could. So I was making suggestions.

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SENATOR WEINBERG: Again, according to Ms. Nicole Crifo in her answers to the Mastro report, you had stated that the Governor's Office wasn't going to involve itself in this. But yet you didn't think-- Did you think, in any way, that your correcting his testimony that he was about to give before a Committee of the State Legislature on a rather important issue -- was that somehow involving the Governor's Office in what was going on there?

MR. MARTINEZ: Respectfully, Co-Chair, it misstates her testimony--

SENATOR WEINBERG: Now your microphone's off; I'm sorry, I'm really confusing you.

MR. MARTINEZ: Respectfully, Co-Chair, it misstates her testimony and assumes a fact she hasn't adopted. She hasn't said that she corrected his testimony; I think her testimony was quite clear that she was there to give suggestions to make it more concise.

SENATOR WEINBERG: Well, let's ask some questions here.

At the bottom of that first page, is that your handwriting that says, "approximately 4.5 percent of all E-ZPass customers," etc.?

MS. EGEA: Yes, it is.

SENATOR WEINBERG: Okay. And why did you think that was important?

MS. EGEA: Well, again, in the effort to get it as concise as possible, it actually is in the preceding paragraph -- that data

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point is. And I thought that he could get to it more quickly, and in a more relevant way by putting it immediately after where we talk about the toll booths and how many people are registered in Fort Lee.

SENATOR WEINBERG: Does the Governor's Office have a Communications Department?

MS. EGEA: Yes.

SENATOR WEINBERG: Do they specialize in this kind of thing: speech writing, drafting, being clear and concise?

MS. EGEA: Well, I think-- Yes, there is a Communications Office, and I was the one who was asked to support and make suggestions to Mr. Baroni.

SENATOR WEINBERG: And does the Port Authority have a Communications Office--

MS. EGEA: I believe so.

SENATOR WEINBERG: --that specializes in keeping communications clear and concise?

MS. EGEA: I believe so.

SENATOR WEINBERG: So who asked you to assist Mr. Baroni in his testimony?

MS. EGEA: Mr. Baroni, as well as Chairman Samson.

SENATOR WEINBERG: Chairman Samson called you and asked you to assist Mr. Baroni in his testimony?

MS. EGEA: *Assist* is too strong of a word, as I said. It was really to make suggestions about how to communicate most effectively his opening statement.

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SENATOR WEINBERG: And can I ask you, Ms. Egea, what is your background in effective communications, in terms of your job responsibilities?

MS. EGEA: Well, I wouldn't say I was-- Well, I think I try to always be a clear communicator. So I think that that was the only purpose of-- I knew the subject, and I knew Bill, I knew Port Authority, and I could assist him in being as concise as possible.

SENATOR WEINBERG: So can you recall what Chairman Samson said to you when he called you and asked you to make Mr. Baroni's testimony more effective, or whatever words he used?

MS. EGEA: I don't recall *effective*; as I said, it was really to enable Bill to have as many support -- to have the support made available to him, to be as clear and concise as possible. So I don't remember, other than that.

SENATOR WEINBERG: Do you remember when that phone call might have taken place?

MS. EGEA: No, I don't.

SENATOR WEINBERG: Could it be sometime before that November's -- before his November 25--

MS. EGEA: Of course, of course.

SENATOR WEINBERG: --testimony.

And since you were helping him prepare testimony, and this is now November 25, I already -- I was going to save that questioning for later, for others -- had already appeared at, at least, two Port Authority meetings. What did you think was-- Did you understand what the point of this testimony was -- what it was Mr.

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Baroni was about to explain to the Assembly Transportation Committee as to why this so-called traffic study was taking place? What did you understand about the point of that testimony that he was going to give to a Committee of the Legislature?

MS. EGEA: Three things: one, explain what the study's purpose was.

SENATOR WEINBERG: Which was?

MS. EGEA: To seek to optimize the traffic at the George Washington Bridge. So that's number one -- explain the pilot; number two, explain that communications were not handled as well as they should have been, and that they mishandled the communication; and number three, apologize, and indicate it wouldn't happen again. And I repeat, this was his opening statement, not all of this testimony.

SENATOR WEINBERG: Okay, so do you know which part of this you crossed out, and which parts somebody else might-- Who were the other folks who helped make this testimony more crisp and clear?

MS. EGEA: As I said, I could recognize my markings; there are other markings on here that -- a few of them; mine are the dominant ones. But there are few other markings on there that I can point out when I get to them, if you'd like.

SENATOR WEINBERG: So you don't know who made these other markings on here?

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MS. EGEA: As I said, I didn't recognize the handwriting when I first saw this, but I think I've come to read in the press that those were Nicole's - but I don't know that.

SENATOR WEINBERG: Okay. So did you cross out the chart that's printed in her paper -- it's the next page, page 3.

MS. EGEA: On page 3?

SENATOR WEINBERG: Yes. Did you cross out that chart?

MS. EGEA: Yes, I did.

SENATOR WEINBERG: And why did you take that chart out?

MS. EGEA: I just did not think it was necessary to make the point -- which the main point of the study was that 75 percent of the toll booths were being made available to more than 90 percent of the traffic. The fact that 95 percent of the traffic -- of the users -- came from these counties, I did not think was necessary to make the point. That's it.

SENATOR WEINBERG: Okay, would you mind repeating what you just thought you understood about the traffic: 75 percent of the traffic was what?

MS. EGEA: No, 75 percent-- So there are 12 booths; 75 percent of them are not aligned in the morning rush to Fort Lee access. And that there are 4.5 to 5 percent registered to Fort Lee -- meaning that 95 percent of the traffic is really being funneled into 75 percent of the toll booths. And that was what they were trying to optimize.

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SENATOR WEINBERG: Well, you had not heard Patrick Foye's testimony at that point.

MS. EGEA: Correct.

SENATOR WEINBERG: He didn't give his testimony under oath to the prior Assembly Transportation Committee, in which he testified under oath -- and I'm-- That was on December 9; he testified under oath that there are 12 lanes on the upper level of the Bridge; 25 percent of them you can access through other Fort Lee roads. By the way, they all come through Fort Lee, in case anybody didn't notice, the Bridge is in Fort Lee. (laughter) And that 25 percent of those lanes carry 26 percent of the traffic that goes over the George Washington Bridge.

Were you aware in December when Mr. Foye gave that testimony under oath?

MS. EGEA: No. The information that Bill had--

SENATOR WEINBERG: No, you weren't aware at this time -- I know that.

MS. EGEA: Oh, I'm sorry.

SENATOR WEINBERG: I'm asking if, when you found out about the testimony, did you become aware of the fact the statistics that you just gave, that had been given to you by someone, were erroneous?

MS. EGEA: I don't recall him saying that, but certainly if that is the testimony, it was different than what I understood back in November. SENATOR WEINBERG: Well, that was his testimony.

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MS. EGEA: Okay.

SENATOR WEINBERG: And it was testimony under oath. So you don't recall listening, or understanding anything about Patrick Foye's under oath testimony?

MS. EGEA: I did listen, as I just stated. I don't recall that statistic.

SENATOR WEINBERG: I only say that because it is quite contrary--

MS. EGEA: Yes, it is.

SENATOR WEINBERG: --to the testimony that you helped make -- which was not done under oath, clarifying -- that Mr. Baroni gave, that you helped make clearer and more concise; that that would be something that you might have noted, based upon the statistics that you were just able to recall that had been given to you?

MS. EGEA: I recall from Mr. Foye's testimony that he stated that he disputed that there was a traffic study. That's the gist of what I recall from his testimony.

SENATOR WEINBERG: Okay, in the interim between September 13 and November 25 -- five or six weeks in there -- did you ever check with Bill Baroni or with Patrick Foye on how this investigation was going?

MS. EGEA: I never interacted with the Executive Director. I saw him at Board meetings, but I had no direct contact with him at any time. So no, I did not inquire on this.

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SENATOR WEINBERG: Did you regularly go to Port Authority Board meetings?

MS. EGEA: Yes, I did.

SENATOR WEINBERG: So were you at the Board meetings when I attended those meetings?

MS. EGEA: No, I was not.

SENATOR WEINBERG: You missed those? (laughter)

MS. EGEA: Yes, unfortunately I had conflicts on my schedule in both October and November.

SENATOR WEINBERG: So were there other representatives from your office there?

MS. EGEA: Nicole would have always been in attendance -- Nicole Crifo.

SENATOR WEINBERG: And did she report back to you on the issues that were raised there?

MS. EGEA: Yes, she did.

SENATOR WEINBERG: Okay. And by that time there were allegations that there really wasn't a legitimate traffic study. Were you aware of that?

MS. EGEA: Well, from both the Executive Director's memo from September 13, and ongoing press--

SENATOR WEINBERG: And news reports, and--

MS. EGEA: News reports only. There was no evidence produced at any time during the rest of September, and October, and November to support the allegations. And as I said, I understood the Executive Director--

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SENATOR WEINBERG: To support which allegations? I'm sorry.

MS. EGEA: Any of them, frankly. That I never saw the Port -- from the Port Authority; that the Executive Director had it under review, as far as I knew, because that's what he had said in his e-mail.

SENATOR WEINBERG: And during those few weeks between the time the Executive Director said it was under review -- between his allegations, the time he said it was under review, and your participation in making Mr. Baroni's testimony clearer and more crisp, you didn't ask any questions about where was this investigation, what was going on here? The allegations-- By that time, it was, I think, pretty common knowledge -- although Mr. Baroni's testimony had not yet been given -- that there really were no private roads from Fort Lee over the George Washington Bridge? Or did you still believe that those private roads existed?

MS. EGEA: I don't know what you mean by *private roads*.

MR. MARTINEZ: Respectfully, Co-Chair, what's the question? I was a little confused by what the question was.

SENATOR WEINBERG: The question was: Ms. Egea worked to help Mr. Baroni's testimony about private roads from Fort Lee. That's the gist of Mr. Baroni's testimony before the Assembly Transportation Committee. I am asking Ms. Egea if she read any press reports, had any indication that those private roads

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really didn't exist at the time she was helping Mr. Baroni crisp his testimony.

MS. EGEA: I'm sorry, I just don't understand the *private road* reference. I reference the access lanes--

SENATOR WEINBERG: Well, you want me to read from his testimony that you helped-- That's the gist of his testimony.

MS. EGEA: Yes, the *dedicated* lanes.

SENATOR WEINBERG: That there are roads that only Fort Lee residents can use. That is the gist of Mr. Baroni's testimony that you helped work on.

MS. EGEA: Well, so--

SENATOR WEINBERG: So I am asking you-- if I may -- The question I am asking you is, did you know, prior to your working on this, or did it ever occur to you to question the press reports that these lanes for Fort Lee residents only didn't really exist?

MR. MARTINEZ: Respectfully, Co-Chair, if you could point out where in the document -- of the opening statement that she marked up, there's a reference to the private roads? It might help clarify for her what you are referring to.

SENATOR WEINBERG: Okay, let's find the testimony in here.

(Committee examines exhibits)

I'm going to go on while they find the specific portion.

But let me ask you -- what did you understand to be *special* or *segregated* lanes in the testimony?

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MS. EGEA: So as I noted, in fact, on that first page that you drew attention to, that he was using the E-ZPass data as a surrogate for an indication of the amount of users that would be able to access these lanes that are coned off and only accessible by the side road that is in Fort Lee.

SENATOR WEINBERG: And they were coned off for what, do you know? For what reason were they had been coned off?

MS. EGEA: Well, I understood that -- he told me -- as a practice in the morning the three lanes that have access to -- and I forget the name of the road -- that's a local road in Fort Lee. And those are dedicated directly into the toll booths each morning.

SENATOR WEINBERG: All right, well, this is a portion of the testimony, and a marked-up copy -- it's on page 2 of the marked-up copy. "About a decade ago, according to Port Authority employees assigned to the George Washington Bridge, then-Fort Lee Mayor Jack Alter, who was also a Bergen County Freeholder, and the Commissioner of the New Jersey Board of Public Utilities, insisted on the creation of special, segregated entrances to the Bridge" -- I'm sorry, entrance lanes -- "to the Bridge for vehicles coming from local streets in Fort Lee. These lanes were created by placing traffic cones. They reduced the number of toll lanes from 12 to 9, and this forced the creation of 3 special "Fort Lee lanes" segregated for use only by residents of Fort Lee," -- segregated for use only by residents of Fort Lee.

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So my question becomes: Between September 13 and whatever date it was that you worked with Mr. Baroni on the crisping of his testimony, did you ever read a report, see a newspaper report, or hear that any testimony was given before the Port Authority, that there were no lanes segregated for Fort Lee residents only?

MS. EGEA: I guess I'm-- I'm trying to understand what you're trying to get at. I cross this--

SENATOR WEINBERG: Well, Ms. Egea, what I am trying to get at is that Mr. Baroni went and gave testimony about facts that are completely wrong. There are no lanes over the George Washington Bridge for Fort Lee residents only. I have repeated that quite -- almost weekly -- since October 6, 2013 -- publicly since October 6.

So my question becomes: You worked with Bill Baroni, you're a representative of the Governor's Office, you were in charge of public Authorities, you worked-- Somehow the Chairman of the Port Authority called you -- in a phone call that I'm not sure we have a record of -- but called you to ask you to work with Mr. Baroni on his testimony. So obviously, his testimony was considered important enough that the Chairman of the Port Authority was involved, you were involved, and then the person who was giving the testimony was involved. The entire traffic study is based upon the premise that there are lanes -- traffic lanes for the use of Fort Lee residents only.

MS. EGEA: And just so I can understand--

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SENATOR WEINBERG: So I am-- My question is-- Let me just ask the question. Were you aware-- Did you know of any testimony, any newspaper reports, anything that suggested to you before you worked on this testimony, that those traffic lanes -- so-called -- for Fort Lee residents only, did not really exist?

MS. EGEA: Well, they are segregated out every morning, and if the distinction you're trying to make is that other than Fort Lee residents can access them -- is that the point you're trying to-- I'm just trying to understand.

SENATOR WEINBERG: No, I am merely questioning you with the-- What it says here is that those lanes are set aside -- I'm reading from this draft of Mr. Baroni's testimony -- that those lanes are set aside for Fort Lee residents only. And that's the premise of the traffic study.

MS. EGEA: Well--

SENATOR WEINBERG: So my question to you is, were you aware -- it's a pretty simple question -- were you aware any time between September 13, when you saw Mr. Foye's e-mail, and whatever date it was prior to November 25 that you worked with Mr. Baroni on his testimony, were you aware that there was, at least, a question that there was no such thing as lanes that Fort Lee residents only could use?

MR. MARTINEZ: Respectfully, Co-Chair, it's a compound question. There's a premise in there that I think she hadn't had the opportunity to address -- that's the premise that you say -- it's a

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premise of the traffic study. So if she could break it down and answer both questions, please.

MS. EGEA: So I noted, I think, in my handwriting, that we were using a surrogate for the E-ZPass that was really the representation of the volume of residents in Fort Lee. I did not think this was necessary to incorporate; I believe that I'm the one who X'd that out. I thought that the idea of the history, and how it came to be, wasn't nearly as important as understanding what the main business objective was that he had for the traffic study, which was to optimize all the traffic coming to the George Washington Bridge in the morning, and whether it made more sense to drive some of the traffic from the main arteries -- I-95 and 80, I believe -- and give them access to more lanes or not. That was the premise of the study.

SENATOR WEINBERG: Okay, so you were working with Mr. Baroni on his testimony.

MS. EGEA: His opening statement, if you would.

SENATOR WEINBERG: His opening statement -- yes, I'm sorry, you're correct; on his opening statement -- the premise of which was there was a traffic study. And the reason they needed a traffic study is because Fort Lee residents had special lanes for only them -- that only they could drive over. That is the premise of his testimony, and it is the premise of the written words here. And I'm just asking you: Did you note at any time that that premise -- that there were lanes only for Fort Lee residents -- didn't really exist? Did you read it in the newspaper, did you hear it at testimony

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before the Port Authority in that period between October 6 and November 25?

MS. EGEA: So I don't agree with the premise, I'm sorry; in that for me, as I listened to what he was describing, it wasn't about Fort Lee residents at all -- it was the amount of traffic that accessed 12 toll lanes; some came in from the 3, and some came in from the remaining 9. And he was trying to optimize the best experience for all the customers who come in to the George Washington Bridge. It really wasn't about Fort Lee. They happened to come in from Fort Lee, but it was about optimizing the traffic into the toll booths.

SENATOR WEINBERG: Okay. If that was the premise of this, did you ask to see any statistics about who was traveling -- about how many people, not who -- but how many folks were traveling over those lanes?

MS. EGEA: I did, because, as I noted, the E-ZPass data is really their address; it's not actuals. And I did ask if they had the ability to identify cars and be able to look at license plates, and actually be attributed -- to your questions -- attributed to Fort Lee versus non-Fort Lee. He indicated they did not.

SENATOR WEINBERG: So you had no idea how much traffic was traveling over the 3 versus the 9 lanes?

MS. EGEA: I did not.

SENATOR WEINBERG: But that was the premise--

MS. EGEA: Correct.

SENATOR WEINBERG: --that-- Okay.

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All right, well, I'm actually-- You answered my question prior, but I'm going to ask it again. Did you read anything, or note anything, that these segregated lanes, special lanes, Fort Lee-only-resident lanes -- whatever you want to use -- didn't exist?

MS. EGEA: I can't accept-- They did exist. They were-- Every morning they were segregated, and so some traffic gets them, some traffic couldn't. So I'm not quite sure that -- why you're asking me about something not existing.

SENATOR WEINBERG: I guess because there was so much testimony, and that was the premise that Mr. Baroni delivered his testimony on, so I'm answering your question now. That was the basic premise by which Mr. Baroni delivered his testimony to account for a traffic study.

MS. EGEA: So as I said--

SENATOR WEINBERG: To use-- Let me ask you another question.

MS. EGEA: Sure.

SENATOR WEINBERG: Do you believe today there was a legitimate traffic study?

MS. EGEA: They produced data within, and that was the sum total of what they could produce, because it was truncated. And one day they had an accident, and they couldn't really think the data was valuable. And they produced data. So I found that helpful in appreciating that there was some intent, as well as some information that supported the efforts that they undertook.

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And I admitted before that they did not communicate well, and there were parts of the study that were not done well. But they did produce data.

SENATOR WEINBERG: Had you ever before gotten a complaint from any municipality, anyplace around the George Washington Bridge, the Lincoln Tunnel, the Holland Tunnel -- wherever -- of not being notified, locally, about an impending change in traffic direction?

MS. EGEA: I wasn't notified about this one. No, I wouldn't normally, though. That would be very unusual that I would be notified in something like that. So it could've occurred, and I just wouldn't be aware of it.

SENATOR WEINBERG: Okay, a couple more questions, and then I will turn it over to Assemblyman Wisniewski.

I noted -- and this is in Mr. Baroni's final statement; it's kind of hard to figure out what his final statement was vis-à-vis the various incantations of his editing. But I noticed in the draft that you worked on there were three mentions of David Wildstein's name, and they were all crossed out -- all three mentions. I'm not saying that was Mr. Baroni's final version, but I noted that in this. Is there any significance? Did you feel David Wildstein played any role in this?

MS. EGEA: No. I mean, it wasn't David, specifically; in fact, I think I was of the mind, and my suggestion to him was that he should not try to talk about other people; he's the leader. He should take responsibility for it, it happened on his watch. And he

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should be accountable to the Legislature and to the public for what ensued. So if you notice in my comments, I really don't think he should have brought in anybody else's name because he was the one responsible to -- I thought, as I said -- the Legislature and the public.

SENATOR WEINBERG: Okay. Can you tell me, have you learned since then whose handwriting is on here besides yours?

MS. EGEA: As I said, I don't know. I think I've seen a press report that said it was Nicole's, but I don't know it.

SENATOR WEINBERG: You're not familiar enough with her handwriting to--

MS. EGEA: No, and you may never really see people's handwriting anymore. You typically edit electronically. So no, I didn't know the handwriting.

SENATOR WEINBERG: Okay, I guess the reason that I particularly asked you about the complaints about the municipality not knowing about a change in traffic here -- that that seemed also in Mr. Baroni's testimony that, well, "From now on, we're going to change our procedures," as if that had never been the procedure -- to notify local municipalities who are host to these very busy places; that the Port Authority is going to change some traffic directions. Had there ever been an issue raised in your tenure -- as in the Governor's Office, heading the Authorities Unit -- that had risen to this level, in terms of a municipality not knowing about a major traffic issue that came to you through the IGA, or through your responsibilities? Or was this an unusual event?

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MS. EGEA: As I said, I had not been notified of others, but I was only aware of it through press reports. It wouldn't be typical that that type of a communication would come to my office.

SENATOR WEINBERG: So would you consider this an unusual event?

MS. EGEA: Well, I don't know about the event, but there was more press coverage than I'd seen in other Port Authority activities.

SENATOR WEINBERG: Had you ever seen press converge in Port Authority activities around traffic, traffic jams, etc. -- that you had seen?

MS. EGEA: There's congestion at the Port, the actual Port, so there are occasional press reports on that, and there were certainly occasions that that caused some concern in local communities. The Bayonne Bridge -- we were in the midst of the construction and getting approvals, and the local communities were part of getting input from local communities for the environmental study as part of the Bayonne Bridge. So sure, there were other press reports, absolutely; communities that were being affected or could be affected by Port Authority activity.

SENATOR WEINBERG: But was there ever another issue where you were called by the Chairperson of the Port Authority to help anybody with an opening statement before the Legislature or any other body?

MS. EGEA: I don't think there ever was.

SENATOR WEINBERG: So this was--

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MS. EGEA: I don't think he ever--

SENATOR WEINBERG: --a little bit unusual?

MS. EGEA: Well, I don't think he had appeared before this Legislature, so I wouldn't have -- there would not have been the opportunity, I don't think.

SENATOR WEINBERG: Well, was there ever another issue where the Chairperson of the Port Authority called you to ask you to work on anybody's written statement, letter--

MS. EGEA: Not written statement, but I've worked frequently with Bill on some business case analysis when there was an item--

SENATOR WEINBERG: No, my question was, was there ever another incident where the Chairperson of the Port Authority called you to ask you to help work on somebody's written statement, testimony, press conference?

MS. EGEA: I don't know that there ever was another one.

SENATOR WEINBERG: Okay, thank you.

I don't have any more questions.

Assemblyman.

ASSEMBLYMAN WISNIEWSKI: Thank you, Madam Chair,

Good afternoon, Ms. Egea.

MS. EGEA: Oh, is it?

ASSEMBLYMAN WISNIEWSKI: Yes, we have passed the time; it's now afternoon.

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I want to follow-up on some of the questions that were asked by Co-Chair Weinberg. And what I'd like to do is start with Exhibit No. 2. If we could, please, put that up on the screen.

My first question is not specifically with regard to Exhibit No. 2, but we'll get to that.

I try to understand your testimony thus far; and am I correct in understanding it, that you did not think that the closure of these lanes on the George Washington Bridge, or leading to the George Washington Bridge, was a particularly big deal?

MS. EGEA: As I noted, we really were not involved, operationally. There's an enormous amount of activity that happens in the Port Authority. And the fact that they were doing a traffic study on one of the crossings didn't seem to be out of the scope of what I would expect the Port Authority to be involved with.

ASSEMBLYMAN WISNIEWSKI: So you expected that this-- Strike that.

So you thought this was just a normal occurrence?

MS. EGEA: Well, that they would do traffic studies? Absolutely.

ASSEMBLYMAN WISNIEWSKI: Okay.

MS. EGEA: And that they would--

ASSEMBLYMAN WISNIEWSKI: Thank you.

MS. EGEA: --look for ways to improve the customer experience.

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ASSEMBLYMAN WISNIEWSKI: So with that in mind, I want to draw your attention to this e-mail from Mr. Baroni, sent to you on September 13 at 10:44 a.m., which is about 3 hours after Mr. Foye had sent that e-mail out to, among other people, Bill Baroni.

I want to make sure I understood your testimony -- that you initially did not notice this in your inbox, or observe it in your inbox.

MS. EGEA: No. What I meant to communicate was that I believe I had spoken to Bill before, and he had indicated that there was an issue going on, and that there was an e-mail. And then I read it, and then we spoke again. I believe that's how it happened. I didn't open it and not know I was going to get it.

ASSEMBLYMAN WISNIEWSKI: So I just wanted to follow-up on that.

So that first call from Bill Baroni on the morning of September 13 -- he called you?

MS. EGEA: I believe so.

ASSEMBLYMAN WISNIEWSKI: And he called you to tell you what?

MS. EGEA: That this e-mail-- I don't remember exactly what he said, but he was telling me that there was a disagreement at the Port Authority regarding a traffic study they were doing at the George Washington Bridge.

ASSEMBLYMAN WISNIEWSKI: Now, I think you had testified earlier that Bill Baroni was your primary contact at the Port Authority. Is that correct?

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MS. EGEA: Almost exclusively, yes.

ASSEMBLYMAN WISNIEWSKI: So did you think it was unusual that your primary contact at the Port Authority was calling you up to say, "We're having a dispute about a traffic study"?

MS. EGEA: No, they were-- Disputes between the Executive Director and the Deputy were fairly regular.

ASSEMBLYMAN WISNIEWSKI: And on every dispute, Bill Baroni would call you up and say, "We're having a dispute"?

MS. EGEA: I'm sure not every, but I was aware that they had a number of areas of disagreement.

ASSEMBLYMAN WISNIEWSKI: How many times did Bill Baroni call you to tell you that he was having a dispute with Pat Foye?

MS. EGEA: I don't -- I can't give you a number.

ASSEMBLYMAN WISNIEWSKI: More than 5?

MS. EGEA: As I've said, I knew that there were areas of disagreement between the Deputy and the Executive Director.

ASSEMBLYMAN WISNIEWSKI: Can you give me examples of those areas of disagreement?

MS. EGEA: Sure: Personnel hiring. When they were looking to hire some individuals, they would interview and have different views on who ought to be placed into some of the senior positions. The degree with which some projects ought to move along. Bill wanted to advance certain parts of the project; they would require the Executive Director's signature, and they would, you know, be held up and it would hold Bill up in advancing a

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project. So there were day-to-day things that I would characterize as areas of disagreement.

ASSEMBLYMAN WISNIEWSKI: They were more procedural disagreements -- not having a proper signature, not hiring a person?

MS. EGEA: Procedural -- I'm not sure, I think for the most part--

ASSEMBLYMAN WISNIEWSKI: But you had said one of the things there was a lack of a signature, I think you had said.

MS. EGEA: Yes, yes.

ASSEMBLYMAN WISNIEWSKI: That's process, correct?

MS. EGEA: I suppose I could characterize it that way.

ASSEMBLYMAN WISNIEWSKI: Disagreement over process was one of the issues?

MS. EGEA: Well, using process to not advance what the Deputy wanted to go do.

ASSEMBLYMAN WISNIEWSKI: Now, on these occurrences, which you cannot enumerate, where Bill Baroni called and told you that there was a dispute with Pat Foye. And I'm clear -- he would talk to you about disagreements with Pat Foye--

MS. EGEA: Yes.

ASSEMBLYMAN WISNIEWSKI: -- or with people in general? Was it Pat Foye, in specific, or people in general?

MS. EGEA: Most frequently, with the Executive Director, and I don't want to characterize it that he would specifically call

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me to tell me that. Many times it would be -- as part of a conversation, he would indicate it.

ASSEMBLYMAN WISNIEWSKI: Did he ever send you e-mails about disagreements with Pat Foye?

MS. EGEA: Yes.

ASSEMBLYMAN WISNIEWSKI: Other than this one?

MS. EGEA: Yes.

ASSEMBLYMAN WISNIEWSKI: I would like to make a request through your counsel that those e-mails be shared with the Committee.

MS. EGEA: They don't relate to this subject.

ASSEMBLYMAN WISNIEWSKI: Well, but I would like to understand what other disagreements that Bill Baroni was communicating to you about, that he had disagreements with Pat Foye about.

And so, just going back to this particularly disagreement-- Strike that.

So going back just to the general communications. Bill Baroni would call up and complain about some disagreement with Pat Foye. Did you ever pick up the phone and call Pat Foye and say, "Why is this happening?"

MS. EGEA: Well, first, I would not agree that he would call me to complain. Generally, it was as part of a conversation that -- how his project was proceeding and, as part of that, maybe was not achieving what he wanted to achieve and he would comment about that.

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Number two, the Deputy was the primary interface for me, and I did not ever interact with the Executive Director, so it would have been very unusual for me to go around the Deputy. And I thought it was more appropriate for the Deputy and the Executive Director to work out their relationship and I shouldn't intervene between them.

ASSEMBLYMAN WISNIEWSKI: Am I correct, though, that the Executive Director is the Chief Administrative Officer of the Port Authority?

MS. EGEA: I don't know that I would characterize it that way. He's the Executive Director.

ASSEMBLYMAN WISNIEWSKI: Well, how would you characterize him?

MS. EGEA: Well, the Executive Director.

ASSEMBLYMAN WISNIEWSKI: Okay, so is he in charge?

MS. EGEA: Well, actually, you know, this in one of the nuances with a bi-state agency -- that there is intended to be power and authority, I should say, imbued with the Deputy as well as the Executive Director. But you are correct, in that nearly all signature authority rests with the Executive Director.

ASSEMBLYMAN WISNIEWSKI: So as New Jersey's Governor's Office representative interfacing with the Port Authority -- that as the Director of the Authorities Unit, that was your responsibility, of many others, to interface with the Port Authority, correct?

MS. EGEA: Among many others, yes.

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ASSEMBLYMAN WISNIEWSKI: Right. And so if the ultimate authority to get things done runs through the Executive Director, why would you not have a conversation with him?

MS. EGEA: Well, as I said, I believe that one of the expectations we have is that the Deputy worked with the Executive Director because the Deputy is appointed by New Jersey; and that I didn't feel it was appropriate to interfere with that relationship; and that I ought to work through the appointment from New Jersey.

ASSEMBLYMAN WISNIEWSKI: But the appointment from New Jersey is sharing with you frustration at being able to accomplish things because what he's telling you is that the Executive Director is, in some way, impeding that, correct?

MS. EGEA: In some instances.

ASSEMBLYMAN WISNIEWSKI: So isn't it your job to solve that problem?

MS. EGEA: Also, the Chairman was also involved in those issues as well, and I thought I shouldn't intercede between the two. It is more-- If there was an issue, then it would be more of likely the Board ought to get involved, not the Governor's Office.

ASSEMBLYMAN WISNIEWSKI: So when Bill Baroni called you about -- or discussed with you on the number of occasions that you can't recall about these difficulties, did you then pick up the phone to Dave Samson and say, "Chairman, there's this problem that we're having, and I wanted you to know because this is important to New Jersey that we resolve this."

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MS. EGEA: I wouldn't necessarily every time call on the phone, but the Chairman was very aware that there were some disagreements between the Deputy and the Executive Director.

ASSEMBLYMAN WISNIEWSKI: What disagreements was the Chairman aware of?

MS. EGEA: I couldn't enumerate all of them.

ASSEMBLYMAN WISNIEWSKI: Which ones did you share with him?

MS. EGEA: You know, certainly, there was a -- as I say, a project, in terms of the capital -- it needed signature for capital for a project to move along. We certainly talked about that. Personnel items, we definitely talked about. So there were a number.

ASSEMBLYMAN WISNIEWSKI: And what project-- What capital project was it that you couldn't get a signature on?

MS. EGEA: I don't remember. It was for-- I believe it was surrounding the PATH -- one of the PATH stations. I don't remember.

ASSEMBLYMAN WISNIEWSKI: And you believe you had a conversation with David Samson about that?

MS. EGEA: It would have been a good example of a common knowledge between the Chairman, and Bill, and I of some tension between the two of them that was fairly typical.

ASSEMBLYMAN WISNIEWSKI: So going back, drawing your attention now to this September 13 e-mail. The opening paragraph, several sentences-- But I think in the third line down

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the writer, Pat Foye, makes it clear that he was unaware of this -- what has been characterized as a traffic study. After Bill Baroni called you and you looked at this e-mail, did that strike you as odd?

MS. EGEA: The Deputy indicated that it was a project that he was overseeing on the New Jersey side of the Bridge, and that struck me as something that he wouldn't have natural affinity and authority over. So I thought-- Communication was not a strong suit at the Port Authority, so it didn't strike me as, necessarily, he's doing something in New Jersey that the Executive Director would know everything that he was doing in New Jersey.

ASSEMBLYMAN WISNIEWSKI: How could you characterize the lane closure as just being in New Jersey, when it affects the efforts of people to get into New York?

MS. EGEA: At the time, when we were talking about it, I understand your point, but my conversation with Bill it seemed to be a New Jersey-led -- that's how it was described to me, New Jersey-led effort. I don't disagree that those individuals are going over to New York, but he described it to me, and I did accept that it was a New Jersey project.

ASSEMBLYMAN WISNIEWSKI: After you read this e-mail where the Executive Director said he didn't know about it, and then he goes on to say that it violated 25 years of Port Authority operations, did you call up Bill Baroni and say, "Bill, what happened here?"

MS. EGEA: Yes, as I indicated, we spoke after I read this.

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ASSEMBLYMAN WISNIEWSKI: Right.

MS. EGEA: And as contexted, I'll remind you of what I described. There was ongoing tension between the Executive Director and the Deputy so that that was the context we all-- I read this, and there were, I thought, relatively broad statements. There was no citation of the things that -- the laws that were broken, or things that were--

ASSEMBLYMAN WISNIEWSKI: I haven't gotten there yet.

MS. EGEA: Okay.

ASSEMBLYMAN WISNIEWSKI: I was just talking about opening part, "Reversing over 25 years of Port Authority GWB operations." And so Bill Baroni calls you up and says, "You're going to get an e-mail, and this is what it talks about, and I want to let you know." So you read the e-mail, and Pat Foye is saying to Bill Baroni and others, "What happened here I didn't know about, and it violates or reverses 25 years of GWB operations." You didn't call Bill up and say, "How could this happen?"

MS. EGEA: No, we did speak, as I indicated. And as context, again, for your questions, when we get to the end and there are definitely allegations in here that are very serious. But at the end, the Executive Director indicates he's going to pursue and review what occurred.

ASSEMBLYMAN WISNIEWSKI: Well, we'll get to that. I understand.

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MS. EGEA: So my reaction-- I don't recall every line, when I read it, how I reacted. My net, in terms of my assessment of this e-mail, was that it seemed consistent with the tension between the two of them. The Deputy indicated it was a project that did not violate all the things that were in here and, in fact, that the investigation or review was going to occur. And I thought that was appropriate -- that they should be reviewed, since he made the allegations.

ASSEMBLYMAN WISNIEWSKI: You had -- and if this is an incorrect characterization, I know your counsel will interject -- but I believe you had said that in your reading of this, you took it in the context of the disagreements -- the historic disagreements between New York and New Jersey, correct?

MS. EGEA: Yes, it reflected-- I mean, I couldn't not know that at the time, yes.

ASSEMBLYMAN WISNIEWSKI: Would you not agree, though, that this was a little different than not putting a signature on a document for a capital expenditure?

MS. EGEA: It was different, in that it was so elaborate and enumerated out; so yes, it was different.

ASSEMBLYMAN WISNIEWSKI: I mean, an entire town was put into gridlock because of this. Is that--

MS. EGEA: I did not know that at the time.

ASSEMBLYMAN WISNIEWSKI: You didn't know it at the time?

MS. EGEA: Correct.

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ASSEMBLYMAN WISNIEWSKI: When did you learn that?

MS. EGEA: As I said, I read an article, I think, over the weekend that indicated there was traffic -- congestion in Fort Lee.

ASSEMBLYMAN WISNIEWSKI: Okay, and so this e-mail is sent on Friday, September 13, and it indicates that this had been going on since Monday. Did you ask Bill Baroni, "Bill, this has been going on four days, and for four days the Executive Director didn't know about this. Why is that?"

MS. EGEA: As I indicated, he characterized it as a New Jersey project that he was overseeing; and that I did not ask him that specific question, and I accepted his representation that there were projects going on all the time and not everyone knows about everything.

ASSEMBLYMAN WISNIEWSKI: The Executive Director, you're saying, is not familiar with all the facts of what's going on at the Port Authority?

MS. EGEA: Well, I didn't say that. I said that are activities--

ASSEMBLYMAN WISNIEWSKI: Well, because you said not everybody knows everything, and I'll accept that. But I'm talking about the chief appointed officer of the Port Authority, the person who holds the title of Executive Director.

MS. EGEA: Right.

ASSEMBLYMAN WISNIEWSKI: There are access lanes closed to the George Washington Bridge for four days. The Executive Director is saying to Bill Baroni in an e-mail -- which has

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been forwarded to you with the note, "High Importance" -- that he didn't know about this for an entire week. That didn't rise to a level of slight indignation where you said, "Bill, for four days you don't tell the Executive Director? I mean, at a minimum, this looks bad for New Jersey." You didn't say any of that?

MS. EGEA: Well, as I indicated, I read the allegation just like everyone else, and I also relied upon the person who made the allegations -- the Executive Director -- to pursue any review that was necessary and we would fully cooperate. So, you know, whether I was concerned about each one of them, certainly; but I also felt confidence that the Executive Director was going to follow-up.

ASSEMBLYMAN WISNIEWSKI: So explain to me your confidence in the Executive Director to undertake an investigation, when the New Jersey view is, "Well, that's just Pat Foye, and we disagree with him all the time." I mean, it seems to be somewhat inconsistent that the natural inclination is that, "Well, that's just New York/New Jersey disagreements, but he's saying he's going to investigate so we'll really trust him on that." How do you reconcile that?

MS. EGEA: Well, actually, I think it's terribly consistent in that he was the one who raised the allegation, and we didn't try to dispute them that he, in fact, was going to try to prove them. And so I think it's entirely consistent, actually, that there was no evidence presented; I was awaiting evidence; the Deputy had indicated there was no evidence to support the allegations. So it

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was, I think, entirely consistent that we would expect that the person who leveled the claim would go investigate it.

ASSEMBLYMAN WISNIEWSKI: And you don't think there was any responsibility on the New Jersey side -- especially in your capacity as head of the Authorities Unit -- to do any due diligence to make sure that what Mr. Baroni was telling you was accurate.

MS. EGEA: Well, I didn't want to interfere with the Executive Director's review. As I said, I never thought I should get in between the Deputy and the Executive Director; the Executive Director stated he would do the review. I indicated to Bill that he should let him look at anything he wanted to look at, at this, and we should follow, then, his review and wait for the evidence to be presented to support the allegations.

ASSEMBLYMAN WISNIEWSKI: So after you had this conversation with Bill Baroni on September 13, how long did your call -- your second call with Bill Baroni, after you reviewed this e-mail -- how long did that call last?

MS. EGEA: I don't recall.

ASSEMBLYMAN WISNIEWSKI: Five minutes, an hour?

MS. EGEA: Honestly, I don't recall. It's rare that I would be on the phone one-on-one with him for an hour; I really don't know, though.

ASSEMBLYMAN WISNIEWSKI: Did you ask Mr. Baroni who else at the Port Authority was involved?

MS. EGEA: I did not.

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ASSEMBLYMAN WISNIEWSKI: Did you ask Mr. Baroni if there was anybody in the Governor's Office involved?

MS. EGEA: I did not.

ASSEMBLYMAN WISNIEWSKI: Did you ask him if he had any other communications about this e-mail?

MS. EGEA: About this e-mail? Well, I could see that it had been sent to other people, but other than that, no, I don't recall asking him that.

ASSEMBLYMAN WISNIEWSKI: After you received this e-mail, and you concluded your conversation with Mr. Baroni that morning, did you then reach out to David Samson?

MS. EGEA: I don't recall.

ASSEMBLYMAN WISNIEWSKI: At some point after you received this e-mail, did you talk to David Samson about the allegations that were made here?

MS. EGEA: That day? I don't recall.

ASSEMBLYMAN WISNIEWSKI: Ever?

MS. EGEA: I mean, at some point, I'm sure; at some point, we had some conversation about it, but I don't recall specifically.

ASSEMBLYMAN WISNIEWSKI: Now, in this e-mail there are allegations that laws may have been broken, correct?

MS. EGEA: Yes.

ASSEMBLYMAN WISNIEWSKI: You said earlier in your testimony that one -- that your direct report line is to the Chief Counsel.

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MS. EGEA: Correct.

ASSEMBLYMAN WISNIEWSKI: So did you then take a copy of this e-mail to the Chief Counsel and say, "I just want to let you know that Pat Foye is accusing somebody of breaking laws."

MS. EGEA: I did not.

ASSEMBLYMAN WISNIEWSKI: Why not?

MS. EGEA: Because there was no-- Number one, both Pat Foye and Bill Baroni are attorneys, Nicole Crifo is an attorney, and there was no indication of which laws were being cited. So there was-- Again, I was waiting for the evidence to support the accusation, and it was in the context of, it seemed to be a continuing battle between the Executive Director and the Deputy, and it was something that I wanted to have more information about before I would ever elevate it.

ASSEMBLYMAN WISNIEWSKI: In his e-mail, Pat Foye says, "Emergency vehicles may have been delayed, laws may have been broken," and you talk a hands-off approach, saying, "Well, let's just see what happens"?

MS. EGEA: Again, I wouldn't characterize it as "hands off." I, in fact, encouraged Bill to let the Executive Director do the review, and I expected that he would. And he produced -- Bill produced no evidence that had occurred, or it had not occurred. I was waiting for the evidence.

ASSEMBLYMAN WISNIEWSKI: Bill produced no evidence that it had or had not--

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MS. EGEA: No, he couldn't, I should say. He stated that he--

ASSEMBLYMAN WISNIEWSKI: "He" being -- who's "he"?

MS. EGEA: I'm sorry. Pat had produced no evidence. He had made the claims, he had leveled accusations that he produced no evidence for -- and I wanted the evidence before I would take any significant action inside with the Chief Counsel.

ASSEMBLYMAN WISNIEWSKI: Did you ask Bill Baroni for evidence?

MS. EGEA: He indicated that none of it was true.

ASSEMBLYMAN WISNIEWSKI: No, no. If Bill Baroni said this was a project, a New Jersey project--

MS. EGEA: Yes.

ASSEMBLYMAN WISNIEWSKI: --so obviously, you would have said to Bill, "Well, then show me the evidence."

MS. EGEA: Of what?

ASSEMBLYMAN WISNIEWSKI: Of the New Jersey project that Bill Baroni was complaining that Pat Foye was unfairly interfering with.

MS. EGEA: Well, it was a traffic-- It was the activity that they had just pursued for the last four days. I'm not sure what you mean.

ASSEMBLYMAN WISNIEWSKI: You didn't ask him for any backup? I mean, Bill Baroni, on September 9, just ordained a traffic study with nothing beforehand, and so there was nothing to present?

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MS. EGEA: I don't know. I don't know what he prepared or not.

ASSEMBLYMAN WISNIEWSKI: So did you ask him?

MS. EGEA: No, because the issue -- for me, anyway -- was that the characterization and the interruption of the study by the Executive Director -- and I didn't see the value at that point in asking him for material that the Executive Director was then going to go ask for. Again, I was relying upon the Executive Director to do the review of both the study, as well as the results.

ASSEMBLYMAN WISNIEWSKI: Maybe you misunderstand my question. I think the question is -- or I know what the question is -- the question is, Bill Baroni says to you, after you read the e-mail, "Don't worry about this. He's just interfering with the New Jersey project." So wouldn't your natural response be, "Just give me the details, Bill. Send me an e-mail, show me all the documents that relate to this New Jersey project that you're working on."

MS. EGEA: Not necessarily. I mean, we-- I didn't ask for all documents out of the Port Authority. I did not ask him -- to directly answer your question, I did not ask him for it.

ASSEMBLYMAN WISNIEWSKI: Why?

MS. EGEA: And I would not-- I mean, not typically, would I ask to see detailed documents, other than ones that would come before the Board, and this never came before the Board.

ASSEMBLYMAN WISNIEWSKI: Well, it actually did come before the Board on a number of occasions subsequent to that.

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MS. EGEA: I'm sorry, I meant as a resolution -- a document before the Board.

ASSEMBLYMAN WISNIEWSKI: So would you say that you just chose to believe Bill Baroni and not believe Pat Foye?

MS. EGEA: I would say that I was awaiting the Executive Director's demonstration of evidence of his accusations. He's the one who leveled the accusation.

ASSEMBLYMAN WISNIEWSKI: And Bill Baroni gave you a defense to those accusations in his phone call.

MS. EGEA: Yes, he indicated it was a traffic study, and that there was no merit to the accusations.

ASSEMBLYMAN WISNIEWSKI: But you didn't think it was relevant to ask him for backup anything -- an e-mail, a letter.

MS. EGEA: No.

ASSEMBLYMAN WISNIEWSKI: Nothing?

MS. EGEA: No.

ASSEMBLYMAN WISNIEWSKI: And so after you reviewed this e-mail, you had a conversation with him. You're saying you did not go to Charlie McKenna with this?

MS. EGEA: Correct.

ASSEMBLYMAN WISNIEWSKI: You did not go to-- Well, who did you go to with this? Who did you talk to about this e-mail, other than Bill Baroni?

MS. EGEA: I forwarded it to Nicole Crifo so that she would have a copy of it for the record because she is, as I said -- the Port Authority is in her portfolio so I wanted to be sure that her

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records were complete. And, as I indicated, at some point I'm sure I spoke with the Chairman about it, but other than that, I don't believe I spoke to anyone else.

ASSEMBLYMAN WISNIEWSKI: And why would it be important for Nicole Crifo to have a copy of this? I mean, in your view, it was an unsubstantiated allegation.

MS. EGEA: But I like to always have complete-- Anything that I would have related to the Port Authority, she would always have a mirror image copy.

ASSEMBLYMAN WISNIEWSKI: Did you have a conversation with Nicole Crifo about this?

MS. EGEA: Relatively brief, if-- I mean, I think I explained what Bill had told me, either before or after I forwarded it to her. But it would have been relatively brief.

ASSEMBLYMAN WISNIEWSKI: Well, you had said earlier that in your role as head of the Authorities Unit -- or perhaps, the Authorities Unit at large -- did not involve yourselves in operational details of the Port Authority. Is that correct?

MS. EGEA: Not generally, no.

ASSEMBLYMAN WISNIEWSKI: Are there occasions when you did?

MS. EGEA: I can't cite one. I just can't say that I never did.

ASSEMBLYMAN WISNIEWSKI: Okay. Would you consider this to be an operational detail of the Port Authority?

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MS. EGEA: Yes, it was at the operational level, in my mind.

ASSEMBLYMAN WISNIEWSKI: Were the disputes also at the operational level?

MS. EGEA: Are you referring to the ones that I've already cited between the Deputy and the Executive Director?

ASSEMBLYMAN WISNIEWSKI: Yes.

MS. EGEA: So your question is, would I get involved in them, or--

ASSEMBLYMAN WISNIEWSKI: Well, I mean, are disputes operational, or policy?

MS. EGEA: The ones I cited, I would characterize, probably, as more operational.

ASSEMBLYMAN WISNIEWSKI: So why would you get involved in those? I mean, why would Bill Baroni call you up about operational details at the Port Authority if you don't get involved in them?

MS. EGEA: As I said, he wouldn't necessarily solely call me on the disagreement he was having, but I was aware of it.

ASSEMBLYMAN WISNIEWSKI: Well, I understand that he didn't call you up specifically about a particular dispute; but in the context of a larger conversation, he would share with you information about disputes, correct?

MS. EGEA: Yes.

ASSEMBLYMAN WISNIEWSKI: Okay. And you call those disputes *operational details*.

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MS. EGEA: For the ones that I cited, sure.

ASSEMBLYMAN WISNIEWSKI: Well, were others that were nonoperational details?

MS. EGEA: No, not that I can recall at this moment.

ASSEMBLYMAN WISNIEWSKI: So why would you get involved in the operational details of disputes if you don't get involved in operational details?

MS. EGEA: I didn't say I got involved. I said I was aware of it.

ASSEMBLYMAN WISNIEWSKI: Right.

MS. EGEA: And he mentioned it to me. I took no action on those disputes, right? I expected him to resolve it with the Executive Director.

ASSEMBLYMAN WISNIEWSKI: And did you specifically tell Bill Baroni, "Work this out with Pat Foye"?

MS. EGEA: Typically, I would have.

ASSEMBLYMAN WISNIEWSKI: Okay. And you didn't believe that your role as head of the Authorities Unit required you to either intercede or inform anyone else about these disputes?

MS. EGEA: As I mentioned, I believed the Chair was aware of the disputes and involved as well. I don't know which ones he was involved with, but he was aware of the disagreements between the two.

ASSEMBLYMAN WISNIEWSKI: But isn't that an abrogation of your responsibility as head of the Authorities Unit, where you're not conveying information about disputes that are

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going on, with what I think we could all agree, is probably the biggest public Authority that your unit deals with?

MS. EGEA: Didn't indicate to whom?

ASSEMBLYMAN WISNIEWSKI: The Governor, Pat Foye, or anybody else. I mean, it seems to me what you're telling me -- and correct me if I'm wrong -- is that you're made aware of disputes, but you really don't do anything about them.

MS. EGEA: Well, I guess I wouldn't characterize it that way. I was assured that, as I've indicated, the Chair was well aware of that, and I thought that was the appropriate resolution path.

ASSEMBLYMAN WISNIEWSKI: Okay.

Let me move on to-- On October 2 -- Tab 7 -- you received an e-mail on Wednesday, October 2, from Nicole Crifo, and had forwarded you a newspaper story about, "George Washington Bridge lane closures prompted angry e-mail from Port Authority Chief." Do you remember getting that?

MS. EGEA: Yes. I mean, I remember reading the article; I don't know that I specifically remember getting it from Nicole, but--

ASSEMBLYMAN WISNIEWSKI: Now, after you received this article, did you have any concern that this dispute between Pat Foye and Bill Baroni had grown into something larger?

MS. EGEA: Actually, it was consistent with the disagreements that they had had, and the fact that no evidence had been produced in almost 30 days -- that suddenly an internal

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document had been released to the press seemed, frankly, more consistent with the idea that there was no evidence, and that it was an effort to embarrass Bill or, somehow, advance the narrative that the Executive Director preferred. And that it was more of a lack of evidence, yet trying to still keep the story relevant.

ASSEMBLYMAN WISNIEWSKI: So two weeks later, there's a Port Authority meeting. And at that Port Authority meeting, which was attended by Senator Weinberg, you sent an e-mail -- it's in Tab 10 -- and I'm going to read it. "Senator Weinberg attended Board meeting, but did not speak. Had a hallway conversation with Strunsky and Ted Mann before Board meeting. After Board meeting, she was admitted into the anteroom where the press gaggle is held -- typically only press and Port Authority exec team. Questions ensued on Fort Lee, but holding to script of 'all under review.'"

Those are your words, right?

MS. EGEA: Correct.

ASSEMBLYMAN WISNIEWSKI: You sent this?

MS. EGEA: Correct.

ASSEMBLYMAN WISNIEWSKI: Okay. What did you mean by "holding to the script of all under review"?

MS. EGEA: Well, as a matter of practice -- not just at the Port Authority, but at all of the authorities and commissions that I work with -- that if an item isn't fully vetted and fully explored, that the Authority, as a practice, shouldn't be talking about anything in the press until we know all the facts. So in my-- What

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I intended to communicate -- and I think I did communicate -- is that it was all under review. And that we ought to continue to say that until we saw the evidence produced that supported the allegations.

ASSEMBLYMAN WISNIEWSKI: And when you talk about "holding to the script" of "all under review," you're talking about words that were spoken in that press gaggle after the meeting -- that were spoken by either Bill Baroni and/or Pat Foye, correct?

MS. EGEA: I was not present, but as I said, that would have been the expectation of any Authority when something wasn't -- a review wasn't complete.

ASSEMBLYMAN WISNIEWSKI: So if you weren't present, how do you know that they were "holding to the script of all under review"?

MS. EGEA: Nicole Crifo was present.

ASSEMBLYMAN WISNIEWSKI: Okay. And Nicole Crifo told you what, that caused you to write, "Holding to the script all under review"?

MS. EGEA: She updated me that there were questions, but there was no further comment beyond, "It was all still under review."

ASSEMBLYMAN WISNIEWSKI: And did she tell you who said, "It was all under review'?

MS. EGEA: No, I don't recall. She might of, but I don't recall it.

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ASSEMBLYMAN WISNIEWSKI: Okay. And so now you-- There is heightened scrutiny; Senator Weinberg is at a meeting asking about this; the press is asking about it. You say, "Holding to the script all under review" -- what review?

MS. EGEA: The Executive Director's review that he stated on September 13.

ASSEMBLYMAN WISNIEWSKI: So did you, then, call Bill Baroni and ask him, "Where's the Executive Director's review?"

MS. EGEA: As I said, I can't produce an e-mail or cite a specific conversation--

ASSEMBLYMAN WISNIEWSKI: No, I'm just asking. Did you call him?

MS. EGEA: You know, I believe that I, on occasion, would have asked, "Is there any data? Is there any support?" And I never got any information that supported the allegations.

ASSEMBLYMAN WISNIEWSKI: How would you communicate -- how would you ask that question of Bill Baroni? You say you may have periodically asked that question.

MS. EGEA: I was in communication with him regularly on many matters, so that--

ASSEMBLYMAN WISNIEWSKI: By phone? By e-mail?

MS. EGEA: Phone, typically; some e-mail, but phone primarily.

ASSEMBLYMAN WISNIEWSKI: Text messages?

MS. EGEA: No, I never texted with Bill.

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ASSEMBLYMAN WISNIEWSKI: Okay. If there are e-mails that you have sent to Bill Baroni asking about the status of Pat Foye's review, through counsel, I'd like to make a request that they be provided to the Committee.

MS. EGEA: I have looked, and I have not found any.

ASSEMBLYMAN WISNIEWSKI: So you asked Bill Baroni, "What's the status of Pat Foye's review?" after you sent this, or before you sent this October 16 e-mail?

MS. EGEA: As I said, I can't cite specifically when, but it would have been normal course for me to ask and I was expecting and waiting for the data to be produced.

ASSEMBLYMAN WISNIEWSKI: See, what troubles me is that you sent this e-mail to Kevin O'Dowd, and to Charlie McKenna -- to whom you directly report -- and, for some reason, to Michael Drewniak. I'm not sure he's in your chain of command of reporting. And you said, "All under review," but at that point in time, you're telling me you're not really sure where the review stood?

MS. EGEA: Well, that's why we didn't answer any questions, and--

ASSEMBLYMAN WISNIEWSKI: But why would you say-- I mean, if you're not sure that there's a review, why isn't the answer, "I'm not sure; ask Pat Foye."

MS. EGEA: No. I believed there was a review going on, and that I was awaiting the results of the review. And Michael Drewniak would have been a natural person; whenever there were,

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at any of the Authorities, if there was press present I would always make the Communications Office aware.

ASSEMBLYMAN WISNIEWSKI: Is that because the Port Authority didn't have a press shop?

MS. EGEA: No, I'm saying for any Authority, not just Port Authority. Whenever there's press, so that if an inquiry came in to them, that they would know and have some context for it and be able to know that they could follow-up with my staff or myself to clarify if they got a question.

ASSEMBLYMAN WISNIEWSKI: Okay. So let's go back to Exhibit No. 9, then.

Do you recall receiving this e-mail?

MS. EGEA: Yes.

ASSEMBLYMAN WISNIEWSKI: Have you had a chance to review it?

MS. EGEA: Yes, I've seen it before.

ASSEMBLYMAN WISNIEWSKI: Okay. And in this e-mail, Bill Baroni says to you that he spoke with Charlie yesterday. Is that Charlie McKenna?

MS. EGEA: Yes, it is.

ASSEMBLYMAN WISNIEWSKI: Okay. And when Bill Baroni sent you this e-mail on October 6 -- which is 10 days before the next e-mail that we just talked about -- he advised you that he thought Senator Weinberg's remarks would be harsh; obviously, you knew this was about the Port Authority lane closings, correct?

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MS. EGEA: Would you like me to give you some context for this?

ASSEMBLYMAN WISNIEWSKI: Well, could you answer the question?

MS. EGEA: I knew that Senator Weinberg had requested to speak at a committee meeting the following day -- on Monday, October 7. And that prior to this, we had reviewed the bylaws; it's very unusual. In fact, we don't have a public comment period, typically, in a committee meeting for the Port Authority. And so I had Nicole review the bylaws to indicate -- or to determine, I should say -- whether it was appropriate and allowable, I should say, to have public comment at the committee meeting. And the bylaws are silent. So it doesn't say we can't, and it doesn't say we are required. So for me, that was a policy call. And this is an example of-- I indicated to Bill, since it could have gone either way, it was a policy call that "you should discuss it with Charlie." So I had referred him to Charlie about creating a public comment period on Monday, October 7. And I was following up with Bill on Sunday because I hadn't heard where that had come out. I'm asking him, "How did it come out?" and then he's responding to that in the context of the committee meeting that was going to occur on Monday.

ASSEMBLYMAN WISNIEWSKI: Understood, and I appreciate that context. Thank you.

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So my question is, Bill Baroni opines to you that he thought Senator Weinberg's comments would be harsh. Did you understand what her comments were going to be about?

MS. EGEA: I believe the Senator had already made some public comments in the press, so I would expect that they would be similar to what the Senator had already indicated in the press.

ASSEMBLYMAN WISNIEWSKI: About the Bridge?

MS. EGEA: Yes, yes -- I'm sorry; right.

ASSEMBLYMAN WISNIEWSKI: And so when you received this October 6 e-mail -- which is 10 days before the e-mail saying, "All under review" -- did you get back to Bill Baroni and say, "By the way, what's Pat Foye doing on his internal review?"

MS. EGEA: As I said before, I can't cite a specific time or produce a document; I don't know that I specifically asked after that. I was awaiting the conclusion of the Executive Director's review.

ASSEMBLYMAN WISNIEWSKI: But your expectation was, based on what Senator Weinberg had said previously, and Bill Baroni's statement that her comments were going to be "harsh," that the issue of the lane closures at the Bridge would come up.

MS. EGEA: Right.

ASSEMBLYMAN WISNIEWSKI: And so wouldn't it have been natural for you, at that point in time, to say, "Do we know what's going on with this review?"

MS. EGEA: I asked, on occasion, if there was any evidence produced, and no evidence was produced.

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ASSEMBLYMAN WISNIEWSKI: And at this point in time, did you ask Bill Baroni, "Now that a little bit less than a month has gone by, and, by the way, Bill, can you send me whatever proof you have about your study?'

MS. EGEA: Well, as I've indicated, you know, the continuing public comment on this, without any evidence, frankly, reinforced -- in my mind, anyway -- that I wasn't sure there was any evidence to be produced. So I was awaiting it. And so I viewed it as much more of a political/public disagreement than there was any evidence that-- Well, I guess I was awaiting evidence.

ASSEMBLYMAN WISNIEWSKI: Why would you say it was political?

MS. EGEA: Well, meaning the tension between the Executive Director and the Deputy, I view as internal politics inside the Port Authority. And plus the Senator is a politician. So it seemed to fit.

ASSEMBLYMAN WISNIEWSKI: And so because you thought it was political that you really didn't ratchet up your curiosity about this?

MS. EGEA: Honestly, I was as curious as anyone. I was waiting the Executive Director's review, and I wanted to see the evidence.

ASSEMBLYMAN WISNIEWSKI: You were curious, but you can't produce an e-mail that shows your curiosity? You were curious, but you can't recall a specific phone call on which you asked about it? How is that being curious?

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MS. EGEA: Well--

MR. MARTINEZ: Respectfully, Assemblyman, that's an argumentative question.

ASSEMBLYMAN WISNIEWSKI: But it's a question, nonetheless. If you didn't write an e-mail, and you can't recall a phone call, how curious were you?

MR. MARTINEZ: It's an unfair, improper question -- but a question.

ASSEMBLYMAN WISNIEWSKI: Well, it's a fair question. If you didn't send an e-mail, and you can't recall a phone call, how curious were you?

MS. EGEA: I think I've indicated, I have had conservations with Bill and I asked if there was any evidence, and there was no evidence produced. So that was ongoing.

ASSEMBLYMAN WISNIEWSKI: Okay. I next would like to draw your attention to Tab 60. Tab 60 are documents provided to the Committee from the Borough of Fort Lee, closed session minutes of a Council meeting on September 12 -- which is contemporaneous with the lane closures. In these closed session minutes -- and if you haven't seen them, I'll give you a moment to take a look at it.

MS. EGEA: I've never seen them before.

ASSEMBLYMAN WISNIEWSKI: So why don't you just take a moment and look at them, and it's page 4, most of it is redacted; page 4 has the text.

Let me know when you've concluded your review of it.

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Okay. Halfway down through this section there's a reference from this closed session of the Council in which the Fort Lee Chief of Police says he spoke to a Port Authority police sergeant who said that the "this" --which is the lane closures, which is the topic of conversation at that meeting -- "occurred because the Mayor did not support the Governor."

Now, that's the context for the question I'm about to ask you. As head of the Authorities Unit what, if any, was your responsibility to have any interface or interaction with the Port Authority Police?

MS. EGEA: I had none.

ASSEMBLYMAN WISNIEWSKI: If there was a need for you to have, or the Governor's Office to have some interaction with the Port Authority Police, how would that work?

MS. EGEA: That's pretty theoretical. I'm not sure what would be an example of what you're asking about.

ASSEMBLYMAN WISNIEWSKI: If you or someone in the Administration needed to have a discussion, or ask a question, of the Port Authority Police, how would you go about doing that?

MS. EGEA: Procedurally, as I've indicated, I fairly exclusively interfaced with Bill Baroni.

ASSEMBLYMAN WISNIEWSKI: So you would ask Bill Baroni?

MS. EGEA: I would start there.

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ASSEMBLYMAN WISNIEWSKI: You would start there. Did you ever have any opportunity to have discussions with Paul Nunziato?

MS. EGEA: No.

ASSEMBLYMAN WISNIEWSKI: Any opportunity to have conversations with Officer Chip Michaels?

MS. EGEA: No.

ASSEMBLYMAN WISNIEWSKI: Did you ever have a conversation or any opportunity to discuss the operations of the Port Authority Police, insofar as the George Washington Bridge is concerned?

MS. EGEA: No, I don't recall any.

ASSEMBLYMAN WISNIEWSKI: Okay.

We're going to wrap up for lunch in five minutes, but I have a couple of questions that I just wanted to ask you before we take that break.

During the week, September 9 through 13, when these lanes were closed, were you aware of complaints coming into the Office of the Governor -- by constituents, users of the Bridge -- about the impact that this lane closure was having?

MS. EGEA: I was not.

ASSEMBLYMAN WISNIEWSKI: Okay. I wanted to draw your attention to Tab 42 -- page 5 of Tab 42.

This may have been asked, but I want to get better clarity on it. The top of that page 5, I'll read it for you. "Crifo recalled that Egea responded that the Governor's Office would not

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have involved itself with an operational issue." This is in response to, "Crifo recalled telling Egea that Ashmore reached out to her about inquiries about the lane closures." You don't recall that all?

MS. EGEA: I really don't.

ASSEMBLYMAN WISNIEWSKI: Okay, okay.

And you don't recall anyone else in the Office of the Governor -- whether it be Bridget Kelly or anyone else -- saying to you that they've received complaints or heard complaints about this?

MS. EGEA: No, no I do not.

ASSEMBLYMAN WISNIEWSKI: And in any of your conversations with Bill Baroni, you did not hear or have discussions about public complaints about the lane closures?

MS. EGEA: No, I did not.

ASSEMBLYMAN WISNIEWSKI: Okay,

Madam Chair, I'm going to have questions after other members have an opportunity, but I think we'll conclude now for our lunch break.

SENATOR WEINBERG: Okay, we will take a half-hour break, and be back here at 1:30, please.

(recess)

(return from recess)

SENATOR WEINBERG: Okay, Ms. Egea, as you know you're still under oath and my Co-Chair still has the floor.

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ASSEMBLYMAN WISNIEWSKI: At the moment, I am going to conclude my questioning, Madam Co-Chair, and I think I'll let you decide who goes next.

SENATOR WEINBERG: Senator O'Toole.

SENATOR O'TOOLE: Thank you.

Thank you, Chair. Through you, some follow-up questions, and some other questions for the witness.

Good afternoon, Ms. Egea.

MS. EGEA: Good afternoon.

SENATOR O'TOOLE: Can you just talk in a little further detail about your duties as the Director of Authorities? I'm trying to understand -- and focus a lot on the Port Authority. Just talk about what you do, and talk about in the larger sense of the other Authorities and what your day-to-day or week-to-week job description is.

MS. EGEA: Certainly.

As I mentioned before, there are 53 Authorities that we work with. And each attorney of the four attorneys has a portfolio of 12 to 14. And each of them has monthly, regular meetings, as well as committee meetings. So on a regular basis we are working with each of the Authorities to review all the public agenda items for both committees and their public Board meetings.

So the issues, of course, would be quite varied in the Port Authority. It is not the only bi-state Authority; there's the Waterfront Commission, Palisades Commission, Delaware River Port Authority, the Joint Toll Bridge, as well as the Bay Authority.

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And they have the same transportation issues that we deal with on a regular basis. And then there are other transportation issues, like Transit and Turnpike. So there are a lot of contracting-- So there's a fair amount of regular business on a month-to-month basis.

And our objective is to, as I mentioned before, work with each of them to ensure compliance with State law, and their bylaws, and policies.

And so as we complete each Board meeting there are minutes that are issued as a result of those. And each of the attorneys takes minutes, and they would generate a memo summarizing the minutes and recommending veto or not veto for those who do have veto authority.

So it's a variety of-- It's the same structurally, but it's very different issues, depending upon each of the Authorities.

SENATOR O'TOOLE: And I know a lot of questions have been thrown at you this morning about specific conversations you had, or believe you had, in September, October. I imagine it's somewhat hard, from what your testimony is, to recall exactly the nature of those phone calls reaching back to September, October, November. And I suspect that it's because of the volume of phone calls, or e-mails, or correspondence you receive as a Director of the Authorities?

MS. EGEA: I deal very directly with 40 to 50 percent of the Authorities, again, depending on the issues. So yes, I would agree that on a regular basis I'm probably dealing with five or six of them each day, depending upon the issue. And sometimes some

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authorities-- For example, Transit -- it's a constant effort to keep working with them -- they have a wide variety of issues; Turnpike as well.

And then there are some that there are occasions that cause them to need to interface with us a bit more, such as PVSC and the Environmental Infrastructure Trust, post-Sandy. Post-Sandy brought a lot of issues forward that we needed to deal with.

So on a regular basis I am interfacing with Authorities probably 70 percent of my time -- or at an Authority meeting, or at a committee meeting.

SENATOR O'TOOLE: I don't mean to jump around to confuse you, but I need to follow, kind of, some of the questions that were asked; I want to do some follow-up. And you just raised an interesting topic -- Passaic Valley Sewage Authority -- which I thought-- You said PVSC?

MS. EGEA: Yes.

SENATOR O'TOOLE: Passaic Valley Sewage Authority?

MS. EGEA: Sewage -- sorry, yes.

SENATOR O'TOOLE: Were you involved-- I guess you came in, in late 2011 as the Director?

MS. EGEA: January of 2012, correct.

SENATOR O'TOOLE: And the only parallel I can say is that I remember back in 2010 -- I assume it was before your time -- is a new Executive Director was installed and there were some-- I read the newspapers, some allegations of some misconduct. And from what I read it appears that the Executive Director, Wayne

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Forrest at the time, over a period of months did an internal investigation, and then he or his Chief Counsel made referral to the Attorney General's Office which led to the indictment and/or plea of at least four of the employees. Were you involved in that at all?

MS. EGEA: Not at all. It was all completed by the time I got to the Authorities Unit.

SENATOR O'TOOLE: There was a reference made about the Gibson report at some point. Did you read the summary of the report that was relevant to your interview?

MS. EGEA: The first summary that was issued -- I did read it.

SENATOR O'TOOLE: And were there any mistakes that were obvious, or any things that you would want to amend or correct?

MR. MARTINEZ: I'd like to clarify. I think you asked-- Respectfully, Senator, you asked about the report and the interview memoranda. I think those are two separate items.

SENATOR O'TOOLE: Well, we are exposed to the-- There is a summary of the interview. Have you read that?

MS. EGEA: No.

SENATOR O'TOOLE: Okay.

MS. EGEA: So I've only read the initial report that came out at the end of March. I have not read any of the interview summaries.

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SENATOR O'TOOLE: Did you take any issue, or did you have to correct, or did you have any obvious notations of correction in that which you read?

MS. EGEA: The summary? No.

SENATOR O'TOOLE: Okay.

Under the examination of Chair Weinberg and Wisniewski, I think that there was some discussion dedicated about the nature of interaction with the executive directors, or deputy executive directors, at some of the Authorities. And I just need some clarity on that.

With all the Authorities that you talked about -- both the bi-state and others -- was it your function or the function of your office to interact and look at public statements or testimony that was to be given by executive directors in any of the Authorities?

MS. EGEA: I mean, I don't remember any of them ever having to testify, to be honest with you. I'm trying to think back.

SENATOR O'TOOLE: Well, let me ask you. If the Executive Director of the Passaic Valley Sewage Authority -- I think he had testified at an event in Maryland. Did you ever proof his comments, or at least have a copy of his comments before he went to that convention?

MS. EGEA: I would have received, probably, a copy. I would have known that he was-- He would have notified us that he was going to appear, and he probably would have provided a copy.

SENATOR O'TOOLE: Okay.

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At some point in the questioning of Chair Weinberg, you were asked about, did you believe that there was a traffic study that was done, relative to the time in September of 2013. And you said, I think, that there was some data that was given to you. Is that your testimony?

MS. EGEA: Correct.

SENATOR O'TOOLE: Could you just expand upon that? What data did you see, or review, other than the notes or concluding with the notes that you looked at and you crossed out all the percentages from the-- You said the 75 percent of the rest of the state was consuming 95 percent-- I got that math, but tell me, did you-- What data were you exposed to that you thought comprised a traffic study at that time?

MS. EGEA: Within that document that we were looking at before, toward the end there's fairly specific information which articulates the improvement to the traffic flow from -- the traffic that comes from I-95 and Route 80 that there is a measurement at the toll booth from the duration that it takes the vehicle to go from one side to the other side of the toll booth. And there were improvements that they noted there, and they noted improvements, I think, on Tuesday and Wednesday. They indicated Monday there was a traffic tie-up on the Cross Bronx so that wasn't validated. So we're looking at Tuesday and Wednesday, and that was the data I was referring to.

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SENATOR O'TOOLE: And when you were looking at the opening of Senator Baroni's testimony, you were doing that to make it more concise -- I think that was your testimony.

MS. EGEA: Correct.

SENATOR O'TOOLE: Were you really commenting on the substance of what he said, in terms of the actual traffic study? Did you believe what he was saying was accurate, that it was, in fact, a traffic study?

MS. EGEA: Correct, yes. And I was sequencing and trying to tighten it up, not in substance.

SENATOR O'TOOLE: Okay.

Let me point your attention, through the Chair, to Tab 2, the infamous Mr. Foye's September 13 e-mail. And that's the one that is dated September 13, 7:44 a.m. Do you have that, Tab 2?

MS. EGEA: Yes, I do.

SENATOR O'TOOLE: Okay. That was sent to Cedrick Fulton. Who is Cedrick Fulton, if you know?

MS. EGEA: He is a member of the Port Authority staff. I'm not quite confident that I know his title, but he was either in the operations or engineering center.

SENATOR O'TOOLE: Who is Robert Durando?

MS. EGEA: He's the Bridge Manager for the George Washington Bridge.

SENATOR O'TOOLE: CC is Bill Baroni; we know who he is. Joseph Dunne -- who is that?

MS. EGEA: He's the Chief Security Officer.

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SENATOR O'TOOLE: Okay. And Louis -- I'm going to murder the name --

MS. EGEA: I don't know anybody--

SENATOR O'TOOLE: You know the name?

MS. EGEA: I don't know him.

SENATOR O'TOOLE: You know the person?

MS. EGEA: Yes.

SENATOR O'TOOLE: Okay.

Peter Zipf?

MS. EGEA: I've heard-- I know he's an employee of the Port Authority; I'm not quite sure--

SENATOR O'TOOLE: David Samson, we know, is the Chair. Scott Rechler, the Vice Chair.

Darrell Buchbinder?

MS. EGEA: He's the General Counsel at the Port Authority.

SENATOR O'TOOLE: Okay. So all of those individuals were CC'd; the first two, Cedrick and Robert, it was to them from Patrick, and the rest were CC'd. That was passed along from Mr. Baroni to your attention, at some point, and you had a conversation before and after, correct?

MS. EGEA: Correct.

SENATOR O'TOOLE: Did you find your Authorities agency as an investigative body by nature? Is that the purpose of your Authorities Unit?

MS. EGEA: No, it's not.

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SENATOR O'TOOLE: Okay. So Mr. Buchbinder is the General Counsel.

MS. EGEA: Correct.

SENATOR O'TOOLE: Okay. And from what your testimony was, that you believed that Mr. Foye was, at some point, was going to do the investigation, as per his e-mail, and get back to you, sum and substance of what he said -- that Federal and State laws had been broken.

MS. EGEA: Correct.

SENATOR O'TOOLE: And I think I heard you correctly: Did he ever get back to you about the nature of the Federal and State laws that were broken?

MS. EGEA: I never saw any information.

SENATOR O'TOOLE: Okay. So he didn't get back to you, or it was never brought to your attention.

MS. EGEA: It was never reported to the Board, either, which is where I--

SENATOR O'TOOLE: And how about anybody that was listed on either the -- Mr. Fulton, Mr. Durando, or any of the other cc's, including the General Counsel. Did any of those individuals ever bring it to your attention, the sum and substance of what were the allegations contained in Tab 2's e-mail?

MS. EGEA: I don't know what they might have received, but none of them spoke to me about any subsequent--

SENATOR O'TOOLE: So they didn't bring it to your attention?

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MS. EGEA: Correct.

SENATOR O'TOOLE: So you have this allegation. You speak to the Executive Director, and you say, "Get to the bottom of this," and, at some point, I assume from what your testimony was, you were expecting to have some report from Mr. Foye or Mr. Baroni.

MS. EGEA: Correct.

SENATOR O'TOOLE: And did that ever occur?

MS. EGEA: I never saw it.

SENATOR O'TOOLE: Okay.

When you talked about the peculiar nature -- that's my word, not yours -- about the construction at the Port Authority-- I think that's where we need to go, at some point in time. Who was your counterpart, if there is one, in New York? Who is your Director of Authorities in New York? Is there such a person?

MS. EGEA: In Governor Cuomo's office, there is an individual who-- I'm not quite sure of the scope of the individual's responsibilities, but they would attend Board meetings as well.

SENATOR O'TOOLE: So we're really clear: The Executive Director is appointed from the New York side.

MS. EGEA: Correct.

SENATOR O'TOOLE: Historically, the Deputy from the Jersey side, General Counsel is a New York appointee. The Deputy Counsel is the New Jersey appointee. The Chair is New Jersey, the Vice Chair is New York, and the rest fall in line in terms of equal of

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the amount of committee members going to New York and New Jersey, appropriately, correct?

MS. EGEA: Generally, yes.

SENATOR O'TOOLE: Okay. Now, you've dealt with other bi-state agencies, as per your testimony. And you talked about -- there's a friction -- my word, not yours -- that existed between this Executive Director Foye and the Deputy Executive Director Baroni. Did you see that occurring in other agencies, other bi-state agencies -- a friction that you described?

MS. EGEA: Well, the nature of the structure is such that they have to represent their individual states in a positive manner. So there's always this sense of needing to collaborate. And sometimes that causes some tension, some not.

In the instance, though, of the Port Authority -- and I do believe that it was -- friction is not an overstatement of it. There was a sense that New Jersey was not being treated equally with New York. And I think that was at the core of some of the friction. And some examples of how that might have manifested itself was -- you might recall, there was a management agreement for the Atlantic City Airport. And there was quite a difficult, I'd say, process between New York and New Jersey, and between the Deputy and the Executive Director, to pursue that. There had been a law that had said that the Port Authority would take over one airport in New York and one in New Jersey; Stewart had been brought into the Port Authority fold; and it was kind of surprising to us that when we moved to bring Atlantic City in -- which would

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have been the completion of that expectation -- that there was enormous resistance. And it wasn't clear why there would be any resistance, since it was straightforward.

So there were expectations that we thought needed to ensure that there were equal handling and equal support for both states.

SENATOR O'TOOLE: Throughout the years, before your time in the State front office, I have heard for years -- back to Governor Whitman -- that there's always been this natural friction between New York and New Jersey relative to the Port Authority. And it's been largely the contention of those of us on this side of the Hudson that we have never gotten our fair share. And we have always heard the back-and-forth -- that if New Jersey wanted *X*, New York wanted *X + 1*. I heard it with great distinction under when Governor Corzine was there, and then Governor McGreevey was there, when they had Jamie Fox and Susan Bass Levin. And it seems to me that those EDs or Deputy EDs were always trying to advance New Jersey's interests much more than, perhaps, their predecessors.

Did you find that there was an historical pulling between New York and New Jersey, even at some of the higher staff levels?

MS. EGEA: I didn't interact with many of them, but certainly my-- I think more staff worked on the New York side, if maybe that's what you're trying to get to; that there was a natural-- It seemed to me, just observing, again, that there was a natural sense that New York was superior, or was going to engender more

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of their assets from the Port Authority than New Jersey. And New Jersey, as you've just described, quite frankly, was not getting what, really, you'd expect from a bi-state, which would be equality.

SENATOR O'TOOLE: And you talk about the Atlantic City --through the Chair, the Atlantic City Airport. When I read some news accounts of that, when that operation was happening, I think I read somewhere that I think New York countered that they wanted some renovations on a New York state -- upstate airport. It seemed like every time New Jersey got something recently, New York seemed to want to counterbalance, or say, "We want this as well." Did you find that to be the case during your time?

MS. EGEA: Yes, I did. And the example that you're referring to is -- in fact, Stewart was brought into the Port Authority a number of years before and had been heavily invested in -- to the runway renovations and the terminal itself. And this is why we were so surprised that it was in existence because Atlantic City Airport was well invested in, and certified to be an international airport. And it was ready to turnkey, and bring into the Port Authority and become another asset. And so it would seem to be, as you just described, still wanting to have some other plus on the New York side once we brought that in -- in spite of we didn't think it would be any burden; in fact, it would be only an asset to the Port Authority.

SENATOR O'TOOLE: During your earlier testimony you talked about the crisis area, or the disagreement between Foye and Baroni; you took it to personnel, senior positions, projects -- some

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of which you just detailed -- and some of the day-to-day operations. Did they get along on a personal basis, do you know? Or is it just they were arguing New York versus New Jersey, if you know?

MS. EGEA: I observed them when I was there and, as I said, described what I heard from Bill. It didn't seem to be personal, to me. It seemed to be very much about trying to have equality between New York and New Jersey. Because I can't remember them-- I can't remember hearing anything personal about each other; I only remember the business issues being put on the table.

SENATOR O'TOOLE: Theoretically, could the Executive Director Foye fire Deputy Director Baroni? Or, is it as you've described it, the theoretical may not really exist. New Jersey has the designation of the Deputy, and New York has the Director itself.

MS. EGEA: That's been the tradition. I don't really know what the bylaws say, so I would have to check that. But that's been the tradition.

SENATOR O'TOOLE: Does the Chairman, as currently constituted, have the ability to fire the Deputy Director or the Executive Director, if you know?

MS. EGEA: I believe the Chairman has to agree to any of the senior manager signoffs -- bringing in or exiting.

SENATOR O'TOOLE: Signoffs, in terms of bringing them on? How about firing them?

MS. EGEA: I'm not positive, to be honest with you.

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SENATOR O'TOOLE: It seems to me that the -- and if I'm wrong, please correct me, through the Chair -- that the Deputy Director from the New Jersey side, tended to New Jersey projects and, perhaps, the New Jersey staff. And it seems to me that the Executive Director from New York tended to the New York projects and the New York staff. Is that fair to say?

MS. EGEA: Yes, it is.

SENATOR O'TOOLE: And would it ever be the case where there would be an argument where the New Jersey side was looking to hire folks from New York or advance decisions in New York, and vice versa, would the New York to try to advance or interfere with the New Jersey hires or New Jersey projects, if you know?

MS. EGEA: I'm not sure I could cite an example. As I said, there was clear separation in the organization. And I don't recall any time where New Jersey, so to speak, interfered in anything in New York. I saw it more coming the other way.

SENATOR O'TOOLE: But from an organizational chart -- and I've dealt with a few in my days -- when you have the Chair, the Chair really has oversight--

MS. EGEA: Yes.

SENATOR O'TOOLE: --over the Executive Director, Deputy Director, and all of those subordinates underneath. And that's not really the case here. It appears to me that New York has their say with their allocations -- the Vice Chair, their Commissioners, and the Executive Director -- and New Jersey has

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theirs. It kind of flies in the face of what the organizational chart would lead you to believe. It's not reality that the Deputy Director reports to the Executive Director; he really reports to the Chair, who's the New Jersey person.

MS. EGEA: He has a very close operating relationship, yes, with the Chair. I would agree with you.

SENATOR O'TOOLE: And I have never seen -- and I'm going to ask the question -- have we ever seen a Chair from New Jersey fire the Executive Director or -- compound question, Mr. Attorney -- has the Executive Director from New York ever fired the Deputy from New Jersey, if you know?

MS. EGEA: I don't know.

SENATOR O'TOOLE: Okay.

And I'm wrapping up here, Ms. Egea; and I appreciate it. I know it's not an easy day for you. Just a couple of follow-ups.

With regard to other bi-states, the questions I just asked you about: Are they similar in nature when it's Pennsylvania and New Jersey, and New York, or the waterfront? Are the same problems, organizationally -- do you confront them, in terms of New York has their say with hires, and fires, and policy? Is there the clash that kind of undermines the actual organizational chart that we would see?

MS. EGEA: The convention that you just described -- where the Chair and the Executive Director -- exists in other agencies. For the most part, we are able to work through them and be able to reach resolution. Not on all issues, and so I wouldn't say

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that there isn't some tension in others. I believe it's exacerbated at the Port Authority and, if you don't mind, I'd offer my opinion as to one part of what I think is at issue.

SENATOR O'TOOLE: Please do.

MS. EGEA: At the Port Authority, I think they tend to be more inwardly focused than externally, in terms of toward the customer. And not that they-- It's exclusive. But my observation is that when you're in organizations that are serving customers, you tend to measure success by things like market share, and you invest, and you grow revenue, and customer service, and excelling at it to lead the market.

And my sense is, at the Port Authority, they tend to be more internally oriented, so they define winning and losing by internal behaviors such as who's got the most capital, and who's got the power in the organization. And I think that the other entities tend to be a bit more externally focused and measure customer satisfaction and really deal with the customer in a much more -- in a way that brings the customer into the organization. And I think that is part of the issue associated with the Port Authority.

SENATOR O'TOOLE: Last question, through the Chair.

Your opening statement, I don't think, was prepared, I assume. I didn't see the written statement. You said that you had nothing to do with the planning or orchestration of the lane realignment in September of 2013. Is that accurate?

MS. EGEA: That is correct.

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SENATOR O'TOOLE: You had nothing to do with it?

MS. EGEA: Correct.

SENATOR O'TOOLE: Zero?

MS. EGEA: Yes.

SENATOR O'TOOLE: Thank you.

Those are all the questions I have, Chair.

MS. EGEA: Thank you.

SENATOR WEINBERG: Thank you, Senator O'Toole.

Before I recognize Assemblywoman Caride, just a few questions.

First of all, if I remember correctly, the sworn testimony from Pat Foye was that he could not fire David Wildstein because he wasn't his employee.

SENATOR O'TOOLE: Yes, I'm trying to understand that, Chair.

SENATOR WEINBERG: Just trying--

SENATOR O'TOOLE: I'm just--

SENATOR WEINBERG: If anybody ever understands how this--

SENATOR O'TOOLE: It's still murky; it's still murky to me.

SENATOR WEINBERG: It is quite murky. Hopefully, someday, this Committee will straighten it out.

But, Ms. Egea, I have been bothered from the very beginning about what I have called the *curious lack of curiosity* on the part of a whole cast of folks.

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Now, when I questioned you, and then followed up by Assemblyman Wisniewski, I talked a lot about the period from September 13, when you first saw that e-mail, up to November 25, when you helped crisp up -- my words -- Bill Baroni's testimony.

Let me just give you a rundown, because it adds to the fact that-- Well, let me rephrase that.

You testified -- correct me if I'm wrong -- that you never called Pat Foye or Bill Baroni to find out the status of this so-called internal review. Is that correct?

MS. EGEA: No, not completely. I never called Pat Foye.

SENATOR WEINBERG: Okay -- the person who was supposedly doing the review.

MS. EGEA: Correct. Because, as I've explained, my relationship -- and I thought, appropriately -- was with the Deputy.

SENATOR WEINBERG: So you asked Bill Baroni, and his answer was?

MS. EGEA: He never produced anything. He said he did not have anything given to him that supported the allegations that were made.

SENATOR WEINBERG: I'm sorry; this is Mr. Baroni's answer?

MS. EGEA: Baroni, right.

SENATOR WEINBERG: That Mr. Foye did not produce--

MS. EGEA: He had not been given anything that supported the accusations.

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SENATOR WEINBERG: Okay. Do you know whether Mr. Baroni ever asked Mr. Foye?

MS. EGEA: I don't know.

SENATOR WEINBERG: Okay.

I'm just going to give you a rundown of press clippings that begin -- on this list, begin around September 17. We have-- Well, first of all, overall, the month of September -- and these are clips that came directly from the Governor's Office, not clips that we compiled, that this Committee compiled. But in answer to our subpoena, these clips came forth -- that the Governor had these clips in his office.

In September there were 3 articles; in October there were 15 articles; and November there were 17 articles -- all about people asking questions about what was described for four days as something like a four- hour traffic delay; which, according to the information you received, based on this so-called traffic study, the mainline -- that's the main highways that lead to the George Washington Bridge -- saved between two and four minutes. Is that correct?

MS. EGEA: That was the data that they presented, yes -- in the draft test.

SENATOR WEINBERG: Okay. And all of those news clippings that talked about a four-hour, four-day traffic delay did not highlight some difference here that you might have asked, "What is--" that would have caused you to ask Mr. Baroni and/or

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call Mr. Foye and say, "I need to see the results of your internal review?"

MS. EGEA: So, a couple of things. One is, I know that there were articles about the four-hour -- that you just quoted about the four-hour backup. I don't remember that number. But I think I've already stated that Bill's testimony -- the purpose of the testimony was to describe the study, but also admit that it was mishandled from the communications perspective, and arguably that was really at the heart of what caused all of the collateral damage in terms of the waiting time for Fort Lee.

So it didn't surprise me, to be honest with you, it had been a study that was *a*) truncated, and number two, it had been mishandled. And it had been already admitted that it had been mishandled. So the dichotomy of what you're describing -- no, those two pieces of data didn't necessarily seem inconsistent because it was, yes, a modest improvement, but an improvement. And number two, it had been, admittedly, mishandled and that, in my mind, likely drove, then, all the collateral damage in the traffic in Fort Lee.

SENATOR WEINBERG: So the reason, in your mind -- and correct me if I'm wrong -- that this three-, four-hour delay which took place over four days -- September 9, September 11, September 12, and part of September 13 -- that was caused because of this "mishandling"? It wasn't caused by the closure of those lanes?

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MS. EGEA: Well, they're related. I can't say they're unrelated, of course. But what I'm trying to articulate is that we knew that there were flaws in the study -- i.e. that they should've had better communication. And if there had been better communication, it would have led to a better quality of the study. And so, for me, to have had bad study results didn't surprise me, because it was a mishandled study.

SENATOR WEINBERG: Well, I'm not asking you about the study results, I'm asking you about the people who were stuck in that four-hour delay, and about the emergency people who couldn't get through to where they needed to be. I'm not asking you about the outcome of the study; I'm asking you about the fact that there were articles, there were complaints. In your mind those delays over the space of four days was created not from the closure of the lanes -- and correct me if I say anything wrong here -- but because they didn't notify the Fort Lee Police?

MS. EGEA: Well, again, they're related. So of course it's related to the closure of the -- the realignment, frankly, of the lanes.

SENATOR WEINBERG: No, they were closed; pardon me. There were two lanes closed.

MS. EGEA: No, they--

SENATOR WEINBERG: I know Mr. Mastro likes to call it *a realignment,* but let me correct the record: Two of the three lanes were closed, okay?

Go ahead.

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MS. EGEA: I'm sorry; I beg to differ. There were 12 lanes open every day.

SENATOR WEINBERG: Yes, and--

MS. EGEA: Twelve lanes before--

SENATOR WEINBERG: --two of them were closed--

MS. EGEA: Two of them were--

SENATOR WEINBERG: --for four days.

MS. EGEA: They were-- Actually, the traffic was driven from I-95 and 80 to those two lanes. So those lanes were used.

SENATOR WEINBERG: No, they were not used; there were toll booths used. Those two lanes were closed.

You seem to know a lot about the details of the traffic study, Ms. Egea.

MR. MARTINEZ: Respectfully, Co-Chair.

SENATOR WEINBERG: Yes, go ahead, Mr. Attorney.

MR. MARTINEZ: You have your opinion on whether or not lanes were closed, and that's fine. But--

SENATOR WEINBERG: It isn't my opinion. I am stating a fact of life, okay?

MR. MARTINEZ: Well, Co-Chair, respectfully--

SENATOR WEINBERG: So you can respectfully disagree, but it's a fact.

MR. MARTINEZ: The power of the subpoena of this Committee is to have Ms. Egea come here and answer your questions. It's not to have the Committee make editorial comments without providing her an opportunity to respond.

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ASSEMBLYMAN WISNIEWSKI: Well, that would include editorial comments by you as well, Counsel.

SENATOR WEINBERG: Let me ask another question of you, Ms. Egea.

Were all the toll booths open?

MS. EGEA: That was my understanding.

SENATOR WEINBERG: Okay, so then you did know some details of this traffic study.

MS. EGEA: In November, when he was describing to me the results and what the results meant, I asked the question.

SENATOR WEINBERG: Okay. So when you were helping Mr. Baroni crisp his testimony, you, at that point, knew the details of this traffic study -- so-called?

MS. EGEA: Well, when the results were presented I asked some questions. Because, if you'll recall, inside the opening statement that there was a description of a 47 percent improvement in the time it takes a vehicle to move through the toll booth. And so the measurement was a rather narrow window, as they explained to me when I asked about it. The measure they were using was, as a vehicle approaches the toll booth, there's a timing from when that vehicle enters until it leaves the toll booth. And that's really what they were measuring. And that's -- at that point, I had the understanding that all the toll booths were being used, and they were trying to measure the improvement in the overall traffic flow-through.

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SENATOR WEINBERG: So did it occur to you to ask, at that point, four days of hours of backup, versus the two to three minutes of so-called saving from the mainlines? Did you ever ask that question: "Why would you do this over four days when it created this kind of issue?"

MS. EGEA: The first day was not readable. And I don't know when they got the data. I don't know if they saw it at the end of each day, to be honest with you. And I-- Look, I mean, the tradeoff is not equal, so I'm never going to argue against that, right? That they were doing a test, they were trying to determine did it improve the overall flow for the entire customer base that was coming through the toll booths?

So I don't think the study proved that that was a wise thing to do, at least the way they structured it.

SENATOR WEINBERG: Okay. According to the Gibson Dunn memo -- and this is Tab 37, page 6 -- you reviewed materials in preparing Mr. Baroni for his testimony. What materials?

MS. EGEA: So I haven't read this, so if you could refer-- I have not read these interview notes.

SENATOR WEINBERG: Yes, I'm sorry; it's Tab 37, page 6.

MS. EGEA: Page 6, okay. Which paragraph was that?

SENATOR WEINBERG: I believe the memo refers to "materials you reviewed in preparing Mr. Baroni for his testimony." What were the materials you reviewed?

MS. EGEA: Where is it? I'm sorry?

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SENATOR WEINBERG: Toward the end of that page.

MS. EGEA: The bottom of the page?

MR. MALDONADO (Senate Majority Committee Aide): Fourth line from the bottom of the first paragraph.

MS. EGEA: The only documentation that I ever reviewed was the first draft of his opening statement. So there were no other materials -- if that's what your question is -- that I reviewed from the Port Authority.

SENATOR WEINBERG: So is the summation incorrect here? MS. EGEA: Well, the materials were the pages from the opening statement -- the draft opening statement.

SENATOR WEINBERG: Okay. Your materials in preparing Mr. Baroni's opening statement -- what were the materials you reviewed as you were preparing? I'm not talking about after he gave the opening statement. What materials did you review when you were helping him prepare his statement?

MS. EGEA: So again, to be precise, I didn't prepare him. I offered suggestions in terms of the presentation material. And the only information I worked from was the draft that he had provided -- that you've seen -- with my handwriting on it.

SENATOR WEINBERG: Okay, so that's the materials that are referred to.

MS. EGEA: The materials that are referenced, yes.

SENATOR WEINBERG: All right, I'm going to ask just two more questions.

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Did you attribute the three-, four-hour delay, and all the issues that arose from that over four days -- including 9/11 -- and including the first day of school -- do you attribute all of that to a lack of communication on the part of people at the Port Authority to local officials?

MS. EGEA: I think that was the core failure on the part of the team that -- on the part of Mr. Baroni, in terms of how they handled that.

SENATOR WEINBERG: So in your mind that traffic would not have happened if the local officials had been properly informed?

MS. EGEA: I think they would have been able to coordinate and maybe change it; I don't know. To be honest with you, I don't know what would have come out of that communications, so the trail -- the test might have been different if they had improved their communication.

SENATOR WEINBERG: Okay. So you really have no way of knowing that.

MS. EGEA: Of course not.

SENATOR WEINBERG: Okay. So you don't know if it was just a lack of communication that created--

MS. EGEA: Oh, I'm sorry. I answered the wrong question. I meant I didn't know if they had, would it have changed it. I believe that, at the essence, yes, that better communication would have led to a better outcome. And it--

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SENATOR WEINBERG: So again, you believe that had they notified the local Fort Lee Police, Mayor, and Council, that there wouldn't have been all of this delay?

MS. EGEA: I don't know what the outcome would have been; I know that the more people who collaborate on fixing a problem, usually the better the solution.

SENATOR WEINBERG: So that's kind of a generic "it would be better to communicate."

MS. EGEA: Well, no, I'm being specific. I think that there were individuals in the city of Fort Lee who probably would have been helpful to speak to so that they could construct or devise the test, to be in a way that would not have influenced them, or impacted them the way it did.

SENATOR WEINBERG: All right. I have one more question, but I want to find the document in which you stated that you texted -- I believe you stated -- that you texted the Governor at some point about the professionalism of the Port Authority. This is December 9, 2013.

MS. EGEA: During the testimony?

SENATOR WEINBERG: And Foye, Fulton, and Durando testified, yes, before the Assembly Transportation Committee. Apart from listening to the testimony of Foye and the other -- I'll go on to say -- "you indicated that you probably would have discussed the testimony with McKenna and Crifo, and that you may have texted the Governor that you thought the Port Authority employees sounded professional."

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MS. EGEA: My comment-- So is this something that's in here, or are you reading from something else?

MR. MALDONADO: Page 7 of Tab 37.

SENATOR WEINBERG: Tab 37, page 7.

MR. MALDONADO: Section I.

SENATOR WEINBERG: Section I. Do you have a copy of that text that you might have sent to the Governor?

MS. EGEA: I do not.

SENATOR WEINBERG: Because I will tell you that we have made a request of the Office of the Governor for any texts or e-mails, and we don't have that either. And if, in fact, you may have texted the Governor about that, why would you not have been able to supply it?

MS. EGEA: I did not retain it.

SENATOR WEINBERG: Okay.

MS. EGEA: So would you like me to respond on this?

SENATOR WEINBERG: Yes, go ahead. I'm sorry.

MS. EGEA: So the comments I made about the professionalism really related to Mr. Fulton. I thought he was very balanced and professional in his presentation and his discussion of alternatives, and in the ways that he analyzed the opportunity to test traffic and how they approach that in the Port Authority.

SENATOR WEINBERG: And what about at that same hearing, Mr. Foye's testimony, which I referred to you earlier -- the 25 percent of the lanes and they carry 26 percent of the traffic? Did you think that was credible?

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MS. EGEA: Honestly, Senator, I don't remember him saying that. So--

SENATOR WEINBERG: But you do remember Mr. Durando's testimony -- er, Mr. Fulton's testimony?

MS. EGEA: Mr. Fulton, yes.

SENATOR WEINBERG: Yes.

MS. EGEA: Yes, yes, he went first. Mr. Fulton went first and, as I said, I think he was very professional; and I thought very complete in his testimony. I just don't remember; I'm not saying he didn't say it, I'm just saying I don't recall that.

SENATOR WEINBERG: He did say it, yes.

MS. EGEA: I don't doubt you.

SENATOR WEINBERG: Your attorney might disagree with my interpretation, but he did say it. And he also testified to the fact that there wasn't a legitimate traffic study, and a whole lot of other things -- which, apparently-- Well, my question is, did you text the Governor about that testimony?

MS. EGEA: I don't think-- I mean, I remember there were-- My evaluation of Mr. Fulton, that he was professional, and Mr. Foye, I thought, was, for me, his description of his relationship with Mr. Baroni was less confrontational than I observed it to be. It was more conciliatory, and that surprised me. And Mr. Durando, I thought, was a fairly honest and, you know, a 30-year employee trying to do the right thing. And so, those were my assessments.

SENATOR WEINBERG: Okay. Were you in the habit of texting the Governor?

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MS. EGEA: Not frequently, no.

SENATOR WEINBERG: And why did you delete a text? Are you in the habit of deleting texts that you send to the Governor's Office, or to the Governor?

MS. EGEA: No, no. It was-- Look, we've all been refreshed, in the Governor's Office, about our obligation to retain. So I was not consistent in what I retained, on the texting side, versus not.

SENATOR WEINBERG: So there were other texts that you've deleted?

MS. EGEA: Overall?

SENATOR WEINBERG: Yes.

MS. EGEA: Some of my subordinates, where I summarize where I get some information -- it's possible, certainly.

SENATOR WEINBERG: All right, let's just make sure we all understand this correctly. You deleted that text, where you don't ordinarily delete texts? Is that correct?

MS. EGEA: No, no.

SENATOR WEINBERG: All right, then tell me the--

MS. EGEA: When I've been using text with some of my subordinates, when they're at an Authority meeting, we will frequently try to stay in touch that way. And I don't retain them all. So I would not want to give--

SENATOR WEINBERG: Okay, but this was not a subordinate. This was the Governor.

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MS. EGEA: No, that's true, that's true. But I'm just using that as an example.

SENATOR WEINBERG: Well, you texted the Governor.

MS. EGEA: Yes.

SENATOR WEINBERG: About sworn testimony. You were giving your opinion about the veracity, or the professionalism -- your words -- of this sworn testimony.

MS. EGEA: Which was being recorded and available.

SENATOR WEINBERG: Right. And you didn't think it was necessary to maintain a text that you sent to the Governor?

MS. EGEA: Well, no I did not. Because I'm happy to disclose everything that was in it, and it was not at all substantive and, as I say, it's public record what the testimony was.

SENATOR WEINBERG: So it was solely your decision to delete it, is that correct?

MS. EGEA: Yes, yes.

SENATOR WEINBERG: Okay.

Did you delete it right after you sent it? Did you delete it an hour later? Did you just automatically go through and delete?

MS. EGEA: I don't remember. Yes, I don't remember.

SENATOR WEINBERG: You don't recall.

MS. EGEA: I don't.

SENATOR WEINBERG: Do you review your texts-- They usually show up per person, I guess--

MS. EGEA: Usually.

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SENATOR WEINBERG: --in a string. So do you review them at the end of every day? Do you review them--

MS. EGEA: It varies, it varies.

SENATOR WEINBERG: At the end of each day, generally?

MS. EGEA: No, it varies.

SENATOR WEINBERG: Okay. Do you have any idea if you deleted it after January 8?

MS. EGEA: I don't know, but I believe it was before; but I don't know.

SENATOR WEINBERG: Why would you believe it was before, if you don't know?

MS. EGEA: Well, as a matter of course, I don't keep-- I wouldn't have kept those texts as a matter of course for a long time unless I needed them for something. But I certainly disclosed and handed over all of the documents that I had, and texts that I had.

SENATOR WEINBERG: Okay. And you do know that the testimony that you were referring to was sworn testimony, under oath?

MS. EGEA: Absolutely.

SENATOR WEINBERG: From all three of these people, including Mr. Foye -- that he was under oath.

MS. EGEA: Yes, I am quite aware of that.

SENATOR WEINBERG: Okay. But how did you characterize his testimony under oath, then, if I may? In your personal opinion.

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MS. EGEA: As I indicated, I thought his testimony was just surprisingly conciliatory in his description of his relationship with Bill.

SENATOR WEINBERG: Okay, but what about the gist of his testimony -- that there was no traffic study, that those lanes carry 26 percent, etc. What about the real meat of his testimony?

MS. EGEA: Are you asking me what I think now?

SENATOR WEINBERG: Yes -- no, what did you think then?

MS. EGEA: What I thought was that he made statements about the lack of a traffic study, but I didn't see a lot of evidence produced. I'm not doubting his testimony, I was still in search of the, "how do we know that?" and the answer to that question -- and I didn't see that.

SENATOR WEINBERG: On December 9, you were still in search, but you had not yet demanded to see any results of any internal study or ask Mr. Foye if, in fact, he had such--

MS. EGEA: Well, he had testified to it. So he was under oath, to your point, so I believed him.

SENATOR WEINBERG: All right, thank you very much.

Assemblywoman Caride.

ASSEMBLYWOMAN CARIDE: Yes, thank you.

Yes, good afternoon.

MS. EGEA: Good afternoon.

ASSEMBLYWOMAN CARIDE: I just want to stay on the questions with regards to the December 9 meeting, because I am

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part of the Transportation Committee and I was present when Mr. Fulton, and Mr. Durando, and Mr. Foye testified.

And I must say, I do agree with you that Mr. Fulton and Mr. Durando were very forthright and honest, to the point -- and if you were listening to the testimony -- they testified that they knew that what was being done was wrong, but they didn't want to be whistleblowers because they didn't want to tempt fate. Do you recall that testimony?

MS. EGEA: Well, I don't remember those words exactly being used. I remember that Mr. Fulton's description of the alternative ways to examine the improvements in the traffic -- that there were alternatives, rather than the live test. And I thought that was quite persuasive, in terms that there was another way to do this; we didn't have to do it live. So that's why I say I thought he was quite professional and even-handed. He said you could do it this way, but there are other ways that might not have caused quite the traffic impact.

ASSEMBLYWOMAN CARIDE: Did you just listen to the hearing, or did you also watch it?

MS. EGEA: I listened to it.

ASSEMBLYWOMAN CARIDE: Oh, okay. Because I can tell you that Mr. Durando's testimony and Mr. Fulton's testimony was tortuous, okay? Tortuous. Because when they were testifying -- and it came out in their voice, and I believe you might have picked up on that -- they were afraid of the Jersey side -- not from

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the New York side. And they even mentioned it, with regards to Mr. Wildstein and Mr. Baroni.

When you texted the Governor about Mr. Durando and Mr. Fulton, did you also mention, or did you mention, or did you think to mention, that these two individuals, who are career Port Authority employees, were afraid for their jobs? They testified to that.

MS. EGEA: I heard Mr. Durando, I think, indicate, but I thought it was a-- Frankly, I thought it was an unnecessarily harsh interrogation of Mr. Durando. And I'm not disputing anything that he said wasn't truthful, but I personally thought that he was more aggressively questioned than Mr. Fulton. Both of them, I thought, were professional, but I thought Mr. Fulton -- as I said, even-handed, professional, complete in his testimony. I thought Mr. Durando was a bit more aggressively questioned, and I thought the reaction, unfortunately for Mr. Durando, quite honestly, for Mr. Durando that he was uncomfortable in his responses.

ASSEMBLYWOMAN CARIDE: I think that's a good word -- *uncomfortable* -- to the point where I even thought he was the scapegoat on this project.

Having heard their testimony, did you come away with any kind of indication that, perhaps, Mr. Baroni was not forthright with you?

MS. EGEA: Well, I would say that I don't know that it caused me to think specifically about Mr. Baroni, but certainly, as

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I've said, their testimony said there probably were other ways to do this. And I don't know why they chose to go the way that they did.

ASSEMBLYWOMAN CARIDE: Having heard Mr. Foye, and Mr. Durando, and Mr. Fulton, and the conflict surrounding this so-called study -- traffic study -- did you, at any point, after the December 9 hearing speak with Mr. McKenna about, perhaps, there was more to this than we've been led to believe by Mr. Baroni?

MS. EGEA: Immediately after -- directly after December 9, all of the planned change for Deb Gramiccioni to come in and replace Mr. Baroni -- all started being activated. So during that week, that was when those decisions were made, and I think that's been plainly said in public. And then the announcement on December 13 for Deb to go in and Bill to leave.

ASSEMBLYWOMAN CARIDE: Well, let me ask you, was the reason that Mr. Baroni was asked to leave because of the testimonies that were heard here before the Transportation Committee and the mess that occurred under his watch in Fort Lee?

MS. EGEA: Well, I can't say. I did not make the decision.

ASSEMBLYWOMAN CARIDE: With regards to the minutes, my understanding from what you had testified earlier is that your office reviews agendas to ensure they comply with New Jersey law and with the policies of the Administration.

MS. EGEA: And the bylaws of each Authority.

ASSEMBLYWOMAN CARIDE: Now, you're not an investigative Board, or office, correct?

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MS. EGEA: Correct.

ASSEMBLYWOMAN CARIDE: So how would you know if they were complying with New Jersey law unless you investigate to see that they are complying with New Jersey law?

MS. EGEA: Well, it's a Board action, so the attorneys on staff have responsibility for ensuring that that it's an authorized resolution to bring before the Board. So it's not activity inside the organization; it's really resolutions that come before the Board. That's the compliance I was talking about.

ASSEMBLYWOMAN CARIDE: I mean, I understand that you review these agendas and you have individuals who work with you who review the agendas. And if they don't comply with New Jersey law, or if they don't comply with the policy of the Administration, what would be the consequences?

MS. EGEA: Normally, we would discuss with them the fact that it doesn't come on the -- that it doesn't comply with the law or the bylaws, and indicate that that wouldn't be an appropriate thing to put on the agenda. And we discuss, sometimes; it's a misunderstanding, sometimes that it is not appropriate, and the Authority would go back and either restructure or not bring forward whatever the resolution is.

ASSEMBLYWOMAN CARIDE: Now, you'll have to forgive me because I'm very confused with what the Port Authority is, isn't; its relationship with New York and New Jersey. Would it be fair to say that the Port Authority is an independent agency?

MS. EGEA: Well, how do you define *independent*?

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ASSEMBLYWOMAN CARIDE: Independent where it can do its thing without having the Governor's Office of either state involved?

MS. EGEA: So I'd say no, in the sense that both governors have veto authority.

ASSEMBLYWOMAN CARIDE: Has there been a situation where our State has vetoed minutes for the Port Authority?

MS. EGEA: Not since I've been in this position, but there could have been in the past.

ASSEMBLYWOMAN CARIDE: With regards to the agenda that comes before the Committee that your office reviews, do they put on there if they're going to be issuing grants to towns -- whether in the state of New York or the State of New Jersey?

MS. EGEA: Not always.

ASSEMBLYWOMAN CARIDE: But they do, sometimes?

MS. EGEA: It depends on the Authority level. The Executive Director and different levels inside each of the Authorities have different levels of authority to authorize expenses. So it all depends on which Authority and how much.

Well, for example, in Tab 43, I believe that Wildstein speaks about a $60,000 grant to Springfield. Would that be something that would be on the agenda?

MS. EGEA: I don't recall it ever being on the agenda.

ASSEMBLYWOMAN CARIDE: If you're aware, does the Governor's Office have to sign off on these grants?

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MS. EGEA: I'm not sure which grant they're referring to, so--

ASSEMBLYWOMAN CARIDE: According to the Wildstein e-mail on Tab 43, he basically says that the Governor signed off on the grant for the $60,000 to the Township of Springfield. So is that -- if you know -- is that the course, or the procedure, that's done? The Governor has to sign off on these grants?

MS. EGEA: I don't know what they're referring to. I didn't facilitate it, so it didn't come through my office. But I don't know.

ASSEMBLYWOMAN CARIDE: Would you have known about the grant that was given to Fort Lee for the shuttle buses?

MS. EGEA: It did not come before the Board; so again, I'm typically, really reviewing all the items before the Board. So I don't recall that ever coming to the Board.

ASSEMBLYWOMAN CARIDE: Would that be the independent part of the Port Authority -- giving the grants?

MS. EGEA: Well, as I say, there are authorization levels, you can think of them, in every Authority, right? Not everything comes to the Board; like, for example, some of them, the threshold is $25,000, some of them it's $100,000. It all depends on the Authority and what the nature of the expenditure is. So that goes on regularly in all Authorities -- that their expenditures are approved below the Board level. And that's with known delegation of authority to the staff.

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ASSEMBLYWOMAN CARIDE: What about the monies for the project on the Pulaski Skyway? Would that be on the Board's agenda?

MS. EGEA: I understand that that all transpired before I became the Director of the Authorities Unit. So I don't know how it actually all got authorized.

ASSEMBLYWOMAN CARIDE: Would you happen to know which office the request for these grants, or project monies, go through from the Governor's Office? Like, where would it go? Like, the Port Authority wants to give out this money, but is it that the Governor's Office approaches the Port Authority about helping this town, or does the Port Authority go to a specific office in the Governor's Office and say--

MS. EGEA: I don't know.

ASSEMBLYWOMAN CARIDE: You don't know? Okay, all right.

With regards to Mr. Baroni and his opening statement -- a lot has been said about his statement. I know you stated earlier that you were asked to help Mr. Baroni by Mr. Samson, as well as Mr. Baroni himself. Is that something that your position in the Authorities Unit does -- help with individuals who are going to be testifying before committees?

MS. EGEA: Well, as I think I have responded before, I don't recall there ever being an occasion when there was testimony. But there were occasions when I would work with Deputy Baroni. For example, an item was coming up on the Board

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to extend a lease at a container terminal in Brooklyn. And there was a whole business case supporting it: how much capital investment the Port Authority would do, how long the lease would go, what the returns would be. And so I would work with Bill in terms of assessing, did we think it was in the best interests of the Port Authority --before the item came on the Board.

ASSEMBLYWOMAN CARIDE: Did Mr. Samson explain to you why he thought it would be a good idea for you to help Mr. Baroni with his opening statement?

MS. EGEA: To support the clarity, and ensuring that it was as concise and clear as we know we could be. Just another resource, and I was familiar, obviously, with the Port Authority and was someone he could turn to.

ASSEMBLYWOMAN CARIDE: And again, that goes back to why I am all confused, because I know that the Port Authority has a Communications Office, and would it be fair to say that, technically, Bill Baroni was an employee of the Port Authority?

MS. EGEA: He was an employee of the Port Authority.

ASSEMBLYWOMAN CARIDE: Okay. So why would an Office of the State of New Jersey -- the Governor's Office -- be helping him with his statement when he could have gone to his Communications Office in the Port Authority to set the record straight?

MS. EGEA: He very likely did; I don't know. He could've consulted with them as well. So I don't know that I was the

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exclusive individual who provided him advice on the opening statement.

ASSEMBLYWOMAN CARIDE: Did you, by any chance, help him when he had to go before the committee down in Washington, D.C. with his opening statement?

MS. EGEA: I was aware that he was going, but I did not.

ASSEMBLYWOMAN CARIDE: So this was the only time that you had helped him?

MS. EGEA: Yes, when he came before the New Jersey Legislature. That's another reason why I think it made sense.

ASSEMBLYWOMAN CARIDE: You heard his testimony, correct?

MS. EGEA: Correct.

ASSEMBLYWOMAN CARIDE: I had the pleasure of sitting through it. What did you think of his performance?

MS. EGEA: My concluding remark, subsequently, when he was finished, was that he had gotten the information out there, but I wouldn't have done it the same way.

ASSEMBLYWOMAN CARIDE: Did you feel that he was also professional the way you described Mr. Fulton and Mr. Durando?

MS. EGEA: I thought he brought in the extraneous information that was unnecessary, and was a bit more antagonistic than I would have been.

ASSEMBLYWOMAN CARIDE: I agree with you there.

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Did you reach out to the Governor and give your assessment of Mr. Baroni's testimony?

MS. EGEA: No, I did not.

ASSEMBLYWOMAN CARIDE: Any particular reason? Just out of curiosity.

MS. EGEA: No.

ASSEMBLYWOMAN CARIDE: I think you mentioned that your statement -- or how you cleaned up his statement -- was completely different. He did not follow through when he came before the Committee?

MS. EGEA: Yes, it was not the version-- He did not take my suggestions, I think, is a way to describe it.

ASSEMBLYWOMAN CARIDE: Did you ever speak to him about that?

MS. EGEA: Not at length. Once it was over, I didn't see the point in belaboring the point. He knew what I thought, and I had expressed, as I said, I wouldn't have done it that way. He got the points out.

ASSEMBLYWOMAN CARIDE: Let me go back to the-- Did you ever know about the funding for the shuttles for Fort Lee?

MS. EGEA: No, I wasn't aware.

ASSEMBLYWOMAN CARIDE: Did Mr. Baroni ever speak to you about it? Because, I mean, it was through his insistence.

MS. EGEA: Not that I recall.

ASSEMBLYWOMAN CARIDE: When everything was going on, one of the things that I have to say that I agree with

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Senator Weinberg on is this lack of curiosity that took place in the Governor's Office from his staff. And you had mentioned earlier that you felt that any difference between the Executive Director and the Deputy Director should be handled amongst themselves, and that Mr. Samson was also involved.

MS. EGEA: Aware.

ASSEMBLYWOMAN CARIDE: Aware.

MS. EGEA: Sure.

ASSEMBLYWOMAN CARIDE: When you took the position as the Director of the Authorities Unit, were you told not to get involved between the Director and the Deputy Director, and let them handle their differences? I mean, is that standard operating procedure for your office -- not to get involved?

MS. EGEA: I was not instructed in any way about that. I thought it was the best way for me to manage my relationship with that Authority.

ASSEMBLYWOMAN CARIDE: So I know we will also disagree on *realignment* and *closure* -- because I'm from Bergen County and the backup hit my town. And as far as my opinion goes, it was closed lanes.

With regards to all the articles that came out, and with regards to the e-mail that was sent to you from Mr. Baroni with the High Importance of Mr. Foye's e-mail, did you-- I know you stated that you did not reach out to Mr. Foye because you felt that that wasn't the way to handle it. I know you said you reached out to Mr. Samson, correct?

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MS. EGEA: Yes, I definitely discussed it with him. I don't know when exactly.

ASSEMBLYWOMAN CARIDE: Did you think to contact your counterpart in New York City and say, "Hey, we've got a situation here"?

MS. EGEA: No. As I said, it struck-- And you have to try to go back to remember what we knew then, as distinguished from what we came to know in December and January. And at that point, as I've indicated, there was ongoing tension between the individuals; there were ongoing leaks to the press -- not generally-- Not at all that I can recall from the New Jersey side; it was generally on the New York side. And we had this situation of accusations being made, and then further involving the press without any further production of evidence. And so it was more consistent with the difficult relationship and the engagement of the press to really try to undermine, frankly, that's how we saw it -- I saw it -- undermine the Deputy in the public's mind, and perhaps even in the Board's mind.

And so it never rose to a level of aggressively going in one direction and another until we saw the evidence because of all the accusations.

ASSEMBLYWOMAN CARIDE: I'm sure you don't know, but you're the second individual who has testified before the Board (*sic*) with pretty much the same explanation as far as we knew that there was tension between the Director and the Deputy Director; and we figured that it was just them just trying to undermine the

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Deputy Director. Again, it's that lack of curiosity that is bothersome to me. But that's my opinion.

Here's a question that I-- While you were talking today, and your testimony, you had stated that you didn't think to forward the e-mail that Bill Baroni sent you marked High Importance -- which was the e-mail from Mr. Foye. And I know that Co-Chair Wisniewski had broken it down, with regards to possible breaking of laws, etc. I'm curious -- did you forward it to any of the attorneys that are subordinate to you in your office to look into to see if there was, in fact, something that is not complying with New Jersey law, which is one of your office duties?

MS. EGEA: To Nicole; I think I already expressed that I did forward it to Nicole.

ASSEMBLYWOMAN CARIDE: Right. But I believe that your testimony was that she handles Port Authority; whatever you had, she mirrors in her file.

MS. EGEA: Correct.

ASSEMBLYWOMAN CARIDE: My question is -- I mean, I realize that you're not an investigative body, but you also want to make sure that everything complies with the laws of New Jersey. We're talking about a possibility of breaking the law in New Jersey. Aside from Nicole having a copy in her file because she's handling the Port Authority, did you instruct her to look into it?

MS. EGEA: I don't know if she did or didn't. We had, I'm sure, a brief discussion about what the Executive Director referred to. But whether she did or didn't, I'm not sure. But

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nothing came to mind; I will say that it was difficult for us to come up with an example of a law that was broken.

ASSEMBLYWOMAN CARIDE: And this is where my curiosity comes in, because that e-mail -- you didn't send it to McKenna or Mr. O'Dowd, but yet -- and that was the High Importance. But yet, the e-mail of Co-Chair Weinberg attending a PA meeting deserved being sent to O'Dowd, McKenna, and Drewniak. And I'm just wondering--

MS. EGEA: Sure, I can explain.

ASSEMBLYWOMAN CARIDE: --what the importance of -- no offense, Senator -- her being at a meeting, versus the--

SENATOR WEINBERG: I'm not offended. (laughter)

ASSEMBLYWOMAN CARIDE: --Executive Director of the Port Authority saying, "Wait a minute. Someone screwed up here."

MS. EGEA: Yes, no, it's a good question.

So the reason I selected those addressee lists for the e-mail in October was, first, as I started to explain, Mike Drewniak, because he's in the Press Office and I was describing, you'll recall, interactions with the press. And so, on all Authorities, we try to keep the Communications Office alert to, there might be an inquiry that will come around the other side because they're listening to an Authority item and they might come around asking questions. So we always alert them; that's standard practice.

I included Charlie McKenna because, you'll recall the prior week, I had had Bill consult with Charlie about the Senator's appearance at the Committee meeting. So since he had been aware

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of the Senator, both attending the Committee, I thought he should also aware that she attended the Board meeting and the context of it.

And then, lastly, I selected Kevin O'Dowd because it was a Senator and it dealt with the Legislature, and I thought he should be aware that there were possible press inquiries as a result of the Senator at the Port Authority meeting. That's why I selected him.

ASSEMBLYWOMAN CARIDE: Would it be fair to characterize that e-mail as an FYI to McKenna, O'Dowd, and Drewniak about the Senator being present?

MS. EGEA: So they were aware. I don't know what FYI means to you -- just so they were aware.

ASSEMBLYWOMAN CARIDE: For their information.

MS. EGEA: Yes, no, I mean -- Yes, I know. (laughter) I know what the letters mean.

ASSEMBLYWOMAN CARIDE: Okay.

MS. EGEA: I mean I thought it was something that they should be aware of.

ASSEMBLYWOMAN CARIDE: You don't think, as an FYI, they should have been aware of Pat Foye's e-mail from September?

MS. EGEA: Well, no, again -- I keep going back to, this was not the first time there had been tension between the two, not the first time the press had been drawn into some of the internal negotiations inside the Port Authority. So at first blush it appeared to be what I've described -- which is some fairly substantial accusations; I absolutely agree. But expecting that the Executive

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Director, having levied the accusations, would follow-up as he said would -- to do a review and come back to those he addressed in the e-mail as to his findings.

ASSEMBLYWOMAN CARIDE: Let me jump to something else.

When you were questioned about an earlier e-mail with regards to -- I believe, it was the e-mail with regards to Senator Weinberg where "everything was under review," or the standard quote. You then once said that that's that the standard quote given when an issue has not been vetted and it's in the process of being vetted--

MS. EGEA: Reviewed.

ASSEMBLYWOMAN CARIDE: --or reviewed and investigated. And I know that you also had testified that the appropriate path would have been -- Mr. Samson was in the process of, I guess, reviewing it, finding a resolution to the issue.

MS. EGEA: I'm sorry; those are two different things.

ASSEMBLYWOMAN CARIDE: You had testified that the appropriate resolution path was for Mr. Samson, who was aware of the situation and was, I guess, reviewing the matter?

MS. EGEA: Well, he was aware of the tension between the Executive Director and the Deputy. I would not say -- I didn't say, I don't believe, that Mr. Samson was involved in the review. I mean, he was copied on the e-mail, so absolutely aware. But I don't think I made any statement about, I was aware that he was involved in the review.

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ASSEMBLYWOMAN CARIDE: Okay. And then, I guess, really, the question I have is how do you give an answer like that for something that has not been vetted, which no one is actively trying to vet? I mean, I can understand if you give that answer because you don't have-- I mean, you give that, "Everything's under review" -- that type of an answer because it's an issue that's still being investigated, still being questioned, and you don't have a solid answer. But if it's an issue that nobody's really investigating, on our side--

MS. EGEA: Well, I beg to differ. I think I've said this, that the Executive Director said he was reviewing it, and Bill's and my conversation was, "We should let him review it; let him find out. If he thinks there's something there, let him do it." And we hadn't heard any evidence presented by the Executive Director. So it was under -- as far as I knew, it was under review.

ASSEMBLYWOMAN CARIDE: Simply from that statement made by Mr. Foye in his e-mail?

MS. EGEA: Excuse me?

ASSEMBLYWOMAN CARIDE: Simply by that statement made in his e-mail?

MS. EGEA: Well, not simply. As you've repeated, right? -- it's High Importance. He is very specific, and he indicates he'll get to the bottom of it. So I thought he was quite, actually, insistent that he lead the review.

And at the press event, that October 16, I had the understanding, I believe, that he was at the press event. So, I

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mean, that would be typical after a Board meeting: the Executive Director holds a gaggle with the press, and the Deputy.

ASSEMBLYWOMAN CARIDE: Wouldn't your office follow-up, say, with your counterpart in New York: "Hey, is this being vetted out? Are we going to have a resolution to this issue?" Being that you have so many articles out there at this point, and so many questions being asked by the media, as well as legislators.

MS. EGEA: I haven't, typically, had that kind of relationship with the New York governor's office.

ASSEMBLYWOMAN CARIDE: Do you deal with the governor's office -- your counterpart in New York?

MS. EGEA: Not at all. We're obviously present at the Board meeting, but I can't think of an occasion-- The only occasion I've dealt with the New York governor's office -- and it's really the budget office -- was with the Waterfront on the budget when we were vetting a budget. And we worked with them to finalize that. But I don't remember an issue that I brought to the governor's office in New York.

ASSEMBLYWOMAN CARIDE: So the Port Authority is a bi-state agency, but it's more New Jersey does its own thing, and New York does its own thing? And then, hopefully, in the end, it works out?

MS. EGEA: No, they have a combined Board; they absolutely collaborate at the Board level. We expect the Board members to be able to reach conclusions of what's in the best interest of both states.

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ASSEMBLYWOMAN CARIDE: But wouldn't it be to the benefit of the Port Authority for the two states -- if the two states were to be working together? Like, your office working in conjunction with--

MS. EGEA: If there were a need; if there was an item that we needed to, I'm sure we would. But the vast-- All the items I was involved with, as I said, were resolved at the Authority level.

ASSEMBLYWOMAN CARIDE: Do you know if Pat Foye and Baroni were working together to coordinate any kind of media response after his e-mail?

MS. EGEA: I don't know.

ASSEMBLYWOMAN CARIDE: Wasn't the script back then also, "New York is reviewing the issue," or should it have been, "New York is reviewing the issue" instead of "Everything is being reviewed"?

MS. EGEA: I didn't see a reason to point out New York and New Jersey. No, I did not-- I didn't give any advice about that, but as a general matter, I don't think we distinguished who's reviewing what at the Port Authority -- New York and New Jersey -- in public.

ASSEMBLYWOMAN CARIDE: I don't know; I guess because your testimony is, pretty much, you thought that he was going to be doing the reviewing because of his allegations -- that our response to any questions would be, "New York is reviewing," instead of saying, "It's all under review," as part of a dual agency working together -- when that wasn't the case.

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MS. EGEA: Well, I don't know what the Executive Director was doing. He asserted that he would; I don't know who he involved, to be honest with you. I don't know what kind of review he did.

ASSEMBLYWOMAN CARIDE: And that's another question for you. Being that this took place in September, and being that there were problems with the media all over the story in October, and now we're into November. At any time between September and December, did you call to find out, from the New York side, if anything was being done?

MS. EGEA: Well, during November, you'll recall, though, that's when the testimony was requested -- the appearance was requested from Bill Baroni. And so what I thought I was seeing was the results of the test. So to say I would, of normal course, been asking him; he didn't produce anything. We were talking about his opening statement; he didn't produce anything.

So I wouldn't say I didn't inquire; I would say that nothing was produced; we worked on the opening statement. The data that was in there, in terms of the improvement of the time of the transit through the toll booth, was the evidence I saw that supported what he described as a *traffic study*.

ASSEMBLYWOMAN CARIDE: Speaking of the data, did Mr. Baroni ever tell you that in his preparation to come before the Assembly Transportation Committee he vetted the members of the Committee so that he knew cars that were passing through the George Washington Bridge that came out of their district?

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MS. EGEA: No, he had the E-ZPass data by county, I think. It was in the chart that I indicated that wasn't really necessary. So I knew that he had the data by county or by area. So I don't know that it necessarily related to the Committee members.

ASSEMBLYWOMAN CARIDE: And so he didn't tell you about that?

MS. EGEA: I don't recall that. I remember, you know -- I mean, I think he knew generally where the Committee members were from. He would have; if he hadn't been in the Legislature, he would have known.

ASSEMBLYWOMAN CARIDE: Well, I found out later on that he had, specifically, for the members -- and since I'm from Bergen County, he had a number of E-ZPass individuals who go up through the town instead of I-95 or 80. So the data was different from what he had explained to you. I was just curious if he had told you that he had information on all of us on that Committee.

MS. EGEA: I don't know. I'm not aware of that. I didn't ask him, and I'm not aware of it.

ASSEMBLYWOMAN CARIDE: And then after you heard the testimony from Mr. Fulton and Mr. Durando -- which was contrary to Mr. Baroni's -- at that point did you think to, maybe, find out if any kind of investigation was being done to resolve this issue? I mean, you heard Mr. Foye say that there was no transportation study -- traffic study. Anything?

MS. EGEA: I think I've already stated that immediately after that, the timeline for Bill to leave and Deb to come in started

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occurring fairly shortly after that. So I don't really believe I spoke to Bill at all that week.

ASSEMBLYWOMAN CARIDE: And this is my last question.

With regards to the reviewing of the agenda, is there ever anything in there with regards to traffic studies that they're proposing to do, to get it approved by the Board? Or does the Board have to approve a traffic study?

MS. EGEA: At the Port Authority, you're asking?

ASSEMBLYWOMAN CARIDE: Yes.

MS. EGEA: Not that I'm aware of. I don't recall that ever coming to the Board previously.

ASSEMBLYWOMAN CARIDE: I'm sorry, I thought it was going to be the last question, but this is the last question.

After you heard Mr. Durando and Mr. Fulton's testimony, did you have any doubt -- and I know I asked you before -- did you have any doubt with regards to Mr. Baroni, and what he said to you, and his allegations as to the traffic study, and as to Mr. Foye interfering and meddling where he should not be interfering and meddling?

MS. EGEA: So I take two things: one is, having listened to Mr. Fulton, it more drove me to question Mr. Baroni's judgment rather than his veracity; in that Mr. Fulton described fairly straightforward alternatives to conducting a traffic study and being able to determine what the impacts were going to be. And so it was

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more -- it was judgment, but why would you pick one that had the risks that it did if you could have avoided it?

ASSEMBLYWOMAN CARIDE: I believe Mr. Fulton had testified that they could have done this traffic study by just looking at the data from the E-ZPass.

MS. EGEA: Right, computer model.

ASSEMBLYWOMAN CARIDE: Yes.

MS. EGEA: Right, a computer model.

ASSEMBLYWOMAN CARIDE: I have no further questions.

SENATOR WEINBERG: Thank you.

A couple of follow-up questions here.

I think you answered my Co-Chair, Assemblyman Wisniewski, about operational issues versus policy issues at the Port Authority, in terms of your position, correct?

MS. EGEA: We did discuss that.

SENATOR WEINBERG: Yes, okay. If I made a request to appear at a subcommittee of the Port Authority, why were either you or Mr. McKenna involved with such detail that you were reviewing the bylaws of the Port Authority?

MS. EGEA: Well, Senator, you had made a request that was out of the ordinary. As I stated at--

SENATOR WEINBERG: And-- Yes.

MS. EGEA: --at committee meetings there was never public comment, and Bill wanted to -- asked to help evaluate what the choices were, first.

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SENATOR WEINBERG: So he had nobody at the Port Authority who he could evaluate that with? He had no legal--

MS. EGEA: I don't know who else he spoke to. I don't know who else he spoke to. He could've--

SENATOR WEINBERG: I mean, he went to the Governor's Office for that evaluation, right?

MS. EGEA: Well, for one part of it. I don't know what else he did.

SENATOR WEINBERG: And you actually-- You testified that you actually reviewed the bylaws, and they were silent. And I knew very well that I was making a request that was out of the ordinary, which is why I phrased it, that I would appreciate their courtesies, which they extended to me.

MS. EGEA: Right.

SENATOR WEINBERG: I just find that-- You know, we're dealing with the Port Authority with a huge legal department. And they go to the Governor's Office to have a review of--

MS. EGEA: Well, Senator, you know, you were a New Jersey Senator. I guess I don't see it as strange.

SENATOR WEINBERG: I was well aware of it, and I actually represent Fort Lee, among other towns.

MS. EGEA: Absolutely. So I don't think it's that unusual. It didn't seem unusual to me, let me put it that way. It didn't seem unusual to me, since you were a sitting New Jersey Senator that you might consult with us and indicate what he had (indiscernible).

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SENATOR WEINBERG: Well, you apparently did not take Mr. Foye's e-mail that seriously, in terms of, "Laws were broken here." But you did take seriously, "Well, let him go look at it, and we'll wait." And you didn't spend any time between whenever this internal review is announced around October 6, or thereabouts, to ever call, or actually find out, "Was an internal review done, and what did they find out there?"

Now, you spent time reviewing the bylaws to see if a State Senator is allowed to testify before their subcommittee, but you don't spend the time to find out if a legitimate, internal review was done here.

MS. EGEA: Well, there are temporal differences in those two circumstances.

SENATOR WEINBERG: Okay.

MS. EGEA: I believe you contacted the Port Authority the week before the committee meeting. So it was a decision that had to be made that week, because the committee meeting you requested to speak at was the following Monday. So we had to deal with it in those couple of days.

And I contrast that with the review, which is a bit more elaborate. I didn't expect it to be a short-term-- I didn't know how long, but-- So it didn't seem unnatural that it would have gone on for a bit of time.

SENATOR WEINBERG: So it wasn't unnatural to you that it was taking all this time -- this internal review?

MS. EGEA: Well, you know--

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SENATOR WEINBERG: Which, by the way, has never been completed, as far as any of us know. But, go ahead. (laughter)

MS. EGEA: Well, that's the point, right? I never saw a complete-- And I didn't want to interfere; I think I've said previously, I didn't want to interfere in their relationships. And I thought that he-- His e-mail was so detailed that if he had the evidence, he would have brought it forward; and not bringing it forward, frankly, kept reinforcing the idea that this was more political and not substantive.

SENATOR WEINBERG: You know, that's a theme that we've heard throughout these hearings, by the way. "We don't take Pat Foye too seriously, because he and Bill Baroni didn't get along, or New York and New Jersey don't get along," so--

MS. EGEA: This is a point of clarification--

SENATOR WEINBERG: Excuse me, I'm speaking now.

So we don't take them too seriously.

I'm a partisan political person, so if I wrote a letter asking something on behalf of my constituents, we won't take that too seriously. That is a theme, Ms. Egea, that has come through with every single witness that's appeared before us. So I'm glad that you're sticking to the script, in this particular case.

MS. EGEA: Well, Senator, if I could--

SENATOR WEINBERG: Assemblyman Moriarty, do you have--

MS. EGEA: Well, Senator, if I could clarify, Senator?

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SENATOR O'TOOLE: Chair, I have a-- We have a procedural issue, Chair, that we have, now, a lack of quorum here. I think our seventh member left -- Amy Handlin.

ASSEMBLYMAN WISNIEWSKI: You don't need a quorum to take testimony.

SENATOR O'TOOLE: I was told by OLS you needed to have 50 percent plus 1 to continue to hear business.

ASSEMBLYMAN WISNIEWSKI: To take a vote, to take a vote. We don't have any votes.

SENATOR O'TOOLE: So can we get a rendering? We have 6 of 12 here; and if that's the issue, I'd like to hear from OLS, because we have 6 of the 12.

I just want to make sure that, six months from now, someone says, "Well, you folks operated in a legal zone, at some point," so I'd like to have a ruling from OLS whether you need 50 percent plus 1, or is it you have less than 50 percent for -- just for testimony purposes.

ASSEMBLYMAN WISNIEWSKI: Well, I'm just going to weigh in, and then I'll allow OLS to say-- Senator, you and I have served in the Legislature the same number of years; you and I could probably count on our -- more than our two hands and feet the number of public hearings we've sat through where a majority of the members have left.

We're taking testimony. A quorum is necessary to transact business; we're not transacting business. And with that, I'll let OLS--

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SENATOR O'TOOLE: Well, Chair, I'm not going to slice the atom here, but when we have those committees, it's generally understood that the individuals are still within the building, there are other meetings going on, but they haven't really left. But this is a very specialized Committee--

SENATOR WEINBERG: I'm going to ask you where the evidence is for that. (laughter)

SENATOR O'TOOLE: Well, listen, this is a very specialized meeting here; we understand that. We've had resolutions passed; I want to make sure that we are not subject to criticism down the road. So I've consulted with OLS; they said it's 50 percent plus 1. So if I'm wrong, then we can continue with the 6 of the 12 of us.

ASSEMBLYMAN WISNIEWSKI: I'll ask OLS: Is there a specific rule that applies to this situation?

SENATOR WEINBERG: No. The answer--

MR. MOLIMOCK: A quorum is 7, and that would apply to any official action--

SENATOR WEINBERG: Would you use your microphone, please?

MR. MOLIMOCK: A quorum is 7, and that would apply to any official action of the Committee -- such as taking a vote -- but it is not uncustomary to take testimony without a quorum.

SENATOR O'TOOLE: So listen, customary or not, I just want to know. If we are on safe ground, with your opinion, let's stay here; that's fine. I just want to know if this is appropriate and

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legal, that we're going with a 50 percent -- is there 6 of us now of the 12? -- that we don't have 50 percent plus 1. If you're saying it's *appropriate*, as opposed to *customary*, I say let's plow ahead.

MR. MOLIMOCK: I would advise that it's not appropriate to take any official action, as a Committee, without a quorum of 7.

SENATOR WEINBERG: Okay.

Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: You were about 30 seconds away from a clean getaway. (laughter)

Thank you for appearing here today.

I'm going to start off by asking you if you can describe for me your current duties. What do you do now?

MS. EGEA: I'm the Director of the Authorities Unit.

ASSEMBLYMAN MORIARTY: Still?

MS. EGEA: Yes.

ASSEMBLYMAN MORIARTY: Have you talked to Pat Foye at all lately?

MS. EGEA: No, I have not.

ASSEMBLYMAN MORIARTY: You were talking previously about a lack of communication on the part of Mr. Baroni and others, and yet this seems to be something that really is a problem at the Port Authority that we should look into. Why aren't you talking with your counterpart on the other side? There seems to be a big lack of communication here as well.

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MS. EGEA: So I would distinguish the Port Authority and this situation from others. And specifically, as of early January -- and this actually responds to the Senator's comments just before -- we were really advised, from the legal perspective, to not discuss this subject at all among ourselves or with anyone else. And I've abided by that, so in terms of this specific to Fort Lee, lane closure, and what led up to it, and what has happened since. So I've not discussed this with anyone in either our Governor's Office or anywhere else. And I've also, frankly, I've not listened to anyone else's testimony; I've not read the notes, purposely, from the Gibson Dunn interviews; I've purposely tried to, frankly, retain my memory of what I knew and when I knew it because I am concerned that when you hear other people say things, it fills in blanks. And I don't want to have my memory contaminated in that way.

ASSEMBLYMAN MORIARTY: No, excuse me. I understand that. I'm talking about on other matters, not just this. I think there has to be some kind of communication, instead of this *us* against *them*. That's a problem.

MS. EGEA: Well, there's a new Executive Director -- excuse me -- there's a new Deputy Director at the Port Authority, Deb Gramiccioni. And thus far she has been working with the Executive Director, to my knowledge, productively. We haven't had any Board items that -- at least, that have come to my attention. I would not say that it is a cure-all, and there is some tension there, still. But I have not felt the need to change my approach to how I --

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the Governor's Office perspective -- how I deal with the Port Authority.

ASSEMBLYMAN MORIARTY: In retrospect, do you now believe that Bill Baroni lied to you?

MS. EGEA: As I said before, the testimony from Cedrick made me doubt his judgment. And the materials that, again, I've seen and I've purposely -- I'm sorry, I'm going to repeat myself -- but I purposely tried to not read articles, what people speculate, what people think happened, what they think he said. I've only, really, relied upon my memory, what I knew at a certain times. And I do believe I've questioned his judgment; I don't know what else he knew or didn't know at any point in time.

ASSEMBLYMAN MORIARTY: Did Bill Baroni tell you the truth?

MS. EGEA: I believe what he told me was the truth at the time.

ASSEMBLYMAN MORIARTY: He told you there was a traffic study going on.

MS. EGEA: And he produced--

ASSEMBLYMAN MORIARTY: Do you still believe there was a traffic study?

MS. EGEA: I've not allowed myself to listen to speculation, to listen to testimony, or anything else. So I haven't seen anything else related to the Fort Lee traffic study besides the opening statement that he prepared.

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ASSEMBLYMAN MORIARTY: Well, since you haven't kept up, I can tell you that, for most people who have looked at the evidence, the only people who still believe there's a traffic study are people who also believe in the tooth fairy. (laughter)

MS. EGEA: Well, that's a--

MR. MARTINEZ: Respectfully, Assemblyman--

ASSEMBLYMAN MORIARTY: I'm making a statement. I made a statement; it wasn't a question. She doesn't have to answer.

MR. MARTINEZ: Well, I will say, I am grateful that the Code of Fair Procedure does provide for Ms. Egea, at the end of the *Q* and *A*, to provide a brief statement for incorporation into the record. Because I am-- It's been several times now where Senators and Assemblypersons have decided to take editorial comments, and accusations, and shots suggesting that the Governor's Office has somehow scripted Ms. Egea here, which are offensive. And, fortunately, the Code of Fair Procedure allows at the end to all these comments that come out without the opportunity for other response, for her to have a response before the end of today.

ASSEMBLYMAN MORIARTY: Well, I apologize. Ms. Egea has said that she has not kept up, on purpose, so that she could keep a fresh mind. I'm informing her of what the common, general opinion has been, since she has stopped following the news; that's all

MS. EGEA: Well, I have to admit I don't appreciate being in the same sentence as *tooth fairy*.

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ASSEMBLYMAN MORIARTY: I didn't say *you*.

MS. EGEA: Well, you said the "only people," and I indicated that I didn't know if he had represented it-- I thought it was truthful in what he had told me.

ASSEMBLYMAN MORIARTY: Right. But you indicated that because you said you have not followed what's been going on.

MS. EGEA: Correct; that's correct.

ASSEMBLYMAN MORIARTY: And what I--

SENATOR WEINBERG: Assemblyman Moriarty, let's get back to questions, here.

ASSEMBLYMAN MORIARTY: Well, I don't want to be offensive; I didn't mean to be offensive. I'm just telling you that the people who have followed along -- that's their opinion at this point.

MS. EGEA: Right.

MR. MARTINEZ: And again, I just want to go on the record. The power of the subpoena isn't one to have her come here and listen to premature conclusions about an as yet unfinished investigation. It seems you've drawn the conclusion of what's already occurred here, and I thought that this was actually a Committee investigating this. And conclusions here seem to be that if you disagree with that particular statement, you're in a league with the tooth fairy.

ASSEMBLYMAN MORIARTY: Well, I do tend to disagree with Mr. Baroni's statements that there was a traffic study. Yes, I do.

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MS. EGEA: Okay.

ASSEMBLYMAN MORIARTY: I don't think if you were having a legitimate traffic study, you'd have e-mails that said, "Time for traffic problems in Fort Lee." I just don't believe that.

Can you tell me why Mr. Baroni was asked to resign?

MS. EGEA: I do not know.

ASSEMBLYMAN MORIARTY: I mean, this is someone you dealt with quite frequently, correct?

MS. EGEA: I did.

ASSEMBLYMAN MORIARTY: And no one filled you in, you didn't ask anybody, "Why is he leaving so suddenly?"

MS. EGEA: Well, I knew that there was a planned migration that Bill would be -- transitioning, I should say. Bill would be leaving, and that Deb was targeted to go in there at the beginning of the year.

ASSEMBLYMAN MORIARTY: And do you believe that that is what took place?

MS. EGEA: I know that that transition occurred.

ASSEMBLYMAN MORIARTY: No, do you believe that it was part of the planned migration, the timetable, etc.?

MS. EGEA: Well, I think that it got accelerated. I think that was already stated in public -- that it was accelerated.

ASSEMBLYMAN MORIARTY: Yes, but from your viewpoint, do you know why it was accelerated?

MS. EGEA: I wasn't part of the decision making.

ASSEMBLYMAN MORIARTY: How about Mr. Wildstein?

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MS. EGEA: I wasn't part of that decision.

ASSEMBLYMAN MORIARTY: Did you know they were going to resign before they did it?

MS. EGEA: I became aware the same day.

ASSEMBLYMAN MORIARTY: And you never asked questions afterwards?

MS. EGEA: Such as?

ASSEMBLYMAN MORIARTY: Why did he go so soon, or is there anything I should know?

MS. EGEA: I think it was stated in public that it was -- Mr. Wildstein, when he left, it was a distraction, and that was the impetus for his resignation.

ASSEMBLYMAN MORIARTY: Can we go to the phone calls of September 9, 2013? That would be Tab 1.

MS. EGEA: I'm sorry, what was the date?

ASSEMBLYMAN MORIARTY: That would be September 9, 2013. That would be the day for, "Traffic trouble in Fort Lee."

And if I could draw your attention to a series of phone calls-- By the way, how often did you talk to Mr. Samson? How frequently?

MS. EGEA: A few times a month, usually leading up to a Board meeting.

ASSEMBLYMAN MORIARTY: Okay. So on--

SENATOR WEINBERG: I'm sorry, excuse me. But we're just confused. What date are you pointing out?

ASSEMBLYMAN MORIARTY: September 9, 2013.

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SENATOR WEINBERG: September, okay. You're right.

ASSEMBLYMAN MORIARTY: On Tab 1. That's 6:23 -- starting at 6:23 p.m. There's a phone call; you were not the recipient. It was to Bill Baroni from David Samson -- these are his phone records -- from Red Lodge, Montana. Do you know what the significance of Red Lodge, Montana is? Does the Port Authority have any properties out there?

MS. EGEA: I don't know.

ASSEMBLYMAN MORIARTY: So could that be from a vacation home, a hunting lodge, or something?

MS. EGEA: I don't know.

ASSEMBLYMAN MORIARTY: You don't know where Mr. Samson was?

MS. EGEA: No.

ASSEMBLYMAN MORIARTY: Okay. So he called Mr. Baroni at 6:23 p.m.; this is the day that the traffic was snarled. He spoke to him for 2 minutes, from 6:23 to 6:25. And then at 6:26, he called you -- if these records are correct -- and spoke to you for 7 minutes, at 6:26 p.m. Can you tell me what that was about?

MS. EGEA: Specifically, no.

ASSEMBLYMAN MORIARTY: Generally?

MS. EGEA: Well, there were several things going on that week, one of which was the capital plan we were trying to finalize. Leading up to it in August, we had been working quite a bit, and we were trying to finalize it to release it. There was a Board meeting

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the following week, and so we were trying to finalize the capital plan.

And related to that, there was also an event at Newark Airport that they were trying to plan for Thursday, the 12th. And that didn't get canceled until the very last minute, so there was a lot of going back-and-forth on both the capital plan and this event at Newark Airport that I was aware of. I was really involved in the capital plan, and not involved in the Newark Airport event.

ASSEMBLYMAN MORIARTY: Was there any discussion at all about problems at the George Washington Bridge?

MS. EGEA: Not with me.

ASSEMBLYMAN MORIARTY: None? And did he tell you he had just gotten off the phone with Bill Baroni?

MS. EGEA: Not that I recall.

ASSEMBLYMAN MORIARTY: So his follow-up, which was to call Bill Baroni, David Wildstein, Bill Baroni again, and then Bill Baroni two more times that day -- you would not have any information about?

MS. EGEA: No. As I said, I knew about the capital plan, and I knew that they were working on the event on Thursday. Other than that, I had no idea why they were talking.

ASSEMBLYMAN MORIARTY: Okay, thank you.

I won't-- I'm going back to this e-mail; I won't belabor it forever. But I do have-- I just can't get my head around what would make you act to do something. We have this e-mail; it is not a bland e-mail. It's not the typical e-mail that probably comes

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across your desk from an Authority. This is an e-mail that talks about "danger to the public; I pray no life is lost." It talks about "potential violation of Federal and State laws." It says, "abusive decision," "adverse effect on economic activity in both states." This is a bombshell e-mail. And you keep testifying that -- and it's your testimony that you really did nothing except send it along to your assistant Crifo, and you never talked about this with the Governor's Office? You are the liaison to the Governor's Office between all the Authorities -- the most important Authority is the Port Authority of New York/New Jersey; it's the largest one. Nothing? Seriously?

MS. EGEA: Well, quite-- Well, actually, I think I've been quite consistent in that this was such a overzealous statement of -- and accusations inside of it. I would have-- I expected, frankly, that there would have been fairly immediate return of, "Where's the evidence?" and why -- what actually happened. And the longer there was no evidence produced after there was such an elaborate e-mail, as I've stated before, it fed, really, the expectation that there was nothing there; that it was laced with accusations using the press and, as I said, the longer it went on, you would have thought that some evidence would have been produced. And the longer it went on, it didn't.

ASSEMBLYMAN MORIARTY: But, I'm not asking you to call the U.S. Attorney; I'm not asking you to ride on a white horse over there. I'm wondering why you don't call up the Governor's Office and talk to McKenna, or why you don't text the Governor and

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say, “We’ve got a potential problem here. Houston, we have a problem.” Nothing.

MS. EGEA: Well, on the e-mail is the General Counsel for the Port Authority; the Chairman; the Vice Chairman; and the Executive Director, and the Deputy. So there was a fair amount of people -- a number of people who were already looking at it.

ASSEMBLYMAN MORIARTY: But you’re the liaison to the Governor.

MS. EGEA: Right. And when I think there’s something that I have substantial evidence and material to present to someone else, I would -- and I do bring things. But this was an accusation without any evidence.

ASSEMBLYMAN MORIARTY: And, I mean, was there anything like, maybe, you were unconsciously trying to avoid delivering bad news right before an election?

MS. EGEA: No, I have to deliver bad news on other Authorities. So, no, it was not that.

ASSEMBLYMAN MORIARTY: So what would make you pick up the phone and call McKenna, or text the Governor and say, “Hey we’ve got a little issue over here?” What types of things do you do that for?

MS. EGEA: Sure. So I’ll give you an example of when I’ve consulted the Chief Counsel.

I was notified by the-- The Executive Director at a different Authority notified me that they had been contacted that one of their employees the next morning was going to be arrested

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and charged for a confiscation of funds from the Authority. And in that instance I consulted with the Chief Counsel, number one, because he had been a prosecutor and his credentials were such that I wanted to be sure that I knew how to advise the Authority on any action they needed to take as a result of being notified of this. And then, secondly, to seek his counsel as well: Was there any other steps I had to take as the member of the Governor's Office when that kind of serious event is going to occur?

So I have turned to Charlie in very specific -- the Chief Counsel in very specific situations like that where I know I have something that needs to acted upon and I believe there's a responsibility that I have to not only advise the Authority, as well as to operate in good faith as the representative of the Governor's Office.

ASSEMBLYMAN MORIARTY: Okay. So that's a good example. But when someone claims illegality, and you're not an attorney, do you think maybe you should go to the Chief Counsel?

MS. EGEA: Again, there were several attorneys already looking at it -- the Deputy and the Executive Director are attorneys; the General Counsel was on that e-mail; the Chairman was an attorney. So there were several attorneys already looking at it.

ASSEMBLYMAN MORIARTY: So at what point -- since you are the liaison to the Governor, and not to the Port Authority -- at what point in this whole sordid affair did you finally go and talk to someone in the Governor's Office? Was it after the 35 articles?

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MS. EGEA: No, I think I've already stated that I directed Deputy Baroni to speak to Charlie prior to the Senator's appearance -- so that was one opportunity. And then Chief Counsel was also aware that I had been requested to work with Bill Baroni in making his testimony as concise as we could. So in both those cases, the Chief Counsel--

ASSEMBLYMAN MORIARTY: So that would be in -- what was that, November?

MS. EGEA: That was November. So the first was in October, and the -- well, the end of September, probably prior to the appearance; somewhere around there.

ASSEMBLYMAN MORIARTY: But you still hadn't talked to the Governor's Office.

MS. EGEA: The Chief Counsel is in the Governor's Office.

ASSEMBLYMAN MORIARTY: No, you said the Chief Counsel asked you to help. It sounds like--

MS. EGEA: Sorry?

ASSEMBLYMAN MORIARTY: Didn't you say that the Chief Counsel asked you to help prepare Baroni?

MS. EGEA: No, I was saying--

ASSEMBLYMAN MORIARTY: I'm sorry.

MS. EGEA: I notified Chief Counsel McKenna that I was working with Bill prior to his appearance and his opening statement. So I talked to the Chief Counsel twice in the 60 days.

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ASSEMBLYMAN MORIARTY: That was a notification, basically, that I was asked to do this? Or was there a lengthier conversation?

MS. EGEA: I don't recall. I think I just notified him; I don't recall, really.

ASSEMBLYMAN MORIARTY: That's what I mean; it wasn't, like, "Hey, we have to sit down and talk about this. How does this-- What are we doing on this?" It was just a notification that you'd been asked by David Samson to help prepare Mr. Baroni for his testimony.

MS. EGEA: Right.

ASSEMBLYMAN MORIARTY: Okay. Why did you notify him, then?

MS. EGEA: The Chief Counsel?

ASSEMBLYMAN MORIARTY: Yes.

MS. EGEA: Because it was going to be an appearance by the Deputy in the New Jersey Legislature, and I thought, given the proximity, and that we were representative of the Port Authority that I had that responsibility and I thought he should be notified.

ASSEMBLYMAN MORIARTY: But nobody needed to be notified about this e-mail from back in September. That's what I mean; it's like--

MS. EGEA: Well, first-- Well, second, you have to remember, that entire e-mail was released by someone to the press on October 2.

ASSEMBLYMAN MORIARTY: Right.

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MS. EGEA: So everyone had a copy of the e-mail. That was not a mystery at all, at this point.

ASSEMBLYMAN MORIARTY: Okay. Let's talk about the prep for a second.

Who did the research to get the information on legislative districts and how many E-ZPasses? Do you know who did? Was that Bill Baroni?

MS. EGEA: I didn't know it was done. The material was presented to me by the Deputy, yes.

ASSEMBLYMAN MORIARTY: So he presented you, and said, "Here's information about breakdown by legislative district"?

MS. EGEA: I don't recall him saying *legislative district*; he could've, but I don't remember him saying that. I just remember him indicating that he was trying to demonstrate that there are people from all over New Jersey who use the George Washington Bridge, and that they are a part of that 95 percent -- in his terms -- 95 percent of the traffic that's using 75 percent of the toll booths.

ASSEMBLYMAN MORIARTY: But he got that information?

MS. EGEA: Yes, he produced it.

ASSEMBLYMAN MORIARTY: So did he have someone at the Authority run numbers? Was there research done at the Authority? Were there people--

MS. EGEA: I have no idea.

ASSEMBLYMAN MORIARTY: --and resources that were put to work to get that information?

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MS. EGEA: I have no idea.

ASSEMBLYMAN MORIARTY: And was that information, then, given to Republican legislators and Democratic legislators, or whoever was sympathetic to the cause, to put that information out?

MS. EGEA: I have no idea.

ASSEMBLYMAN MORIARTY: All you know is that he presented it to you?

MS. EGEA: Yes, as part of his first draft of his opening statement.

ASSEMBLYMAN MORIARTY: Okay, and can you help me with, again, telling me which people-- Who exactly, besides yourself, helped Mr. Baroni prepare for his testimony?

MS. EGEA: I was with-- Nicole Crifo was in my office when we talked with Bill; he was on a speakerphone and we had a conversation with him. David Wildstein was there, but I don't know who else might have been in the room with them.

ASSEMBLYMAN MORIARTY: Okay, who was on speakerphone?

MS. EGEA: Bill Baroni, and I heard David Wildstein speak; and Nicole was with me in New Jersey.

ASSEMBLYMAN MORIARTY: Okay and, at another time, were there other people who helped prepare him?

MS. EGEA: I don't know.

ASSEMBLYMAN MORIARTY: Do you know anything about Phillip Kwon? Was he part of the prep team?

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MS. EGEA: I don't know. I mean, he worked at the Port Authority; I don't know.

ASSEMBLYMAN MORIARTY: Okay.

So your assistant, Ms. Crifo, recalls a second call that she says the participants were herself, you, Mr. Baroni, Mr. McKenna, and Mr. Kwon. Do you remember that?

MS. EGEA: McKenna?

ASSEMBLYMAN MORIARTY: Can we see Tab 42, at paragraph 8?

MS. EGEA: I'm sorry, where is the reference, did you say again?

ASSEMBLYMAN MORIARTY: I believe it's paragraph 8.

MS. EGEA: On what page?

ASSEMBLYMAN MORIARTY: Tab 42.

MS. EGEA: Right.

ASSEMBLYMAN MORIARTY: Page 8; I'm sorry.

"Crifo recalled Egea, Charlie McKenna, and Kwon participate in the second conference call. Egea, Crifo, and McKenna took the call from Egea's office."

You testified that Kwon and McKenna were not part of the prep when you were there, but this seems to contradict that. Does it refresh your memory at all?

MS. EGEA: Well, no. So if you go up two paragraphs, this is what I was referring to. There was a call that Nicole, Baroni, Wildstein-- I didn't know that Phillip was on that -- the first conference call, where we -- took place, yes, about November.

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That's on my calendar, right. So we had a conference call-- That's the one I was referring to.

ASSEMBLYMAN MORIARTY: Okay, what about this call?

MS. EGEA: You know, I don't know that I would have characterized-- I didn't recall it until I just read this. But I wouldn't have, I don't think-- I don't remember Phil Kwon -- if that's possible -- but I do remember having a conversation with Charlie McKenna being there, but I would not characterize it as a substantial conversation. I think we were just calibrating and looking at--

ASSEMBLYMAN MORIARTY: So what types of-- I mean, there's a lot of manpower and taxpayer power going into prepping Mr. Baroni. Was this just giving him hints as to, "Be truthful, be forthright," or was someone playing Assemblyman Wisniewski?

MS. EGEA: No, no. It was not at all like-- Much more the former than the latter.

It was very much as I have described -- that we wanted Bill to be concise and clear, and the three points -- we were always reinforcing the three points -- which were: there was a study; it was not well-handled from the communications or the collateral impacts of it, which we did not anticipate and we apologized for it; and that we wanted to assure everyone that it would not happen again. And Bill was to take responsibility, as the leader of the Port Authority for the New Jersey appointment.

ASSEMBLYMAN MORIARTY: And everyone at that point was still onboard that this was a traffic study?

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MS. EGEA: That's what he represented, and that's what the data supported that I've described.

ASSEMBLYMAN MORIARTY: And, again, is that what you still believe?

MS. EGEA: Well, I'll repeat what I said before.

ASSEMBLYMAN MORIARTY: Okay.

MS. EGEA: I don't have all the information that you've looked at, perhaps. I don't know what else has been said. I've tried to shield myself from not being influenced by others' speculation. So right now, as I've indicated, they had data, they had described the traffic study, they had data that supported that traffic study. And my only questioning occurred later as I listened to the other testimony, on December 9, about his judgment.

ASSEMBLYMAN MORIARTY: Okay. Anything else that stands out about that prep session that Mr. McKenna and you worked together on?

MS. EGEA: No. As I said, I didn't actually recall it until I just read that. And I recall that we had a brief conversation. I just don't remember what else was covered.

ASSEMBLYMAN MORIARTY: Let me switch gears to the Pulaski Skyway.

"In June of this year"-- Tab 56, please -- "it was reported by the SEC" -- the Securities and Exchange Commission -- "that they're looking into possible securities law violations in connection with the Port Authority's approval of $1.8 billion in road repairs to the Pulaski Skyway. According to the reports, the Christie

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Administration pressured the Port Authority to approve the repairs over the objections of Port Authority attorneys, who had warned that the Skyway was outside his jurisdiction. The Port Authority justified the Skyway repairs by casting the bridge as an access road to the Lincoln Tunnel, even though they are not directly connected.

"Although the original agreement was executed by the State and the Port Authority in the summer of 2011" -- before you were there -- "the agreement was amended in May 2012" -- just a few months after you took over at the Authorities Unit. "The amendment significantly reduced the Port Authority's role in overseeing the projects."

Why was the agreement amended in 2012?

MS. EGEA: I did not have significant involvement in the amendment. I recall that -- I mean, I've seen it on the agenda. I wasn't really involved in the revisions to it, and I'm not sure what motivated it.

ASSEMBLYMAN MORIARTY: You never had any conversations, no one ever told you, "This is important, we have to get this done." Nothing, zero?

MS. EGEA: It read to me that it was a clarification and a desire on the Executive Director's part to provide more clarity than he thought -- because I think it was right after he came in, as I recall -- that (indiscernible) to clarify, really, what the roles were and be clear about what's the Port Authority, and what's not.

ASSEMBLYMAN MORIARTY: Did you read it?

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MS. EGEA: I probably read it then, but I've reread it since.

ASSEMBLYMAN MORIARTY: And did you understand it in its entirety, or did you ask Ms. Crifo to help you with whatever legal technicalities -- I'm not a lawyer, so I wouldn't necessarily know.

MS. EGEA: She would have read it. She would have reviewed it--

ASSEMBLYMAN MORIARTY: And did she--

MS. EGEA: --as well as the attorneys at the Port Authority.

ASSEMBLYMAN MORIARTY: The same ones who gave their blessing that this was an access road to the Lincoln Tunnel?

MS. EGEA: I don't know who reviewed it before or since, but I know that nothing ends up as a proposed agenda item unless the attorneys at the Port Authority have reviewed it as well.

ASSEMBLYMAN MORIARTY: So you didn't have any role in amending that major contract?

MS. EGEA: I don't remember-- Having a role? No.

ASSEMBLYMAN MORIARTY: When you transitioned into this position, what information and background did Ms. Gramiccioni provide on this important issue?

MS. EGEA: I don't recall-- Which issue are you referring to? The Pulaski Skyway?

ASSEMBLYMAN MORIARTY: The Pulaski Skyway and the money that was coming to New Jersey to fix the Pulaski Skyway.

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MS. EGEA: I don't remember speaking with her about it. There would have been whatever Board actions had been taken so the files would be complete with the attorneys. But I don't remember having a discussion with her about it.

ASSEMBLYMAN MORIARTY: Did she describe any concerns that were raised by the Port Authority regarding the transfer of the funding?

MS. EGEA: I don't recall any.

ASSEMBLYMAN MORIARTY: Were you aware of the Port Authority legal opinion related to using Port Authority funding for the Pulaski Skyway was controversial?

MS. EGEA: I was not aware. It all preceded me, as I've stated.

ASSEMBLYMAN MORIARTY: Did you ever talk about that issue with the Governor -- either before, after, during?

MS. EGEA: No, I have not.

ASSEMBLYMAN MORIARTY: Okay. And, in your opinion-- Do you live in New Jersey?

MS. EGEA: I do.

ASSEMBLYMAN MORIARTY: Okay. Are you from up in that area?

MS. EGEA: Which area?

ASSEMBLYMAN MORIARTY: Up around the Pulaski Skyway.

MS. EGEA: No, I'm not.

ASSEMBLYMAN MORIARTY: Do you know the roads?

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MS. EGEA: Sorry?

ASSEMBLYMAN MORIARTY: Do you know the roads up there?

MS. EGEA: I've ridden it; sure, I've ridden it.

ASSEMBLYMAN MORIARTY: Okay. In your opinion, is the Pulaski Skyway an access road to the Lincoln Tunnel?

MS. EGEA: I'm not a traffic engineer; I can't answer that. I don't have the credentials.

ASSEMBLYMAN MORIARTY: Well, no, I'm not asking as a traffic engineer, because I can assure you if you ask any bus driver, taxi driver, or commuter, they'll probably give you an answer. So I'm wondering if you have an answer.

MR. MARTINEZ: Respectfully, Assemblyman, I think that calls for a legal conclusion, or at least a legal document. So I think her statement that she isn't qualified to answer it is a legitimate answer.

ASSEMBLYMAN MORIARTY: She doesn't have to answer it. I'm just saying I don't know that it requires a legal degree to ask somebody how to get to the Lincoln Tunnel from the Pulaski Skyway. I think you can ask any taxi driver and they will tell you, you would never go that way.

MS. EGEA: But you asked me, and my only response is that I don't know.

ASSEMBLYMAN MORIARTY: Yes, no, I got it.

MS. EGEA: Great.

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ASSEMBLYMAN MORIARTY: I got your response, thank you.

Can we talk, briefly, about this LAP program?

MS. EGEA: Sorry, what program?

ASSEMBLYMAN MORIARTY: LAP, they call it -- the Local Assistance Program of the Port Authority, where they give out grants.

MS. EGEA: Okay.

ASSEMBLYMAN MORIARTY: Do you know about it?

MS. EGEA: I'm not-- I mean, I know that there is -- there are some local grants; some were referenced previously by the Assemblywoman. But those are not items that come before the Board, so I'm not involved in them.

ASSEMBLYMAN MORIARTY: Okay.

MS. EGEA: That I've seen, anyway.

ASSEMBLYMAN MORIARTY: But we have David Wildstein talking to the Governor's Office saying, "We'd like you to -- we just approved this grant for $60,000 for the Mayor of Springfield; we want you to let them know." So there is some overlap in who gets the grants, and the Governor's Office calling to give the good news, apparently.

MS. EGEA: Well, not me. I don't know -- I've never seen that until it was included in the press releases, or the materials released to the press. So I wasn't knowledgeable or ever involved with that.

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ASSEMBLYMAN MORIARTY: So to your knowledge you don't have any-- Do you have any idea how you apply for or receive one of these grants?

MS. EGEA: No, I don't.

ASSEMBLYMAN MORIARTY: None whatsoever?

MS. EGEA: No, it's a delegated authority, as I described before to the Assemblywoman.

ASSEMBLYMAN MORIARTY: Okay.

I'd like to go back to the text with the Governor that we talked about before briefly.

But wait a minute; before I go to that, I would like to ask you about a meeting -- Tab 37, page 8. This took place on December 13; you said that a -- you recall seeing a meeting, prior to the Governor's press conference, where Bridget Kelly, Bill Stepien, and Mr. O'Dowd are talking in Kelly's office.

MR. MARTINEZ: Just for the record, this is not her statement, but a--

ASSEMBLYMAN MORIARTY: I'm sorry?

MR. MARTINEZ: --Gibson Dunn interview memoranda summarizing and interpreting those statements.

ASSEMBLYMAN MORIARTY: Was their summarization and interpretation incorrect on this?

MR. MARTINEZ: She hasn't reviewed it before today, but you're more than welcome to ask her.

ASSEMBLYMAN MORIARTY: Okay, take as much time as you want.

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MS. EGEA: Generally, yes, as I-- If I could elaborate just to give context for the comment -- that there was a way to get through to the back of the Governor's Office through Ms. Kelly's office. And I had gone -- I was trying to cut through it and I had walked in, inadvertently. And I really only saw Kevin, specifically, and he asks to give him a minute. And I don't really, as it states, that I really didn't have any sense of what was transpiring or their attitudes in the room.

ASSEMBLYMAN MORIARTY: Were they looking at the computer together?

MS. EGEA: As I said, I had a less than 15 second -- probably -- entered into the office, he asked to give him a minute. I only saw, by chance, out of my peripheral vision, Bridget and Bill in the office.

ASSEMBLYMAN MORIARTY: Bill Stepien?

MS. EGEA: Bill Stepien; I'm sorry.

ASSEMBLYMAN MORIARTY: So they were together, and this was on December 13. And O'Dowd was there as well, or no?

MS. EGEA: Yes, he was standing on the other side, in the other doorway, because that's the way you get through to the back office.

ASSEMBLYMAN MORIARTY: And who said, "Can you give us a minute"?

MS. EGEA: Kevin O'Dowd.

ASSEMBLYMAN MORIARTY: Okay. Did you assess any importance to that afterwards?

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MS. EGEA: No.

ASSEMBLYMAN MORIARTY: After January 8 -- I forget the exact date -- anything? Did you--

MS. EGEA: I don't know what they were thinking, I don't know what they were doing. I didn't hear any conversation, so I don't have an opinion.

ASSEMBLYMAN MORIARTY: Okay.

I want to go to the Governor and texting the Governor. How often would you text the Governor?

MS. EGEA: Infrequently.

ASSEMBLYMAN MORIARTY: But you had the ability to do so, and he would receive them and respond to you?

MS. EGEA: At times.

ASSEMBLYMAN MORIARTY: Okay. What types of things would be of importance to directly text him?

MS. EGEA: Something that we were trying to -- an item that we were trying to close, or something that I knew that I felt that he would want to be current on, that might be going on that he should be aware of.

ASSEMBLYMAN MORIARTY: When you texted the Governor regarding the professionalism of the Port Authority staff, did the Governor reply?

MS. EGEA: I don't recall any reply, no.

ASSEMBLYMAN MORIARTY: Did you delete-- You said you believed you deleted all of this?

MS. EGEA: Yes.

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ASSEMBLYMAN MORIARTY: When you deleted these things, did you think then, or now, that it could have violated some ethical law?

MS. EGEA: Well, as I said, we've all been refreshed on the requirement to retain documents. So I think in the current procedures that we're all following, I would not.

ASSEMBLYMAN MORIARTY: Has the Governor's Office implemented new procedures?

MS. EGEA: Yes.

ASSEMBLYMAN MORIARTY: Did they put them in writing?

MS. EGEA: Yes.

ASSEMBLYMAN MORIARTY: Can we get a copy?

MS. EGEA: I think you'd have to ask the Governor's Office, but they have been distributed to all the Governor's Office.

ASSEMBLYMAN MORIARTY: And does each of the employees have to sign that they read it and understand it?

MS. EGEA: I don't believe *sign*, but we all have to acknowledge it. I don't believe sign; I could be wrong about that, but I don't remember signing--

ASSEMBLYMAN MORIARTY: How do you acknowledge it if you don't sign it? Verbally?

MS. EGEA: You know, I'm not sure, I'm not sure. I would think that-- I don't know. I mean, I know I've received multiple instructions as a result, in terms of the retention and we're all complying now.

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ASSEMBLYMAN MORIARTY: Now, you testified earlier that you believe that you deleted the test to the Governor prior to January; you're not sure, but you think as a matter of course, you probably would have. Do you agree that the subpoena issued to you on January 27, 2014, and then another one in February, requires the production of all communication, including texts, regarding the lane violations?

MS. EGEA: Absolutely.

ASSEMBLYMAN MORIARTY: Okay.

MS. EGEA: And I have handed over all my personal, as well as government, account devices.

ASSEMBLYMAN MORIARTY: So you agree that texts fall within that, if you have the text?

MS. EGEA: Absolutely.

ASSEMBLYMAN MORIARTY: Do you still have the same phone that you had back then?

MS. EGEA: Yes.

ASSEMBLYMAN MORIARTY: And do you have the same service?

MS. EGEA: Yes.

ASSEMBLYMAN MORIARTY: And do you have the same phone number?

MS. EGEA: Yes.

ASSEMBLYMAN MORIARTY: Are you willing to, or is your attorney willing to have your phone imaged so as to preserve

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data, and metadata, and deleted items, as they exist on the device today?

MR. MARTINEZ: We haven't discussed that with counsel for the Committee.

SENATOR O'TOOLE: Just a point of clarification, is that an extension of the original subpoena, through the Chair? I'm just trying to understand the nature of that. Is that a request to extend the subpoena that's been asked?

ASSEMBLYMAN MORIARTY: No. The witness agrees that the subpoena includes texts, if she has them. She believes that they were deleted prior to January. My question is, are they willing to allow imaging of the phone that she has -- which is the same phone that she had then, the same provider, and the same phone number -- to preserve whatever is on there, that may be on there, that she may not know is still there as of today?

SENATOR O'TOOLE: Well, through the Chair, I just want to ask the counsel -- I suspect that you've looked at the subpoena and you complied with the subpoena, or you have not?

MR. MARTINEZ: We have. We've worked in coordination with Gibson Dunn, and there were protocols in place. And I believe this has been discussed with counsel for this Committee.

SENATOR O'TOOLE: I need to know, through the Chair, that this is an extension or an expansion of the underlying subpoena -- we're going in a different direction -- or you're saying to comply with the subpoena I'm hearing from you, and I'd like to

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hear from the Jenner & Block folks if, in fact, they have a compliance of the subpoena.

So Chair, if we could have our counsel address that?

SENATOR WEINBERG: Tony?

SENATOR O'TOOLE: Could you just address that issue, please?

MR. BARKOW (Special Counsel): I don't know -- if I should speak with counsel for a moment.

SENATOR O'TOOLE: Why don't you do that?

MR. BARKOW: Okay.

SENATOR WEINBERG: All right. We're going to take a five-minute recess right now. We'll let them speak back there. (referring to counsel)

(recess)

(return from recess)

SENATOR WEINBERG: Can everybody take their seats, again, please?

Is there an official answer to Assemblyman Moriarty's request?

MR. MARTINEZ: I believe we'll confer with Gibson Dunn. My understanding is a mirror image has been taken of the phone already. I'm unfamiliar with what searches were conducted, as I sit here today; but I will confer with Gibson Dunn, and my client, and counsel for the Committee and ensure that whatever

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searches need to be conducted that, perhaps, have already have been conducted -- I'm not sure.

SENATOR WEINBERG: So you will get back, through our attorney?

MR. MARTINEZ: Correct.

SENATOR WEINBERG: Okay. I want to add one more request, and that is that the phone number that you use to text the Governor also be supplied, confidentially, through you, Mr. Attorney, to our attorney.

MR. MARTINEZ: That's fine, Co-Chair.

SENATOR WEINBERG: Okay, thank you.

ASSEMBLYMAN MORIARTY: I'm just going to wrap up.

I just want to back to-- Thank you for hanging in there; I appreciate it. I know this is not fun.

I want to go back to the deletion of texts prior to this whole thing, and what takes place now; I think we need to know that. It might also be an area for future legislation, in terms of retention for State workers.

So can you tell me, prior to this whole issue coming up, how would you normally go about deleting texts?

MS. EGEA: Well, I use my-- I text both personally as well as professionally on the cell phone. And, as normal course, I would clear out when I don't need them any longer -- I'm not referring to them any longer.

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ASSEMBLYMAN MORIARTY: So you just go in there occasionally and do some housekeeping, and just start deleting things that were not necessary to have anymore? Is that--

MS. EGEA: Right -- that I had closed out an item, or I didn't need any longer, or I had captured whatever I needed to capture somewhere else.

ASSEMBLYMAN MORIARTY: And would you do that on a daily basis, a weekly basis, an hourly basis, a monthly basis?

MS. EGEA: No, not hourly, certainly. But, you know, on occasion. I don't know; I couldn't say.

ASSEMBLYMAN MORIARTY: And what do you do now?

MS. EGEA: I try to retain as much as-- I try to comply, in terms of when I think that I'm the creator and I retain as much as I possibly can, in terms of correspondence, generally, with my subordinates.

ASSEMBLYMAN MORIARTY: So you don't delete anything?

MS. EGEA: I delete some, that as I -- at least I interpret that they are no longer relevant, or I've captured the information -- like someone might send me a phone number and I've captured the information to my contacts, would be a good example. So I guess I don't believe that that being an example -- that I wouldn't be required to retain.

ASSEMBLYMAN MORIARTY: Would you think that, maybe, there should be legislation that would give clear direction on what should and shouldn't be retained?

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MS. EGEA: I think the more clarity around that subject, the better. I don't know if legislation is the right way; as I said, there's been several reminders to the -- at least to our office -- about the retention requirements. But, you know, it's something that is a good refresher, I think, all the time.

ASSEMBLYMAN MORIARTY: Although you say that there's been a reminder to everyone -- and I'm not sure whether that was something you signed or not; you're not sure -- and whether there was a class, or whether there-- how deep this went. It seems to me, based on the testimony you just gave, that it's still left up to the person to decide themselves what they think should and should not be kept.

MS. EGEA: Well, I think there is now an appointment of an Ethics Officer and an Ombudsman, so I think we're trying to make every effort that if there's a doubt, you have someone to consult with. But, ultimately, yes, of course; I mean, it's a personal responsibility.

ASSEMBLYMAN MORIARTY: Right, but in the interim, you're deciding what you think is relevant material that should be kept, and what is not. And, perhaps, there should be even stricter policies.

MS. EGEA: Perhaps. You know, I don't know what that would look like.

ASSEMBLYMAN MORIARTY: Okay.

And I think that's it. Thank you very much.

MS. EGEA: Thank you.

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ASSEMBLYMAN MORIARTY: Thank you, Madam Chairwoman.

SENATOR WEINBERG: Thank you, Assemblyman.

SENATOR O'TOOLE: Chair, can I raise one issue for the attorney?

Yes, Senator.

SENATOR O'TOOLE: Yes, the issue that Assemblyman Moriarty raised about the metadata. And I just want to have, at some time in the future, have our attorney take a look at that issue -- something I know a little bit about -- that we need to make sure-- There are two very distinct rules of professional conduct here -- I think it's 1:6 and 4:4 -- that speak to what we can and what our lawyers can do with regard to mining of metadata. And Illinois and New Jersey, obviously, are in the same state where the ABA has adopted a rule, we in New Jersey and Illinois have not adopted a similar rule. Each state is different. There is a-- The 1:6 deals with reasonable care standard, in terms of sending out a document that may or may not have any attachments. And it doesn't really envision whether it talks about the electronic age of metadata. But some of the courts have adopted that that, in fact, involves the electronic-- I think 4:4 talks about the receiver has an obligation, in some states -- with the exception of Oregon and Maryland -- which says you can mine for, and look for, and not report it to your adversary. The states of New Jersey and Illinois say that you cannot mine -- or that's what their holdings are.

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So I really-- If we get down that road, if we talk about this further development, I really want to have counsel give us the real strict advice and work with counsel as to what's appropriate, what is inappropriate. Because the lawyers here will be really walking into some unchartered areas in terms of the RPCs, okay?

SENATOR WEINBERG: Okay, thank you.

Senator Greenstein.

SENATOR GREENSTEIN: Thank you very much.

SENATOR WEINBERG: Assemblyman Moriarty, if you would turn your microphone off. Thank you.

ASSEMBLYMAN MORIARTY: Sorry, Chairwoman.

SENATOR GREENSTEIN: Thank you.

And last of the day, and so I'm sure you're happy about that, and--

ASSEMBLYMAN WISNIEWSKI: No, she's not. (laughter)

SENATOR GREENSTEIN: --I'll do my best to be concise here.

MS. EGEA: Sure.

SENATOR GREENSTEIN: I wanted to ask you about the statement that you edited. But before I do, I have a couple of questions.

In terms of the employee authorities here, who provided oversight over Bill Baroni? Who was his -- who was he directly reporting to? Who would have had a say over what he did and didn't do?

MS. EGEA: I believe on the organization chart--

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SENATOR GREENSTEIN: Yes.

MS. EGEA: -- he reports to the Executive Director.

SENATOR GREENSTEIN: The Executive Director. So Foye was his direct authority. Okay.

On the issue of a traffic study, I know you've already answered the question about whether you think there might have been a traffic study here; you say you took his word for it, essentially. Did you ever think of looking up what a traffic study is, or what it's likely to be? I mean, it's very easy, just doing it on the Internet. I did that, because I knew a little bit about it from having done planning in the past, but I wanted to know more about it. And if you put in *traffic study*, you can get a lot of information.

I literally just put it in; I wanted to read this to you, if I could. This is just one person writing on an article.

"In my 40-plus years as a professional traffic engineer, I was never" -- emphasize never -- "involved in a traffic study that included shutting down a facility to determine the impact. I'd never heard of such a thing. All studies I conducted were mathematical exercises using either pen and pencil, or sophisticated computer models that estimated impacts based on known or projected traffic." And then he goes on.

Did you ever think, when you were told that there was a traffic study to just pursue this, either by asking for the information about what was the traffic study? Could I see a copy of it? There should have been some kind of documents that went

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along with this. Did you ever claim to look it up and see what a traffic study is?

MS. EGEA: Well, two things, and I think I've said both these things. One is, when presented with the data in his opening statement, I took that to be the results of the study. I did not inquire as to the preceding documents. When I got the results I thought that was the demonstration of the study itself.

SENATOR GREENSTEIN: But you never asked to see the study?

MS. EGEA: Well, I thought I was seeing it. So no, I mean, nothing further than what I had seen in terms of the results.

And then I think I've already also stated that once I listened to Cedrick Fulton talk about the alternatives, that I questioned his judgment, not necessarily, maybe-- I never asked him about why did he choose one versus the other, but I certainly questioned his judgment after that.

SENATOR GREENSTEIN: Do you think that would have been a good question to ask? Because I know I would have asked it.

MS. EGEA: Well, once I'd heard the testimony, as I said, I never spoke to Bill again. And then it all transpired, and he exited, and Deb came in. So I never had the opportunity to--

SENATOR GREENSTEIN: It would be a good question for someone to ask him, I think. I definitely would have wanted to know the answer to that.

Did Bill say -- when you spoke to Bill Baroni about this in advance -- did he say who helped him do the traffic study? Did he

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say there was a professional involved, or how they did the traffic study?

MS. EGEA: If you recall, inside the draft opening statement he notes other individuals who were consulted or, at least, referenced in it. So I know there were others who had been in some conversation with him, but I didn't exactly -- I couldn't articulate to you now what role everyone played.

SENATOR GREENSTEIN: Okay.

Now, I just want to ask you about something that is particularly curious here, and I'm looking at one of the documents that we have today. Actually, I think this was in Tab 37, page 5. And it says that, "Baroni only shared a hard copy of his remarks with you, and he instructed you to circulate the revisions in hard copies. He didn't want you to put them into an e-mail form." I'll give you a moment to just look at that. It's in the middle of page 17, I think it is. Oh, I'm sorry; it's page 5, Tab 37.

And apparently there is also information that the statement itself -- the hard copy -- was driven in a Port Authority car to you, and then was taken back in a Port Authority car -- sort of a top secret kind of response to that.

Did you find it odd -- did you have any idea how that might have happened, or why that might have happened, I guess?

MS. EGEA: Yes, it was all hard copy. And it was delivered to my office. And then I gave it to Nicole to-- She was going to a meeting, so it was all hard copy, to your point. And it was unusual, but my assessment of the request was, number one,

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they wanted-- These were early drafts of this opening statement, and I think they wanted to retain control of who had copies of it. Many people are anxious about, if you put something in an e-mail, right, in two clicks something can go to a thousand people. So some people are concerned about that, so that was part of it.

But also the environment that Bill was in, of the Port Authority, there had already been multiple documents that had been released to the press. So I also thought that that was another control mechanism to ensure that early drafts, before he made his statement, didn't somehow get into the press or get into anyone else's hands. So that's how I viewed it.

SENATOR GREENSTEIN: Now I'll get to the statement itself. In looking at the statement -- which, I think, his version of it was about six pages long -- I noticed that you cut out quite a bit.

MS. EGEA: Which Tab number is it? I'm sorry.

SENATOR GREENSTEIN: This is Tab 16.

MS. EGEA: Thank you.

SENATOR GREENSTEIN: And I'm going to assume that this typed copy is what he produced, and then I see all the markings on it.

MS. EGEA: Yes, yes.

SENATOR GREENSTEIN: It looks like you took out quite a bit. One of the questions I would have is, what was the gist of the statement? I know that you wanted to make it shorter and more concise; that was part of your goal. But how would you describe

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the overall gist of the statement that you wanted to put out? I know he had a lot of history and other information in there. What did you think should be put out in this statement? What should be the gist?

MS. EGEA: There were three points: one, to describe the study and what they were trying to evaluate; number two, that there were mishandlings in that study -- where he talks about the communication and some of the aspects that could have been done better; and thirdly, to both apologize -- take responsibility, apologize, and assure both the Legislature, as well as the public, that it wouldn't occur again.

SENATOR GREENSTEIN: So definitely the communication part, you agree, was a problem. They were admitting to it; you didn't cut that part out. But when they describe the study, do you feel that what he had in there was accurate on that?

MS. EGEA: Well, it's what was represented to me. Do you mean the results, or what do you mean?

SENATOR GREENSTEIN: Not so much the results, and the E-ZPass table, and all of that. But the overall approach to the study -- how the study was done. Did you agree with that approach?

MS. EGEA: I didn't agree or disagree, frankly. I wasn't evaluating the content; I was trying to bring it to a point of clearly establishing the three points I just outlined.

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SENATOR GREENSTEIN: Okay. I'm just going to-- The rest of my questioning will be about some of the areas that you took out, and I just want to ask you why you took it out.

MS. EGEA: Sure.

SENATOR GREENSTEIN: I notice earlier on in the testimony, we talked -- and I think Senator Weinberg spoke about it -- that there was this question of these special lanes segregated for Fort Lee. I noticed you took a lot of that out. So just starting on the first page here, the 1, 2, 3, 4th paragraph, there's a lot of talk about Fort Lee. What is the reason that you took that paragraph out -- paragraph 4?

MS. EGEA: For both of these paragraphs, I thought were--

SENATOR GREENSTEIN: Three and four?

MS. EGEA: Yes, I'm sorry -- three and four. I thought they were more elaborate than he needed to communicate in an opening statement. And that the objective, as I said, was to establish that the study was about the mix of traffic and the resources of the toll booths and trying to optimize that traffic through those toll booths.

SENATOR GREENSTEIN: You wanted to emphasize that you needed a better mix, but it seems -- and tell me if I'm interpreting this correctly -- that you didn't want to emphasize anything special had been given to Fort Lee -- given or taken from Fort Lee.

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MS. EGEA: I was indifferent on that point. The way it was presented, though, it was more, kind of, extraneous. Not extraneous, but, I mean, I wasn't trying to exclude it, because it was factual -- that's where the lanes were. It was more that it didn't really necessarily add texture to the main point of what the traffic study was about.

SENATOR GREENSTEIN: You left one line in about Fort Lee. You took out all the rest, and you left in, "There are 12 toll lanes on the upper level of the Bridge, 3 of which are currently segregated for Fort Lee traffic only." And that was it; I think you took everything else out about Fort Lee.

On the next page, page 2, it says, "About a decade ago," and there's a long paragraph there that you took out -- that talks about the history of this.

MS. EGEA: Right.

SENATOR GREENSTEIN: There's mention of former Fort Lee Mayor, Jack Alter, who insisted on special segregated lanes for Fort Lee. Again, was there a particular reason that was taken out -- the whole history there?

MS. EGEA: So, really, the same point. And so, to be clear: I was not deliberately extracting any reference to Fort Lee; I was trying to stay on point and I thought this was background and I think-- We actually did talk about this, as Bill thought it was important to leave it in. And I indicated this is an opening statement. You don't necessarily have to have all of this commentary in it. If asked, sure--

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SENATOR WEINBERG: Excuse me a minute -- Phil who? Phil or Bill?

MS. EGEA: Bill, Bill.

SENATOR WEINBERG: Bill.

MS. EGEA: I'm sorry -- Bill.

So, you know -- that, sure. But I thought the objective of an opening statement was to get the three points out, and leave to the Committee to inquire further.

SENATOR GREENSTEIN: And then you say, at the bottom of the page, the bottom of page 2 in the last paragraph -- and you crossed all this out, too -- "These segregated lanes were ordered by the Port Authority without any recorded traffic study, without any analysis of their impact, and without consultation with any municipality or government in the area there." Again, you recognized here the importance of doing a proper traffic study, but -- or at least he did -- but then you crossed that whole section out.

MS. EGEA: Again, really, honestly, Senator, it's the same point -- that this is all history and background, and I didn't think it was relevant to current conditions -- current conditions are what we were dealing with; that was the relevant point to make, I thought, in an opening statement.

SENATOR GREENSTEIN: Okay.

Again, bottom of page 4, last paragraph, another very large paragraph crossed out about Fort Lee.

Now, at page -- I guess it's page 9. Okay, just looking here. The first paragraph there is crossed out. Now, I noticed also

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that every paragraph that mentioned David Wildstein is crossed out. Is there any particular reason for that?

MS. EGEA: Actually, it's all references to the others; I think I've stated this already: that I thought the Deputy ought to take responsibility; that he ought not try to offload responsibility to others, and that's how I felt upon reading it. And he ought to take responsibility. He was the leader of the organization, and he ought not try to draw the people into the conversation.

SENATOR GREENSTEIN: Okay.

On page 11-- Well, I guess, again, you took out a paragraph-- Well, there's a paragraph again about Fort Lee. All of that was taken out.

MS. EGEA: On page 11?

SENATOR GREENSTEIN: Yes, I'm sorry; I see that you're inserting that in another place -- okay.

And then finally, the paragraph at the end here, about the suggestions. The one that you agreed with, and that you left in, was about better communication. But you took out lots of others that had to do with, for example, the creation of a Fort Lee task force and several other suggestions that were made -- were all taken out. You kept it very limited to, the Port Authority is going to work on these issues, is going to try to have better communication, but you didn't, sort of, limit it to Fort Lee. You really made it very general.

Same answer as you gave earlier, I take it?

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MS. EGEA: Well, again, this was an opening statement, not full testimony. It was an idea that if he thought it was appropriate, he could always spring forward. I just thought it was too much for an opening statement.

SENATOR GREENSTEIN: The biggest things that I noticed were taking out everything about this whole Fort Lee issue, taking out everything about David Wildstein -- multiple paragraphs.

MS. EGEA: That was not my motivation, and I expressed that. I wasn't at all to do-- It was all about simplifying, focusing. I didn't think history was helpful to explain a business problem, and I didn't think drawing other people into it was productive. Since he was the leader of the organization, you should take responsibility.

SENATOR GREENSTEIN: Yes. And just one related question to that. Although you didn't use names, you used quite a few terms like traffic engineer, engineer -- you left all those in -- but not Wildstein. Was there any particular reason with that?

MS. EGEA: Which one are you referencing?

SENATOR GREENSTEIN: Well, there are lots of places here where you make reference -- I guess, in the middle of page 9. You make reference to directors, general managers of the Bridge, chief engineers, and lots of others. But anything to do with Wildstein and his role was taken out.

MS. EGEA: I really-- It was names-- I think this was relevant, because he was describing what actually occurred. This was a description of what they did, operationally; so I didn't think that that was necessarily a decision maker or anybody responsible.

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They were just describing, functionally, how they arranged the lanes. So I didn't think that that was off-loading.

SENATOR GREENSTEIN: Okay. Well, thank you; thank you very much.

SENATOR WEINBERG: Thank you.

I'm going to go back to my Co-Chair in just a moment.

Let me just clarify something; I think you might have answered earlier.

How often did you text the Governor?

MS. EGEA: Infrequently.

SENATOR WEINBERG: What does that mean? What is *infrequently*? Once a month, once every other month? On average--

MS. EGEA: It could be months in between, I might--

SENATOR WEINBERG: I'm sorry?

MS. EGEA: It could be multiple months in between I would have any communication with him.

SENATOR WEINBERG: And on this particular text about the Port-- Had you texted the Governor about the Port Authority in the past?

MS. EGEA: I don't know; I can't-- I don't know.

SENATOR WEINBERG: You don't know? Okay.

On this particular text, or in any of these on the Port Authority, did the Governor answer you?

MS. EGEA: I don't recall any response.

SENATOR WEINBERG: Okay.

Assemblyman Wisniewski.

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ASSEMBLYMAN WISNIEWSKI: Thank you, Ms. Egea.

I promised I'd be back, so after all of this testimony, hopefully, this will be among the concluding questions.

Just a couple of items that I wanted to understand a little better. Bill Baroni testified in front of Senator Lautenberg's committee in April of 2012, about three or four months after you started in your position as Authorities Director. Was there any-- You had said with regard to Bill Baroni's testimony in front of Transportation that you had gotten a call from David Samson asking you to help sharpen his opening statement. Did you get a similar call from David Samson with regard to Bill Baroni's opening statement in front of Senator Lautenberg's committee?

MS. EGEA: MR. NIXON: No, I did not.

ASSEMBLYMAN WISNIEWSKI: Did you have any discussion with either Bill Baroni or anyone else at the Port Authority about his going to testify in front of Senator Lautenberg's committee?

MS. EGEA: I don't recall; it was early on, so I don't recall having any.

ASSEMBLYMAN WISNIEWSKI: I think one of the comments, or one of the answers that you provided earlier is that one of the things that you do as Director of the Authorities Unit is if someone from the Port Authority is going to provide testimony, you're given a head's up, there's an interplay as to whether or not they should testify -- is that correct?

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MS. EGEA: I was notified. I think what I said was I'm made aware when they are requested to have a hearing -- when-- Did you say Port Authority, anyone at Port Authority?

ASSEMBLYMAN WISNIEWSKI: Well, when a significant New Jersey appointee is being asked to testify at--

MS. EGEA: Sure, they would have notified me.

ASSEMBLYMAN WISNIEWSKI: And so you were notified of Baroni testifying in front of Lautenberg's committee? That's a yes?

MS. EGEA: Yes, I knew he was appearing.

ASSEMBLYMAN WISNIEWSKI: But you weren't asked to assist in any way?

MS. EGEA: Well, I was not very experienced at that point. So, frankly, I don't think they would have seen me as a significant resource that early on in my tenure.

ASSEMBLYMAN WISNIEWSKI: *Experienced* in what context? I'm not sure I understand.

MS. EGEA: In the Authorities Unit, and with the Port Authority.

ASSEMBLYMAN WISNIEWSKI: Your role with Bill Baroni's testimony was not -- really did not rely on your experience with the Port Authority. It was about sharpening the statement, correct?

MS. EGEA: Because I had familiarity with the Port Authority, though, I think that aided my ability to-- Actually, it was relevant to the exchange I was just having with the Senator, and

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what I think is important to have in there, versus not, and having some reference points with the Port Authority, I think, is very helpful. And I didn't have that experience back in the spring of 2012.

ASSEMBLYMAN WISNIEWSKI: And you had said that David Samson called you to ask you to help Bill Baroni?

MS. EGEA: I recall speaking with him.

ASSEMBLYMAN WISNIEWSKI: The phone records show that there was a phone call to you from David Samson about November 18 for about 6 minutes. Do you think that was the call? It's Tab 12, about three-quarters of the way down the page.

MS. EGEA: I don't remember when we spoke about it.

ASSEMBLYMAN WISNIEWSKI: But it was by phone?

MS. EGEA: I believe so.

ASSEMBLYMAN WISNIEWSKI: Okay.

MS. EGEA: It would have normally been; I communicated mostly with him telephonically.

ASSEMBLYMAN WISNIEWSKI: And the records show that the timeframe of the preparation was in the area of November 18th to the 20th of 2013. Does that sound familiar?

MS. EGEA: Yes, I recall seeing that there was a conference call on the 19th, so the 18th sounds about right, in terms of start. And I don't know; what did you use as the final date?

ASSEMBLYMAN WISNIEWSKI: I said 18 to 20.

MS. EGEA: To 20? It could be; I don't--

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ASSEMBLYMAN WISNIEWSKI: But the 18th sounds familiar?

MS. EGEA: 18th, 19th--

ASSEMBLYMAN WISNIEWSKI: Okay.

The Assembly Transportation Committee issued its invitation to Mr. Baroni on November 20. So up until that point in time, he had not yet been involved. Can you explain to me why preparation for his opening statement to a Committee meeting, that he had not yet been invited to, started on the 18th?

MS. EGEA: I don't know how he was aware that they had expectation that you were going to call him. I know the formal letter showed up on the 20th, so I don't know how he knew.

ASSEMBLYMAN WISNIEWSKI: Okay.

When you were asked to help Mr. Baroni with his opening statement, did you then call Mr. Baroni and say, "Bill, I've been asked to help you?"

MS. EGEA: No, I remember him calling me and telling me he was working on a draft, and that it would be provided to me.

ASSEMBLYMAN WISNIEWSKI: And when you had that conversation -- whether he called you or you called him -- did you ask him for any backup, any details, any information that you could use to familiarize yourself with this situation?

MS. EGEA: I did not.

ASSEMBLYMAN WISNIEWSKI: Why not?

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MS. EGEA: Well, I was waiting to see the draft statement. I thought that would prompt any question I might have about any further data I might request.

ASSEMBLYMAN WISNIEWSKI: Were you aware that there were any documents that had been created by the Port Authority with regard to this lane closure?

MS. EGEA: I was not.

ASSEMBLYMAN WISNIEWSKI: Okay. I'd like to show you a document that was produced -- it's not part of our exhibits, because this came up in response testimony you gave earlier today. It was produced to the Committee by Mr. Baroni, and it's Bates stamped "Baroni 707," and OLS is circulating a copy.

SENATOR O'TOOLE: Yes, I just received it. What page, Chair, are you referring to?

ASSEMBLYMAN WISNIEWSKI: And I'm referring to-- The pages themselves are not numbered, but the Bates stamp is "Baroni 713."

If you wouldn't mind turning to "Baroni 713," which is the third or fourth page, I think. It's in the bottom-left of the pages.

This report, on the cover page -- which is Baroni 707 -- is dated September 12, 2013. Before today, had you ever seen this?

MS. EGEA: No, I had not.

ASSEMBLYMAN WISNIEWSKI: Okay. You had testified earlier that you had testified about the metrics of the lane closure -- about the number of vehicles. I think you had testified about the

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percentage of vehicles from Fort Lee versus the percent of vehicles from elsewhere.

MS. EGEA: Well actually, I used the reference for the E-ZPass data, which is address data. So the data that he included in his opening statement was that approximately 5 percent of the E-ZPass users were located in Fort Lee, and the remaining 95 percent were outside that.

ASSEMBLYMAN WISNIEWSKI: Would you agree that actually what that statement in the Baroni opening talked about was E-ZPass registration?

MS. EGEA: Absolutely. I think that's even reflected in my comments.

ASSEMBLYMAN WISNIEWSKI: Okay. So 4.5 percent of the E-ZPass registration was in Fort Lee, 95.5 percent was from elsewhere?

MS. EGEA: Correct. That's in the opening statement.

ASSEMBLYMAN WISNIEWSKI: Okay.

I just wanted to draw your attention to this document prepared internally by the Port Authority on September 12. And there are three bullet points, and it says that, "Assuming the 11,592 vehicles using the mainline toll lanes after implementation of the trial -- say, 5 minutes -- the total savings would be 966 vehicle hours reduced delay."

And then the second bullet talks about, "Based on the estimated Fort Lee queues of approximately 600 vehicles over the course of 4 hours, local traffic is experiencing a 2,800-vehicle-hour

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delay," and then it goes on to say that, "The cost, based on estimated Fort Lee queues, many of these vehicles will pay the off-peak toll at an E-ZPass market share of 84 percent. This works out to the loss revenue of $1,000 per day, or $250,000 a year."

Were you aware of any of these metrics before today?

MS. EGEA: No, I was not.

ASSEMBLYMAN WISNIEWSKI: Do you think it would have been important for Mr. Baroni to share this information with you while you were meeting with him to prepare his statement?

MS. EGEA: I would have found it of interest, but I don't know why he didn't or chose not to.

ASSEMBLYMAN WISNIEWSKI: Would you agree that the conclusion here is that there is a bigger delay from the lanes queuing from Fort Lee than there are on the lanes coming on the mainline?

MS. EGEA: Well, I think, actually, that came up before. And that's indisputable, right? And that's why it was a test, in my mind. I guess that's why I wasn't overly concerned that the data didn't support the hoped-for improvements. And I think that's what this says -- that we tried it, it was not a positive outcome, and it's representing more data that says, essentially, the same thing.

ASSEMBLYMAN WISNIEWSKI: But as a representative, as the interface between the State of New Jersey government and the Port Authority -- this was an internal Port Authority document on this alleged lane closure study that you were not made aware of, even though you were asked to help clarify opening testimony to

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the Assembly Transportation Committee. Don't you believe that it was the obligation of either Mr. Baroni or somebody at the Port Authority to share this with you?

MS. EGEA: I don't know why he chose to go one way or the other.

ASSEMBLYMAN WISNIEWSKI: And you've never had a conversation with him about this?

MS. EGEA: Not about this data.

ASSEMBLYMAN WISNIEWSKI: Not this document? You were unaware of this statement up until today?

MS. EGEA: I don't think I've ever seen it; I could be wrong, but I don't recall ever seeing it.

ASSEMBLYMAN WISNIEWSKI: Okay. And I draw your attention to the last page. After reading the information that I just read to you, the last page says, "Conclusions -- TBD." Do you understand that to mean "to be determined?"

MS. EGEA: Yes.

ASSEMBLYMAN WISNIEWSKI: In common parlance?

Do you understand why, that there were no conclusions made to this?

MS. EGEA: No, I don't.

ASSEMBLYMAN WISNIEWSKI: Okay, thank you.

You had also testified about your text message. I think you said it was a text message to the Governor after the testimony of Mr. Fulton, Durando, and Foye, correct?

MS. EGEA: Correct.

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ASSEMBLYMAN WISNIEWSKI: And I wanted to just show you-- I had staff pull up the transcript of that testimony. We only have two copies; I apologize. But I'd like to show this to Ms. Egea, and I will read aloud the testimony, when she has a copy.

SENATOR O'TOOLE: Chair, just so it's all clear. Which--

ASSEMBLYMAN WISNIEWSKI: This is testimony given on December 9 before the Assembly Transportation Committee by Cedrick Fulton, Bob Durando, Patrick Foye, and Hal Simoff, representing Simoff Engineering Associates.

SENATOR O'TOOLE: I'm sorry, the last person? I just missed that.

ASSEMBLYMAN WISNIEWSKI: Hal Simoff or Simoff (indicating pronunciation); S-I-M-O-F-F. It's all under oath, December 9. It's available on the OLS website.

I wanted to draw-- You had said that you testified that your communications with the Governor was that you -- I think you said you were impressed with the professionalism of Mr. Durando and Fulton in their testimony?

MS. EGEA: I said I thought he conducted himself professionally and in an even-handed way.

ASSEMBLYMAN WISNIEWSKI: Did you comment to the Governor on any other development during that testimony?

MS. EGEA: Mr. Fulton's?

ASSEMBLYMAN WISNIEWSKI: Or Mr. Durando's.

MS. EGEA: Yes, I think I've said before that I thought the questioning of Mr. Durando was very aggressive and he was --

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to me, listening -- a loyal Port Authority employee trying to conduct his duties in an appropriate way.

ASSEMBLYMAN WISNIEWSKI: Okay, I'd like to draw your attention to page 136, which was questioning by Assemblywoman Caride. It's about halfway down, and it begins with, "I appreciate you being here this afternoon. And I can't help but get the feeling that while it may be a little bit uncomfortable before us, there is more behind you being uncomfortable. You testified that you did not want to tempt Mr. Wildstein, when you were asked if you were afraid of losing your job. Do you feel that way still, today, being here before us knowing that he has resigned or that he has tendered his resignation?" And Mr. Durando said, "I stand by my earlier statement. I did not want to tempt fate."

In your communication about how they comported themselves, did you share with the Governor that this witness, Mr. Durando, did not want to "tempt fate" by telling anybody about his misgivings about the lane closures?

MS. EGEA: I did not.

ASSEMBLYMAN WISNIEWSKI: Why not?

MS. EGEA: As I said, I was having very high summary level statements. I thought he presented himself as a loyal Port Authority employee. And my objective is not to be comprehensive.

ASSEMBLYMAN WISNIEWSKI: You didn't think it was important to communicate to the Governor that a career employee of the Port Authority thought that he was "tempting fate" by exposing what he thought was an inappropriate use of power?

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MS. EGEA: Well, there are a lot of assumptions in that last few sentences. And I didn't-- I could listen to it, I didn't know everything that Mr. Durando knew. So I didn't feel that it was something that I could confidently summarize and represent that I knew exactly what he meant.

ASSEMBLYMAN WISNIEWSKI: But you could confidently summarize that you thought he was "professional"?

MS. EGEA: That he was a loyal, 30-year employee of the Port Authority, doing his job.

ASSEMBLYMAN WISNIEWSKI: But you couldn't summarize that he felt like he was "tempting fate"?

MS. EGEA: I did not.

ASSEMBLYMAN WISNIEWSKI: And you don't think that's your responsibility as the Authorities Unit Director to say that, "We've got a problem at the Port Authority. There's a career guy -- two guys with each about 30 years experience, both of whom said the same exact thing -- that they didn't want to tempt fate?"

MS. EGEA: Well, as I said, I was-- When I listened to the testimony, it made me question the Deputy's judgment. And this was part of that concern that is raised for me -- not only the choice in terms of how to do the study, but the communication. And this was part of the communications issues that I think were already acknowledged, although I did not know all this detail, but I knew that there were communications issues inside the agency as well as with Fort Lee.

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ASSEMBLYMAN WISNIEWSKI: I draw your attention to Tab 37, which is your Gibson Dunn statement -- which, I understand, you haven't reviewed. But I wanted to ask you a question about something that they've represented in here.

In this, at page 6, it says that, "Bridget Kelly asked you about the substance of Baroni's statement, and that you provided her with a copy." Is that accurate?

MS. EGEA: That's correct.

ASSEMBLYMAN WISNIEWSKI: Earlier, in responding to Senator Greenstein's comments, you said that one of the reasons why this was being handled by direct delivery, as opposed to being e-mailed, was a concern that this not get out; that it be controlled. Doesn't that run counter to your testimony saying, "Well, now I'm going to give it to Bridget Kelly," when, in fact, you were trying to make sure that it actually wasn't widely disseminated?

MS. EGEA: Well, I wouldn't have considered it widely. She is responsible -- was responsible for interaction with local officials, as well as others in the Legislature. And so it didn't seem unusual to me. And I knew who I handed it to; it's different, as I expressed before, sending something in e-mail can be then distributed further without my knowledge. I knew who I handed it to.

ASSEMBLYMAN WISNIEWSKI: Why would interaction with local officials be relevant in reviewing Mr. Baroni's statement?

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MS. EGEA: Well, some of the questions had come up regarding the local official in Fort Lee.

ASSEMBLYMAN WISNIEWSKI: Right. And so why was that relevant that Bridget Kelly get that? What involvement did Bridget Kelly have with the local official in Fort Lee?

MS. EGEA: She oversaw the organization that interfaced with all local officials.

ASSEMBLYMAN WISNIEWSKI: Did you know that she interfaced with Mayor Sokolich?

MS. EGEA: I didn't know what interface she had; I knew generally she interfaced with all of them. I had no idea she had any communication with the Mayor.

ASSEMBLYMAN WISNIEWSKI: So wouldn't you have asked her before you gave her a copy of the statement, "Why do you need this?"

MS. EGEA: No, because, as I said, she has the responsibility for local officials and it comported with my understanding of her responsibility.

ASSEMBLYMAN WISNIEWSKI: Now, did you get-- Were you aware that Bridget Kelly provided feedback to Mr. Baroni's opening statement?

MS. EGEA: I was not.

ASSEMBLYMAN WISNIEWSKI: That was never provided to you?

MS. EGEA: It was not.

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ASSEMBLYMAN WISNIEWSKI: And you never asked for her feedback?

MS. EGEA: I did not. She did not offer any.

ASSEMBLYMAN WISNIEWSKI: When Ms. Kelly asked you about the substance of Mr. Baroni's opening statement, what did you tell her?

MS. EGEA: I didn't tell her anything. I indicated that I was helping to sharpen it, and I don't recall including any comments about the content.

ASSEMBLYMAN WISNIEWSKI: Did anyone else in the Office of the Governor ask you to see a copy of Mr. Baroni's opening statement?

MS. EGEA: Not that I recall.

ASSEMBLYMAN WISNIEWSKI: Not Mr. O'Dowd?

MS. EGEA: No.

ASSEMBLYMAN WISNIEWSKI: Not Mr. McKenna?

MS. EGEA: I don't think so. As I was reminded, we had that meeting, a brief phone call. So he would have seen, possibly, a copy. But I don't remember him asking me for it, no.

ASSEMBLYMAN WISNIEWSKI: Okay.

You were involved in, you had said *sharpening*; would you agree *editing* was also another appropriate word?

MS. EGEA: I was making suggestions that he did not incorporate. If they were edits, that says to me that things are taken out. I was making suggestions.

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ASSEMBLYMAN WISNIEWSKI: Did you, at any time, feel uncomfortable that you were making suggestions on a factual situation that you did not have all the details on?

MS. EGEA: Well, I thought the facts on the situation were presented to me. So the only suggestions I was making for removal had to do with history, or what I thought were superfluous to the main communication point.

ASSEMBLYMAN WISNIEWSKI: But the facts were presented to you, how? Orally?

MS. EGEA: No, in the document.

ASSEMBLYMAN WISNIEWSKI: But other than Mr. Baroni's own words that he had, I would assume, prepared as a predicate to your review -- other than what he had written, you had no other input, either orally or in writing, to enable you to understand what you were about edit or review?

MS. EGEA: I had no other documents; I certainly was speaking with Bill, as I already said; other than that, no.

ASSEMBLYMAN WISNIEWSKI: But no other third party source-- Did you call David Wildstein and ask him about what had happened?

MS. EGEA: No.

ASSEMBLYMAN WISNIEWSKI: And you said you didn't talk to Bridget Kelly about this, other than giving her a cop of the statement?

MS. EGEA: No; correct.

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ASSEMBLYMAN WISNIEWSKI: Did you talk to Ms. Crifo about this?

MS. EGEA: You know, we were together during the conference call, so we would have discussed some of it -- not the content that-- She, I believe, only had access to the same information I had.

ASSEMBLYMAN WISNIEWSKI: Okay. I'd like to draw your attention to Tab 39 now, page 8.

So this is the Governor's Gibson Dunn statement.

MS. EGEA: Sorry, what Tab?

ASSEMBLYMAN WISNIEWSKI: Tab 39, which is the Governor's Gibson Dunn interview; page 8.

Now, according to the Governor, Mr. McKenna told him that you told Mr. McKenna that you never talked to Wildstein -- which you just said you hadn't.

MS. EGEA: I had not.

ASSEMBLYMAN WISNIEWSKI: And that you thought Wildstein was trying to protect himself. Is what's represented here, in terms of what you said to Mr. McKenna, accurate?

MS. EGEA: So, I'm sorry -- which paragraph are you referring to?

SENATOR O'TOOLE: Yes, could you just point that out? I'm trying to find it.

ASSEMBLYMAN WISNIEWSKI: Page 8.

SENATOR O'TOOLE: Either it's getting late, Chair -- I just can't find that.

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ASSEMBLYMAN WISNIEWSKI: It's okay. The text is getting smaller. (laughter)

All right, it's the last -- very last paragraph, at the bottom of page 8, the paragraph beginning with, "After their testimony." About halfway through, it says that "recalled that in response to hearing that, the Governor asked McKenna what was going on. McKenna talked to Egea, who said that she never talked to Wildstein, and thought that Wildstein was trying to protect himself."

So my question to you is: Did you, in fact, tell Mr. McKenna that you thought Wildstein was trying to protect himself?

MS. EGEA: I guess I don't know how to read that sentence. You'd have to ask the author of it, because I could read that they're reporting that the Governor asked McKenna what was going on. McKenna asked Egea, and she said she never talked to Wildstein, period. I never talked to Wildstein. And then he thought that Wildstein was trying to protect himself. I don't know if that's what they meant.

ASSEMBLYMAN WISNIEWSKI: So my question, just simply, is this -- not what they meant -- did you, in your conversation with Mr. McKenna, where you told him that you did not talk to Wildstein, did you, in that conversation, tell him that you thought Wildstein was trying to protect himself?

MS. EGEA: I don't recall saying that.

ASSEMBLYMAN WISNIEWSKI: Okay, thank you.

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Do you recall having any conversations with Mr. McKenna immediately prior to December 13, when the Governor made his press statement that morning? There was a staff meeting; the Governor--

MS. EGEA: Yes.

ASSEMBLYMAN WISNIEWSKI: Before that day -- the 12th, the 11th -- did you have a conversation with Mr. McKenna about the lane closures and the allegations that were surrounding the lane closures?

MS. EGEA: I don't recall a specific conversation. I mean, we knew the press conference was coming, but I don't remember a detailed conversation -- substantive conversation.

ASSEMBLYMAN WISNIEWSKI: Did he come to you and ask you any questions about what you knew?

MS. EGEA: Yes.

ASSEMBLYMAN WISNIEWSKI: And do you recall that was right before the 13th?

MS. EGEA: Correct, the morning of.

ASSEMBLYMAN WISNIEWSKI: The morning of the 13th?

MS. EGEA: Right.

ASSEMBLYMAN WISNIEWSKI: Did you ask him why he was coming to talk to you?

MS. EGEA: No, I did not.

ASSEMBLYMAN WISNIEWSKI: And what did you tell him?

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MS. EGEA: That I had no knowledge or participation in anything that had gone on with the traffic study, with the exception of working with Bill prior to his opening statement.

ASSEMBLYMAN WISNIEWSKI: In that conversation with Mr. McKenna, did you let him know that you gave a copy of the Baroni opening statement to Bridget Kelly?

MS. EGEA: No, he didn't-- No, I did not.

ASSEMBLYMAN WISNIEWSKI: Okay. Did you tell anyone that you gave that Baroni testimony to Bridget Kelly?

MS. EGEA: I don't recall; I don't recall mentioning it to anyone.

ASSEMBLYMAN WISNIEWSKI: Okay. I'd like to go to Tab 37 which is, again, your interview -- drawing your attention to page 8, once again, I think.

Now, in this interview you indicated that Mr. O'Dowd called you the night before the 13th senior staff meeting.

MS. EGEA: Correct.

ASSEMBLYMAN WISNIEWSKI: What did Mr. O'Dowd call you about?

MS. EGEA: He asked me if I had any further knowledge or involvement with the toll lanes realignment.

ASSEMBLYMAN WISNIEWSKI: You used the word *further*. Did he have a prior conversation with you asking whether you had any knowledge?

MS. EGEA: No. I took that to mean, you know, that it had already been discussed.

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ASSEMBLYMAN WISNIEWSKI: Did you have any concern that on the evening of the 12th and the morning of the 13th Mr. O'Dowd, then Mr. McKenna came to you and asked you if you had any knowledge about this?

MS. EGEA: Did I have any concern?

ASSEMBLYMAN WISNIEWSKI: Yes.

MS. EGEA: No. They were doing what they should do.

ASSEMBLYMAN WISNIEWSKI: Okay. And tell me exactly what Mr. O'Dowd asked you.

MS. EGEA: I don't think I could quote it. It was, you know, as I described--

ASSEMBLYMAN WISNIEWSKI: Can you describe it?

MS. EGEA: He asked me if I had any information that I hadn't shared already about the toll realignment and the whole issue.

ASSEMBLYMAN WISNIEWSKI: And did you tell him that you gave Bridget Kelly a copy of Baroni's testimony?

MS. EGEA: I don't recall saying that to him.

ASSEMBLYMAN WISNIEWSKI: Okay. Did he ask you about that?

MS. EGEA: I don't recall. If I was asked, I would have told.

ASSEMBLYMAN WISNIEWSKI: Did he tell you that he was calling at the Governor's direction?

MS. EGEA: No, he did not.

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ASSEMBLYMAN WISNIEWSKI: Okay. I'd like to draw your attention to Tab 38. This is Mr. DuHaime's interview memo.

SENATOR O'TOOLE: Sorry, Chair, which--

ASSEMBLYMAN WISNIEWSKI: Tab 38.

SENATOR O'TOOLE: Tab 38, thank you.

ASSEMBLYMAN WISNIEWSKI: Now, on January 8, you were called to Drumthwacket to meet with other top staff advisors about the George Washington Bridge issue. Is that correct?

MS. EGEA: The release of the materials.

ASSEMBLYMAN WISNIEWSKI: Say again?

MS. EGEA: Yes, the release of the materials that occurred that morning.

ASSEMBLYMAN WISNIEWSKI: Okay. And what was discussed at that meeting?

MS. EGEA: Well, it was, first, a larger group meeting, and it began with a request from the Governor to be sure he knew everything that we knew and that there wasn't anything further that would be a surprise. And he asked if we'd all read the materials that had been released, and discussed what the implications were; and then talked about options of what to do next; and some preliminary conclusions about some options that could be pursued. And that was-- There was a large meeting, and then -- I don't remember how long that lasted, though; maybe two hours.

ASSEMBLYMAN WISNIEWSKI: Okay, in Mr. DuHaime's memo, on page 7, there's a reference to Bill Stepien having claimed

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that he told Wildstein to take his idea for a traffic study to Trenton. Were you aware of that claim, as reported by Mr. DuHaime?

MS. EGEA: I was not. You mean, when it occurred?

ASSEMBLYMAN WISNIEWSKI: Or at this meeting.

MS. EGEA: No.

ASSEMBLYMAN WISNIEWSKI: Okay. If something had to be approved in Trenton for an idea such as this, who would approve it?

MS. EGEA: I have no idea.

ASSEMBLYMAN WISNIEWSKI: Would it come to you, as the Director of the Authorities Unit?

MS. EGEA: What would come to me?

ASSEMBLYMAN WISNIEWSKI: The allegation that is being raised by Mr. DuHaime, saying that Stepien had claimed that Wildstein had to take his idea for a traffic study -- the traffic study being the closure of the Fort Lee lanes -- to Trenton. Is that something that runs through the Authorities Unit?

MS. EGEA: It never did, and it never would.

ASSEMBLYMAN WISNIEWSKI: If that came to you, what would you have done?

MS. EGEA: Well, I would want to understand what the objective was. I would've explored it, and I'm not sure, depending on how it was presented. So I'm not what he would have said, so I'm not sure what I would have said back.

ASSEMBLYMAN WISNIEWSKI: Okay. On January 9, pursuant to the Tab 37 of our book here, on page 9 -- which is your

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Gibson Dunn interview memo -- you state that Christina Renna approached you to show you correspondence from Kelly from September 12, which is that correspondence reflected in Tab 36. Do you recall seeing this e-mail on that day?

MS. EGEA: In Tab 36, yes.

ASSEMBLYMAN WISNIEWSKI: Okay. Had you seen it before that day?

MS. EGEA: I had not.

ASSEMBLYMAN WISNIEWSKI: Had you been aware before that day of complaints from Mayor Sokolich?

MS. EGEA: I was not.

ASSEMBLYMAN WISNIEWSKI: Not at all?

MS. EGEA: Not at all.

ASSEMBLYMAN WISNIEWSKI: No one had ever brought them to your attention before this day?

MS. EGEA: No.

ASSEMBLYMAN WISNIEWSKI: Don't you think it's odd that there are-- You are aware that there have been complaints made to the Governor's Office about the lane closure?

MS. EGEA: I knew that there were complaints stated in the press. I did not know that there were complaints inside other parts of the organization.

ASSEMBLYMAN WISNIEWSKI: When you were aware that there were complaints stated in the press, did you ask within the Governor's Office-- There are people who would be the recipients of those complaints; the front lines, so to speak -- did

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you ask any of them, "Have you gotten complaints about the Port Authority?"

MS. EGEA: I did not.

ASSEMBLYMAN WISNIEWSKI: Why not?

MS. EGEA: Well, as I said, they were statements in the press. I dealt with items in front of the Board and, at that point-- So you're talking about the timeframe of January, if I'd have asked that question, Assemblyman?

ASSEMBLYMAN WISNIEWSKI: No, I think my question is, I was asking you if you were aware that there had been complaints about what had happened on the Bridge, and you said you had heard about them in the press.

MS. EGEA: Correct.

ASSEMBLYMAN WISNIEWSKI: And my question is, when you heard about those complaints in the press, didn't you then make an inquiry to whomever in the Governor's Office is responsible for receiving that type of information, "Can you tell me about these complaints I'm reading about?"

MS. EGEA: I did not-- Typically, complaints that would end up that need a response would come into my office, or come into one of the attorney's offices. So I didn't ask, and I didn't know they existed.

ASSEMBLYMAN WISNIEWSKI: Now, did not Christine Renna tell you that Mr. Baroni had attempted to secure Mayor Sokolich's endorsement?

MS. EGEA: Christina told me that, yes.

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ASSEMBLYMAN WISNIEWSKI: Okay. Did that surprise you?

MS. EGEA: I was not aware of it.

ASSEMBLYMAN WISNIEWSKI: Did it surprise you?

MS. EGEA: Yes, I didn't know it was an activity he was involved in.

ASSEMBLYMAN WISNIEWSKI: Did you put any connection between his attempt to secure Mayor Sokolich's endorsement and what had happened at the George Washington Bridge?

MS. EGEA: I never had the opportunity to ask the Deputy.

ASSEMBLYMAN WISNIEWSKI: Well, no, I didn't ask if you asked. Did you put those two together?

MS. EGEA: Well, they're the same town, but I drew no conclusion at that point.

ASSEMBLYMAN WISNIEWSKI: When you heard that, did you ask anybody else? Obviously, you didn't have a chance to ask Mr. Baroni. Did you ask anybody else about this issue?

MS. EGEA: On January 12? Excuse me, on January 9?

ASSEMBLYMAN WISNIEWSKI: Yes.

MS. EGEA: I did not.

ASSEMBLYMAN WISNIEWSKI: Why not?

MS. EGEA: Well, there was a lot of information coming out very quickly, and when I met with the staff at IGA I was trying to accumulate information. So I was trying to, frankly, process and

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think all at the same time. So I was in the mode of trying to accumulate information as I was getting it, and it was coming in very quickly.

ASSEMBLYMAN WISNIEWSKI: I can't help but at least get the impression from your testimony that you didn't ask a lot of questions about this issue throughout the entire process. So my question to you is, did anybody approach you and tell you that you shouldn't ask questions?

MS. EGEA: Well, I can't agree to the first part of your statement -- that I didn't ask a lot of questions. Because I think we did, and we also, I felt, we were doing our due diligence by allowing the Executive Director to perform his review.

And no, to the second part of your question. I was never asked not to ask questions about anything to do with any of the Authorities.

ASSEMBLYMAN WISNIEWSKI: You're aware that the Port Authority has an Inspector General's Office, right?

MS. EGEA: I am.

ASSEMBLYMAN WISNIEWSKI: And you're aware that after all of this had become known, that Senator Codey had made a request to the Inspector General's Office to investigate. Are you aware of that?

MS. EGEA: I am.

ASSEMBLYMAN WISNIEWSKI: Why didn't you make a request of the Inspector General's Office to investigate?

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MS. EGEA: I would have thought if there were grounds for it during the Executive Director's review, he would have taken that step. That's the appropriate way for, in my mind, the Inspector General to become involved.

ASSEMBLYMAN WISNIEWSKI: You heard about this in September -- the September 13 e-mail discussion with Bill Baroni. You said at that time you expected Pat Foye would follow through with one of his statements in his e-mail. So one month later, in October, did you do any follow-up with the Executive Director's Office about his investigation?

MS. EGEA: Not with the Executive Director's Office.

ASSEMBLYMAN WISNIEWSKI: Did you follow up with Bill Baroni about the investigation?

MS. EGEA: I think I've said that I'm quite certain that I asked questions about, "Is there any data that's been produced?" And none was produced.

ASSEMBLYMAN WISNIEWSKI: No, but my question is, you had--

MS. EGEA: In connection with his review. So I'm trying to be responsive to your question.

ASSEMBLYMAN WISNIEWSKI: Right. But my simple question is, you initially thought that Pat Foye would do a review; one month later, did you inquire, "Where's the review?"

MS. EGEA: I believe I asked Bill -- I can't produce an e-mail -- I believe we had conversations. I asked, "Were there any results?" And no results had been forthcoming -- that he had.

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ASSEMBLYMAN WISNIEWSKI: A month after that, in November, did you ask him?

MS. EGEA: I believe I asked continuously.

ASSEMBLYMAN WISNIEWSKI: Senator Weinberg is showing up at three successive Port Authority meetings asking about this. And I went to one of the meetings, and Mr. Foye and Mr. Baroni both got up and said, in unison, that, "The matter is under review," which is similar to the language that you used in one of your e-mails, which was, "sticking to the script -- all under review." Why would Bill Baroni and Pat Foye both say, "All under review," if your expectation was that Pat Foye was doing some kind of review? Didn't Bill Baroni give you some type of indication that there was or wasn't a review?

MS. EGEA: No, not at-- To the last part of your question, not at all. As I've stated previously, it is a practice to not speak to any matter that's under review until it's complete. So, you know, it was I expected, because we hadn't seen any results, at the Board level or anywhere else, that I knew of on the results of the review that he was doing. So it was perfectly appropriate for them to not comment.

ASSEMBLYMAN WISNIEWSKI: So final question: This is happening in the context of the Governor's reelection campaign, correct?

MS. EGEA: It was going on at the same time.

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ASSEMBLYMAN WISNIEWSKI: The fall of 2013. There are allegations made that potential appointees of the Governor broke the law, according to Pat Foye's e-mail, correct?

MS. EGEA: Correct.

ASSEMBLYMAN WISNIEWSKI: Did this not concern you, as an appointee of the Governor, to pick up the phone and call the campaign manager and say, "Mr. Stepien, you ought to know, there are these allegations. This might have some impact on the campaign"?

MS. EGEA: No, I really did not communicate with the campaign at all. And as I've tried to repeat earlier that in the context of what we knew then, at that period of time, it was the perception of a continuing, more internal battle between the Deputy and the Executive Director.

ASSEMBLYMAN WISNIEWSKI: So you just thought this was bad blood between New York and New Jersey and it didn't deserve any further inquiry?

MS. EGEA: It wasn't that there wasn't going to be any further inquiry. The Executive Director made the allegation, and he said he was going to review it. I relied upon him to go do that.

ASSEMBLYMAN WISNIEWSKI: And so if he never did anything, you were satisfied that there was no reason to look into it further?

MS. EGEA: Well, he took it upon himself to make the statement.

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ASSEMBLYMAN WISNIEWSKI: No, I understand that. I understand what he said in his e-mail. My question is, so in your responsible position as representing the interests of the State of New Jersey as the Director of the Authorities Unit, is it your position that after making these allegations, if Mr. Foye did nothing, that that was just fine?

MS. EGEA: I would want to see a close-out on it at some point. But I didn't know how long it was going to take. Of course, I always-- Open items, I always like to see close, and I would have liked to have seen this one closed.

ASSEMBLYMAN WISNIEWSKI: And through this day, you have never followed up with Pat Foye about this?

MS. EGEA: I have not; I do not interact with the Executive Director, no.

ASSEMBLYMAN WISNIEWSKI: Through this day, you have not followed up with him on this issue?

MS. EGEA: I have not interacted with him on that.

ASSEMBLYMAN WISNIEWSKI: Thank you, Madam Chair. I have no further questions.

SENATOR O'TOOLE: Chair, I have some more questions.

SENATOR WEINBERG: Senator O'Toole.

SENATOR O'TOOLE: Great, thank you, Chair.

Through the Chair, I heard Chairman Wisniewski talk about that Foye, the Executive Director, got up at a meeting and said, "All is under review." Are you aware-- Were you at that meeting when he said that?

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MS. EGEA: I was not.

SENATOR O'TOOLE: Have you ever heard that, prior to today -- that Director Foye said, “All is under review”?

MS. EGEA: I don’t recall. I knew he was in the press gaggle, and I knew he would have been responding to questions. I didn’t know it, though, until the Assemblyman just said it.

SENATOR O'TOOLE: Do you know what the Assemblyman -- which meeting he was referring to? Was it the October-- Chair, which meeting was that?

ASSEMBLYMAN WISNIEWSKI: November.

SENATOR WEINBERG: November.

SENATOR O'TOOLE: The November meeting. Do you--

ASSEMBLYMAN WISNIEWSKI: It was the one in Jersey City.

SENATOR O'TOOLE: Okay. Do you know if your subordinate, Nicole, was at that meeting where Director Foye said, “All is under review”?

MS. EGEA: I recall she was.

SENATOR O'TOOLE: Okay. And did she give you a memo to that effect that Mr. Foye said, “All is under review”?

MS. EGEA: Not a memo on it.

SENATOR O'TOOLE: Okay. With regard to Tab 2 -- which we’ve referred to -- just a couple of follow-up questions.

September 13, Foye memo to the 8 or 9 folks -- Buchbinder and everybody else -- attached to that. Having read it carefully, if you could just glance down to about two-thirds of the

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way; it says, “To be clear,” can you read that, Regina, through the Chair?

MS. EGEA: Yes.

SENATOR O'TOOLE: It says, “To be clear, I will get to the bottom of this abusive decision which violates everything this agency stands for. I intend to learn the PA process was wrongly subverted, and the public interest damaged.”

It’s pretty clear to me in that, that the Executive Director was taking a very affirmative action. Number one, earlier in the e-mail he was reversing whatever was done with the traffic realignments, as you see in this first paragraph. And then he lays out four very distinct reasons or rationales as to why he was doing that. And then he says, he charges further, that, “I,” meaning him, he “will get to the bottom of this.” Did you read that?

MS. EGEA: I did.

SENATOR O'TOOLE: Did you, when you read that, did you take that he was taking charge and was going to present, at some point, either to the Board, or to Mr. Baroni, or to some fact-finding entity that his review or what he got to the bottom of. Were you waiting for that?

MS. EGEA: Absolutely. That’s what I’ve been referring to all day.

SENATOR O'TOOLE: And that never came?

MS. EGEA: Correct.

SENATOR O'TOOLE: For some reason, if he got to the bottom of it, you were never notified.

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MS. EGEA: Correct.

SENATOR O'TOOLE: If he got to the bottom of it -- as he's charged and declared -- do you know if he gave that to Mr. Baroni at any point in time when he was employed by the Port?

MS. EGEA: I am not aware of him doing that.

SENATOR O'TOOLE: And if he did, certainly Mr. Baroni has not given you anything that suggests that Mr. Foye got to the bottom of it, and here's his report?

MS. EGEA: Correct.

SENATOR O'TOOLE: Okay, thank you very much.

SENATOR WEINBERG: By the way, Senator O'Toole, that's been one of my questions all along too.

SENATOR O'TOOLE: Let's get Patrick Foye here.

SENATOR WEINBERG: That nobody got to the bottom of it, and because Mr. Foye didn't publicly, somebody from our Governor's Office should have.

And let me refer you-- Assemblyman Wisniewski brought the testimony from the Assembly Transportation Committee when -- the testimony about which you texted the Governor. It's a question from Assemblyman Schaer, "Mr. Foye, do we have any idea exactly how many automobiles, buses, trucks, etc., were actually affected by these four days of bedlam? A raw number? The figure was given -- 300,000 cars a day traverse the Bridge. Do we have any breakdown further in terms of what this--"

Mr. Foye answers, "Well, Assemblyman, a rule of thumb is that the Fort Lee lanes -- which obviously don't serve just Fort

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Lee, but beyond -- account for about 25 percent to 26 percent of the traffic on any given morning, or any given afternoon." That's one testimony.

So the whole prior material that you worked on, which talked about, 75 percent of the lanes took 90 percent of the traffic -- something of that sort -- and the impetus, under the idea that these lanes were, somehow, dedicated to Fort Lee. When you found out on December 9, you listened to the testimony closely enough to text the Governor on how professional you thought Mr. Fulton's testimony was. What about Mr. Foye's testimony? It actually gave the real statistics of the use of those lanes over the George Washington Bridge. Did you have any judgment about that?

MS. EGEA: I think I've stated from the start that the testimony, certainly, on the 9th caused me to question the Deputy's judgment.

And I always knew, and I think he stated that the data he was using was the E-ZPass data. I don't know the source data and when that was accumulated -- that the Executive Director testified to -- if that was accumulated after September, before September, or in preparation for his testimony.

SENATOR WEINBERG: So you accepted what Mr. Baroni told you in the preparation for his statement before the Assembly Committee, but you're questioning the source of the data that Mr. Foye used?

MS. EGEA: I'm not questioning the source. As you noted, he was under oath and I don't question the source. I just

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don't know when that became available. It could have been that that data was not available when Mr. Baroni was preparing his opening statement. That was the only point I was making. I had never heard it and, in fact, I think I have already said to you that I don't recall it that day, from his testimony. But I don't doubt that he said it.

SENATOR WEINBERG: Yes, well, I just read you from the transcript.

MS. EGEA: I know.

SENATOR WEINBERG: Did you text the Governor about any portion of Mr. Foye's testimony? That he had reversed the lanes, that as far as he was concerned there was no traffic study? Did you text the Governor about that at all?

MS. EGEA: I did not. As I said, I was not trying to be comprehensive. My only thought, my only reaction-- And I actually don't even know if I texted this, but my reaction was, as I've stated before, that I was a little surprised at how conciliatory Mr. Foye was toward Mr. Baroni, in terms of describing their relationship.

SENATOR WEINBERG: So you don't know if you texted that to the Governor?

MS. EGEA: I don't.

SENATOR WEINBERG: That was just your impression.

All right, I'm going to ask you one last question.

In hindsight, what do you think you, as a member of the Office of the Governor, might have done differently based upon what we know today?

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MS. EGEA: Well, I believe I acted in the most informed way that I should have.

SENATOR WEINBERG: No, no -- but I'm asking you about, in hindsight, what do you think you could have done differently?

SENATOR O'TOOLE: Can she finish her response, please?

MS. EGEA: Yes, I'd like to, I guess, put it into context.

I believe I was very responsible. I did inquire, and I attempted to be as responsible as I possibly could be in my role dealing with the Port Authority. And the things that I knew when I knew them -- I think I acted in a responsible way.

Now, on a going forward basis, if I encounter a somewhat similar -- I'm sure there will never be exactly the same, but somewhat similar, to Assemblyman Wisniewski's question, I think, from before -- that I probably should have put an end date. There should have been, in my mind, a point at which I would have said, "Let's have the report." But, you know, that's on a going forward-- I learned that from this, quite frankly. And I take that forward with me in how I will deal with the Authorities -- all the Authorities, going forward.

SENATOR WEINBERG: So I did preface it with "in hindsight."

MS. EGEA: But I--

SENATOR WEINBERG: No, I'm accepting your answer that, in hindsight--

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MS. EGEA: I mean, going forward--

SENATOR WEINBERG: If I understand you correctly, in hindsight you would've asked more questions about the internal report.

MS. EGEA: That's not what I said.

SENATOR WEINBERG: Oh, then I misunderstood.

MS. EGEA: I said I believe I acted in good faith -- what I knew, when I knew it.

SENATOR WEINBERG: Right.

MS. EGEA: And I've worked hard to retain my ability to recall what I knew and when I knew it.

But having had this experience, on a going-forward basis, if I encounter -- where's there a review going on by an individual in an Authority -- I would expect to have an end date to it. So I've learned that, and I take that forward.

SENATOR WEINBERG: So that's what you learned: that you would've said to Patrick Foye, "When is your report going to be released?"

MS. EGEA: I would've put an end date on it.

SENATOR WEINBERG: Okay. Thank you very much.

The Committee is adjourned. We already passed the resolution to release the documents.

SENATOR O'TOOLE: Is there a statement coming, because I heard that from the attorney?

MR. MARTINEZ: Yes.

SENATOR WEINBERG: I'm sorry, yes.

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MR. MARTINEZ: So we would like, under the Code of Fair Procedure, Ms. Egea does have the opportunity to file a brief, sworn statement for incorporation into the record, and I invite her to do that now.

MS. EGEA: And it's really in one area that I wanted to be sure the record was clear, because there was some talking over.

It's already stated that I worked hard to try to not listen to other testimony; to not read the summary statements from the Gibson Dunn reports. And I've limited -- although I cannot say that I didn't see news clips and some news reports -- but I've worked hard to try to not incorporate any other influence in my memory. And there was a suggestion made at one point that there was some scripting or coordination, and I want to be clear that I've not worked with anyone but my own attorney in preparation for this hearing. And I've worked hard to try to represent only what I know, and I believe, and only that information truthfully today.

Thank you.

SENATOR WEINBERG: Thank you, Ms. Egea.

And do you have something else that you wish you to say?

MR. MARTINEZ: No, Co-Chair; thank you.

SENATOR WEINBERG: Okay, we do reserve the right to call Ms. Egea back at any time. And we have left--

Oh, I'm sorry. Assemblyman, you had something?

ASSEMBLYMAN MORIARTY: I don't have any questions for the witness, but I just wanted to say to the Chair, you know, one

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of our missions is to try to find out, as a legislative body, if there are areas where we need to legislate. And there are three areas that come to mind to me today, though, that I would just like to quickly mention.

One is that we keep hearing this thing about people got e-mails about accusations about illegal activities, and I would contend they did very little, if anything. And I think that maybe public officials who receive information or allegations of wrongdoing should be required to refer that to the Attorney General or the County Prosecutor, or, if it's an allegation of an ethical problem, to the Ethics Commission. There are other similar laws like this throughout the country; for instance, in child welfare, if there's some report of a problem in a school, teachers and administrators are required to report that. So that would get away from this arbitrariness of deciding whether something is truly an allegation, or needs to be investigated further -- just refer it. That's one area that is worthy, I think, of looking at.

Another is document retention. I think we heard today that even after all of this, and even after the Governor's Office has put out new rules, that the witness today testified that she still decides on her own which e-mails or texts to delete and which not to delete. So I think there needs to be a clear indication of what is appropriate and what is not appropriate so that all employees would know what is expected of them.

And then the third one is that we heard over and over that New York doesn't talk to New Jersey, and New Jersey doesn't

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talk to New York. And I think that's a real big problem. And I think that we need to see if there's some way to realign the Port Authority to foster better communication between not just the Commissioners, but between the staffs and the governors' representatives.

So those are three things that stick out in my mind. I'd be glad to talk to you about them in the future.

SENATOR O'TOOLE: Chair, can I-- Those are great ideas. I think they're terrific. I'm hoping we can dedicate, maybe, one session to talk about just legislation.

And the only thing I would say to Assemblyman Moriarty, in terms of that obligation-- I mean, it's hard to define what the threshold is, as to when they have to notify; I think it's a great idea. But I think whatever that is, ultimately, through the Chair, is we should make that applicable to the Legislature as well.

ASSEMBLYMAN MORIARTY: I agree.

SENATOR WEINBERG: Assemblyman Wisniewski.

ASSEMBLYMAN WISNIEWSKI: And just final, to counsel -- throughout the hearing today there were several requests made for documents that your client referred to. And counsel will send to you a summary of what those requests are. And you and he can discuss that and you can decide on your response. But I just wanted to remind you that, as you recall, there were several times that there were documents referred to that we did not, at least immediately, understand to be in possession of that we would like to get. And you'll be getting that request as part of this process.

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MR. MARTINEZ: Thank you, Co-Chair.

SENATOR WEINBERG: Including what you agreed to, that you will turn over to our counsel the phone number that Ms. Egea uses to text the Governor, which will be not released publicly.

MR. MARTINEZ: Correct, Co-Chair.

SENATOR WEINBERG: Thank you.

Okay, thank you very much.

The Committee meeting today is closed.

(MEETING CONCLUDED)

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Tab 1

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Phone Records Associated with David Samson

[redacted]

Date	Time	Associated Person's Number	Origination	Destination	Minutes
07/24/13	7:03 AM	David Wildstein (cell)	Jersey Cit NJ	Morristown NJ	1
07/24/13	7:04 AM	David Wildstein (cell)	Hoboken NJ	Morristown NJ	2
07/24/13	7:11 AM	William Baroni (cell)	Jersey Cit NJ	Trenton NJ	2
07/24/13	7:12 AM	Philippe Danielides (Port Authority)	Jersey Cit NJ	New York NY	1
07/24/13	7:15 AM	David Wildstein (cell)	Jersey Cit NJ	Morristown NJ	1
07/24/13	7:27 AM	William Baroni (cell)	New York NY	Incoming CL	2
07/25/13	2:18 PM	Kevin O'Dowd (business)	Roxbury CT	Trenton NJ	1
07/25/13	2:19 PM	Kevin O'Dowd (cell)	New Milfor CT	Morristown NJ	1
07/25/13	4:47 PM	William Baroni (cell)	Roxbury CT	Incoming CL	3
07/29/13	10:23 AM	William Baroni (Port Authority)	Roxbury CT	New York NY	1
07/30/13	12:29 PM	William Baroni (Port Authority)	Livingston NJ	New York NY	6
07/31/13	4:57 PM	William Baroni (cell)	Kearny NJ	Trenton NJ	1
07/31/13	4:57 PM	William Baroni (Port Authority)	Kearny NJ	New York NY	10
07/31/13	8:32 PM	William Baroni (cell)	Secaucus NJ	Trenton NJ	15
08/02/13	4:07 PM	William Baroni (Port Authority)	Roxbury CT	New York NY	2
08/02/13	4:50 PM	William Baroni (cell)	New Milfor CT	Incoming CL	8
08/06/13	10:19 AM	William Baroni (Port Authority)	New Milfor CT	New York NY	23
08/06/13	11:39 AM	Kevin O'Dowd (business)	New Milfor CT	Trenton NJ	2
08/07/13	3:06 PM	Philippe Danielides (Port Authority)	New Milfor CT	New York NY	16
08/10/13	3:38 PM	William Baroni (cell)	Roxbury CT	Incoming CL	17
08/11/13	12:44 PM	William Baroni (cell)	New Milfor CT	Incoming CL	2
08/11/13	1:59 PM	William Baroni (cell)	Roxbury CT	Incoming CL	4
08/12/13	5:55 PM	William Baroni (cell)	West Orang NJ	Trenton NJ	11
08/12/13	6:11 PM	William Baroni (cell)	Bloomfield NJ	Incoming CL	9
08/13/13	10:03 AM	Philippe Danielides (Port Authority)	West Orang NJ	New York NY	3
08/14/13	10:45 AM	David Samson (Port Authority)	New York NY	New York NY	16
08/14/13	12:26 PM	William Baroni (cell)	New York NY	Trenton NJ	4
08/14/13	12:28 PM	William Baroni (cell)	New York NY	Trenton NJ	1
08/14/13	12:32 PM	Philippe Danielides (Port Authority)	New York NY	New York NY	1
08/20/13	10:50 AM	Kevin O'Dowd (business)	New Milfor CT	Trenton NJ	1
08/21/13	11:01 AM	Regina Egea (business)	New Milfor CT	Trenton NJ	16
08/22/13	12:13 PM	Philippe Danielides (Port Authority)	West Orang NJ	New York NY	11
08/22/13	12:24 PM	William Baroni (Port Authority)	Clifton NJ	Trenton NJ	7
08/22/13	7:58 PM	William Baroni (cell)	Montclari NY	Trenton NJ	4
08/23/13	8:32 AM	William Baroni (cell)	Caldwell NJ	Incoming CL	6
08/23/13	12:26 PM	Kevin O'Dowd (business)	Trenton NJ	Trenton NJ	2
08/23/13	3:35 PM	William Baroni (cell)	Allentown NJ	Trenton NJ	20
08/26/13	11:18 AM	William Baroni (cell)	Washington DC	Trenton NJ	6
08/27/13	3:56 PM	William Baroni (cell)	New Milfor CT	Incoming CL	13
08/28/13	3:01 PM	William Baroni (cell)	Newark NJ	Trenton NJ	4
08/29/13	12:43 PM	William Baroni (cell)	East Orang NJ	Trenton NJ	2
08/29/13	1:48 PM	William Baroni (Port Authority)	Brewster NY	New York NY	8
09/03/13	9:41 AM	William Baroni (Port Authority)	New Milfor CT	New York NY	3
09/04/13	11:02 AM	William Baroni (Port Authority)	Harrison NJ	New York NY	3
09/05/13	9:02 AM	William Baroni (cell)	Caldwell NJ	Incoming CL	5
09/05/13	5:14 PM	William Baroni (Port Authority)	West Orang NJ	New York NY	4
09/05/13	5:17 PM	William Baroni (Port Authority)	West Orang NJ	New York NY	1
09/05/13	6:04 PM	William Baroni (Port Authority)	Weehawken NJ	New York NY	16
09/09/13	6:23 PM	William Baroni (cell)	Red Lodge MT	Trenton NJ	2
09/09/13	6:26 PM	Regina Egea (cell)	Red Lodge MT	Elizabeth NJ	7
09/09/13	6:42 PM	William Baroni (cell)	Red Lodge MT	Trenton NJ	2
09/09/13	6:43 PM	David Wildstein (cell)	Red Lodge MT	Morristown NJ	2
09/09/13	6:54 PM	William Baroni (cell)	Red Lodge MT	Incoming CL	6

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Phone Records Associated with David Samson

[redacted]

Date	Time	Associated Person's Number	Origination	Destination	Minutes
09/09/13	7:07 PM	William Baroni (cell)	Red Lodge MT	Incoming CL	4
09/09/13	9:09 PM	William Baroni (cell)	Red Lodge MT	Incoming CL	8
09/10/13	9:20 AM	Kevin O'Dowd (business)	Denver CO	Trenton NJ	6
09/10/13	4:07 PM	William Baroni (Port Authority)	Newark NJ	New York NY	5
09/10/13	7:41 PM	Kevin O'Dowd (cell)	Caldwell NJ	Morristown NJ	2
09/10/13	8:14 PM	William Baroni (celll)	Caldwell NJ	Trenton NJ	2
09/10/13	8:31 PM	William Baroni (cell)	Caldwell NJ	Incoming CL	11
09/11/13	7:18 AM	David Wildstein (cell)	Newark NJ	Morristown NJ	1
09/11/13	7:22 AM	David Wildstein (cell)	Jersey Cit NJ	Incoming CL	3
09/11/13	7:27 AM	David Wildstein (cell)	Jersey Cit NJ	Morristown NJ	1
09/11/13	7:29 AM	David Wildstein (cell)	Jersey Cit NJ	Morristown NJ	1
09/11/13	7:35 AM	David Wildstein (cell)	Jersey Cit NJ	Morristown NJ	2
09/11/13	3:05 PM	Regina Egea (business)	Brooklyn NY	Trenton NJ	2
09/11/13	3:08 PM	Regina Egea (business)	New York NY	Trenton NJ	1
09/11/13	7:36 PM	William Baroni (cell)	New York NY	Trenton NJ	1
09/11/13	8:08 PM	William Baroni (cell)	New York NY	Trenton NJ	1
09/11/13	8:34 PM	William Baroni (cell)	New York NY	Incoming CL	5
09/12/13	12:04 PM	William Baroni (cell)	Bloomfield NJ	Incoming CL	3
09/12/13	12:11 PM	Philippe Danielides (Port Authority)	Garfield NJ	New York NY	1
09/12/13	12:16 PM	Philippe Danielides (Port Authority)	Paramus NJ	New York NY	10
09/13/13	10:53 AM	Philippe Danielides (Port Authority)	New Milfor CT	New York NY	9
09/13/13	12:24 PM	William Baroni (Cell)	New Milfor CT	Trenton NJ	10
09/13/13	2:16 PM	William Baroni (Cell)	New Milfor CT	Trenton NJ	7
09/13/13	5:22 PM	William Baroni (Cell)	New Milfor CT	Trenton NJ	4
09/16/13	9:35 AM	William Baroni (Cell)	Danbury CT	Trenton NJ	10
09/16/13	10:18 AM	Philippe Danielides (Port Authority)	White Plai NY	New York NY	10
09/16/13	11:13 AM	William Baroni (Cell)	West Orang NJ	Trenton NJ	2
09/16/13	12:24 PM	William Baroni (Cell)	Livingston NJ	Incoming CL	2
09/17/13	10:05 AM	William Baroni (Cell)	New York NY	Trenton NJ	1
09/17/13	11:13 AM	William Baroni (Cell)	New York NY	Trenton NJ	5
09/17/13	12:27 PM	William Baroni (Cell)	New York NY	Trenton NJ	4
09/18/13	7:18 AM	William Baroni (Cell)	Newark NJ	Trenton NJ	1
09/18/13	7:19 AM	David Wildstein (cell)	Newark NJ	Morristown NJ	1
09/18/13	7:20 AM	David Wildstein (cell)	Newark NJ	New York NY	1
09/18/13	7:27 AM	William Baroni (cell)	Kearny NJ	Trenton NJ	9
09/18/13	8:00 AM	Philippe Danielides (Port Authority)	New York NY	New York NY	1
09/21/13	10:24 AM	Regina Egea (cell)	Roxbury CT	Elizabeth NJ	1
09/21/13	12:02 PM	William Baroni (cell)	New Milfor CT	Incoming CL	3
09/21/13	1:05 PM	Regina Egea (cell)	New Milfor CT	Elizabeth NJ	5
09/23/13	6:06 PM	William Baroni (cell)	West Orang NJ	Trenton NJ	2
09/24/13	6:05 PM	Philippe Danielides (Port Authority)	Kearny NJ	New York NY	1
09/24/13	6:06 PM	David Wildstein (cell)	Kearny NJ	Morristown NJ	1
09/24/13	6:07 PM	David Wildstein (Port Authority)	Kearny NJ	New York NY	1
09/24/13	6:07 PM	William Baroni (Cell)	Kearny NJ	Trenton NJ	1
09/24/13	6:43 PM	William Baroni (Cell)	New York NY	Incoming CL	4
09/25/13	9:50 AM	William Baroni (Port Authority)	Orange NJ	New York NY	9
09/25/13	9:59 AM	Philippe Danielides (Port Authority)	Secaucus NJ	New York NY	5
09/25/13	12:31 PM	William Baroni (Cell)	New York NY	Incoming CL	7
09/25/13	4:31 PM	Regina Egea (business)	New York NY	Trenton NJ	1
09/25/13	5:17 PM	Regina Egea (business)	New York NY	Incoming CL	6
09/25/13	8:27 PM	William Baroni (Cell)	New York NY	Trenton NJ	1
09/26/13	12:54 PM	William Baroni (Cell)	Clifton NJ	Trenton NJ	4
09/26/13	1:28 PM	Regina Egea (business)	Pleasantvi NY	Trenton NJ	2

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Tab 2

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From: Baroni, Bill
Sent: Friday, September 13, 2013 10:44 AM
To: Regina Egea
Subject: FW: Fort Lee eastbound access to GWB

Importance: High

From: Foye, Patrick
Sent: Friday, September 13, 2013 7:44 AM
To: Fulton, Cedrick; Durando, Robert
Cc: Baroni, Bill; Dunne, Joseph P.; Koumoutsos, Louis; Zipf, Peter; Samson, David; 'Rechler, Scott'; Buchbinder, Darrell
Subject: Fort Lee eastbound access to GWB
Importance: High

After reading last night's media pendings, I made inquiries and received calls on this matter which is very troubling. Here is what I learned: reversing over 25 years of PA GWB operations, the three lanes in Fort Lee eastbound to the GWB were reduced to one lane on Monday of this week without notifying Fort Lee, the commuting public we serve, the ED or Media. A decision of this magnitude should be made only after careful deliberation and upon sign off by the ED. Reports are that Fort Lee has experienced severe traffic delays engulfing the entire Fort Lee area since Monday. I am appalled by the lack of process, failure to inform our customers and Fort Lee and most of all by the dangers created to the public interest, so I am reversing this decision now effective as soon as TBT and PAPD tell me it is safe to do so today.

I am making this decision for the following reasons:

1. This hasty and ill-advised decision has resulted in delays to emergency vehicles. I pray that no life has been lost or trip of a hospital- or hospice-bound patient delayed.
2. This hasty and ill-advised decision has undoubtedly had an adverse effect on economic activity in both states. That is contrary to the directive we have from our Governors to do everything possible to create jobs in both States.
3. I will not allow this hasty and ill-advised decision to delay the travels of those observing Yom Kippur tonight or the holidays to follow.
4. I believe this hasty and ill-advised decision violates Federal Law and the laws of both States.

To be clear, I will get to the bottom of this abusive decision which violates everything this agency stands for; I intend to learn how PA process was wrongfully subverted and the public interest damaged to say nothing of the credibility of this agency.

Finally, I am open to considering changes to each of our facilities if there is a case to be made that change will benefit the public interest. In the case of the Fort Lee eastbound access lanes, approval of this action will require:

1. Written sign off by TBT, Traffic Engineering and PAPD. That sign off was not sought or obtained here.
2. Prior discussion with the local government and a communication plan and plenty of advance notice to the commuting public. That did not occur here.
3. Consideration of the effects on emergency vehicles and sign off by PAPD. That did not occur here.
4. Consideration of the financial impact on the PA in terms of O/T. That too did not occur here.

[redacted] and Bob—please let this group know when access to three lanes in Fort Lee can be restored as soon as possible today. This is a matter of public safety and time is of the essence.

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Tab 3

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From: Regina Egea
Sent: Friday, September 13, 2013 11:07 AM
To: Nicole Crifo
Subject: Fw: Fort Lee eastbound access to GWB

Importance: High

From: Baroni, Bill [mailto:bbaroni@panynj.gov]
Sent: Friday, September 13, 2013 10:43 AM
To: Regina Egea
Subject: FW: Fort Lee eastbound access to GWB

From: Foye, Patrick
Sent: Friday, September 13, 2013 7:44 AM
To: Fulton, Cedrick; Durando, Robert
Cc: Baroni, Bill; Dunne, Joseph P.; Koumoutsos, Louis; Zipf, Peter; Samson, David; 'Rechler, Scott'; Buchbinder, Darrell
Subject: Fort Lee eastbound access to GWB
Importance: High

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I am making this decision for the following reasons:

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2. Prior discussion with the local government and a communication plan and plenty of advance notice to the commuting public. That did not occur here.
3. Consideration of the effects on emergency vehicles and sign off by PAPD. That did not occur here.
4. Consideration of the financial impact on the PA in terms of O/T. That too did not occur here.

Cedric and Bob—please let this group know when access to three lanes in Fort Lee can be restored as soon as possible today. This is a matter of public safety and time is of the essence.

Pat

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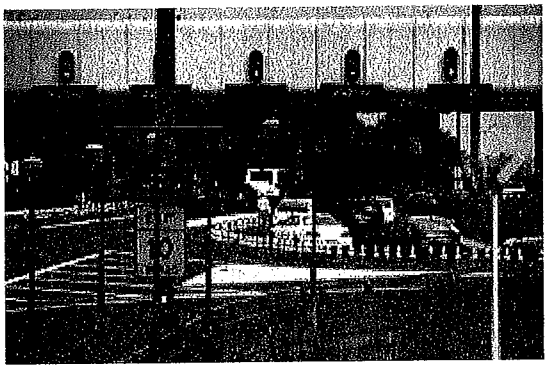
Bridge Jam's Cause a Mystery

New Jersey Officials Say They Weren't Warned That Local Lanes Would Be Closed

By TED MANN and HEATHER HADDON

Updated Sept. 17, 2013 11:12 p.m. ET

No one denies that the Port Authority of New York and New Jersey triggered massive traffic jams when it shifted local toll lanes at the George Washington Bridge from New Jersey last week. But local officials, and some within the Port Authority itself, are scratching their heads over a larger question: Why?



The number of toll lanes to the George Washington Bridge from Fort Lee was reduced to one from three. *Amy Newman/The Record*

Photo provided by The Record

Police and elected officials in Fort Lee, N.J., say they weren't given warning that the Port Authority planned to reduce the number of local access lanes directly from Fort Lee to the bridge from three to one—causing traffic to back up in the borough—and are still puzzled by the official explanation that the agency was conducting a study of traffic patterns.

After the two local lanes handling Fort Lee traffic were closed, cars and trucks quickly clogged streets used by local travelers to reach the bridge and New York City. Local officials said the backup led to long delays for Fort Lee buses traveling for the first day of school Monday.

Within the Port Authority, meanwhile, the decision to close the traffic lanes caused tension, people with knowledge of the matter said. Those people said the lane closures came as a surprise to some high-ranking officials at the bistate agency, which operates area bridges, tunnels and airports.

The local lanes were reopened Thursday morning, one of the people said, after an order from Executive Director Patrick Foye, who argued that the abrupt shift in traffic patterns caused a threat to public safety and should have been advertised to the public ahead of time.

For its part, the agency was sticking with a written statement. "The Port Authority has conducted a week of study at the George Washington Bridge of traffic safety patterns," it said. "We will now review those results and determine the best traffic patterns at the GWB. We will continue to work with our local law enforcement partners."

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A Port Authority spokesman declined to elaborate or provide a further explanation of the origin, purpose or conclusions of the study.

Fort Lee Mayor Mark Sokolich, a Democrat who was first elected in 2007, said he found out about the lane closures Monday morning when the borough was turned into what he called "total gridlock."

The borough hall was flooded with hundreds of calls from angry motorists, Mr. Sokolich said.

"I get that the Port Authority tries different things. I'm very, very grateful that once they realized that this change was causing traffic gridlock, they ended it," said Mr. Sokolich, a local attorney. Mr. Sokolich said it still wasn't clear to him who ordered the closures or why.

Fort Lee police said they learned of the lane closures when traffic began backing up, down the north-south artery of Palisade Avenue, Deputy Chief Timothy Ford said.

"We called their police and they were like, 'We can't help you, it's coming from [our] higher-ups,'" he said. When the local police tried to ask the Port Authority leadership what was going on, he said, "They weren't returning our calls."

Mr. Ford said the police were eventually told the Port Authority was "trying something new" in the layout of the travel lanes leading to the toll plaza.

"I've been here 33 years, and in all that time we've always had three lanes dedicated to the Fort Lee traffic," he said. "And then on this Monday morning, with no prior warning, they decided to try something new."

A spokesman for the Christie administration referred questions to the Port Authority. A spokesman for the state Department of Transportation said the agency has no jurisdiction over the toll lanes and wasn't involved with any traffic study.

Amid the controversy, there was even speculation that the closures could be retribution for Mr. Sokolich's decision not to endorse Mr. Christie in his re-election bid in November. The Christie campaign has received endorsements from at least 48 elected Democrats across the state, including 17 mayors.

Mr. Sokolich said he had a good relationship with the Christie administration and couldn't imagine he would be important enough for the campaign to punish him for not publicly endorsing Mr. Christie. The mayor said he was supporting Democratic Sen. Barbara Buono, Mr. Christie's challenger.

"I've always been incredibly supportive of Gov. Christie even in the face of people criticizing me for it. I find it incomprehensible that there's any truth whatsoever to these rumors," he said.

Kevin Roberts, a spokesman for the Christie campaign, said that any notion that Mr. Sokolich faced retribution for not endorsing the governor was "crazy."

"We don't approach these folks and say, 'You will endorse us.' These are folks who have supported us" on their own, Mr. Roberts said.

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Still, Mr. Sokolich said the incident made him wonder if he had run afoul of someone, somehow, though he didn't name anyone or any organization. "Maybe I'm getting too popular. Maybe I'm doing too many things, been too progressive," said the mayor, noting a spate of development in the borough. "We are proud of it. I've got to believe they are happy with the results."

Write to Ted Mann at ted.mann@wsj.com and Heather Haddon at heather.haddon@wsj.com

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From: Jeanne Ashmore
Sent: Monday, September 23, 2013 5:18 PM
To: Bridget Kelly; Nicole Crifo
Subject: FW: Letter from Senator Weinberg
Attachments: Loretta Weinberg Letter.pdf

fyi

Attached is a letter from Senator Weinberg to Commissioner William Pat Schuber, complaining about the traffic pattern change on the GWB.

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NEW JERSEY LEGISLATURE

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LORETTA WEINBERG
SENATOR, 37TH DISTRICT
545 CEDAR LANE
TEANECK, NJ 07666
PHONE: (201) 928-0100
FAX: (201) 928-0406

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LEGISLATIVE SERVICES

September 19, 2013

Commissioner William Pat Schuber
The Port Authority of New York and New Jersey
225 Park Avenue South
New York, NY 10003

Dear Commissioner Schuber:

Again, I find myself at a loss for words in responding to the questions posed by my constituents in regards to the rationale behind decisions made by the Port Authority of New York and New Jersey. Last year I was at a loss in discussing the rationale behind the toll increases without meaningful public input and now I am at a loss for words regarding the Authority's sudden change in the traffic flow pattern to the George Washington Bridge from Fort Lee. Reducing the number of lanes during peak traffic times has caused a significant hardship for many in the area. This decision, made with no public comment, has created significant congestion in Bergen County.

I am disappointed in the Authority's response, but on a personal level I am disappointed in your lack of advocacy on behalf of the residents of Bergen County. When you were confirmed before the Senate you stated, both privately to me and publicly, that you were going to be the voice for Bergen County residents to the Authority. Sadly, at least based on your public actions, this does not appear to me to be the case.

It is my hope that this will change and you will ask for answers for the residents of Bergen County. I also hope that you will insist on greater transparency from the Authority.

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In the next couple weeks, I would like you to meet with me and my colleagues from the District to discuss the change in traffic patterns as well as the greater issue of transparency with the Authority. Please let me know when you are available to meet.

Sincerely,

Loretta Weinberg
Senator, District 37

cc. The Honorable Governor Chris Christie
Assemblywoman Valerie Vainieri Huttle
Assemblyman Gordon M. Johnson
The Honorable Mark Sokolich, Mayor of Fort Lee
Chairman David Samson

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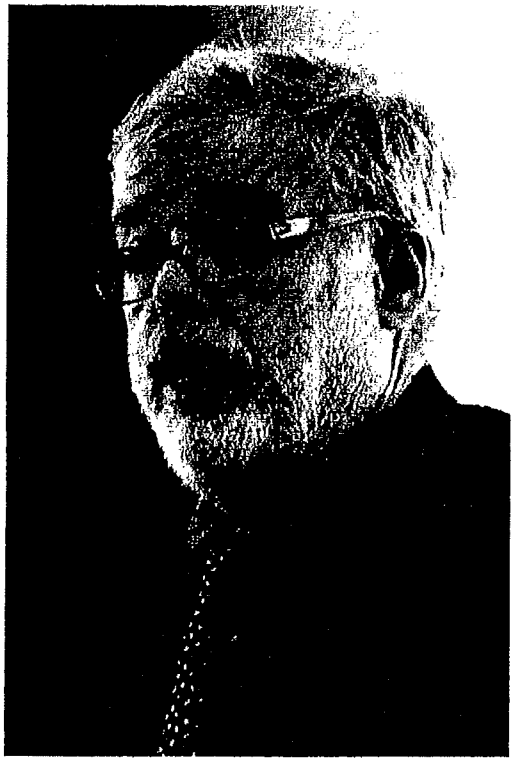
Port Chief Fumed Over Bridge Jam

Patrick Foye Fired Off an Email Message After Learning of Lane Closures

By TED MANN

Oct. 1, 2013 10:40 p.m. ET

The abrupt closure of local access lanes to the George Washington Bridge last month triggered a pointed private response from the executive director of the Port Authority of New York and New Jersey, who said the move likely broke state and federal laws and could have caused deaths because of snarled traffic.



Patrick Foye *Associated Press*

More

Mr. Foye's email

Earlier: Bridge Jam's Cause a Mystery | 09/17/2013

The executive director, Patrick Foye, fired off an email message early on the morning of Sept. 13, after he learned of the lane closures and subsequent traffic backups in Fort Lee, N.J., from a daily internal list of pending media inquiries.

Mr. Foye's blistering email, which was sent to top executives of the authority and was reviewed by The Wall Street Journal, denounced the closures as "abusive" and pledged to investigate "how PA process was wrongfully subverted and the public interest damaged to say nothing of the credibility of this agency."

"I pray that no life has been lost or trip of a hospital- or hospice-bound patient delayed," Mr. Foye wrote, a reference to ambulances caught in traffic.

The closure of the lanes was seen by some in Fort Lee and Bergen County as retribution from surrogates of Republican Gov. Chris Christie —who shares control of the authority and its bridges with New York Gov. Andrew Cuomo —at Fort Lee Mayor Mark Sokolich, a Democrat who hasn't endorsed Mr. Christie for re-election.

Mr. Christie's campaign has denied the suggestion, and called the notion "crazy." The governor's

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appointees at the authority have said that the lanes were closed to conduct a traffic study, though they have declined to provide any supporting materials or findings.

Mr. Christie's spokesman referred questions to the Port Authority, where a spokesman declined to comment.

Mr. Foye, an appointee of Mr. Cuomo, wrote that the lane closures were made without informing numerous interested parties, including himself, local and Port Authority police, Mr. Sokolich, and commuters.

His email also throws into question the Port Authority's prior explanation for the shutdown: that the lanes were closed so the authority could perform the traffic study.

In the email, Mr. Foye listed the divisions within the authority that weren't consulted before the traffic pattern was changed, including the police department, and the Traffic and Engineering division.

The authority's public response has described the lane closures as part of "a week of study at the George Washington Bridge of traffic safety patterns."

People familiar with the matter disputed that. "There was no study," one of them said.

Mr. Foye's email was sent to Robert Durando, the general manager of the bridge for more than a decade, and Cedrick Fulton, director of the Tunnels, Bridges and Terminals Department and Mr. Durando's boss. Copied on the message were the highest level leadership of the authority, including Mr. Christie's two top appointees, Chairman David Samson and Deputy Executive Director Bill Baroni.

Mr. Durando referred inquiries to the authority's press office. Requests to speak to top port executives weren't answered Tuesday.

The lane closures winnowed the approach routes from Fort Lee to the bridge to one from three, and triggered massive congestion in Fort Lee for four straight weekdays, officials said. The lanes were reopened within minutes of Mr. Foye's email on Sept. 13.

Some Bergen County Democrats were livid over the sudden closures. Senate Majority Leader Loretta Weinberg, a Democrat who represents the county, wrote to authority Commissioner William Schuber to express her dismay last month, saying she was at a "loss for words" about the closure, according to a copy of the letter reviewed by The Wall Street Journal.

"This whole traffic jam still remains a mystery," she said Tuesday.

Mayor Sokolich said he hasn't received answers to his request for information about why the authority ordered the closures. Still, the mayor said he was a supporter of many of Mr. Christie's policies, and didn't believe that the closures were intended to punish him, a theory he said had been the subject of "rumors."

—Heather Haddon contributed to this article.

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Write to Ted Mann at ted.mann@wsj.com

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From: Nicole Crifo
Sent: Wednesday, October 02, 2013 1:11 PM
To: Regina Egea

http://www.nj.com/bergen/index.ssf/2013/10/george_washington_bridge_lane_closures_prompted_angry_email_from_port_authority_chief.html

Nicole P. Crifo
Senior Counsel | Authorities Unit
Office of the Governor | New Jersey State House
125 West State Street | Trenton, New Jersey 08625
(O): 609.777.2481 | (E): nicole.crifo@gov.state.nj.us
(C): [redacted] (F): 609.777.1250

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Sent: David Wildstein
Received: Bridget Kelly

Just finishing a meeting

Sent 9/17/13 1:58 PM

Ok. I'm in board meeting but can step out to call when you're ready

Sent 9/17/13 2:28 PM

Baroni crazed so let me know when to call, I have something at 3 I can't walk out of

Sent 9/17/13 2:36 PM

WSJ just called my cell so I need to speak with you

Received 9/17/13 2:42 PM

I am calling your office. No answer

Received 9/17/13 6:13 PM

I spoke to Mike.

Sent 10/2/13 2:14 PM

You around now or still wait until 4?

Received 10/2/13 2:14 PM

In a meeting until 3

Sent 10/2/13 2:15 PM

Ok will see you at 4

Received 10/2/13 2:16 PM

3 works

Sent 10/2/13 2:18 PM

I have Regina at 3

Received 10/2/13 2:20 PM

That's awful

Received 10/2/13 2:20 PM

Ok

Sent 10/2/13 2:55 PM

Is 3 still good?

Received 10/2/13 2:58 PM

Just finished. Come by after Regina

Sent 10/2/13 2:59 PM

Regina cancelled on us so I'll blow this off, will be down in 10 minutes

Received 10/2/13 3:03 PM

Ok

Received 10/2/13 3:14 PM

I'm here

[redacted]

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Tab 9

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From: Baroni, Bill <bbaroni@panynj.gov>
Sent: Sunday, October 6, 2013 9:14 AM
To: Regina Egea <Regina.Egea@gov.state.nj.us>
Subject: Re: Monday

RE I spoke with Charlie yesterday. He thought best that sen Weinberg be told that while we don't have public comment at committee meetings, an exception should be made out of deference to her being a senator. Then apply the standard 3 minute limit with no dialogue.

I'm sure her remarks will be harsh

bb

Sent from my iPhone

> On Oct 6, 2013, at 7:34 AM, "Regina Egea" <Regina.Egea@gov state.nj.us> wrote:
>
> Where did we come out as to Comm mtg? R

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Tab 10

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From: Regina Egea
Sent: Wednesday, October 16, 2013 2:34 PM
To: Kevin O'Dowd; Charles McKenna; Michael Drewniak
Subject: PANYNJ fyi

Sen Weinberg attended bd mtg but did not speak. Had a hallway conv w Strunsky and Ted Mann before bd mtg. After Bd mtg, she was admitted into ante room where the press gaggle is held. Typically only press and PANYNJ exec team.

Questions ensued on ft lee but holding to script of "all under review.". She held post interview in hallway. R

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From: Bell, Matthew <mbell@panynj.gov>
Sent: Monday, November 4, 2013 2:31 PM
To: Baroni, Bill <bbaroni@panynj.gov>
Cc: DiMarco, Gretchen <gdimarco@panynj.gov>
Subject: Phone call: Regina Egea [redacted] returning your call

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Phone Records Associated with David Samson

[redacted]

Date	Time	Associated Person's Number	Origination	Destination	Minutes
10/29/13	12:59 PM	William Baroni (Cell)	Union City NJ	Trenton NJ	1
10/29/13	1:00 PM	William Baroni (Port Authority)	Secaucus NJ	New York NY	2
10/29/13	2:39 PM	William Baroni (Cell)	New York NY	Trenton NJ	3
10/29/13	2:39 PM	William Baroni (Cell)	New York NY	Incoming CL	11
10/29/13	3:56 PM	Philippe Danielides (Port Authority)	New York NY	New York NY	2
10/29/13	5:17 PM	William Baroni (Cell)	New York NY	Incoming CL	1
10/30/13	2:11 PM	William Baroni (Cell)	Nutley NJ	Trenton NJ	1
10/30/13	2:25 PM	William Baroni (Port Authority)	West Orang NJ	New York NY	2
10/31/13	3:37 PM	Regina Egea (business)	New Milfor CT	Trenton NJ	10
10/31/13	3:59 PM	William Baroni (Port Authority)	New Milfor CT	New York NY	2
10/31/13	4:34 PM	William Baroni (Cell)	New Milfor CT	Trenton NJ	1
10/31/13	4:34 PM	William Baroni (Cell)	Roxbury CT	Incoming CL	3
11/04/13	2:09 PM	William Baroni (Port Authority)	Burlington NJ	New York NY	6
11/05/13	8:00 PM	Kevin O'Dowd (cell)	Neptune NJ	Morristown NJ	1
11/05/13	8:04 PM	Kevin O'Dowd (cell)	Neptune NJ	Morristown NJ	1
11/05/13	9:44 PM	William Baroni (Cell)	Ocean Twp. NJ	Trenton NJ	3
11/05/13	11:22 PM	William Baroni (Cell)	Colonia NJ	Trenton NJ	1
11/07/13	2:15 PM	Regina Egea (business)	New Milfor CT	Trenton NJ	8
11/07/13	3:15 PM	William Baroni (Cell)	New Milfor CT	Trenton NJ	9
11/08/13	1:22 PM	William Baroni (Port Authority)	New Milfor CT	New York NY	2
11/08/13	5:04 PM	Kevin O'Dowd (business)	Brewster NY	Trenton NJ	4
11/11/13	1:11 PM	William Baroni (Cell)	West Nyack NY	Incoming CL	10
11/11/13	5:41 PM	William Baroni (Cell)	Clarksburg NJ	Incoming CL	6
11/12/13	6:41 PM	Kevin O'Dowd (cell)	New York NY	Incoming CL	16
11/13/13	7:59 AM	Philippe Danielides (Personal Cell)	Jersey Cit NJ	New York NY	2
11/14/13	8:12 AM	David Wildstein (Cell)	West Orang NJ	Incoming CL	2
11/14/13	10:43 AM	William Baroni (Cell)	West Orang NJ	Incoming CL	4
11/14/13	10:59 AM	David Wildstein (cell)	Newark NJ	Morristown NJ	1
11/14/13	12:23 PM	William Baroni (Cell)	Englewood NJ	Incoming CL	2
11/14/13	12:54 PM	Kevin O'Dowd (business)	Pleasantvi NY	Trenton NJ	18
11/14/13	3:41 PM	William Baroni (Cell)	Roxbury CT	Trenton NJ	8
11/18/13	12:34 PM	William Baroni (Cell)	Bloomfield NJ	Trenton NJ	12
11/18/13	1:03 PM	Regina Egea (business)	West Orang NJ	Trenton NJ	6
11/18/13	8:56 PM	William Baroni (Cell)	Morristown NJ	Trenton NJ	2
11/18/13	9:11 PM	William Baroni (Cell)	West Orang NJ	Incoming CL	6
11/20/13	11:03 AM	William Baroni (Cell)	Phoenix AZ	Trenton NJ	1
11/20/13	11:04 AM	William Baroni (Port Authority)	Phoenix AZ	New York NY	1
11/20/13	11:18 AM	William Baroni (Cell)	Phoenix AZ	Incoming CL	3
11/20/13	11:20 AM	William Baroni (Cell)	Phoenix AZ	Incoming CL	5
11/20/13	11:52 AM	Kevin O'Dowd (cell)	Phoenix AZ	Incoming CL	1
11/20/13	6:52 PM	Kevin O'Dowd (cell)	Paradise V AZ	Morristown NJ	1
11/21/13	7:55 AM	William Baroni (Cell)	Phoenix AZ	Trenton NJ	1
11/22/13	11:51 AM	William Baroni (Cell)	Aiken SC	Trenton NJ	12
11/22/13	12:19 PM	Philippe Danielides (Port Authority)	Aiken SC	New York NY	13
11/22/13	7:19 PM	Charles McKenna (cell)	Aiken SC	Morristown NJ	4
11/23/13	10:29 AM	William Baroni (Cell)	Aiken SC	Incoming CL	1
11/23/13	10:32 AM	William Baroni (Cell)	Aiken SC	Trenton NJ	8
11/25/13	9:34 AM	Regina Egea (business)	Aiken SC	Trenton NJ	17
11/25/13	10:20 AM	Kevin O'Dowd (cell)	Aiken SC	Morristown NJ	1
11/25/13	10:21 AM	Kevin O'Dowd (business)	Aiken SC	Trenton NJ	1
11/25/13	11:04 AM	William Baroni (Cell)	Aiken SC	Trenton NJ	1
11/25/13	1:08 PM	William Baroni (Cell)	Aiken SC	Trenton NJ	8
11/25/13	4:21 PM	William Baroni (Cell)	Aiken SC	Trenton NJ	3

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NY REGION

George Washington Bridge Jam Began With Phone Call

People Familiar With the Matter Pinpoint a Cause for Traffic Tie-up

By TED MANN

Nov. 7, 2013 11:27 p.m. ET

Early on the morning of Sept. 9, an official of the Port Authority of New York and New Jersey appeared at the New Jersey side of the George Washington Bridge and looked out over a traffic jam he helped create, according to people familiar with the matter.

The official, according to these people, was David Wildstein, who was hired in 2010 as the authority's director of interstate capital projects by an appointee of Gov. Chris Christie.



David Wildstein in 2012 photo *Kevin R. Wexler/The Record*

Earlier

Port Chief Fumed Over Bridge Jam

Mr. Foye's email

Lawmakers Seek Subpoenas in Bridge Investigation

Mr. Sokolich's Letter

The previous day, a Sunday, Mr. Wildstein called two bridge officials and ordered them to shut off two local access toll lanes for drivers headed across the bridge from Fort Lee, N.J., into New York City, the people familiar with the matter said.

According to these people and authority correspondence reviewed by The Wall Street Journal, the closures were made without notice to police, emergency officials or officials on the New York side of the Port Authority's leadership. As previously reported, the closure triggered large traffic jams for a week in the borough on the New Jersey side of the bridge.

Mr. Wildstein didn't respond to requests for comment.

People familiar with the matter and some local officials believe it wasn't what the Port Authority originally suggested: a lane closure to allow for a study of traffic patterns. Instead, they believe it was a gesture aimed at the borough's Democratic mayor, who had declined to cross party lines to endorse Mr. Christie for governor two weeks earlier.

The mayor, Mark Sokolich, said he believed the intent was "punitive" in a letter sent to Deputy Executive Director Bill Baroni, Mr. Wildstein's boss, asking for relief from the traffic jam in

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September. Mr. Sokolich has since backed away from that assertion, and declined to elaborate this week.

Mr. Christie's re-election campaign spokesman has called the notion that the closures were retribution "crazy."

Mr. Wildstein's role could become clearer as some Democrats pressure the authority to release the results of its internal review of the incident. Senate Majority Leader Loretta Weinberg said she is trying to marshal votes for a resolution that would empower a state Senate committee to issue subpoenas seeking answers.

"If in fact somebody has used the George Washington Bridge for any petty reason, whether retribution or just because they think the mayor of Fort Lee is a pain in the rear end, that is disgusting and despicable and dangerous," Ms. Weinberg said in an interview.

Senate President Steve Sweeney said Democrats are continuing to investigate the matter. "I'm not going to accuse anyone of anything yet, but something is clearly not right here," he said.

The governor's spokesman declined to respond to questions about Mr. Wildstein and the authority. "For goodness sake, the Governor of the state of New Jersey does not involve himself in traffic surveys," the spokesman, Michael Drewniak, said.

As previously reported, Patrick Foye, the agency's executive director and an appointee of New York Gov. Andrew Cuomo, reacted with outrage when he discovered the lane closures and ensuing traffic problems.

In an email message previously reported by The Journal, Mr. Foye suggested the closures could have led to deaths of ambulance patients.

The people familiar with the matter said Mr. Wildstein wields considerable clout inside the authority, which manages a vast portfolio of bridges, tunnels, trains and airports in the New York region.

A former mayor of Livingston, N.J., who later ran the influential blog PolitickerNJ under a pseudonym in New Jersey, Mr. Wildstein is a ubiquitous figure at the agency, people familiar with the matter said. They said he is known to roam the authority's Manhattan office to see what employees are working on and also approves even low-level hiring decisions.

Political influence from both sides of the bi-state agency is common, according to people at the authority. Major decisions at the Port Authority—such as what infrastructure projects to fund, and how to manage the two states' shared assets—are typically the result of horse-trading between the states, with respective political appointees acting on behalf of each state's governor.

Messrs. Cuomo and Christie each have the right to veto the minutes of a meeting of the authority's board, essentially enabling them to negate an official action, and in theory requiring the states to cooperate.

—Heather Haddon contributed to this article.

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Write to Ted Mann at ted.mann@wsj.com

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Tab 14

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From: Baroni, Bill <bbaroni@panynj.gov>
Sent: Tuesday, November 12, 2013 10:55 AM
To: Regina Egea <Regina.Egea@gov.state.nj.us>
Subject: Re: Tentative time

Great. We will be ready.

Sent from my iPhone

> On Nov 12, 2013, at 10:07 AM, "Regina Egea" <Regina.Egea@gov.state.nj.us> wrote:
>
> Right now targeting 11:30am Thurs. Will confirm shortly. R

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Tab 15

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From: Nicole Crifo
Sent: Thursday, November 14, 2013 3:08 PM
To: Regina Egea
Subject: Senate Resolution 127
Attachments: 127_i1

Nicole P. Crifo
Senior Counsel | Authorities Unit
Office of the Governor | New Jersey State House
125 West State Street | Trenton, New Jersey 08625
o. 609.777.2481 | e. nicole.crifo@gov.state.nj.us
c. [redacted] | f. 609.777.1250

OGNJ-LEG-010085

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SENATE RESOLUTION No. 127

STATE OF NEW JERSEY

215th LEGISLATURE

INTRODUCED NOVEMBER 7, 2013

Sponsored by:
Senator LORETTA WEINBERG
District 37 (Bergen)
Senator RAYMOND J. LESNIAK
District 20 (Union)

SYNOPSIS

Constitutes Senate State Government, Wagering, Tourism and Historic Preservation Committee as special committee to investigate lane closures implemented by Port Authority of New York and New Jersey; grants committee subpoena power.

CURRENT VERSION OF TEXT

As introduced.

OGNJ-LEG-010086

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A SENATE RESOLUTION constituting the Senate State Government, Wagering, Tourism and Historic Preservation Committee as a special committee of the Senate to investigate lane closures implemented by the Port Authority of New York and New Jersey.

WHEREAS, The Port Authority of New York and New Jersey ("Port Authority") is a bi-state agency established by compact between the State of New York and the State of New Jersey; and

WHEREAS, From September 9, 2013 to September 13, 2013, the Port Authority closed two access lanes from Fort Lee to the George Washington Bridge without providing notice to commuters and officials from Fort Lee; and

WHEREAS, As a result of the decision to close the two access lanes, severe traffic delays reportedly engulfed the entire Fort Lee area, creating a public safety issue by delaying emergency vehicles and subjecting drivers to unexpected and potentially dangerous traffic patterns; and

WHEREAS, On September 13, 2013, the access lanes were reopened only after the executive director of the Port Authority learned of the lane closures and ordered that the access lanes be reopened; and

WHEREAS, In correspondence to Port Authority officials on September 13, 2013, the executive director claimed that the method by which the access lanes were closed reversed over 25 years of George Washington Bridge operational procedures and cited lack of process, failure to provide notice of the lane closures, and public safety as the reasons for reopening the lanes; and

WHEREAS, In response to questions regarding the access lane closures in Fort Lee, the Port Authority's response has been that the access lanes were closed as part of a traffic safety study but no additional information regarding the traffic safety study has been provided; and

WHEREAS, The circumstances surrounding the closure of the two access lanes from Fort Lee to the George Washington Bridge require further examination; and

WHEREAS, It is entirely fitting and proper for this House to investigate all aspects of lane closures implemented by the Port Authority; now, therefore,

BE IT RESOLVED *by the Senate of the State of New Jersey:*

1. The Senate State Government, Wagering, Tourism and Historic Preservation Committee is constituted as a special committee of the Senate in accordance with the provisions of chapter 13 of Title 52 of the Revised Statutes. The membership of the committee as previously constituted is reconstituted and continued.

OGNJ-LEG-010087

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2. The committee shall investigate all aspects of lane closures implemented by the Port Authority of New York and New Jersey, including, but not limited to, the recent closure of two access lanes from Fort Lee to the George Washington Bridge, the internal process followed by the Port Authority in implementing lane closures, and the use of lane closures as a tool to conduct traffic safety studies.

3. For the purposes of carrying out its charge under this resolution, the committee shall have all the powers conferred pursuant to chapter 13 of Title 52 of the Revised Statutes, including, but not limited to, the power to issue subpoenas to compel attendance and testimony of persons and the production of books, papers, correspondence, and other documents.

4. The committee shall be entitled to call to its assistance and avail itself of the services of the employees of the State of New Jersey, any political subdivision of the State, and any agency thereof, as may be required and as may be available for that purpose, and to employ any other services as may be deemed necessary, in order to perform the duties provided herein, and within the limits of funds appropriated or otherwise made available for that purpose.

5. This resolution shall take effect immediately and the committee's powers pursuant to chapter 13 of Title 52 of the Revised Statutes shall expire 12 months following adoption of this resolution by the Senate.

STATEMENT

This Senate resolution constitutes the Senate State Government, Wagering, Tourism and Historic Preservation Committee as a special committee of the Senate to investigate lane closures implemented by the Port Authority of New York and New Jersey, including, but not limited to, the recent closure of two access lanes from Fort Lee to the George Washington Bridge from September 9, 2013 to September 13, 2013, the internal process followed by the Port Authority in implementing lane closures, and the use of lane closures as a tool to conduct traffic safety studies.

During the 12 months following adoption of this resolution, the committee will have the power to subpoena witnesses and documents as well as all other powers conferred pursuant to chapter 13 of Title 52 of the Revised Statutes.

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Tab 16

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~~The George Washington Bridge is the busiest bridge in the world.~~ In 2012, more than 102 million vehicles crossed the GW bridge connecting Fort Lee, New Jersey and New York City. ~~The bridge is a vital lifeline for commuters, visitors, and commerce.~~

~~As the busiest bridge in the world, the George Washington Bridge also experiences significant traffic backups – usually during rush hour. It is not unheard of that, due to the volume on the bridge,~~ drivers (from more than 200 NJ municipalities (and NY?)) can wait in backups lasting more than 45 minutes during the morning and evening rush. ~~Drivers from more than 200 New Jersey municipalities often sit in traffic leading into New York City every morning.~~ PANYNJ ~~is currently~~ regularly undertakes alternatives to reduce wait times at toll crossings to improve customer satisfaction and reduce negative environmental impacts of tolling vehicles.

On a typical weekday, about 105,000 vehicles with E-ZPass travel eastbound on the George Washington Bridge from New Jersey to New York. Vehicles with E-ZPass tags registered to a Fort Lee address account for 4.3% of the total traffic.[1] The other 69 municipalities in Bergen County make up an additional 42.4%. Vehicles come from all parts of New Jersey (eighteen counties in total), from New York, and from dozens of other states.

These traffic backups affect the lives of drivers from throughout the region. They also cause residual traffic delays in the host municipalities of the bridge – Fort Lee and New York City. Because of these impacts, over the last decade the Port Authority has spent nearly $15 million in Fort Lee to assist the community in ameliorating the impacts of this traffic. Most of these funds have been spent on improvements to the local roadway network near the bridge and for the Fort Lee municipal parking lot.

~~Drivers using the bridge pay a toll to cross the bridge eastbound only.~~ This ~~means that vehicles entering New York cue through toll lanes in New Jersey.~~ There are twelve toll lanes on the upper level of the bridge – three of which ~~are specially~~ currently segregated for local Fort Lee traffic only. ~~On an average weekday, ____ lanes are designated for cash toll payers and ____ lanes~~ – R 25% –

1 Approximately 4.5% of all EZPass customers currently have a Fort Lee address

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~~are reserved for E-ZPass users. Traffic enters these toll lanes using a variety of approaches, including Routes 80, 95, 46, and 4.~~

BACKGROUND

About a decade ago, according to Port Authority employees assigned to the George Washington Bridge at that time, then-Fort Lee Mayor Jack Alter (who was also a Bergen County Freeholder and a Commissioner of the New Jersey Board of Public Utilities) insisted on the creation of special segregated entrance lanes to the bridge for vehicles coming from local streets in Fort Lee. These lanes were created by placing traffic cones to block all other traffic from using three toll lanes from all other approaches. This reduced the number of toll lanes from twelve to nine. This forced the creation of three special "Fort Lee Lanes" – lanes segregated for use only by residents of Fort Lee who access them via Martha Washington Boulevard.

~~This plan allowed Fort Lee residents to avoid the longer traffic lanes experienced by non-~~ Fort Lee residents ~~and enabled them to bypass the general traffic backup at the bridge.~~ None of the other five Port Authority crossings – Lincoln Tunnel, Holland Tunnel, Bayonne Bridge, Goethals Bridge and Outerbridge Crossing – contain such segregated lanes. (Weehawken at the Lincoln Tunnel; Jersey City at the Holland Tunnel; Bayonne at the Bayonne Bridge; Elizabeth at the Goethals Bridge; and Perth Amboy at the Outerbridge Crossing.)

These segregated lanes were ordered by the Port Authority without any recorded traffic study, without any analysis of their impact, and without consultation with any Bergen County municipality or government (outside of Fort Lee). According to Port Authority police officers present at that time, they were ordered to create and enforce these special, segregated lanes in response to the directive from Mayor Alter to Port Authority staff.

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As a result, traffic from the rest of Bergen County and all the other users of the bridge had their available toll lanes reduced to just 75% of the total lanes available on the Upper Level. It is important to note that trucks are not permitted on the Lower Level, so the bridge's heavy truck traffic must complete with cars for this diminished lane capacity during the morning rush hours.

Vehicle E-ZPass Registration for George Washington Bridge Eastbound Traffic	Total Vehicles Eastbound	% of Total Vehicles
Fort Lee	4,839	4.50%
Bergen County (69 Towns)	45,244	42.40%
Essex County	6,528	6.10%
Passaic County	4,793	4.50%
Morris County	4,683	4.4%
Hudson County	3,738	3.5%
Middlesex County	2,946	2.8%
Monmouth County	2,637	2.5%
Union County	1,905	1.8%
Somerset County	1,036	1.0%
Mercer County	881	0.8%
Northwest New Jersey	1,298	1.30%
South Jersey	921	0.90%
New York	15,747	14.8%
Other States	7,188	6.7%

To create these segregated lanes each morning during the workweek, Port Authority police officers placed cones to segregate the three right most toll lanes. These lanes remain in place today.

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AUGUST/SEPTEMBER 2013

In August 2013, following multiple conversations with members of the Port Authority Police Department, Port Authority Director of Interstate Capital Projects David Wildstein met with Port Authority officials in Engineering, Traffic Engineering, and Tunnels Bridges and Terminals to review the situation of the segregated Fort Lee Lanes. He asked the Office of the Chief Engineer to recommend the best way to review these Special Lanes to determine the possibility of reduced traffic congestion by changing the treatment offered to vehicles coming from one municipality.

On August 28, 2013, the Port Authority's Chief Traffic Engineer created several scenarios to modify the Special Lanes. ~~This included the option of setting aside all traffic cones so that traffic is allowed to move freely from various approaches. It was the recommendation of the Chief Traffic Engineer that Fort Lee traffic should be segregated from the other approaches by the use of traffic cones, regardless of the number of toll lanes it is feeding. This was aimed at reducing the risk of sideswipe crashes.~~ These scenarios included reducing the total number of Special Lanes from three to either two or one, [illegible] continuing some segregation to reduce the risk of sideswipe crashes

[illegible]

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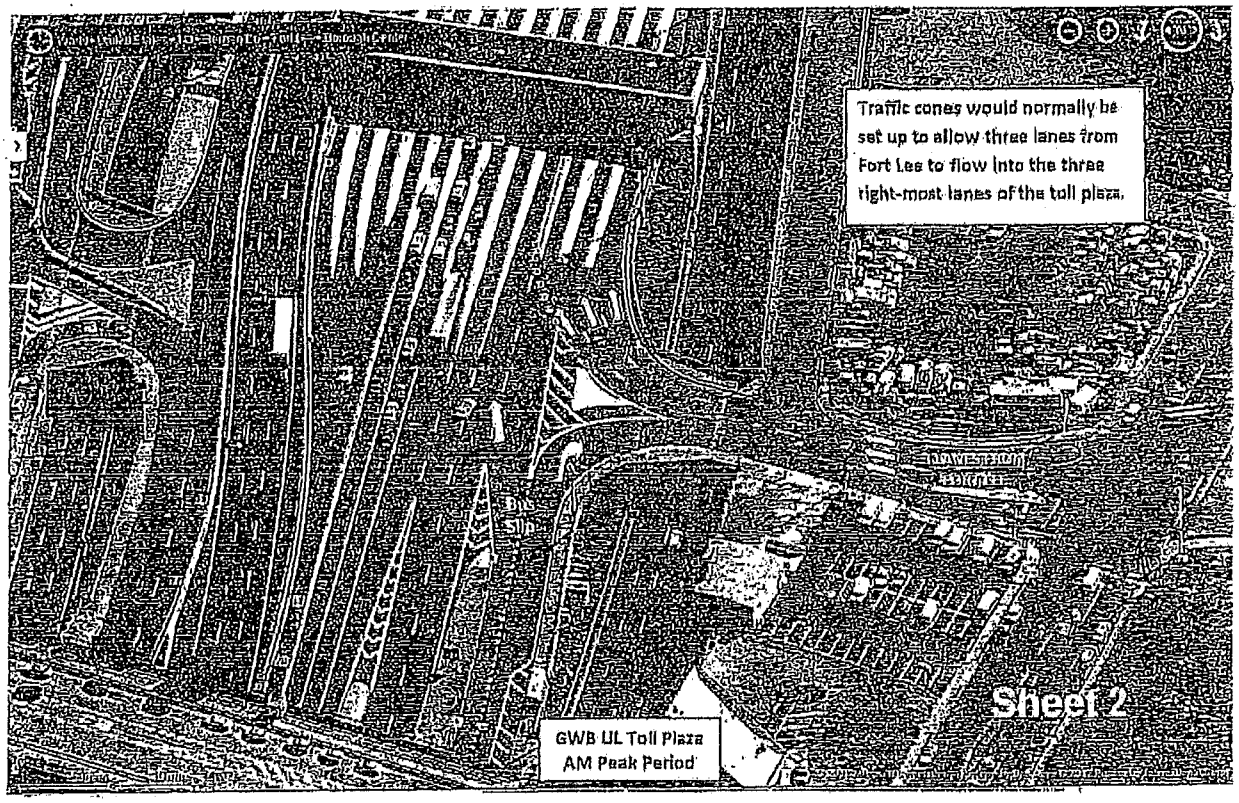


Chart 1: Shows current composition of three segregated lanes from Fort Lee onto the Upper Level Toll Plaza. (Office of the Chief Engineer, August 28, 2013)

Is there a picture from showing congestion? (already up at F.L. back up @ and more at Fletcher Hills)?

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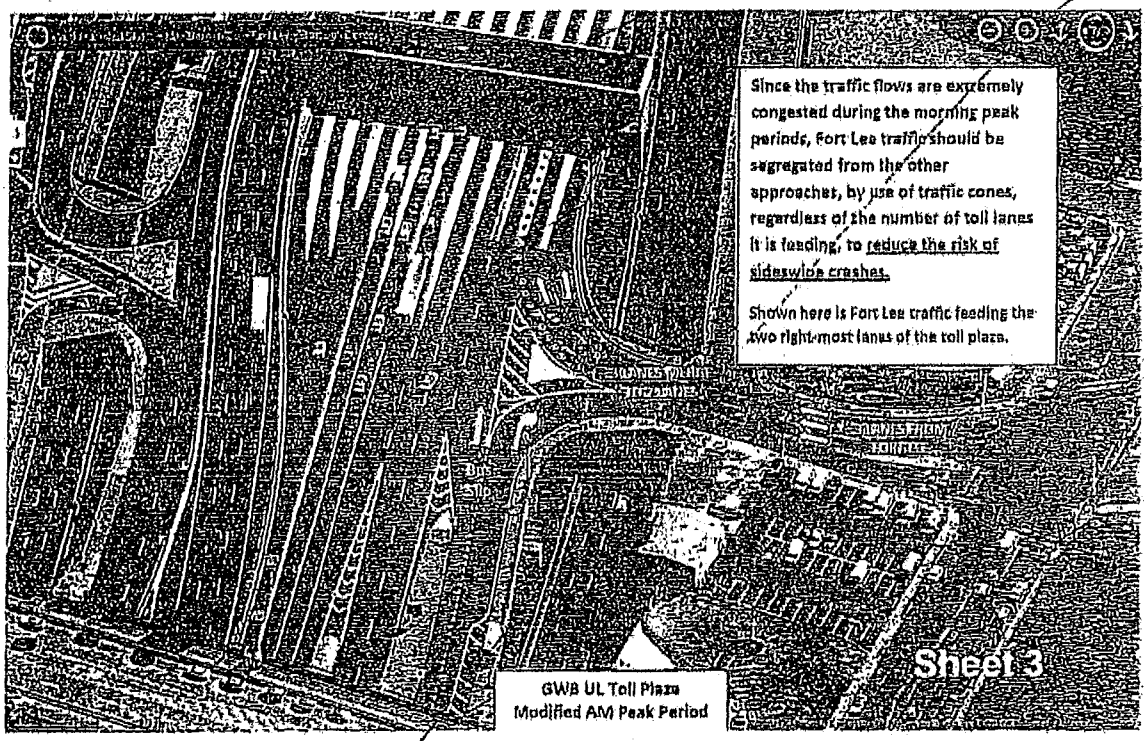


Chart 2: Shows possible scenario of two segregated lanes from Fort Lee onto the Upper Level Toll Plaza . (Office of the Chief Engineer, August 28, 2013)

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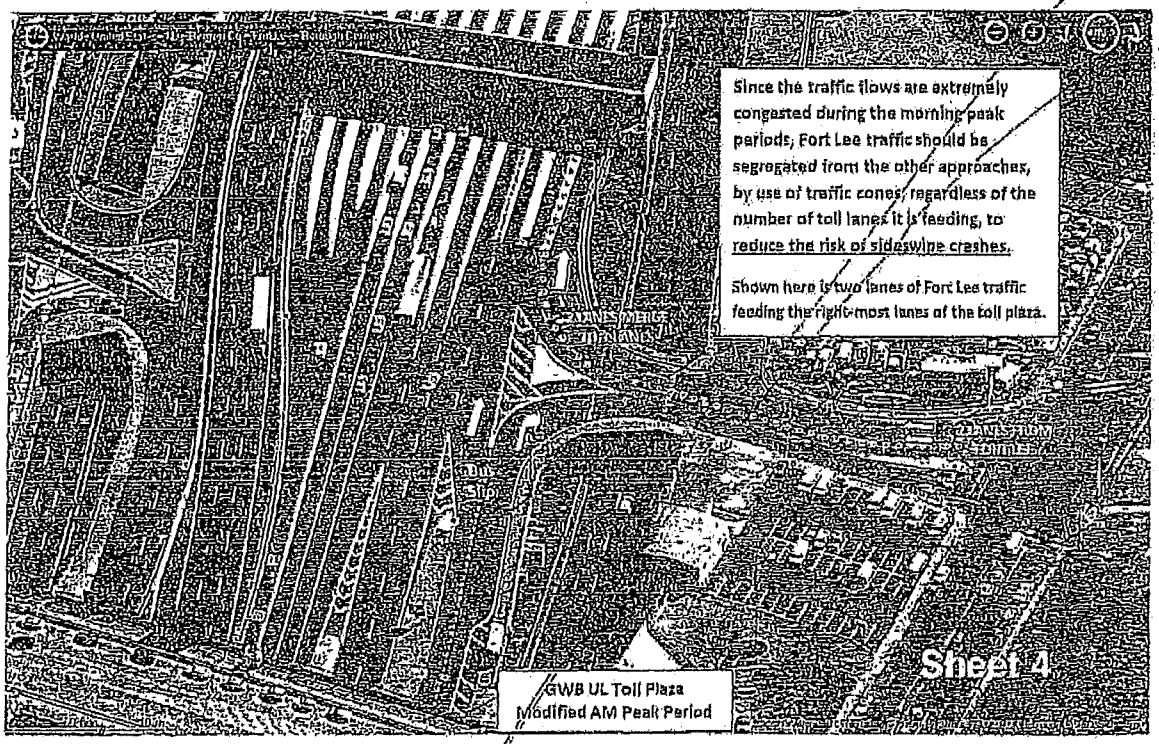


Chart 3: Shows possible scenario of one segregated lane from Fort Lee onto the Upper Level Toll Plaza.

. (Office of the Chief Engineer, August 29 2013)

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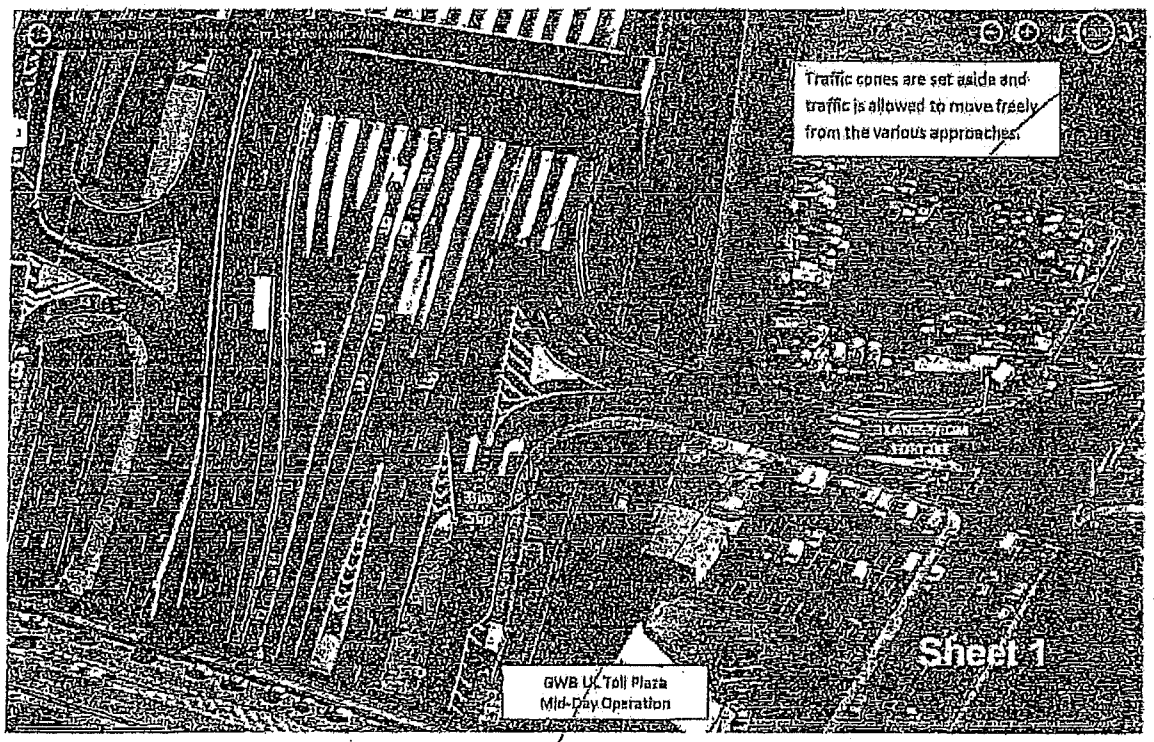


Chart 4: Shows zero segregated lanes from Fort Lee onto the Upper Level Toll Plaza. . (Office of the Chief Engineer, August 28, 2013)

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After reviewing the current lane structure and the scenarios offered by the Chief Traffic Engineer, on September 5, Mr. Wildstein requested the special segregated lanes not be eliminated entirely, be reduced from three to only one, for a one week period so that staff could analyze the resultant traffic flow. He asked that the study begin on the following Monday, for one week. The study was intended to determine if these segregated lanes cause a clear and marked increase in traffic into the bridge for users from other areas of Bergen and Passaic Counties and across the state.

On the morning of September 6, the Chief Engineer notified the Director of Tunnels, Bridges and Terminals (TBT) that the study would begin on the morning of September 9. Shortly afterwards, TBT Director notified his staff, including the General Manager of the George Washington Bridge. The Chief Engineer asked the TBT Director to have their respective traffic staff work together to assess any and all impacts. This also happened on the morning of September 6. It was determined that three signs would need to be changed for the duration of the one week test: one at the corner of Bruce Reynolds Boulevard (BRB) and Hoyt Avenue, one on the Hudson Street median just north of BRB, and one of the Martha Washington Boulevard median just south of BRB. These signs, which depict lanes usage approaching the Upper Level Toll Plaza, were to be covered by facility maintenance prior to Monday morning. These signs would remain covered for the duration of the test. Bridge staff also notified the Port Authority Police Department, who handled the reduction in lanes on the morning of September 9.

At all times during the week of the review, the Port Authority police monitored traffic. They were alert for any emergency vehicles in the area of the bridge and prepared to further alter traffic patterns in the event of an emergency. ~~Mr. Wildstein was at the bridge early on September 9 to observe the effect of traffic, both locally in Fort Lee and on other vehicles~~

Insert "communication" paragraph from pg 10

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~~utilizing the full span.~~

The bridge staff did note that this test was labor intensive. Because the one lane dedicated to Fort Lee was a cash lane, it was necessary to have a relief toll collector on duty.

According to bridge staff, the return of two lanes to general use resulted in a moderate relief and reduction in traffic times for non-Fort Lee Lane users. However, the reduction in segregated lanes resulted in ~~significant~~ traffic in the Borough of Fort Lee. On Friday, September 13, Port Authority Executive Director Pat Foye ordered the Fort Lee lanes returned to use by Fort Lee users only.

EARLY DATA COLLECTION

Data collection was limited, partly due to a traffic accident on the Cross Bronx Expressway on Monday morning, and to the early termination of the study on Friday morning. Still, there was a notable difference in the movement of traffic for the 95% of vehicles that do not come from Fort Lee. For example, on Tuesday morning, the bridge general manager noted that the I-95 approaches were free and clear by 8:30 AM.

Traffic Engineering performed an analysis for Tuesday, September 10 and observed some improvement in the overall travel time in the non-segregated (non-Fort Lee) lanes during the morning peak period, which runs from 6AM to Noon. According to Traffic Engineering:

* For traffic originating on the I-95 Express Lanes, an average reduction of 4.00 minutes in travel time was observed – a reduction of 47% of the time it normally takes.

* For traffic originating on the I-95 Local lanes, an average reduction of 2.76 minutes in travel time was observed – a reduction of 40% of the time it normally takes.

Additionally, there was also improvement on Wednesday, September 11:

NJGA-000697

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* For traffic originating on the I-95 Express Lanes, an average reduction of 4.12 minutes in travel time was observed -- – a reduction of 52% of the time it normally takes.

* For traffic originating on the I-95 Local lanes, an average reduction of 2.72 minutes in travel time was observed -- – a reduction of 43% of the time it normally takes.

The Chief Traffic Engineer noted that the improvement in the travel time on the non-segregated lanes should be weighed against the deterioration of level of service for the local traffic originating from Fort Lee.

COMMUNICATION

The implementation of the reduction of Fort Lee Lanes from three to one was not accompanied by customary communications, both within the Port Authority and externally. The Borough of Fort Lee was not notified of the closures in advance. These communication breakdowns cannot be repeated. The Port Authority relies on mutual cooperation both internally and with our community stakeholders. Not having complete buy-in within the agency and securing the cooperation of Fort Lee resulted in a lack of information that is not consistent with our agency's commitment to transparency. While the question of the segregated Fort Lee Lanes is critically important, it must be addressed in an open and transparent manner. Future traffic studies will include outreach to municipal government officials where a facility is located.

FUTURE STUDY

Two clear lessons were learned from the September traffic study. First, a new formalized process will be implemented immediately to address any changes to lane configurations. Beginning immediately, any traffic changes must be approved by both the Executive Director

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and Deputy Executive Director, and the Board of Commissioners must be notified. In addition, notification must be made to the local municipality and county not less than 30 days prior to implementation. (This would exclude emergency activity conducted in the interest of public safety.) This 30-day notification period will allow time for improved dialogue between the Port Authority, our host communities, and the public.

~~Second, the segregated Fort Lee Lanes are clearly a controversial issue in the region. Mayor Alter felt that in return for hosting the world's busiest bridge, the residents of Fort Lee deserved three segregated access lanes. As a result, other residents of Bergen and Passaic Counties – and all other bridge users – wait in longer traffic lines. This is an issue of regional significance that requires study by public officials and leaders both inside and outside the Port Authority. A final determination as to the future of segregated Fort Lee lanes on the Upper Level Toll Plaza must consider whether it is appropriate for special access for one town to come at the expense of drivers from the rest of New Jersey and the region.~~

Therefore, the Port Authority will immediately create a Fort Lee Lane Task Force to study the lanes at the bridge. The agency asks that representatives of the five legislative districts in Bergen County participate along with representatives of the Bergen County Executive, Bergen County Freeholders, Borough of Fort Lee, New Jersey Department of Transportation, the Port Authority's Chief Engineer, Chief Traffic Engineer, Director of Tunnels, Bridges and Terminal, the Port Authority Police Department, the Port Authority Law Department, and General Manager of the George Washington Bridge to review the traffic patterns at the toll lanes to determine in a public, open and transparent way how access to the George Washington Bridge should be configured.

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~~By opening the process, both specifically at the George Washington Bridge and generally other Port Authority crossings,~~ the Port Authority will fulfill ~~our~~ its commitment to transparency. By including members of the public and their representatives, the Port Authority will benefit in the development of ~~from the input of those~~ who live and work around the ~~George Washington Bridge~~.

~~We believe that~~ the Port Authority will learn from the ~~events of~~ September 2013 ~~and~~ will be a more open, inclusive and transparent agency ~~as a result~~.

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From: Ned Nurick
Sent: Wednesday, November 20, 2013 5:19 PM
To: Regina Egea; Nicole Crifo; Maulik Sanghavi
Cc: Amy Melick
Subject: FW: ATR agenda 11/25/13
Attachments: 11-25-13.doc

Regina, Nicole and Mo,

I wanted to draw your attention to the Assembly Transportation Committee meeting scheduled for Monday. The committee intends to take testimony from invited guests and the public concerning the George Washington Bridge lane closure. Please find the agenda attached.

Regards,
Ned

From: Beebe, Glen [mailto:GBeebe@njleg.org]
Sent: Wednesday, November 20, 2013 4:52 PM
To: Ned Nurick
Subject: FW: ATR agenda 11/25/13

From: Chance, Melinda
Sent: Wednesday, November 20, 2013 4:40 PM
To: Magnolo, Theresa; Mainor, Asm. D.O.; Maria Efstratiades; Marilyn Davis; Mary Beaumont; MaryAnn O'Brien; Mauro Checchio; McGrath, Richard; McMahon, Maureen; Messenger, Mary Alice; michael@njchamber.com; Miriam Weeks; Moffo, Chris; Mysak, Susan; Neary, Adam; Nedza, Kevin; Newmeyer, Martha; Nicole davidman; O'Gara, Erin; Parchment, Elizabeth; Pat Lucisano; Pat Snyder; Patricia McGuire; Pedersen, Vicki; Phyllis Elston; Quigley, Donna; Ramos, Asm. D.O.; Rebecca Donington (rebecca.donington@dot.state.nj.us); Renee Rapciewicz (e-mail); Richard Rebisz; Riley, Asw. D.O.; Robert Wolfertz (maritimus@[redacted] Roderer, Alise; Ron Thaniel; Rorer, Donna; Rudder, Asm. D.O.; Rumpf, Asm. D.O.; Ryan Goodwin; Sallye Giordano; Sam Cunninghame; Savner, Richard; Sciortino, Jennifer; Sean Gilmartin; Shawn Taylor; Sheridan, Thea; Simeon Hitzel; Stender, Asw. D.O.; Steve Dawson (snjdc@snjdc.org); Steve Embley; Suleiman, Mike; susan pigula; Sverapa, James; T. Chelius; Thomas Gagliano; Thurman Barnes; Tina Lado; Traino, Jerry; Velasquez, Lisa; Volpe, Greg; Weinberg, Sen. D.O.; Wendy McVicker; White, Keith; Williamson, Marilyn; Wisniewski, Asm. D.O.; Wolfe, Asm. D.O.; Wright, Rick; Wynne, Andrew; Kathy.Diringer@dot.state.nj.us; #LIS_AGENDAS; Adam Heck; AJ Sabath (aj@amg101.com); Amanda.Gasperino@govelect.state.nj.us; Amodeo, Asm. D.O.; Amy Melick; Anne Vroom (avroom@legislativesolutions.com); Avent, Tiffany; Barbara Hutcheon; Beebe, Glen; Benitez, Carmen; Beth Schermerhorn; Binder, Aaron; Bob DeSando; Boguchwal, Jonathan; Bonney Rivera (Bonney.Rivera@gov.state.nj.us); Bramnick, Asm. D.O.; Braxton Plummer (braxton.plummer@gov.state.nj.us); Brennan, Patrick; Brett Tanzman; Bridget Kelly; Buono, Charles A.; Burley, Dana M.; Calvo, Carrie Anne; Caride, Asw. D.O.; Carol Katz (ckatz@katzgov.com); Caruso, William; Chivukula, Asm. D.O.; Chris Filiciello; Chris Jensen (E-mail); Chuck Leitgeb (cleitgeb@icnj.org); Colin Newman (colin.newman@gov.state.nj.us); Collins, Natalie; Cryan, Asm. D.O.; David Behrend (dbehrend@njtpa.org); David Smith (E-mail); Davis, Justin; Dempsey, Jillian; DePiano, Debbie; Diane Walsh; Donahue, Kevin J.; Donnelly, Christopher; England, Rick; Gail Toth (gtoth@njmta.org); Gary Poedubicky (gary.poedubicky@lps.state.nj.us); George M. Ververides (george.ververides@co.middlesex.nj.us); Giblin, Asm. D.O.; Gorman, John; Graber, Trish; Greenwald, Asm. D.O.; Helen Yeldell (hyeldell@njslom.com); Hester, Tom; J. Parrinello (samzachm@[redacted]ablonsky, Stephanie; Jack Elliott (wingsover@[redacted]; Jack Williams (aflciomike@[redacted]; Jacqueline Botticello; James, Christopher; Janowski, Sally; Jeff Levy (jeff@ks-law.com); Jeff Levy (jeff@paradiseshows.com); Jerry Clancy (jclancy@billtrak.com); Jiggetts, Marvin W.; Jim Gilroy; Jim McGarry; Joann Brooks (joann.brooks@dol.state.nj.us); Joe Fiordaliso; John Parrinello (john.parrinello@stifel.com); John W. Olcott (jack@generalaerocompany.com); John.Raue@govelect.state.nj.us; Jonathan Pushman; Joseph Glover (joseph.glover@dol.state.nj.us); Joshua E. Hodes (josh.hodes@[redacted] Joy Farber

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(Joy.Farber@sos.state.nj.us); Justin Auciello (JAuciello@dca.state.nj.us); Kathleen Wynn (kathleen.wynn@lps.state.nj.us); Kathy Crotty (kcrotty1@[redacted]; Kelly Fry; Kennedy, Sean; Kenney, Robert; Kevin Davis; Killion, William; Kingston, John F.; Kyle Maxwell (Kyle.Maxwell@gov.state.nj.us); Laura Matos (laura.matos@gov.state.nj.us); Lavine, Sarah; Lepore, Eugene; Loayza, Eva; Logan, Kevin; Loughlin, Keith; Luann Belardino (luann.belardino@gov.state.nj.us); Luberto, Marie A.; Lydon, Tim; Rolando Lavarro
Cc: Buono, Charles A.; Brennan, Patrick; McMahon, Maureen
Subject: ATR agenda 11/25/13

Please note the attached.

Melinda Chance
Secretary I
Office of Legislative Services
Authorities Section
Phone: (609) 847-3810
Fax: (609) 292-0561
Email: mchance@njleg.org

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Vice-Chair

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THOMAS P. GIBLIN
CHARLES S. MAINOR
RUBEN J. RAMOS, JR.
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New Jersey State Legislature

re

ASSEMBLY TRANSPORTATION, PUBLIC WORKS AND INDEPENDENT AUTHORITIES COMMITTEE

STATE HOUSE ANNEX
PO BOX 068
TRENTON NJ 08625-0068

CHARLES A. BUONO, JR.
PATRICK BRENNAN
Office of Legislative Services
Co-Committee Aides
(609) 847-3840
(609) 292-0561 fax

COMMITTEE NOTICE

TO: MEMBERS OF THE ASSEMBLY TRANSPORTATION, PUBLIC WORKS AND INDEPENDENT AUTHORITIES COMMITTEE

FROM: ASSEMBLYMAN JOHN S. WISNIEWSKI, CHAIRMAN

SUBJECT: **COMMITTEE MEETING - NOVEMBER 25, 2013**

The public may address comments and questions to Charles A. Buono, Patrick Brennan, Committee Aides, or make bill status and scheduling inquiries to Kimberly Johnson, Secretary, at (609)847-3840, fax (609)292-0561, or e-mail: OLSAideATR@njleg.org. Written and electronic comments, questions and testimony submitted to the committee by the public, as well as recordings and transcripts, if any, of oral testimony, are government records and will be available to the public upon request.

The Assembly Transportation, Public Works and Independent Authorities Committee will meet on Monday, November 25, 2013 at 10:00 AM in Committee Room 11, 4th Floor, State House Annex, Trenton, New Jersey.

The committee will take testimony from invited guests and the public concerning the decision by the Port Authority of New York and New Jersey to close, without prior public notice, access lanes to the George Washington Bridge in Fort Lee, New Jersey from September 9, 2013 to September 13, 2013. The committee will also take testimony concerning the safety hazards and economic losses resulting from that closure.

The following bills will be considered:

A-205 DeAngelo/Ramos/Benson	Eliminates DOT approval of municipal traffic calming measures in business districts.
A-1389 Wilson/Ramos/Burzichelli	Provides for uniform basic structure of taxicab fares in certain municipalities.
A-2053 DeAngelo	Provides that probationary license holder may transport siblings in addition to dependents and one additional passenger.

(OVER)

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A-2757 Quijano	Directs MVC to establish driver's license endorsement for autonomous vehicles.
A-4355 Spencer	Requires PANYNJ to conduct noise and land use compatibility survey.
A-4458 Wisniewski/Amodeo/ Prieto/Giblin	Requires use of headlights on motor vehicles when motor vehicle is operated in an area of highway construction or repair.
A-4461 Wisniewski	Prohibits operator of motor vehicle from engaging in distracted driving.
AR-168 Giblin	Supports extension of New York City IRT Flushing Line into New Jersey.

Issued 11/20/13

For reasonable accommodation of a disability call the telephone number or fax number above, or TTY for persons with hearing loss 609-777-2744 (toll free in NJ) 800-257-7490. The provision of assistive listening devices requires 24 hours' notice. Real time reporter or sign language interpretation requires 5 days' notice.
For changes in schedule due to snow or other emergencies, call 800-792-8630 (toll-free in NJ) or 609-292-4840.

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From: Baroni, Bill [bbaroni@panynj.gov]
Sent: Wednesday, November 20, 2013 5:51 PM
To: Regina Egea
Subject: Fwd: Invitation-Assembly Transportation Committee 11/25/13
Attachments: Baroni Invite.pdf; ATT00001.htm

Sent from my iPhone

Begin forwarded message:

From: "Chance, Melinda" <MChance@njleg.org>
Date: November 20, 2013 at 4:43:06 PM EST
To: "Baroni, Bill" <bbaroni@panynj.gov>
Cc: "Buono, Charles A." <CBuono@njleg.org>, "Brennan, Patrick" <PBrennan@njleg.org>, "Dempsey, Jillian" <jdempsey@njleg.org>
Subject: Invitation-Assembly Transportation Committee 11/25/13

Attached please find an invitation to appear before the Assembly Transportation, Public Works and Independent Authorities Committee on Monday, November 25, 2013 at 10:00 am in Committee Room 11, 4th Floor, State House Annex, Trenton, New Jersey.

Melinda Chance
Secretary I
Office of Legislative Services
Authorities Section
Phone: (609) 847-3840
Fax: (609) 292-0561
Email: mchance@njleg.org

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ASSEMBLY TRANSPORTATION, PUBLIC WORKS AND INDEPENDENT AUTHORITIES COMMITTEE

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CHARLES A. BUONO, JR.
PATRICK BRENNAN
Office of Legislative Services
Co-Committee Aides
(609) 847-3840
(609) 292-0561 FAX

November 20, 2013

Mr. William Baroni, Jr.
Port Authority of New York and New Jersey
Deputy Executive Director
225 Park Avenue South
New York, New York 10003

Dear Deputy Executive Director Baroni:

As you know, on September 9, 2013 the Port Authority inexplicably and without prior public notice reduced the three eastbound lanes to the George Washington Bridge to one lane. These closures resulted in delays to the traveling public and, more importantly, to emergency service vehicles. The community of Fort Lee, New Jersey was engulfed in gridlock during the morning rush hour until the lanes were reopened on September 13th. I respectfully invite you to testify before the Assembly Transportation, Public Works and Independent Authorities Committee concerning these issues.

The committee will be meeting on Monday, November 25, 2013 at 10:00 am in Committee Room 11, 4th Floor, State House Annex, Trenton, New Jersey.

Please be advised that failure to appear before the committee will result in the issuance of subpoenas to require personal appearance to testify before the committee on this matter.

It would be greatly appreciated if you or a staff member would contact Jillian Dempsey at the Assembly Majority Office to discuss your availability to testify before the committee. Ms. Dempsey can be reached at (609) 847-3500 or at jdempsey@njleg.org and would be happy to discuss any questions or other issues you may have.

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I look forward to your presence at this meeting.

Very Truly Yours,

John S. Wisniewski,
Chairman, Assembly Transportation
Public Works and Independent
Authorities Committee

mc
c Jillian Dempsey, Assembly Majority Office

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From: Nicole Crifo
Sent: Wednesday, November 20, 2013 6:17 PM
To: Regina Egea; Charles McKenna
Subject: Fw: Fwd: Invitation-Assembly Transportation Committee 11/25/13
Attachments: Baroni Invite.pdf; ATT00001.htm

Nicole P. Crifo
Senior Counsel
Authorities Unit
o. 609.777.2481
c. [redacted]

From: Baroni, Bill [mailto:bbaroni@panynj.gov]
Sent: Wednesday, November 20, 2013 05:50 PM
To: Nicole Crifo
Subject: Fwd: Invitation-Assembly Transportation Committee 11/25/13

Sent from my iPhone

Begin forwarded message:

From: "Chance, Melinda" <MChance@njleg.org>
Date: November 20, 2013 at 4:43:06 PM EST
To: "Baroni, Bill" <bbaroni@panynj.gov>
Cc: "Buono, Charles A." <CBuono@njleg.org>, "Brennan, Patrick" <PBrennan@njleg.org>, "Dempsey, Jillian" <jdempsey@njleg.org>
Subject: Invitation-Assembly Transportation Committee 11/25/13

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Melinda Chance
Secretary I
Office of Legislative Services
Authorities Section
Phone: (609) 847-3840
Fax: (609) 292-0561
Email: mchance@njleg.org

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(609) 292-0561 FAX

November 20, 2013

Mr. William Baroni, Jr.
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Deputy Executive Director
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New York, New York 10003

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I look forward to your presence at this meeting.

Very Truly Yours,

John S. Wisniewski,
Chairman, Assembly Transportation
Public Works and Independent
Authorities Committee

mc
c Jillian Dempsey, Assembly Majority Office

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From: Bell, Matthew <mbell@panynj.gov>
Sent: Thursday, November 21, 2013 11:03 AM
To: Baroni, Bill <bbaroni@panynj.gov>
Cc: DiMarco, Gretchen <gdimarco@panynj.gov>
Subject: Phone call: Regina Egea [redacted]

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From: Nicole Crifo
Sent: Monday, November 25, 2013 10:52 AM
To: Regina Egea
Subject: RE: BLOG ALERT: Politicker NJ: Baroni: Port Authority could have handled lane closures better

Yes. Wish it included a photo of the exhibit

Nicole P. Crifo
Senior Counsel
Authorities Unit
Office of the Governor
o. 609.777.2481
c. [redacted]

From: Regina Egea
Sent: Monday, November 25, 2013 10:50 AM
To: Nicole Crifo
Subject: FW: BLOG ALERT: Politicker NJ: Baroni: Port Authority could have handled lane closures better

Do you get these? On point

From: Sarah Dolan
Sent: Monday, November 25, 2013 10:47 AM
To: Sarah Dolan
Subject: BLOG ALERT: Politicker NJ: Baroni: Port Authority could have handled lane closures better

Baroni: Port Authority could have handled lane closures better
Bill Mooney
Politicker NJ

For four days in early September, Fort Lee turned into Fort Chaos as lanes to the George Washington Bridge were closed – ostensibly for traffic studies – but in reality for reasons lawmakers say were shrouded in politics.

Former Sen. Bill Baroni, deputy executive director of the Port Authority of New York and New Jersey, one of four Authority officials invited to appear Monday before the Assembly Transportation Committee and answer for the bi-state commission's conduct, showed up.

Chair John Wisniewski, (D-19), Sayreville, a frequent critic of the agency, was none too pleased with the circumstances of the closures, including the lack of notice to officials.

Baroni spent time explaining to the panel today about the daily 6 a.m. to 10 a.m. practice of dedicating three lanes to Fort Lee traffic in order to help alleviate the traffic delays overall.

"The Port Authority is very sensitive to the effect" of the impact on municipalities regarding traffic on the world's busiest bridge, he said.

Regarding the snafu two months ago, according to Baroni, the Authority's director of Interstate Capital Projects, David Wildstein, decided on Sept. 5 to begin a traffic study on Sept. 9 following consultations with Authority officials, including police and engineering staff.

Part of the goal was to determine what effect was being felt by the 95 percent of non-Fort Lee commuters, but he admitted it was not handled properly.

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Baroni gave a mea culpa to the committee, admitting there should have been more openness and transparency for officials and the commuting public.

Two weeks' notice to towns, for example, will be just one of the changes implemented going forward, Baroni said.

"The Port Authority has learned a valuable lesson," from the events of September 2013, he said.

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From: Nicole Crifo
Sent: Tuesday, November 26, 2013 12:40 PM
To: Regina Egea
Subject: Port

http://blogs.wsj.com/metropolis/2013/11/26/hearings-sought-in-new-york-on-george-washington-bridge-lane-closures/

Nicole P. Crifo
Senior Counsel | Authorities Unit
Office of the Governor | New Jersey State House
125 West State Street | Trenton, New Jersey 08625
o. 609.777.2481 | e. nicole.crifo@gov.state.nj.us
c. [redacted] f. 609.777.1250

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You're viewing an archived copy from the New Jersey State Library.

From: Nicole Crifo
Sent: Wednesday, November 27, 2013 4:10 PM
To: Regina Egea; Charles McKenna
Subject: Port

http://www.nj.com/news/index.ssf/2013/11/gwb_closures_inspector_general_request.html#incart_river

Nicole P. Crifo
Senior Counsel | Authorities Unit
Office of the Governor | New Jersey State House
125 West State Street | Trenton, New Jersey 08625
o. 609.777.2481 | e. nicole.crifo@gov.state.nj.us
c. [redacted] | f. 609.777.1250

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From: Nicole Crifo
Sent: Wednesday, November 27, 2013 4:29 PM
To: Charles McKenna; Regina Egea
Subject: More Port
Attachments: Foye SCHEDULE Document 112713.pdf; Foye Subpoena 112713.pdf; Foye Cover Letter 112713.pdf

From: "Coleman, Steve" <scoleman@panynj.gov>
Date: November 27, 2013 3:52:07 PM EST
To: "Foye, Patrick" <pfoye@panynj.gov>, "Baroni, Bill" <bbaroni@panynj.gov>
Cc: "Ma, John" <jhma@panynj.gov>, "Wildstein, David" <dwildstein@panynj.gov>, "MacSpadden, Lisa" <lmacspadden@panynj.gov>
Subject: Media inquiries on Assemblyman Wisniewski press release

We have pending requests for comment from Steve Strunsky of the Star Ledger, Ted Mann of the Wall Street Journal, Bill Moone of PolitickerNJ.com and Michael Phillis of the Bergen Record on the assemblyman's press release. I'm not returning the calls unle

---

News frc

Assemblyman Wisniews

For Release:
Nov. 27, 2013

Assemblyman John S. Wisnie
Deputy Spe
Assembly Transportation Chair
p: 732-432-
e: AsmWisniewski@njle
www.assemblydems

Wisniewski Subpoenas Port Authority of NY & NJ Executive Director George Washington Bridge Lane Closures

Compels PANYNJ Chief to Appear at Special Dec. 9 Hearing in Trenton

(TRENTON) – Assembly Deputy Speaker John Wisniewski on Wednesday subpoenaed the Port Authority of New Y executive director to attend a special December hearing on the agency's decision to close lanes to the George Washington Bridge

Wisniewski (D-Middlesex), the Assembly transportation committee chairman, ordered Patrick Foye, the authority's appear at a special Dec. 9 hearing in Trenton.

The subpoena comes after the authority's deputy director, Bill Baroni, refused on Monday to directly answer many co the lane closures and provide data to support his testimony.

"Mr. Baroni's unprofessional testimony created many more unanswered questions," said Wisniewski (D-Middlesex). ' Legislature to understand the circumstances surrounding these lane closures, as the impact on emergency services from th notification could have resulted in the loss of life. It's also now more than two months after the closure and no clear and convi been forthcoming on how this decision was made and why it was suddenly necessary."

Foye is ordered to appear for the 10 a.m., Dec. 9 hearing at the State House and produce documents, correspondenc other writings requested by the panel.

"The committee has a responsibility to its constituents to obtain answers to these questions and ensure that prote

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guarantee such an event will not happen again," Wisniewski said. "We need to know whether this was incompetence or politic appointees. A more public and thorough discussion of these issues is necessary, and I look forward to Mr. Foye's input."

Under the subpoena, Foye is compelled to appear to testify and asked to produce:

- All documents and correspondence, produced between Jan. 1, 2013 and the present date between Gov. Chris Christie or ...y administration and/or any employee, officer, or executive of the Port Authority, concerning the decision to reduce from three to Fort Lee, New Jersey access lanes to the George Washington Bridge from Sept. 9, 2013 through Sept. 13, 2013;
- All documents and correspondence, produced between Jan. 1, 2013 and the present date, between and among employees, e of the Port Authority, including any documents and correspondence sent or received by David Wildstein, Director of Interstate Ca concerning the decision to reduce from three to one, the eastbound Fort Lee, New Jersey access lanes to the George Washington 2013 through Sept. 13, 2013;
- All documents and correspondence referenced and cited to by Baroni at Monday's Assembly Transportation, Public Works ar Authorities Committee meeting, including, but not limited to, any traffic count, traffic report, or traffic study, produced by any en officer of the Port Authority or any third party working on behalf of any employee, executive, or officer of the Port Authority rela reduce from three to one, the eastbound Fort Lee, New Jersey access lanes to the George Washington Bridge from Sept. 9, 2013 2013;
- All documents and correspondence supporting Mr. Baroni's assertion at the Monday New Jersey Assembly Transportation, P Independent Authorities Committee meeting that: (a) on Tuesday, Sept. 10, 2013 the General Manager of the George Washingto minute reduction in travel time for commuters using the I-95 approach to the George Washington Bridge and a three minute red for commuters using local road approaches to the George Washington Bridge; (b) on Wednesday, Sept. 11, 2013 the General Mar Washington Bridge noted a reduction in travel time forcommuters using the I-95 approach and the local road approaches to the (Bridge; and (c) 105,000 regular EZ-Pass users cross the George Washington Bridge each morning and 4,839 of those users are fro New Jersey;
- Copies of all rules, regulations, or written policies of the Port Authority concerning the process for closing access lanes to the Bridge. Copies of all rules, regulations, or written policies of the Port Authority concerning the process forapproving and conducti including, but not limited to any rules, regulations, or written policies concerning public and law enforcement notification of lane traffic studies; and
- All information concerning the impact on toll collections or any other economic impact to the Port Authority or the New York Metropolitan Region resulting from the decision to reduce from three to one, the eastbound Fort Lee, New Jersey access lan Washington Bridge from Sept. 9, 2013 through Sept. 13, 2013.

Nicole P. Crifo
Senior Counsel | Authorities Unit
Office of the Governor | New Jersey State House
125 West State Street | Trenton, New Jersey 08625
o. 609.777.2481 | e. nicole.crifo@gov.state.nj.us
c. [redacted] f. 609.777.1250

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SCHEDULE A

(to Subpoena dated November 27, 2013, issued by
the Assembly Transportation, Public Works and Independent Authorities Committee.)

For the purposes of this schedule, "employee, officer, or executive" of the Port Authority of New York and New Jersey ("Port Authority") shall include, but not be limited to: the Executive Director, Patrick Foye; Deputy Executive Director, Bill Baroni; Chairman of the Board of Commissioners, David Samson; Director of Interstate Capital Projects, David Wildstein; any current or former member of the Board of Commissioners; any employee or other staff of the Port Authority of New York and New Jersey; or any individual acting on behalf of the Port Authority of New York and New Jersey.

The terms "document," "documents," and "correspondence" include hard copy documents and correspondence as well as electronic mail transmissions and electronically stored data, documents, correspondence, and other pertinent data compiled or collected. Attachments, exhibits, and enclosures are included as well.

In addition, please produce a log of any documents and/or correspondence withheld from production on the basis of any claimed privilege or protection, and retain such documents and/or correspondence.

Please deliver the following documents and correspondence:

1. All documents and correspondence, produced between January 1, 2013 and the present date between Governor Chris Christie or any member of his administration and/or any employee, officer, or executive of the Port Authority, concerning the decision to reduce from three to one, the eastbound Fort Lee, New Jersey access lanes to the George Washington Bridge from September 9, 2013 through September 13, 2013;

2. All documents and correspondence, produced between January 1, 2013 and the present date, between and among employees, executives, or officers of the Port Authority, including any documents and correspondence sent or received by David Wildstein, Director of Interstate Capital Projects concerning the decision to reduce from three to one, the eastbound Fort Lee, New Jersey access lanes to the George Washington Bridge from September 9, 2013 through September 13, 2013;

3. All documents and correspondence referenced and cited to by Bill Baroni, Deputy Executive Director, at the November 25, 2013 New Jersey Assembly Transportation, Public Works and Independent Authorities Committee meeting, including, but not limited to, any traffic count, traffic report, or traffic study, produced by any employee, executive, or officer of the Port Authority or any third party working on behalf of any employee, executive, or officer of the Port Authority related to the decision to reduce from three to one, the eastbound Fort Lee, New Jersey access lanes to the George Washington Bridge from September 9, 2013 through September 13, 2013;

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4. All documents and correspondence supporting Mr. Baroni's assertion at the November 25, 2013 New Jersey Assembly Transportation, Public Works and Independent Authorities Committee meeting that: (a) on Tuesday, September 10, 2013 the General Manager of the George Washington Bridge noted a four minute reduction in travel time for commuters using the I-95 approach to the George Washington Bridge and a three minute reduction in travel time for commuters using local road approaches to the George Washington Bridge; (b) on Wednesday, September 11, 2013 the General Manager of the George Washington Bridge noted a reduction in travel time for commuters using the I-95 approach and the local road approaches to the George Washington Bridge; and (c) 105,000 regular EZ-Pass users cross the George Washington Bridge each morning and 4,839 of those users are from Fort Lee, New Jersey;

5. Copies of all rules, regulations, or written policies of the Port Authority concerning the process for closing access lanes to the George Washington Bridge. Copies of all rules, regulations, or written policies of the Port Authority concerning the process for approving and conducting traffic studies, including, but not limited to any rules, regulations, or written policies concerning public and law enforcement notification of lane closures in relation to traffic studies; and

6. All information concerning the impact on toll collections or any other economic impact to the Port Authority or the New York, New Jersey Metropolitan Region resulting from the decision to reduce from three to one, the eastbound Fort Lee, New Jersey access lanes to the George Washington Bridge from September 9, 2013 through September 13, 2013.

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ASSEMBLY TRANSPORTATION, PUBLIC WORKS AND INDEPENDENT AUTHORITIES COMMITTEE

SUBPOENA

TO: Patrick Foye, Executive Director
Port Authority of New York and New Jersey
225 Park Avenue South, 15th Floor
New York, New York 10003

WE COMMAND YOU, That, laying aside all and singular business and excuses, you personally attend and appear before the Assembly Transportation, Public Works and Independent Authorities Committee, constituted as a special committee of the General Assembly pursuant to Assembly Resolution (duly passed by the General Assembly of the State of New Jersey on February 14, 2013), on December 9, 2013 at 10 o'clock a.m., in Committee Room 11, 4th floor, State House Annex, Trenton, New Jersey, to testify to certain matters relevant to the committee's inquiry and investigation into the finances of the Port Authority of New York and New Jersey and any other matters related thereto that the committee determines to be necessary for its purposes, and to produce to the committee at that time all documents, correspondence, books, papers and other writings that you have access to relevant to the committee's inquiry and investigation as more particularly set forth on the attached Schedule A.

Your appearance is governed by the Code of Fair Procedure and Chapter 13 of Title 52 of the Revised Statutes. A copy of the Code of Fair Procedure is delivered to you herewith. You shall appear and remain in attendance subject to the direction of the committee.

Failure to comply with this Subpoena shall make you liable for such penalties as are provided by law.

WITNESS, the hand of The Honorable John S. Wisniewski, Chairman of the Assembly Transportation, Public Works and Independent Authorities Committee, on this 27th day of November, 2013.

John S. Wisniewski, Chairman
Assembly Transportation, Public Works
and Independent Authorities Committee

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JOHN S. WISNIEWSKI
Chairman

LINDA D. STENDER
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MARLENE CARIDE
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THOMAS P. GOBLIN
CHARLES S. MAINOR
RUBEN J. RAMOS, JR.
CELESTE M. RILEY
JOHN F. AMODEO
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New Jersey State Legislature
ASSEMBLY TRANSPORTATION, PUBLIC WORKS
AND INDEPENDENT AUTHORITIES COMMITTEE
STATE HOUSE ANNEX
PO BOX 068
TRENTON NJ 08625-0068

CHARLES A. BUONO, JR.
PATRICK BRENNAN
Office of Legislative Services
Co-Committee Aides
(609) 847-3840
(609) 292-0561 FAX

November 27, 2013

Mr. Patrick Foye, Executive Director
Port Authority of New York and New Jersey
225 Park Avenue South, 15th Floor
New York, New York 10003

Dear Executive Director Foye:

Please find attached hereto a subpoena concerning your appearance, testimony, and production of relevant records at a meeting of the Assembly Transportation, Public Works and Independent Authorities Committee (committee) concerning the committee's investigation of the finances of the Port Authority of New York and New Jersey. The meeting will be held on December 9, 2013, at 10:00 a.m., in Committee Room 11, 4th floor, State House Annex, Trenton, New Jersey. This meeting will be recorded by the Hearing Reporter Unit of the Office of Legislative Services. We also enclose herewith a copy of the Code of Fair Procedure.

We look forward to your anticipated cooperation in this matter. If you have questions in this matter, please contact Charles A. Buono, Jr. at 609-847-3840.

Very truly yours,

ASSEMBLY TRANSPORTATION, PUBLIC WORKS
AND INDEPENDENT AUTHORITIES COMMITTEE

John S. Wisniewski,
Chairman

JW/cab
Enclosures
c Members – Assembly Transportation, Public Works and Independent Authorities Committee
Jillian Dempsey, Assembly Majority Office
Glen Beebe, Assembly Republican Office
Charles A. Buono, Jr., Office of Legislative Services

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Tab 25

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From: Bell, Matthew <mbell@panynj.gov>
Sent: Thursday, December 5, 2013 9:21 AM
To: Baroni, Bill <bbaroni@panynj.gov>
Cc: DiMarco, Gretchen <gdimarco@panynj.gov>
Subject: Phone call: Regina Egea [redacted]

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Tab 26

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From: Nicole Crifo
Sent: Tuesday, December 10, 2013 6:49 PM
To: Regina Egea

Port Authority Inspector General Investigating Bridge Closures By Ted Mann Wall Street Journal - (Full Text)

The Port Authority of New York and New Jersey's Inspector General formally launched an investigation Tuesday into the closure of several local lanes at the George Washington Bridge in September, which caused major traffic jams. The investigation was confirmed by Michael Nestor, the office's director of investigations. And New Jersey state lawmakers are weighing their next step into their investigation into the closures, one day after the Port Authority's executive director undercut the agency's official explanation for the traffic jams. The options for the lawmakers could include new subpoenas for appointees of New Jersey Gov. Chris Christie, who would once again try to explain what happened, this time under oath. Monday's sworn testimony from Patrick Foye, the authority's executive director, contradicted voluntary testimony given to the New Jersey Assembly Transportation Committee by another authority official on a key point: whether a traffic study was really the reason lanes were abruptly shifted on the world's busiest bridge. Bill Baroni, the deputy executive director and a top appointee of Mr. Christie, had doubled down on that explanation in an appearance before the committee last month. Mr. Baroni said then that David Wildstein, his subordinate and another official with close ties to the governor, gave the order to close two of three local access lanes from Fort Lee, N.J., onto the bridge so the authority could make a decision about the fairness of dedicating toll plaza lanes to local traffic. But people familiar with the matter had long cast doubt on that explanation, and on Monday Mr. Foye, the top appointee of Gov. Andrew Cuomo, said it wasn't true. "I'm not aware of any traffic study, Mr. Foye told the committee. "I don't know why it was done." Democratic lawmakers have suggested the lane closures were a gesture aimed at Fort Lee, which was beset by traffic due to the lane closures, and where the borough's Democratic mayor had declined to endorse Mr. Christie's reelection. A Christie spokesman has called that notion "crazy." One day after the hearing, the incident received new national attention. Fresh off an appearance on Rachel Maddow's MSNBC show to discuss the matter, Assemblyman John Wisniewski said he was "not ruling anything out and not ruling anything in." Mr. Wisniewski is chairman of the transportation committee, and a former chairman of the state Democratic Party who has tangled with the Christie administration and the authority. Mr. Wisniewski said he wants to "take a look at the transcripts from both hearings and figure out where the holes are in the testimony, and what jumps out from those gaps." One of the biggest causes for concern, Mr. Wisniewski said, is Mr. Baroni's contention that he knew about Mr. Wildstein's plan to close the local lanes "a full week before the executive director did." "I've got to be honest with you there's something wrong with this story," Mr. Wisniewski said. "That's something that speaks to an institutional problem at the Port Authority." Mr. Wildstein resigned last week, effective Jan. 1, and Mr. Wisniewski and Democratic colleagues have said Mr. Baroni too should resign. A spokesman for Mr. Christie didn't respond when asked if the governor was confident in the accuracy of Mr. Baroni's testimony, or whether he believed Mr. Baroni should consider resigning. Messrs. Baroni, Wildstein, and Foye didn't respond to requests for comment relayed by an authority press officer on Tuesday.

Nicole P. Crifo
Senior Counsel
Authorities Unit
o. 609.777.2481
c. [redacted]

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Tab 27

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From: Amy Melick
Sent: Thursday, December 12, 2013 4:01 PM
To: Regina Egea; Nicole Crifo; Ned Nurick
Subject: FW: Port Authority of New York and New Jersey Subpoenas
Attachments: Foye - Duces Tecum - GW Bridge.pdf; Baroni - Duces Tecum - GW Bridge.pdf; Wildstein - Duces Tecum - GW Bridge.pdf; Fulton - Duces Tecum - GW Bridge.pdf; Durando - Duces Tecum - GW Bridge.pdf; Nunziato - Duces Tecum - GW Bridge.pdf; Licorish - Duces Tecum - GW Bridge.pdf

Importance: High

From: Beebe, Glen [mailto:GBeebe@njleg.org]
Sent: Thursday, December 12, 2013 3:52 PM
To: Amy Melick
Subject: FW: Port Authority of New York and New Jersey Subpoenas

---

From: Buono, Charles A.
Sent: Thursday, December 12, 2013 3:49 PM
To: Wisniewski, Asm. D.O.; Stender, Asw. D.O.; Caride, Asw. D.O.; Chivukula, Asm. D.O.; Giblin, Asm. D.O.; Mainor, Asm. D.O.; Ramos, Asm. D.O.; Riley, Asw. D.O.; Amodeo, Asm. D.O.; Rudder, Asm. D.O.; Rumpf, Asm. D.O.; Wolfe, Asm. D.O.
Cc: Dempsey, Jillian; Beebe, Glen; McMahon, Maureen; Buono, Charles A.
Subject: Port Authority of New York and New Jersey Subpoenas

Members of the Assembly Transportation, Public Works and Independent Authorities Committee:

Attached please find copies of Subpoena Duces Tecum packets issued for:

1. Patrick Foye
2. Bill Baroni
3. David Wildstein
4. Cedrick Fulton
5. Robert Durando
6. Paul Nunziato
7. Darcy Licorish

Thank you.

Charles A. Buono, Jr.
Senior Counsel
Office of Legislative Services
State House Annex
P.O. Box 068
Trenton, NJ 08625
[p]: (609) 847-3840
[f]: (609) 292-0561

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THOMAS P. GIBLIN
CHARLES S. MAINOR
RUBEN J. RAMOS, JR.
CELESTE M. RILEY
JOHN F. AMODEO
SCOTT RUDDER
BRIAN E. RUMPF
DAVID W. WOLFE

New Jersey State Legislature

ASSEMBLY TRANSPORTATION, PUBLIC WORKS AND INDEPENDENT AUTHORITIES COMMITTEE

STATE HOUSE ANNEX
PO BOX 068
TRENTON NJ 08625-0068

CHARLES A. BUONO, JR.
PATRICK BRENNAN
Office of Legislative Services
Co-Committee Aides
(609) 847-3840
(609) 292-0561 FAX

December 12, 2013

Mr. Patrick Foye, Executive Director
Port Authority of New York and New Jersey
225 Park Avenue South, 15th Floor
New York, New York 10003

Dear Executive Director Foye:

Please find attached hereto a subpoena requesting certain documents concerning the Assembly Transportation, Public Works and Independent Authorities Committee's investigation of the Port Authority of New York and New Jersey. The Assembly Transportation, Public Works and Independent Authorities Committee would accept mail or messenger delivery of the requested records at the following address on or before December 19, 2013: Charles A. Buono, Jr., Office of Legislative Services, State House Annex, PO Box 068, Trenton, New Jersey 08625. We also enclose herewith a copy of the Code of Fair Procedure.

Please be advised that if you fail to comply completely with the attached subpoena, you may be held in contempt and subject to penalties, including incarceration as set forth in Chapter 13 of Title 52 of the Revised Statutes.

We look forward to your anticipated cooperation in this matter. If you have questions in this matter, please contact Charles A. Buono, Jr. at 609-847-3840.

Very truly yours,

ASSEMBLY TRANSPORTATION, PUBLIC WORKS
AND INDEPENDENT AUTHORITIES COMMITTEE

John S. Wisniewski,
Chairman

JW/mc
Enclosures
c Members – Assembly Transportation, Public Works and Independent Authorities Committee
Jillian Dempsey, Assembly Majority Office
Glen Beebe, Assembly Republican Office
Charles A. Buono, Jr., Office of Legislative Services

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ASSEMBLY TRANSPORTATION, PUBLIC WORKS AND INDEPENDENT AUTHORITIES COMMITTEE

SUBPOENA

TO: Patrick Foye, Executive Director
Port Authority of New York and New Jersey
225 Park Avenue South, 15th Floor
New York, New York 10003

WE COMMAND YOU, Laying aside all and singular business and excuses, to produce all documents, books, paper, and other writings, described below, that you have access to relevant to the Assembly Transportation, Public Works and Independent Authorities Committee's inquiry and investigation of the Port Authority of New York and New Jersey, as more particularly set forth on the attached Schedule A. These documents, books, papers, and other writings shall be returned on or before December 19, 2013 to: Charles A. Buono, Jr., Office of Legislative Services, State House Annex, PO Box 068, Trenton, New Jersey 08625. The Committee was constituted as a special committee of the General Assembly pursuant to Assembly Resolution No. 91 duly passed by the General Assembly of the State of New Jersey on February 14, 2013.

Your production of documents is governed by the Code of Fair Procedure and Chapter 13 of Title 52 of the Revised Statutes. A copy of the Code of Fair Procedure is delivered to you herewith.

Failure to comply with this Subpoena shall make you liable for such penalties as are provided by law.

WITNESS, the hand of The Honorable John S. Wisniewski, Chairman of the Assembly Transportation, Public Works and Independent Authorities Committee, on this the 12th day of December, 2013.

John S. Wisniewski, Chairman
Assembly Transportation, Public Works
and Independent Authorities Committee

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SCHEDULE A

(to Subpoena dated December 12, 2013, issued by
the Assembly Transportation, Public Works and Independent Authorities Committee.)

For the purposes of this schedule, "employee, officer, or executive" of the Port Authority of New York and New Jersey ("Port Authority") shall include, but not be limited to: the Executive Director, Patrick Foye; Deputy Executive Director, Bill Baroni; Chairman of the Board of Commissioners, David Samson; Director of Interstate Capital Projects, David Wildstein; Director of Bridges, Tunnels, and Terminals, Cedrick Fulton; General Manager of the George Washington Bridge, Robert Durando; President of the Port Authority Police Benevolent Association, Paul Nunziato; and Darcy Licorish of the Port Authority Police Department; any current or former member of the Board of Commissioners; any employee or other staff of the Port Authority of New York and New Jersey; or any individual acting on behalf of the Port Authority of New York and New Jersey.

The terms "document," "documents," and "correspondence" include hard copy documents and correspondence as well as electronic mail transmissions, text messages, telephone records, including a log of telephone calls placed or received, and electronically stored data, documents, correspondence, and other pertinent data compiled or collected. Attachments, exhibits, and enclosures are included as well.

In addition, please produce a log of any documents and/or correspondence withheld from production on the basis of any claimed privilege or protection, and retain such documents and/or correspondence.

Please deliver the following documents and correspondence:

1. All documents and correspondence, produced between August 1, 2013 and the present date between Governor Chris Christie or any member of his administration and/or any employee, officer, or executive of the Port Authority, concerning the reduction from three to one of the eastbound Fort Lee, New Jersey access lanes to the George Washington Bridge from September 9, 2013 through September 13, 2013;

2. All documents and correspondence, produced between August 1, 2013 and the present date, between and among any employee, officer, or executive of the Port Authority, including any documents and correspondence sent or received by Patrick Foye, Executive Director; Bill Baroni, Deputy Executive Director; David Wildstein, Director of Interstate Capital Projects; Cedrick Fulton, Director of Bridges, Tunnels, and Terminals; Robert Durando, General Manager of the George Washington Bridge; Paul Nunziato, President of the Port Authority Police Benevolent Association; and Darcy Licorish of the Port Authority Police Department concerning the reduction from three to one of the eastbound Fort Lee, New Jersey access lanes to the George Washington Bridge from September 9, 2013 through September 13, 2013;

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3. As referenced by Patrick Foye during the Assembly Transportation, Public Works and Independent Authorities Committee meeting on December 9, 2013, a copy of the media pendings from September 9, 2013 through September 13, 2013;

4. As referenced by Patrick Foye during the Assembly Transportation, Public Works and Independent Authorities Committee meeting on December 9, 2013, a timeline of events surrounding the reduction from three to one of the eastbound Fort Lee, New Jersey access lanes to the George Washington Bridge from September 9, 2013 through September 13, 2013, including, but not limited to, the date when it was determined that Darcy Licorish would be promoted, the date of Mr. Licorish's promotion, the dates and times when Mr. Wildstein ordered individuals to close the access lanes, the date and time when Mr. Licorish was notified about the lane closures, and the date and time of any communications between Fort Lee borough police, mayor, or staff and the Port Authority; and

5. As referenced by Patrick Foye during the Assembly Transportation, Public Works and Independent Authorities Committee meeting on December 9, 2013, estimates for the average delay to traffic at the Fort Lee entrance to the George Washington Bridge from September 9, 2013 through September 13, 2013 and the travel time impact for every other approach to the bridge from September 9, 2013 through September 13, 2013.

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Code of Fair Procedure

52:13E-1. Definitions

As used in this act:

(a) "Agency" means any of the following while engaged in an investigation or inquiry: (1) the Governor or any person or persons appointed by him acting pursuant to P.L.1941, c. 16, s. 1 (C. 52:15-7), (2) any temporary State commission or duly authorized committee thereof having the power to require testimony or the production of evidence by subpoena, or (3) any legislative committee or commission having the powers set forth in Revised Statutes 52:13-1.

(b) "Hearing" means any hearing in the course of an investigatory proceeding (other than a preliminary conference or interview at which no testimony is taken under oath) conducted before an agency at which testimony or the production of other evidence may be compelled by subpoena or other compulsory process.

(c) "Public hearing" means any hearing open to the public, or any hearing, or such part thereof, as to which testimony or other evidence is made available or disseminated to the public by the agency.

(d) "Private hearing" means any hearing other than a public hearing.

L.1968, c. 376, s. 1, eff. Dec. 27, 1968.

52:13E-2. Personal service

No person may be required to appear at a hearing or to testify at a hearing unless there has been personally served upon him prior to the time when he is required to appear, a copy of this act, and a general statement of the subject of the investigation. A copy of the resolution, statute, order or other provision of law authorizing the investigation shall be furnished by the agency upon request therefor by the person summoned.

L.1968, c. 376, s. 2, eff. Dec. 27, 1968.

52:13E-3. Right to counsel; submission of proposed questions

A witness summoned to a hearing shall have the right to be accompanied by counsel, who shall be permitted to advise the witness of his rights, subject to reasonable limitations to prevent obstruction of or interference with the orderly conduct of the hearing. Counsel for any witness who testifies at a public hearing may submit proposed questions to be asked of the witness relevant to the matters upon which the witness has been questioned and the agency shall ask the witness such of the questions as it may deem appropriate to its inquiry.

L.1968, c. 376, s. 3, eff. Dec. 27, 1968.

52:13E-4. Records of public hearings; copies

A complete and accurate record shall be kept of each public hearing and a witness shall be entitled to receive a copy of his testimony at such hearing at his own expense. Where testimony which a witness has given at a private hearing becomes relevant in a criminal proceeding in which the witness is a defendant, or in any subsequent hearing in which the witness is summoned to testify, the witness shall be entitled to a copy of such

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testimony, at his own expense, provided the same is available, and provided further that the furnishing of such copy will not prejudice the public safety or security.

L.1968, c. 376, s. 4, eff. Dec. 27, 1968.

52:13E-5. Sworn statement by witness; incorporation in the record

A witness who testifies at any hearing shall have the right at the conclusion of his examination to file a brief sworn statement relevant to his testimony for incorporation in the record of the investigatory proceeding.

L.1968, c. 376, s. 5, eff. Dec. 27, 1968.

52:13E-6. Persons affected by proceedings; appearance or statement of facts

Any person whose name is mentioned or who is specifically identified and who believes that testimony or other evidence given at a public hearing or comment made by any member of the agency or its counsel at such a hearing tends to defame him or otherwise adversely affect his reputation shall have the right, either to appear personally before the agency and testify in his own behalf as to matters relevant to the testimony or other evidence complained of, or in the alternative at the option of the agency, to file a statement of facts under oath relating solely to matters relevant to the testimony or other evidence complained of, which statement shall be incorporated in the record of the investigatory proceeding.

L.1968, c. 375, s. 6, eff. Dec. 27, 1968.

52:13E-7. Rights or privileges granted by agencies

Nothing in this act shall be construed to prevent an agency from granting to witnesses appearing before it, or to persons who claim to be adversely affected by testimony or other evidence adduced before it, such further rights and privileges as it may determine.

L.1968, c. 376, s. 7, eff. Dec. 27, 1968.

52:13E-8. Dissemination of evidence adduced at private hearing

Except in the course of subsequent hearing which is open to the public, no testimony or other evidence adduced at a private hearing or preliminary conference or interview conducted before a single-member agency in the course of its investigation shall be disseminated or made available to the public by said agency, its counsel or employees without the approval of the head of the agency. Except in the course of a subsequent hearing open to the public, no testimony or other evidence adduced at a private hearing or preliminary conference or interview before a committee or other multimember investigating agency shall be disseminated or made available to the public by any member of the agency, its counsel or employees, except with the approval of a majority of the members of such agency. Any person who violates the provisions of this subdivision shall be adjudged a disorderly person.

L.1968, c. 376, s. 8, eff. Dec. 27, 1968.

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52:13E-9. Hearing conducted by temporary state commission

No temporary State commission having more than two members shall have the power to take testimony at a public or private hearing unless at least two of its members are present at such hearing.

Nothing in this section, however, shall be deemed to prevent the State Commission of Investigation from conducting private hearings, on an investigation previously undertaken by a majority of the members of the commission, with one commissioner present, when so designated by resolution pursuant to the provisions of section 12 of P.L.1968, c. 266 (C. 52:9M-12).

L.1968, c. 376, s. 9, eff. Dec. 27, 1968. Amended by L.1984, c. 110, s. 5, eff. Aug. 3, 1984.

52:13E-10. Right of members to file statement of minority views

Nothing in this act shall be construed to affect, diminish or impair the right, under any other provision of law, rule or custom, of any member or group of members of a committee or other multimember investigating agency to file a statement or statements of minority views to accompany and be released with or subsequent to the report of the committee or agency.

L.1968, c. 376, s. 10, eff. Dec. 27, 1968.

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Chapter 13 of Title 52 of the Revised Statutes

Article 1. General Provisions.

52:13-1. Attendance of witnesses; production of books and papers; legal and clerical assistance

Any joint committee of the legislature, any standing committee of either house, or any special committee directed by resolution to enter upon any investigation or inquiry, the pursuit of which shall necessitate the attendance of persons or the production of books or papers, shall have power to compel the attendance before it of such persons as witnesses and the production before it of such books and papers as it may deem necessary, proper and relevant to the matter under investigation. Any such committee shall also have the power to employ such legal and clerical assistance as it may deem necessary to the proper conduct of the investigation.

52:13-2. Summons for witnesses; execution

If any person upon being summoned in writing by order of any committee mentioned in section 52:13-1 of this title to appear before such committee and testify, fails to obey such summons, the speaker of the house of assembly or the president of the senate may, upon application to him, by warrant under his hand order the sergeant at arms of the house over which he presides to arrest such person and bring him before the committee, and the sergeant at arms shall thereupon execute the warrant to him so directed.

52:13-3. Compensation of witnesses; swearing witnesses; perjury; immunity; refusal to answer or be sworn

Witnesses summoned to appear before any committee authorized by this article or any other law to conduct an investigation or inquiry shall be entitled to receive the same fees and mileage as persons summoned to testify in the courts of the state. All such witnesses may be sworn by any member of the committee conducting the investigation or inquiry; and all witnesses sworn before any such committee shall answer truly all questions put to them which the committee shall decide to be proper and pertinent to the investigation or inquiry; and any witness so sworn who shall swear falsely shall be guilty of perjury. No such witness shall be excused from answering any such questions on the ground that to answer the same might or would incriminate him; but no answers made by any witness to any such questions shall be used or admitted in evidence in any proceeding against such witness, except in a criminal prosecution against the witness for perjury in respect to his answers to such questions.

Any witness who refuses to answer any questions decided by the committee to be proper and pertinent shall be guilty of a misdemeanor; and any witness who, having been summoned to appear before any such committee, fails to appear in obedience to the summons or, appearing, refuses to be sworn shall be guilty of a misdemeanor.

52:13-4. Expenses of investigations; payment

The state treasurer shall, upon the warrant of the state comptroller, pay the fees and mileage of witnesses called, the compensation of legal and clerical assistance employed and the expenses of the sergeant at arms of either house in the execution of warrants

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pursuant to section 52:13-2 of this title, when the same shall be certified as correct and necessary by the chairman of the committee under whose authority and by whose order the same shall have been incurred, but only when the chairman's certificate has received the approval of the governor.

Article 2. Contempts of Joint Legislative Committees.

52:13-5. What constitutes contempt; report thereof to legislature

Whenever, in any investigation or inquiry by any committee constituted by joint resolution of the legislature to enter upon or make such investigation or inquiry, any witness summoned or subpoenaed to appear before such committee to testify or to produce books, documents, papers or records, shall willfully neglect or refuse to appear in obedience to the summons or subpoena, or shall willfully neglect or refuse to produce any books, documents, papers or records commanded to be produced by the summons or subpoena, or shall refuse to be sworn or affirmed, or shall refuse to answer any question put to him which the committee shall decide to be proper and pertinent to such investigation or inquiry, or shall in any other way contemn the authority or privileges of the legislature, and the facts alleged to constitute any such contempt shall have been reported by any such committee to the legislature, the alleged contemner shall be tried, and the alleged contempt determined, as hereinafter provided.

52:13-6. Joint session to determine alleged contempt; order for arrest; service

The senate and general assembly may by concurrent resolution direct that the senate and general assembly meet in joint session at a time and place therein fixed for the purpose of hearing the evidence and arguments regarding the alleged contempt and may order that a warrant, directed to any sergeant at arms of either house or of the joint session or to any sheriff, police officer, member of the state police, constable or other peace officer, issue in such manner as shall be prescribed in and by the concurrent resolution for the arrest of the alleged contemner and the production of him at the bar of such joint session, there to be heard.

52:13-7. Hearing by joint session

At the time and place fixed as aforesaid, or at any adjournment, the joint session shall sit and summarily hear the evidence and the arguments relating to the alleged contempt. The joint session shall adjourn from time to time until the matter shall have been disposed of and the alleged contemner shall appear and attend at each and every such adjourned session.

52:13-8. Contemner's rights

Any alleged contemner shall have the right to be heard before the joint session, to be represented by counsel, to call witnesses in his behalf, and to examine and cross-examine witnesses.

52:13-9. Determination of contempt by each house separately; concurrent resolution

After the joint session shall have heard the evidence and such arguments as may be made, the senate and the general assembly shall separately convene and shall separately

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consider and determine the alleged contempt; and the determination shall be by a concurrent resolution, which may originate in either house.

52:13-10. Sentence; order of commitment

Any person found to be guilty of a contempt of the legislature by a concurrent resolution of the two houses thereof, as hereinbefore provided, may be sentenced to imprisonment in the state prison or in the common jail of any county for any period not exceeding six months as shall be directed in and by the concurrent resolution determining the contempt, for the execution of which such concurrent resolution may order that a commitment shall issue, directed to any sheriff, police officer, member of the state police, constable or other peace officer, and to the keeper of the state prison or the keeper of the common jail of any county, which commitment shall be signed by the president of the senate and the speaker of the house of assembly in office at the date of the issue thereof.

52:13-11. Continuing validity of commitment

Any commitment issued in accordance with section 52:13-10 of this title shall remain valid and effective until the imprisonment therein set forth shall have been served, notwithstanding the legislature which directed the issue of the commitment may meanwhile have adjourned or ended.

52:13-12. Bail of contemner

Any judge of the Superior Court may let to bail any person apprehended for hearing on a charge of contempt under a warrant issued by direction of a concurrent resolution as provided in section 52:13-6 of this Title, in such amount and with such surety as the judge shall determine to be reasonable, to appear before the Joint Session of the Legislature, at the time and place fixed by the warrant as well as at any and all adjournments thereof, and to stand to and abide such determination and sentence as may thereafter be found or imposed against the person so apprehended. Such recognizances shall run in favor of the State of New Jersey and shall be filed by the judge in the office of the Secretary of State.

Amended by L.1953, c. 49, p. 853, s. 2.

52:13-13. Powers given additional to other powers

The powers given by this article shall be in addition to the powers given by article 1 of this chapter (s. 52:13-1 et seq.).

STATE OF NEW JERSEY, ss:

_____ being duly sworn according to law on his oath say that on the _____ day of December, 2013 at _____ he served the within Subpoena upon Patrick Foye by exhibiting the same to him and informing him of the contents thereof_____ and giving to Patrick Foye a true copy thereof, addressed to Patrick Foye, Executive Director, Port Authority of New York and New Jersey, 225 Park Avenue South, 15th Floor, New York, New York 10003.

Subscribed and sworn to before me at _____ the _____ day of _____ 2013.

_____

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STATE OF NEW JERSEY

Assembly Transportation, Public Works and Independent Authorities Committee

to

Patrick Foye, Executive Director
Port Authority of New York and New Jersey

SUBPOENA

Duces Tecum

Writ Returnable on or before
December 19, 2013

to

Assembly Transportation, Public Works and Independent Authorities Committee

c/o Charles A. Buono, Jr.
Office of Legislative Services
State House Annex
PO Box 068
Trenton, New Jersey 08625

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JOHN S. WISNIEWSKI
Chairman

LINDA D. STENDER
Vice-Chair

MARLENE CARIDE
UPENDRA J. CHIVUKULA
THOMAS P. GIBLIN
CHARLES S. MAINOR
RUBEN J. RAMOS, JR.
CELESTE M. RILEY
JOHN F. AMODEO
SCOTT RUDDER
BRIAN E. RUMPF
DAVID W. WOLFE

New Jersey State Legislature

ASSEMBLY TRANSPORTATION, PUBLIC WORKS AND INDEPENDENT AUTHORITIES COMMITTEE

STATE HOUSE ANNEX
PO BOX 068
TRENTON NJ 08625-0068

CHARLES A. BUONO, JR.
PATRICK BRENNAN
Office of Legislative Services
Co-Committee Aides
(609) 847-3840
(609) 292-0561 FAX

December 12, 2013

Mr. William Baroni, Jr., Deputy Executive Director
Port Authority of New York and New Jersey
225 Park Avenue South, 15th Floor
New York, New York 10003

Dear Deputy Executive Director Baroni:

Please find attached hereto a subpoena requesting certain documents concerning the Assembly Transportation, Public Works and Independent Authorities Committee's investigation of the Port Authority of New York and New Jersey. The Assembly Transportation, Public Works and Independent Authorities Committee would accept mail or messenger delivery of the requested records at the following address on or before December 19, 2013: Charles A. Buono, Jr., Office of Legislative Services, State House Annex, PO Box 068, Trenton, New Jersey 08625. We also enclose herewith a copy of the Code of Fair Procedure.

Please be advised that if you fail to comply completely with the attached subpoena, you may be held in contempt and subject to penalties, including incarceration as set forth in Chapter 13 of Title 52 of the Revised Statutes.

We look forward to your anticipated cooperation in this matter. If you have questions in this matter, please contact Charles A. Buono, Jr. at 609-847-3840.

Very truly yours,

ASSEMBLY TRANSPORTATION, PUBLIC WORKS
AND INDEPENDENT AUTHORITIES COMMITTEE

John S. Wisniewski,
Chairman

JW/mc
Enclosures
c Members – Assembly Transportation, Public Works and Independent Authorities Committee
Jillian Dempsey, Assembly Majority Office
Glen Beebe, Assembly Republican Office
Charles A. Buono, Jr., Office of Legislative Services

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ASSEMBLY TRANSPORTATION, PUBLIC WORKS AND INDEPENDENT AUTHORITIES COMMITTEE

SUBPOENA

TO: William Baroni, Jr., Deputy Executive Director
Port Authority of New York and New Jersey
225 Park Avenue South, 15th Floor
New York, New York 10003

WE COMMAND YOU, Laying aside all and singular business and excuses, to produce all documents, books, paper, and other writings, described below, that you have access to relevant to the Assembly Transportation, Public Works and Independent Authorities Committee's inquiry and investigation of the Port Authority of New York and New Jersey, as more particularly set forth on the attached Schedule A. These documents, books, papers, and other writings shall be returned on or before December 19, 2013 to: Charles A. Buono, Jr., Office of Legislative Services, State House Annex, PO Box 068, Trenton, New Jersey 08625. The Committee was constituted as a special committee of the General Assembly pursuant to Assembly Resolution No. 91 duly passed by the General Assembly of the State of New Jersey on February 14, 2013.

Your production of documents is governed by the Code of Fair Procedure and Chapter 13 of Title 52 of the Revised Statutes. A copy of the Code of Fair Procedure is delivered to you herewith.

Failure to comply with this Subpoena shall make you liable for such penalties as are provided by law.

WITNESS, the hand of The Honorable John S. Wisniewski, Chairman of the Assembly Transportation, Public Works and Independent Authorities Committee, on this the 12th day of December, 2013.

John S. Wisniewski, Chairman
Assembly Transportation, Public Works
and Independent Authorities Committee

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SCHEDULE A

(to Subpoena dated December 12, 2013, issued by
the Assembly Transportation, Public Works and Independent Authorities Committee.)

For the purposes of this schedule, "employee, officer, or executive" of the Port Authority of New York and New Jersey ("Port Authority") shall include, but not be limited to: the Executive Director, Patrick Foye; Deputy Executive Director, Bill Baroni; Chairman of the Board of Commissioners, David Samson; Director of Interstate Capital Projects, David Wildstein; Director of Bridges, Tunnels, and Terminals, Cedrick Fulton; General Manager of the George Washington Bridge, Robert Durando; President of the Port Authority Police Benevolent Association, Paul Nunziato; and Darcy Licorish of the Port Authority Police Department; any current or former member of the Board of Commissioners; any employee or other staff of the Port Authority of New York and New Jersey; or any individual acting on behalf of the Port Authority of New York and New Jersey.

The terms "document," "documents," and "correspondence" include hard copy documents and correspondence as well as electronic mail transmissions, text messages, telephone records, including a log of telephone calls placed or received, and electronically stored data, documents, correspondence, and other pertinent data compiled or collected. Attachments, exhibits, and enclosures are included as well.

In addition, please produce a log of any documents and/or correspondence withheld from production on the basis of any claimed privilege or protection, and retain such documents and/or correspondence.

Please deliver the following documents and correspondence:

1. All documents and correspondence, produced between August 1, 2013 and the present date between Governor Chris Christie or any member of his administration and/or any employee, officer, or executive of the Port Authority, concerning the reduction from three to one of the eastbound Fort Lee, New Jersey access lanes to the George Washington Bridge from September 9, 2013 through September 13, 2013;

2. All documents and correspondence, produced between August 1, 2013 and the present date, between and among any employee, officer, or executive of the Port Authority, including any documents and correspondence sent or received by Patrick Foye, Executive Director; Bill Baroni, Deputy Executive Director; David Wildstein, Director of Interstate Capital Projects; Cedrick Fulton, Director of Bridges, Tunnels, and Terminals; Robert Durando, General Manager of the George Washington Bridge; Paul Nunziato, President of the Port Authority Police Benevolent Association; and Darcy Licorish of the Port Authority Police Department concerning the reduction from three to one of the eastbound Fort Lee, New Jersey access lanes to the George Washington Bridge from September 9, 2013 through September 13, 2013.

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Code of Fair Procedure

52:13E-1. Definitions

As used in this act:

(a) "Agency" means any of the following while engaged in an investigation or inquiry: (1) the Governor or any person or persons appointed by him acting pursuant to P.L.1941, c. 16, s. 1 (C. 52:15-7), (2) any temporary State commission or duly authorized committee thereof having the power to require testimony or the production of evidence by subpoena, or (3) any legislative committee or commission having the powers set forth in Revised Statutes 52:13-1.

(b) "Hearing" means any hearing in the course of an investigatory proceeding (other than a preliminary conference or interview at which no testimony is taken under oath) conducted before an agency at which testimony or the production of other evidence may be compelled by subpoena or other compulsory process.

(c) "Public hearing" means any hearing open to the public, or any hearing, or such part thereof, as to which testimony or other evidence is made available or disseminated to the public by the agency.

(d) "Private hearing" means any hearing other than a public hearing.

L.1968, c. 376, s. 1, eff. Dec. 27, 1968.

52:13E-2. Personal service

No person may be required to appear at a hearing or to testify at a hearing unless there has been personally served upon him prior to the time when he is required to appear, a copy of this act, and a general statement of the subject of the investigation. A copy of the resolution, statute, order or other provision of law authorizing the investigation shall be furnished by the agency upon request therefor by the person summoned.

L.1968, c. 376, s. 2, eff. Dec. 27, 1968.

52:13E-3. Right to counsel; submission of proposed questions

A witness summoned to a hearing shall have the right to be accompanied by counsel, who shall be permitted to advise the witness of his rights, subject to reasonable limitations to prevent obstruction of or interference with the orderly conduct of the hearing. Counsel for any witness who testifies at a public hearing may submit proposed questions to be asked of the witness relevant to the matters upon which the witness has been questioned and the agency shall ask the witness such of the questions as it may deem appropriate to its inquiry.

L.1968, c. 376, s. 3, eff. Dec. 27, 1968.

52:13E-4. Records of public hearings; copies

A complete and accurate record shall be kept of each public hearing and a witness shall be entitled to receive a copy of his testimony at such hearing at his own expense. Where testimony which a witness has given at a private hearing becomes relevant in a criminal proceeding in which the witness is a defendant, or in any subsequent hearing in which the witness is summoned to testify, the witness shall be entitled to a copy of such

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testimony, at his own expense, provided the same is available, and provided further that the furnishing of such copy will not prejudice the public safety or security.

L.1968, c. 376, s. 4, eff. Dec. 27, 1968.

52:13E-5. Sworn statement by witness; incorporation in the record

A witness who testifies at any hearing shall have the right at the conclusion of his examination to file a brief sworn statement relevant to his testimony for incorporation in the record of the investigatory proceeding.

L.1968, c. 376, s. 5, eff. Dec. 27, 1968.

52:13E-6. Persons affected by proceedings; appearance or statement of facts

Any person whose name is mentioned or who is specifically identified and who believes that testimony or other evidence given at a public hearing or comment made by any member of the agency or its counsel at such a hearing tends to defame him or otherwise adversely affect his reputation shall have the right, either to appear personally before the agency and testify in his own behalf as to matters relevant to the testimony or other evidence complained of, or in the alternative at the option of the agency, to file a statement of facts under oath relating solely to matters relevant to the testimony or other evidence complained of, which statement shall be incorporated in the record of the investigatory proceeding.

L.1968, c. 375, s. 6, eff. Dec. 27, 1968.

52:13E-7. Rights or privileges granted by agencies

Nothing in this act shall be construed to prevent an agency from granting to witnesses appearing before it, or to persons who claim to be adversely affected by testimony or other evidence adduced before it, such further rights and privileges as it may determine.

L.1968, c. 376, s. 7, eff. Dec. 27, 1968.

52:13E-8. Dissemination of evidence adduced at private hearing

Except in the course of subsequent hearing which is open to the public, no testimony or other evidence adduced at a private hearing or preliminary conference or interview conducted before a single-member agency in the course of its investigation shall be disseminated or made available to the public by said agency, its counsel or employees without the approval of the head of the agency. Except in the course of a subsequent hearing open to the public, no testimony or other evidence adduced at a private hearing or preliminary conference or interview before a committee or other multimember investigating agency shall be disseminated or made available to the public by any member of the agency, its counsel or employees, except with the approval of a majority of the members of such agency. Any person who violates the provisions of this subdivision shall be adjudged a disorderly person.

L.1968, c. 376, s. 8, eff. Dec. 27, 1968.

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52:13E-9. Hearing conducted by temporary state commission

No temporary State commission having more than two members shall have the power to take testimony at a public or private hearing unless at least two of its members are present at such hearing.

Nothing in this section, however, shall be deemed to prevent the State Commission of Investigation from conducting private hearings, on an investigation previously undertaken by a majority of the members of the commission, with one commissioner present, when so designated by resolution pursuant to the provisions of section 12 of P.L.1968, c. 266 (C. 52:9M-12).

L.1968, c. 376, s. 9, eff. Dec. 27, 1968. Amended by L.1984, c. 110, s. 5, eff. Aug. 3, 1984.

52:13E-10. Right of members to file statement of minority views

Nothing in this act shall be construed to affect, diminish or impair the right, under any other provision of law, rule or custom, of any member or group of members of a committee or other multimember investigating agency to file a statement or statements of minority views to accompany and be released with or subsequent to the report of the committee or agency.

L.1968, c. 376, s. 10, eff. Dec. 27, 1968.

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Chapter 13 of Title 52 of the Revised Statutes

Article 1. General Provisions.

52:13-1. Attendance of witnesses; production of books and papers; legal and clerical assistance

Any joint committee of the legislature, any standing committee of either house, or any special committee directed by resolution to enter upon any investigation or inquiry, the pursuit of which shall necessitate the attendance of persons or the production of books or papers, shall have power to compel the attendance before it of such persons as witnesses and the production before it of such books and papers as it may deem necessary, proper and relevant to the matter under investigation. Any such committee shall also have the power to employ such legal and clerical assistance as it may deem necessary to the proper conduct of the investigation.

52:13-2. Summons for witnesses; execution

If any person upon being summoned in writing by order of any committee mentioned in section 52:13-1 of this title to appear before such committee and testify, fails to obey such summons, the speaker of the house of assembly or the president of the senate may, upon application to him, by warrant under his hand order the sergeant at arms of the house over which he presides to arrest such person and bring him before the committee, and the sergeant at arms shall thereupon execute the warrant to him so directed.

52:13-3. Compensation of witnesses; swearing witnesses; perjury; immunity; refusal to answer or be sworn

Witnesses summoned to appear before any committee authorized by this article or any other law to conduct an investigation or inquiry shall be entitled to receive the same fees and mileage as persons summoned to testify in the courts of the state. All such witnesses may be sworn by any member of the committee conducting the investigation or inquiry; and all witnesses sworn before any such committee shall answer truly all questions put to them which the committee shall decide to be proper and pertinent to the investigation or inquiry; and any witness so sworn who shall swear falsely shall be guilty of perjury. No such witness shall be excused from answering any such questions on the ground that to answer the same might or would incriminate him; but no answers made by any witness to any such questions shall be used or admitted in evidence in any proceeding against such witness, except in a criminal prosecution against the witness for perjury in respect to his answers to such questions.

Any witness who refuses to answer any questions decided by the committee to be proper and pertinent shall be guilty of a misdemeanor; and any witness who, having been summoned to appear before any such committee, fails to appear in obedience to the summons or, appearing, refuses to be sworn shall be guilty of a misdemeanor.

52:13-4. Expenses of investigations; payment

The state treasurer shall, upon the warrant of the state comptroller, pay the fees and mileage of witnesses called, the compensation of legal and clerical assistance employed and the expenses of the sergeant at arms of either house in the execution of warrants

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pursuant to section 52:13-2 of this title, when the same shall be certified as correct and necessary by the chairman of the committee under whose authority and by whose order the same shall have been incurred, but only when the chairman's certificate has received the approval of the governor.

Article 2. Contempts of Joint Legislative Committees.

52:13-5. What constitutes contempt; report thereof to legislature

Whenever, in any investigation or inquiry by any committee constituted by joint resolution of the legislature to enter upon or make such investigation or inquiry, any witness summoned or subpoenaed to appear before such committee to testify or to produce books, documents, papers or records, shall willfully neglect or refuse to appear in obedience to the summons or subpoena, or shall willfully neglect or refuse to produce any books, documents, papers or records commanded to be produced by the summons or subpoena, or shall refuse to be sworn or affirmed, or shall refuse to answer any question put to him which the committee shall decide to be proper and pertinent to such investigation or inquiry, or shall in any other way contemn the authority or privileges of the legislature, and the facts alleged to constitute any such contempt shall have been reported by any such committee to the legislature, the alleged contemner shall be tried, and the alleged contempt determined, as hereinafter provided.

52:13-6. Joint session to determine alleged contempt; order for arrest; service

The senate and general assembly may by concurrent resolution direct that the senate and general assembly meet in joint session at a time and place therein fixed for the purpose of hearing the evidence and arguments regarding the alleged contempt and may order that a warrant, directed to any sergeant at arms of either house or of the joint session or to any sheriff, police officer, member of the state police, constable or other peace officer, issue in such manner as shall be prescribed in and by the concurrent resolution for the arrest of the alleged contemner and the production of him at the bar of such joint session, there to be heard.

52:13-7. Hearing by joint session

At the time and place fixed as aforesaid, or at any adjournment, the joint session shall sit and summarily hear the evidence and the arguments relating to the alleged contempt. The joint session shall adjourn from time to time until the matter shall have been disposed of and the alleged contemner shall appear and attend at each and every such adjourned session.

52:13-8. Contemner's rights

Any alleged contemner shall have the right to be heard before the joint session, to be represented by counsel, to call witnesses in his behalf, and to examine and cross-examine witnesses.

52:13-9. Determination of contempt by each house separately; concurrent resolution

After the joint session shall have heard the evidence and such arguments as may be made, the senate and the general assembly shall separately convene and shall separately

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consider and determine the alleged contempt; and the determination shall be by a concurrent resolution, which may originate in either house.

52:13-10. Sentence; order of commitment

Any person found to be guilty of a contempt of the legislature by a concurrent resolution of the two houses thereof, as hereinbefore provided, may be sentenced to imprisonment in the state prison or in the common jail of any county for any period not exceeding six months as shall be directed in and by the concurrent resolution determining the contempt, for the execution of which such concurrent resolution may order that a commitment shall issue, directed to any sheriff, police officer, member of the state police, constable or other peace officer, and to the keeper of the state prison or the keeper of the common jail of any county, which commitment shall be signed by the president of the senate and the speaker of the house of assembly in office at the date of the issue thereof.

52:13-11. Continuing validity of commitment

Any commitment issued in accordance with section 52:13-10 of this title shall remain valid and effective until the imprisonment therein set forth shall have been served, notwithstanding the legislature which directed the issue of the commitment may meanwhile have adjourned or ended.

52:13-12. Bail of contemner

Any judge of the Superior Court may let to bail any person apprehended for hearing on a charge of contempt under a warrant issued by direction of a concurrent resolution as provided in section 52:13-6 of this Title, in such amount and with such surety as the judge shall determine to be reasonable, to appear before the Joint Session of the Legislature, at the time and place fixed by the warrant as well as at any and all adjournments thereof, and to stand to and abide such determination and sentence as may thereafter be found or imposed against the person so apprehended. Such recognizances shall run in favor of the State of New Jersey and shall be filed by the judge in the office of the Secretary of State.

Amended by L.1953, c. 49, p. 853, s. 2.

52:13-13. Powers given additional to other powers

The powers given by this article shall be in addition to the powers given by article 1 of this chapter (s. 52:13-1 et seq.).

STATE OF NEW JERSEY, ss:

_____ being duly sworn according to law on his oath say that on the _____ day of December, 2013 at _____ he served the within Subpoena upon William Baroni, Jr. by exhibiting the same to him and informing him of the contents thereof_____ and giving to William Baroni, Jr. a true copy thereof, addressed to William Baroni, Jr., Deputy Executive Director, Port Authority of New York and New Jersey, 225 Park Avenue South, 15th Floor, New York, New York 10003.

Subscribed and sworn to before me at _____the _____day of _____ 2013.

_____

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STATE OF NEW JERSEY

Assembly Transportation, Public Works and Independent Authorities Committee

to

William Baroni, Jr., Deputy Executive Director
Port Authority of New York and New Jersey

SUBPOENA

Duces Tecum

Writ Returnable on or before
December 19, 2013

to

Assembly Transportation, Public Works and Independent Authorities Committee

c/o Charles A. Buono, Jr.
Office of Legislative Services
State House Annex
PO Box 068
Trenton, New Jersey 08625

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New Jersey State Legislature

ASSEMBLY TRANSPORTATION, PUBLIC WORKS AND INDEPENDENT AUTHORITIES COMMITTEE

STATE HOUSE ANNEX
PO BOX 068
TRENTON NJ 08625-0068

CHARLES A. BUONO, JR.
PATRICK BRENNAN
Office of Legislative Services
Co-Committee Aides
(609) 847-3840
(609) 292-0561 FAX

December 12, 2013

Mr. David Wildstein, Director of Interstate Capital Projects
Port Authority of New York and New Jersey
225 Park Avenue South, 15th Floor
New York, New York 10003

Dear Director Wildstein:

Please find attached hereto a subpoena requesting certain documents concerning the Assembly Transportation, Public Works and Independent Authorities Committee's investigation of the Port Authority of New York and New Jersey. The Assembly Transportation, Public Works and Independent Authorities Committee would accept mail or messenger delivery of the requested records at the following address on or before December 19, 2013: Charles A. Buono, Jr., Office of Legislative Services, State House Annex, PO Box 068, Trenton, New Jersey 08625. We also enclose herewith a copy of the Code of Fair Procedure.

Please be advised that if you fail to comply completely with the attached subpoena, you may be held in contempt and subject to penalties, including incarceration as set forth in Chapter 13 of Title 52 of the Revised Statutes.

We look forward to your anticipated cooperation in this matter. If you have questions in this matter, please contact Charles A. Buono, Jr. at 609-847-3840.

Very truly yours,

ASSEMBLY TRANSPORTATION, PUBLIC WORKS
AND INDEPENDENT AUTHORITIES COMMITTEE

John S. Wisniewski,
Chairman

JW/mc
Enclosures
c Members – Assembly Transportation, Public Works and Independent Authorities Committee
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Charles A. Buono, Jr., Office of Legislative Services

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ASSEMBLY TRANSPORTATION, PUBLIC WORKS AND INDEPENDENT AUTHORITIES COMMITTEE

SUBPOENA

TO: David Wildstein, Director of Interstate Capital Projects
Port Authority of New York and New Jersey
225 Park Avenue South, 15th Floor
New York, New York 10003

WE COMMAND YOU, Laying aside all and singular business and excuses, to produce all documents, books, paper, and other writings, described below, that you have access to relevant to the Assembly Transportation, Public Works and Independent Authorities Committee's inquiry and investigation of the Port Authority of New York and New Jersey, as more particularly set forth on the attached Schedule A. These documents, books, papers, and other writings shall be returned on or before December 19, 2013 to: Charles A. Buono, Jr., Office of Legislative Services, State House Annex, PO Box 068, Trenton, New Jersey 08625. The Committee was constituted as a special committee of the General Assembly pursuant to Assembly Resolution No. 91 duly passed by the General Assembly of the State of New Jersey on February 14, 2013.

Your production of documents is governed by the Code of Fair Procedure and Chapter 13 of Title 52 of the Revised Statutes. A copy of the Code of Fair Procedure is delivered to you herewith.

Failure to comply with this Subpoena shall make you liable for such penalties as are provided by law.

WITNESS, the hand of The Honorable John S. Wisniewski, Chairman of the Assembly Transportation, Public Works and Independent Authorities Committee, on this the 12th day of December, 2013.

John S. Wisniewski, Chairman
Assembly Transportation, Public Works
and Independent Authorities Committee

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SCHEDULE A

(to Subpoena dated December 12, 2013, issued by
the Assembly Transportation, Public Works and Independent Authorities Committee.)

For the purposes of this schedule, "employee, officer, or executive" of the Port Authority of New York and New Jersey ("Port Authority") shall include, but not be limited to: the Executive Director, Patrick Foye; Deputy Executive Director, Bill Baroni; Chairman of the Board of Commissioners, David Samson; Director of Interstate Capital Projects, David Wildstein; Director of Bridges, Tunnels, and Terminals, Cedrick Fulton; General Manager of the George Washington Bridge, Robert Durando; President of the Port Authority Police Benevolent Association, Paul Nunziato; and Darcy Licorish of the Port Authority Police Department; any current or former member of the Board of Commissioners; any employee or other staff of the Port Authority of New York and New Jersey; or any individual acting on behalf of the Port Authority of New York and New Jersey.

The terms "document," "documents," and "correspondence" include hard copy documents and correspondence as well as electronic mail transmissions, text messages, telephone records, including a log of telephone calls placed or received, and electronically stored data, documents, correspondence, and other pertinent data compiled or collected. Attachments, exhibits, and enclosures are included as well.

In addition, please produce a log of any documents and/or correspondence withheld from production on the basis of any claimed privilege or protection, and retain such documents and/or correspondence.

Please deliver the following documents and correspondence:

1. All documents and correspondence, produced between August 1, 2013 and the present date between Governor Chris Christie or any member of his administration and/or any employee, officer, or executive of the Port Authority, concerning the reduction from three to one of the eastbound Fort Lee, New Jersey access lanes to the George Washington Bridge from September 9, 2013 through September 13, 2013;

2. All documents and correspondence, produced between August 1, 2013 and the present date, between and among any employee, officer, or executive of the Port Authority, including any documents and correspondence sent or received by Patrick Foye, Executive Director; Bill Baroni, Deputy Executive Director; David Wildstein, Director of Interstate Capital Projects; Cedrick Fulton, Director of Bridges, Tunnels, and Terminals; Robert Durando, General Manager of the George Washington Bridge; Paul Nunziato, President of the Port Authority Police Benevolent Association; and Darcy Licorish of the Port Authority Police Department concerning the reduction from three to one of the eastbound Fort Lee, New Jersey access lanes to the George Washington Bridge from September 9, 2013 through September 13, 2013.

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Code of Fair Procedure

52:13E-1. Definitions

As used in this act:

(a) "Agency" means any of the following while engaged in an investigation or inquiry: (1) the Governor or any person or persons appointed by him acting pursuant to P.L.1941, c. 16, s. 1 (C. 52:15-7), (2) any temporary State commission or duly authorized committee thereof having the power to require testimony or the production of evidence by subpoena, or (3) any legislative committee or commission having the powers set forth in Revised Statutes 52:13-1.

(b) "Hearing" means any hearing in the course of an investigatory proceeding (other than a preliminary conference or interview at which no testimony is taken under oath) conducted before an agency at which testimony or the production of other evidence may be compelled by subpoena or other compulsory process.

(c) "Public hearing" means any hearing open to the public, or any hearing, or such part thereof, as to which testimony or other evidence is made available or disseminated to the public by the agency.

(d) "Private hearing" means any hearing other than a public hearing.

L.1968, c. 376, s. 1, eff. Dec. 27, 1968.

52:13E-2. Personal service

No person may be required to appear at a hearing or to testify at a hearing unless there has been personally served upon him prior to the time when he is required to appear, a copy of this act, and a general statement of the subject of the investigation. A copy of the resolution, statute, order or other provision of law authorizing the investigation shall be furnished by the agency upon request therefor by the person summoned.

L.1968, c. 376, s. 2, eff. Dec. 27, 1968.

52:13E-3. Right to counsel; submission of proposed questions

A witness summoned to a hearing shall have the right to be accompanied by counsel, who shall be permitted to advise the witness of his rights, subject to reasonable limitations to prevent obstruction of or interference with the orderly conduct of the hearing. Counsel for any witness who testifies at a public hearing may submit proposed questions to be asked of the witness relevant to the matters upon which the witness has been questioned and the agency shall ask the witness such of the questions as it may deem appropriate to its inquiry.

L.1968, c. 376, s. 3, eff. Dec. 27, 1968.

52:13E-4. Records of public hearings; copies

A complete and accurate record shall be kept of each public hearing and a witness shall be entitled to receive a copy of his testimony at such hearing at his own expense. Where testimony which a witness has given at a private hearing becomes relevant in a criminal proceeding in which the witness is a defendant, or in any subsequent hearing in which the witness is summoned to testify, the witness shall be entitled to a copy of such

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testimony, at his own expense, provided the same is available, and provided further that the furnishing of such copy will not prejudice the public safety or security.

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52:13E-5. Sworn statement by witness; incorporation in the record

A witness who testifies at any hearing shall have the right at the conclusion of his examination to file a brief sworn statement relevant to his testimony for incorporation in the record of the investigatory proceeding.

L.1968, c. 376, s. 5, eff. Dec. 27, 1968.

52:13E-6. Persons affected by proceedings; appearance or statement of facts

Any person whose name is mentioned or who is specifically identified and who believes that testimony or other evidence given at a public hearing or comment made by any member of the agency or its counsel at such a hearing tends to defame him or otherwise adversely affect his reputation shall have the right, either to appear personally before the agency and testify in his own behalf as to matters relevant to the testimony or other evidence complained of, or in the alternative at the option of the agency, to file a statement of facts under oath relating solely to matters relevant to the testimony or other evidence complained of, which statement shall be incorporated in the record of the investigatory proceeding.

L.1968, c. 375, s. 6, eff. Dec. 27, 1968.

52:13E-7. Rights or privileges granted by agencies

Nothing in this act shall be construed to prevent an agency from granting to witnesses appearing before it, or to persons who claim to be adversely affected by testimony or other evidence adduced before it, such further rights and privileges as it may determine.

L.1968, c. 376, s. 7, eff. Dec. 27, 1968.

52:13E-8. Dissemination of evidence adduced at private hearing

Except in the course of subsequent hearing which is open to the public, no testimony or other evidence adduced at a private hearing or preliminary conference or interview conducted before a single-member agency in the course of its investigation shall be disseminated or made available to the public by said agency, its counsel or employees without the approval of the head of the agency. Except in the course of a subsequent hearing open to the public, no testimony or other evidence adduced at a private hearing or preliminary conference or interview before a committee or other multimember investigating agency shall be disseminated or made available to the public by any member of the agency, its counsel or employees, except with the approval of a majority of the members of such agency. Any person who violates the provisions of this subdivision shall be adjudged a disorderly person.

L.1968, c. 376, s. 8, eff. Dec. 27, 1968.

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52:13E-9. Hearing conducted by temporary state commission

No temporary State commission having more than two members shall have the power to take testimony at a public or private hearing unless at least two of its members are present at such hearing.

Nothing in this section, however, shall be deemed to prevent the State Commission of Investigation from conducting private hearings, on an investigation previously undertaken by a majority of the members of the commission, with one commissioner present, when so designated by resolution pursuant to the provisions of section 12 of P.L.1968, c. 266 (C. 52:9M-12).

L.1968, c. 376, s. 9, eff. Dec. 27, 1968. Amended by L.1984, c. 110, s. 5, eff. Aug. 3, 1984.

52:13E-10. Right of members to file statement of minority views

Nothing in this act shall be construed to affect, diminish or impair the right, under any other provision of law, rule or custom, of any member or group of members of a committee or other multimember investigating agency to file a statement or statements of minority views to accompany and be released with or subsequent to the report of the committee or agency.

L.1968, c. 376, s. 10, eff. Dec. 27, 1968.

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Chapter 13 of Title 52 of the Revised Statutes

Article 1. General Provisions.

52:13-1. Attendance of witnesses; production of books and papers; legal and clerical assistance

Any joint committee of the legislature, any standing committee of either house, or any special committee directed by resolution to enter upon any investigation or inquiry, the pursuit of which shall necessitate the attendance of persons or the production of books or papers, shall have power to compel the attendance before it of such persons as witnesses and the production before it of such books and papers as it may deem necessary, proper and relevant to the matter under investigation. Any such committee shall also have the power to employ such legal and clerical assistance as it may deem necessary to the proper conduct of the investigation.

52:13-2. Summons for witnesses; execution

If any person upon being summoned in writing by order of any committee mentioned in section 52:13-1 of this title to appear before such committee and testify, fails to obey such summons, the speaker of the house of assembly or the president of the senate may, upon application to him, by warrant under his hand order the sergeant at arms of the house over which he presides to arrest such person and bring him before the committee, and the sergeant at arms shall thereupon execute the warrant to him so directed.

52:13-3. Compensation of witnesses; swearing witnesses; perjury; immunity; refusal to answer or be sworn

Witnesses summoned to appear before any committee authorized by this article or any other law to conduct an investigation or inquiry shall be entitled to receive the same fees and mileage as persons summoned to testify in the courts of the state. All such witnesses may be sworn by any member of the committee conducting the investigation or inquiry; and all witnesses sworn before any such committee shall answer truly all questions put to them which the committee shall decide to be proper and pertinent to the investigation or inquiry; and any witness so sworn who shall swear falsely shall be guilty of perjury. No such witness shall be excused from answering any such questions on the ground that to answer the same might or would incriminate him; but no answers made by any witness to any such questions shall be used or admitted in evidence in any proceeding against such witness, except in a criminal prosecution against the witness for perjury in respect to his answers to such questions.

Any witness who refuses to answer any questions decided by the committee to be proper and pertinent shall be guilty of a misdemeanor; and any witness who, having been summoned to appear before any such committee, fails to appear in obedience to the summons or, appearing, refuses to be sworn shall be guilty of a misdemeanor.

52:13-4. Expenses of investigations; payment

The state treasurer shall, upon the warrant of the state comptroller, pay the fees and mileage of witnesses called, the compensation of legal and clerical assistance employed and the expenses of the sergeant at arms of either house in the execution of warrants

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pursuant to section 52:13-2 of this title, when the same shall be certified as correct and necessary by the chairman of the committee under whose authority and by whose order the same shall have been incurred, but only when the chairman's certificate has received the approval of the governor.

Article 2. Contempts of Joint Legislative Committees.

52:13-5. What constitutes contempt; report thereof to legislature

Whenever, in any investigation or inquiry by any committee constituted by joint resolution of the legislature to enter upon or make such investigation or inquiry, any witness summoned or subpoenaed to appear before such committee to testify or to produce books, documents, papers or records, shall willfully neglect or refuse to appear in obedience to the summons or subpoena, or shall willfully neglect or refuse to produce any books, documents, papers or records commanded to be produced by the summons or subpoena, or shall refuse to be sworn or affirmed, or shall refuse to answer any question put to him which the committee shall decide to be proper and pertinent to such investigation or inquiry, or shall in any other way contemn the authority or privileges of the legislature, and the facts alleged to constitute any such contempt shall have been reported by any such committee to the legislature, the alleged contemner shall be tried, and the alleged contempt determined, as hereinafter provided.

52:13-6. Joint session to determine alleged contempt; order for arrest; service

The senate and general assembly may by concurrent resolution direct that the senate and general assembly meet in joint session at a time and place therein fixed for the purpose of hearing the evidence and arguments regarding the alleged contempt and may order that a warrant, directed to any sergeant at arms of either house or of the joint session or to any sheriff, police officer, member of the state police, constable or other peace officer, issue in such manner as shall be prescribed in and by the concurrent resolution for the arrest of the alleged contemner and the production of him at the bar of such joint session, there to be heard.

52:13-7. Hearing by joint session

At the time and place fixed as aforesaid, or at any adjournment, the joint session shall sit and summarily hear the evidence and the arguments relating to the alleged contempt. The joint session shall adjourn from time to time until the matter shall have been disposed of and the alleged contemner shall appear and attend at each and every such adjourned session.

52:13-8. Contemner's rights

Any alleged contemner shall have the right to be heard before the joint session, to be represented by counsel, to call witnesses in his behalf, and to examine and cross-examine witnesses.

52:13-9. Determination of contempt by each house separately; concurrent resolution

After the joint session shall have heard the evidence and such arguments as may be made, the senate and the general assembly shall separately convene and shall separately

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consider and determine the alleged contempt; and the determination shall be by a concurrent resolution, which may originate in either house.

52:13-10. Sentence; order of commitment

Any person found to be guilty of a contempt of the legislature by a concurrent resolution of the two houses thereof, as hereinbefore provided, may be sentenced to imprisonment in the state prison or in the common jail of any county for any period not exceeding six months as shall be directed in and by the concurrent resolution determining the contempt, for the execution of which such concurrent resolution may order that a commitment shall issue, directed to any sheriff, police officer, member of the state police, constable or other peace officer, and to the keeper of the state prison or the keeper of the common jail of any county, which commitment shall be signed by the president of the senate and the speaker of the house of assembly in office at the date of the issue thereof.

52:13-11. Continuing validity of commitment

Any commitment issued in accordance with section 52:13-10 of this title shall remain valid and effective until the imprisonment therein set forth shall have been served, notwithstanding the legislature which directed the issue of the commitment may meanwhile have adjourned or ended.

52:13-12. Bail of contemner

Any judge of the Superior Court may let to bail any person apprehended for hearing on a charge of contempt under a warrant issued by direction of a concurrent resolution as provided in section 52:13-6 of this Title, in such amount and with such surety as the judge shall determine to be reasonable, to appear before the Joint Session of the Legislature, at the time and place fixed by the warrant as well as at any and all adjournments thereof, and to stand to and abide such determination and sentence as may thereafter be found or imposed against the person so apprehended. Such recognizances shall run in favor of the State of New Jersey and shall be filed by the judge in the office of the Secretary of State.

Amended by L.1953, c. 49, p. 853, s. 2.

52:13-13. Powers given additional to other powers

The powers given by this article shall be in addition to the powers given by article 1 of this chapter (s. 52:13-1 et seq.).

STATE OF NEW JERSEY, ss:

_____ being duly sworn according to law on his oath say that on the _____ day of December, 2013 at _____ he served the within Subpoena upon David Wildstein by exhibiting the same to him and informing him of the contents thereof_____ and giving to David Wildstein a true copy thereof, addressed to David Wildstein, Director of Interstate Capital Projects, Port Authority of New York and New Jersey, 225 Park Avenue South, 15th Floor, New York, New York 10003.

Subscribed and sworn to before me at _____the _____day of _____ 2013.

_____ _____

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STATE OF NEW JERSEY

Assembly Transportation, Public Works and Independent Authorities Committee

to

David Wildstein, Director of Interstate Capital Projects
Port Authority of New York and New Jersey

SUBPOENA

Duces Tecum

Writ Returnable on or before
December 19, 2013

to

Assembly Transportation, Public Works and Independent Authorities Committee

c/o Charles A. Buono, Jr.
Office of Legislative Services
State House Annex
PO Box 068
Trenton, New Jersey 08625

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JOHN S. WISNIEWSKI
Chairman

LINDA D. STENDER
Vice-Chair

MARLENE CARIDE
UPENDRA J. CHIVUKULA
THOMAS P. GIBLIN
CHARLES S. MAINOR
RUBÉN J. RAMOS, JR.
CELESTE M. RILEY
JOHN F. AMODEO
SCOTT RUDDER
BRIAN E. RUMPF
DAVID W. WOLFE

New Jersey State Legislature

ASSEMBLY TRANSPORTATION, PUBLIC WORKS AND INDEPENDENT AUTHORITIES COMMITTEE

STATE HOUSE ANNEX
PO BOX 068
TRENTON NJ 08625-0068

CHARLES A. BUONO, JR.
PATRICK BRENNAN
Office of Legislative Services
Co-Committee Aides
(609) 847-3840
(609) 292-0561 FAX

December 12, 2013

Mr. Cedrick Fulton, Director of Tunnels, Bridges and Terminals
Port Authority of New York and New Jersey
225 Park Avenue South
New York, New York 10003

Dear Director Fulton:

Please find attached hereto a subpoena requesting certain documents concerning the Assembly Transportation, Public Works and Independent Authorities Committee's investigation of the Port Authority of New York and New Jersey. The Assembly Transportation, Public Works and Independent Authorities Committee would accept mail or messenger delivery of the requested records at the following address on or before December 19, 2013: Charles A. Buono, Jr., Office of Legislative Services, State House Annex, PO Box 068, Trenton, New Jersey 08625. We also enclose herewith a copy of the Code of Fair Procedure.

Please be advised that if you fail to comply completely with the attached subpoena, you may be held in contempt and subject to penalties, including incarceration as set forth in Chapter 13 of Title 52 of the Revised Statutes.

We look forward to your anticipated cooperation in this matter. If you have questions in this matter, please contact Charles A. Buono, Jr. at 609-847-3840.

Very truly yours,

ASSEMBLY TRANSPORTATION, PUBLIC WORKS
AND INDEPENDENT AUTHORITIES COMMITTEE

John S. Wisniewski,
Chairman

JW/mc
Enclosures
c Members – Assembly Transportation, Public Works and Independent Authorities Committee
Jillian Dempsey, Assembly Majority Office
Glen Beebe, Assembly Republican Office
Charles A. Buono, Jr., Office of Legislative Services

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ASSEMBLY TRANSPORTATION, PUBLIC WORKS AND INDEPENDENT AUTHORITIES COMMITTEE

SUBPOENA

TO: Cedrick Fulton, Director of Tunnels, Bridges and Terminals
Port Authority of New York and New Jersey
225 Park Avenue South
New York, New York 10003

WE COMMAND YOU, Laying aside all and singular business and excuses, to produce all documents, books, paper, and other writings, described below, that you have access to relevant to the Assembly Transportation, Public Works and Independent Authorities Committee's inquiry and investigation of the Port Authority of New York and New Jersey, as more particularly set forth on the attached Schedule A. These documents, books, papers, and other writings shall be returned on or before December 19, 2013 to: Charles A. Buono, Jr., Office of Legislative Services, State House Annex, PO Box 068, Trenton, New Jersey 08625. The Committee was constituted as a special committee of the General Assembly pursuant to Assembly Resolution No. 91 duly passed by the General Assembly of the State of New Jersey on February 14, 2013.

Your production of documents is governed by the Code of Fair Procedure and Chapter 13 of Title 52 of the Revised Statutes. A copy of the Code of Fair Procedure is delivered to you herewith.

Failure to comply with this Subpoena shall make you liable for such penalties as are provided by law.

WITNESS, the hand of The Honorable John S. Wisniewski, Chairman of the Assembly Transportation, Public Works and Independent Authorities Committee, on this the 12th day of December, 2013.

John S. Wisniewski, Chairman
Assembly Transportation, Public Works
and Independent Authorities Committee

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SCHEDULE A

(to Subpoena dated December 12, 2013, issued by
the Assembly Transportation, Public Works and Independent Authorities Committee.)

For the purposes of this schedule, "employee, officer, or executive" of the Port Authority of New York and New Jersey ("Port Authority") shall include, but not be limited to: the Executive Director, Patrick Foye; Deputy Executive Director, Bill Baroni; Chairman of the Board of Commissioners, David Samson; Director of Interstate Capital Projects, David Wildstein; Director of Bridges, Tunnels, and Terminals, Cedrick Fulton; General Manager of the George Washington Bridge, Robert Durando; President of the Port Authority Police Benevolent Association, Paul Nunziato; and Darcy Licorish of the Port Authority Police Department; any current or former member of the Board of Commissioners; any employee or other staff of the Port Authority of New York and New Jersey; or any individual acting on behalf of the Port Authority of New York and New Jersey.

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2. All documents and correspondence, produced between August 1, 2013 and the present date, between and among any employee, officer, or executive of the Port Authority, including any documents and correspondence sent or received by Patrick Foye, Executive Director; Bill Baroni, Deputy Executive Director; David Wildstein, Director of Interstate Capital Projects; Cedrick Fulton, Director of Bridges, Tunnels, and Terminals; Robert Durando, General Manager of the George Washington Bridge; Paul Nunziato, President of the Port Authority Police Benevolent Association; and Darcy Licorish of the Port Authority Police Department concerning the reduction from three to one of the eastbound Fort Lee, New Jersey access lanes to the George Washington Bridge from September 9, 2013 through September 13, 2013.

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Code of Fair Procedure

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L.1968, c. 376, s. 1, eff. Dec. 27, 1968.

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If any person upon being summoned in writing by order of any committee mentioned in section 52:13-1 of this title to appear before such committee and testify, fails to obey such summons, the speaker of the house of assembly or the president of the senate may, upon application to him, by warrant under his hand order the sergeant at arms of the house over which he presides to arrest such person and bring him before the committee, and the sergeant at arms shall thereupon execute the warrant to him so directed.

52:13-3. Compensation of witnesses; swearing witnesses; perjury; immunity; refusal to answer or be sworn

Witnesses summoned to appear before any committee authorized by this article or any other law to conduct an investigation or inquiry shall be entitled to receive the same fees and mileage as persons summoned to testify in the courts of the state. All such witnesses may be sworn by any member of the committee conducting the investigation or inquiry; and all witnesses sworn before any such committee shall answer truly all questions put to them which the committee shall decide to be proper and pertinent to the investigation or inquiry; and any witness so sworn who shall swear falsely shall be guilty of perjury. No such witness shall be excused from answering any such questions on the ground that to answer the same might or would incriminate him; but no answers made by any witness to any such questions shall be used or admitted in evidence in any proceeding against such witness, except in a criminal prosecution against the witness for perjury in respect to his answers to such questions.

Any witness who refuses to answer any questions decided by the committee to be proper and pertinent shall be guilty of a misdemeanor; and any witness who, having been summoned to appear before any such committee, fails to appear in obedience to the summons or, appearing, refuses to be sworn shall be guilty of a misdemeanor.

52:13-4. Expenses of investigations; payment

The state treasurer shall, upon the warrant of the state comptroller, pay the fees and mileage of witnesses called, the compensation of legal and clerical assistance employed and the expenses of the sergeant at arms of either house in the execution of warrants

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pursuant to section 52:13-2 of this title, when the same shall be certified as correct and necessary by the chairman of the committee under whose authority and by whose order the same shall have been incurred, but only when the chairman's certificate has received the approval of the governor.

Article 2. Contempts of Joint Legislative Committees.

52:13-5. What constitutes contempt; report thereof to legislature

Whenever, in any investigation or inquiry by any committee constituted by joint resolution of the legislature to enter upon or make such investigation or inquiry, any witness summoned or subpoenaed to appear before such committee to testify or to produce books, documents, papers or records, shall willfully neglect or refuse to appear in obedience to the summons or subpoena, or shall willfully neglect or refuse to produce any books, documents, papers or records commanded to be produced by the summons or subpoena, or shall refuse to be sworn or affirmed, or shall refuse to answer any question put to him which the committee shall decide to be proper and pertinent to such investigation or inquiry, or shall in any other way contemn the authority or privileges of the legislature, and the facts alleged to constitute any such contempt shall have been reported by any such committee to the legislature, the alleged contemner shall be tried, and the alleged contempt determined, as hereinafter provided.

52:13-6. Joint session to determine alleged contempt; order for arrest; service

The senate and general assembly may by concurrent resolution direct that the senate and general assembly meet in joint session at a time and place therein fixed for the purpose of hearing the evidence and arguments regarding the alleged contempt and may order that a warrant, directed to any sergeant at arms of either house or of the joint session or to any sheriff, police officer, member of the state police, constable or other peace officer, issue in such manner as shall be prescribed in and by the concurrent resolution for the arrest of the alleged contemner and the production of him at the bar of such joint session, there to be heard.

52:13-7. Hearing by joint session

At the time and place fixed as aforesaid, or at any adjournment, the joint session shall sit and summarily hear the evidence and the arguments relating to the alleged contempt. The joint session shall adjourn from time to time until the matter shall have been disposed of and the alleged contemner shall appear and attend at each and every such adjourned session.

52:13-8. Contemner's rights

Any alleged contemner shall have the right to be heard before the joint session, to be represented by counsel, to call witnesses in his behalf, and to examine and cross-examine witnesses.

52:13-9. Determination of contempt by each house separately; concurrent resolution

After the joint session shall have heard the evidence and such arguments as may be made, the senate and the general assembly shall separately convene and shall separately

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consider and determine the alleged contempt; and the determination shall be by a concurrent resolution, which may originate in either house.

52:13-10. Sentence; order of commitment

Any person found to be guilty of a contempt of the legislature by a concurrent resolution of the two houses thereof, as hereinbefore provided, may be sentenced to imprisonment in the state prison or in the common jail of any county for any period not exceeding six months as shall be directed in and by the concurrent resolution determining the contempt, for the execution of which such concurrent resolution may order that a commitment shall issue, directed to any sheriff, police officer, member of the state police, constable or other peace officer, and to the keeper of the state prison or the keeper of the common jail of any county, which commitment shall be signed by the president of the senate and the speaker of the house of assembly in office at the date of the issue thereof.

52:13-11. Continuing validity of commitment

Any commitment issued in accordance with section 52:13-10 of this title shall remain valid and effective until the imprisonment therein set forth shall have been served, notwithstanding the legislature which directed the issue of the commitment may meanwhile have adjourned or ended.

52:13-12. Bail of contemner

Any judge of the Superior Court may let to bail any person apprehended for hearing on a charge of contempt under a warrant issued by direction of a concurrent resolution as provided in section 52:13-6 of this Title, in such amount and with such surety as the judge shall determine to be reasonable, to appear before the Joint Session of the Legislature, at the time and place fixed by the warrant as well as at any and all adjournments thereof, and to stand to and abide such determination and sentence as may thereafter be found or imposed against the person so apprehended. Such recognizances shall run in favor of the State of New Jersey and shall be filed by the judge in the office of the Secretary of State.

Amended by L.1953, c. 49, p. 853, s. 2.

52:13-13. Powers given additional to other powers

The powers given by this article shall be in addition to the powers given by article 1 of this chapter (s. 52:13-1 et seq.).

STATE OF NEW JERSEY, ss:

_____ being duly sworn according to law on his oath say that on the _____ day of December, 2013 at _____ he served the within Subpoena upon Cedrick Fulton, by exhibiting the same to him and informing him of the contents thereof_____ and giving to Cedrick Fulton a true copy thereof, addressed to Cedrick Fulton, Director of Tunnels, Bridges and Terminals, Port Authority of New York and New Jersey, 225 Park Avenue South, New York, New York 10003.

Subscribed and sworn to before me at _____ the _____ day of _____ 2013.

_____

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STATE OF NEW JERSEY

Assembly Transportation, Public Works and Independent Authorities Committee

to

Cedrick Fulton, Director of Tunnels, Bridges and Terminals
Port Authority of New York and New Jersey

SUBPOENA

Duces Tecum

Writ Returnable on or before
December 19, 2013

to

Assembly Transportation, Public Works and Independent Authorities Committee

c/o Charles A. Buono, Jr.
Office of Legislative Services
State House Annex
PO Box 068
Trenton, New Jersey 08625

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JOHN S. WISNIEWSKI
Chairman

LINDA D. STENDER
Vice-Chair

MARLENE CARIDE
UPENDRA J. CHIVUKULA
THOMAS P. GIBLIN
CHARLES S. MAINOR
RUBEN J. RAMOS, JR.
CELESTE M. RILEY
JOHN F. AMODEO
SCOTT RUDDER
BRIAN E. RUMPF
DAVID W. WOLFE

New Jersey State Legislature

ASSEMBLY TRANSPORTATION, PUBLIC WORKS AND INDEPENDENT AUTHORITIES COMMITTEE

STATE HOUSE ANNEX
PO BOX 068
TRENTON NJ 08625-0068

CHARLES A. BUONO, JR.
PATRICK BRENNAN
Office of Legislative Services
Co-Committee Aides
(609) 847-3840
(609) 292-0561 FAX

December 12, 2013

Mr. Robert Durando, General Manager of the George Washington Bridge
Port Authority of New York and New Jersey
225 Park Avenue South
New York, New York 10003

Dear Mr. Durando:

Please find attached hereto a subpoena requesting certain documents concerning the Assembly Transportation, Public Works and Independent Authorities Committee's investigation of the Port Authority of New York and New Jersey. The Assembly Transportation, Public Works and Independent Authorities Committee would accept mail or messenger delivery of the requested records at the following address on or before December 19, 2013: Charles A. Buono, Jr., Office of Legislative Services, State House Annex, PO Box 068, Trenton, New Jersey 08625. We also enclose herewith a copy of the Code of Fair Procedure.

Please be advised that if you fail to comply completely with the attached subpoena, you may be held in contempt and subject to penalties, including incarceration as set forth in Chapter 13 of Title 52 of the Revised Statutes.

We look forward to your anticipated cooperation in this matter. If you have questions in this matter, please contact Charles A. Buono, Jr. at 609-847-3840.

Very truly yours,

ASSEMBLY TRANSPORTATION, PUBLIC WORKS
AND INDEPENDENT AUTHORITIES COMMITTEE

John S. Wisniewski,
Chairman

JW/mc
Enclosures
c Members – Assembly Transportation, Public Works and Independent Authorities Committee
Jillian Dempsey, Assembly Majority Office
Glen Beebe, Assembly Republican Office
Charles A. Buono, Jr., Office of Legislative Services

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ASSEMBLY TRANSPORTATION, PUBLIC WORKS AND INDEPENDENT AUTHORITIES COMMITTEE

SUBPOENA

TO: Robert Durando, General Manager of the George Washington Bridge
Port Authority of New York and New Jersey
225 Park Avenue South
New York, New York 10003

WE COMMAND YOU, Laying aside all and singular business and excuses, to produce all documents, books, paper, and other writings, described below, that you have access to relevant to the Assembly Transportation, Public Works and Independent Authorities Committee's inquiry and investigation of the Port Authority of New York and New Jersey, as more particularly set forth on the attached Schedule A. These documents, books, papers, and other writings shall be returned on or before December 19, 2013 to: Charles A. Buono, Jr., Office of Legislative Services, State House Annex, PO Box 068, Trenton, New Jersey 08625. The Committee was constituted as a special committee of the General Assembly pursuant to Assembly Resolution No. 91 duly passed by the General Assembly of the State of New Jersey on February 14, 2013.

Your production of documents is governed by the Code of Fair Procedure and Chapter 13 of Title 52 of the Revised Statutes. A copy of the Code of Fair Procedure is delivered to you herewith.

Failure to comply with this Subpoena shall make you liable for such penalties as are provided by law.

WITNESS, the hand of The Honorable John S. Wisniewski, Chairman of the Assembly Transportation, Public Works and Independent Authorities Committee, on this the 12th day of December, 2013.

John S. Wisniewski, Chairman
Assembly Transportation, Public Works
and Independent Authorities Committee

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SCHEDULE A

(to Subpoena dated December 12, 2013, issued by
the Assembly Transportation, Public Works and Independent Authorities Committee.)

For the purposes of this schedule, "employee, officer, or executive" of the Port Authority of New York and New Jersey ("Port Authority") shall include, but not be limited to: the Executive Director, Patrick Foye; Deputy Executive Director, Bill Baroni; Chairman of the Board of Commissioners, David Samson; Director of Interstate Capital Projects, David Wildstein; Director of Bridges, Tunnels, and Terminals, Cedrick Fulton; General Manager of the George Washington Bridge, Robert Durando; President of the Port Authority Police Benevolent Association, Paul Nunziato; and Darcy Licorish of the Port Authority Police Department; any current or former member of the Board of Commissioners; any employee or other staff of the Port Authority of New York and New Jersey; or any individual acting on behalf of the Port Authority of New York and New Jersey.

The terms "document," "documents," and "correspondence" include hard copy documents and correspondence as well as electronic mail transmissions, text messages, telephone records, including a log of telephone calls placed or received, and electronically stored data, documents, correspondence, and other pertinent data compiled or collected. Attachments, exhibits, and enclosures are included as well.

In addition, please produce a log of any documents and/or correspondence withheld from production on the basis of any claimed privilege or protection, and retain such documents and/or correspondence.

Please deliver the following documents and correspondence:

1. All documents and correspondence, produced between August 1, 2013 and the present date between Governor Chris Christie or any member of his administration and/or any employee, officer, or executive of the Port Authority, concerning the reduction from three to one of the eastbound Fort Lee, New Jersey access lanes to the George Washington Bridge from September 9, 2013 through September 13, 2013;

2. All documents and correspondence, produced between August 1, 2013 and the present date, between and among any employee, officer, or executive of the Port Authority, including any documents and correspondence sent or received by Patrick Foye, Executive Director; Bill Baroni, Deputy Executive Director; David Wildstein, Director of Interstate Capital Projects; Cedrick Fulton, Director of Bridges, Tunnels, and Terminals; Robert Durando, General Manager of the George Washington Bridge; Paul Nunziato, President of the Port Authority Police Benevolent Association; and Darcy Licorish of the Port Authority Police Department concerning the reduction from three to one of the eastbound Fort Lee, New Jersey access lanes to the George Washington Bridge from September 9, 2013 through September 13, 2013.

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Code of Fair Procedure

52:13E-1. Definitions

As used in this act:

(a) "Agency" means any of the following while engaged in an investigation or inquiry: (1) the Governor or any person or persons appointed by him acting pursuant to P.L.1941, c. 16, s. 1 (C. 52:15-7), (2) any temporary State commission or duly authorized committee thereof having the power to require testimony or the production of evidence by subpoena, or (3) any legislative committee or commission having the powers set forth in Revised Statutes 52:13-1.

(b) "Hearing" means any hearing in the course of an investigatory proceeding (other than a preliminary conference or interview at which no testimony is taken under oath) conducted before an agency at which testimony or the production of other evidence may be compelled by subpoena or other compulsory process.

(c) "Public hearing" means any hearing open to the public, or any hearing, or such part thereof, as to which testimony or other evidence is made available or disseminated to the public by the agency.

(d) "Private hearing" means any hearing other than a public hearing.

L.1968, c. 376, s. 1, eff. Dec. 27, 1968.

52:13E-2. Personal service

No person may be required to appear at a hearing or to testify at a hearing unless there has been personally served upon him prior to the time when he is required to appear, a copy of this act, and a general statement of the subject of the investigation. A copy of the resolution, statute, order or other provision of law authorizing the investigation shall be furnished by the agency upon request therefor by the person summoned.

L.1968, c. 376, s. 2, eff. Dec. 27, 1968.

52:13E-3. Right to counsel; submission of proposed questions

A witness summoned to a hearing shall have the right to be accompanied by counsel, who shall be permitted to advise the witness of his rights, subject to reasonable limitations to prevent obstruction of or interference with the orderly conduct of the hearing. Counsel for any witness who testifies at a public hearing may submit proposed questions to be asked of the witness relevant to the matters upon which the witness has been questioned and the agency shall ask the witness such of the questions as it may deem appropriate to its inquiry.

L.1968, c. 376, s. 3, eff. Dec. 27, 1968.

52:13E-4. Records of public hearings; copies

A complete and accurate record shall be kept of each public hearing and a witness shall be entitled to receive a copy of his testimony at such hearing at his own expense. Where testimony which a witness has given at a private hearing becomes relevant in a criminal proceeding in which the witness is a defendant, or in any subsequent hearing in which the witness is summoned to testify, the witness shall be entitled to a copy of such

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testimony, at his own expense, provided the same is available, and provided further that the furnishing of such copy will not prejudice the public safety or security.

L.1968, c. 376, s. 4, eff. Dec. 27, 1968.

52:13E-5. Sworn statement by witness; incorporation in the record

A witness who testifies at any hearing shall have the right at the conclusion of his examination to file a brief sworn statement relevant to his testimony for incorporation in the record of the investigatory proceeding.

L.1968, c. 376, s. 5, eff. Dec. 27, 1968.

52:13E-6. Persons affected by proceedings; appearance or statement of facts

Any person whose name is mentioned or who is specifically identified and who believes that testimony or other evidence given at a public hearing or comment made by any member of the agency or its counsel at such a hearing tends to defame him or otherwise adversely affect his reputation shall have the right, either to appear personally before the agency and testify in his own behalf as to matters relevant to the testimony or other evidence complained of, or in the alternative at the option of the agency, to file a statement of facts under oath relating solely to matters relevant to the testimony or other evidence complained of, which statement shall be incorporated in the record of the investigatory proceeding.

L.1968, c. 375, s. 6, eff. Dec. 27, 1968.

52:13E-7. Rights or privileges granted by agencies

Nothing in this act shall be construed to prevent an agency from granting to witnesses appearing before it, or to persons who claim to be adversely affected by testimony or other evidence adduced before it, such further rights and privileges as it may determine.

L.1968, c. 376, s. 7, eff. Dec. 27, 1968.

52:13E-8. Dissemination of evidence adduced at private hearing

Except in the course of subsequent hearing which is open to the public, no testimony or other evidence adduced at a private hearing or preliminary conference or interview conducted before a single-member agency in the course of its investigation shall be disseminated or made available to the public by said agency, its counsel or employees without the approval of the head of the agency. Except in the course of a subsequent hearing open to the public, no testimony or other evidence adduced at a private hearing or preliminary conference or interview before a committee or other multimember investigating agency shall be disseminated or made available to the public by any member of the agency, its counsel or employees, except with the approval of a majority of the members of such agency. Any person who violates the provisions of this subdivision shall be adjudged a disorderly person.

L.1968, c. 376, s. 8, eff. Dec. 27, 1968.

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52:13E-9. Hearing conducted by temporary state commission

No temporary State commission having more than two members shall have the power to take testimony at a public or private hearing unless at least two of its members are present at such hearing.

Nothing in this section, however, shall be deemed to prevent the State Commission of Investigation from conducting private hearings, on an investigation previously undertaken by a majority of the members of the commission, with one commissioner present, when so designated by resolution pursuant to the provisions of section 12 of P.L.1968, c. 266 (C. 52:9M-12).

L.1968, c. 376, s. 9, eff. Dec. 27, 1968. Amended by L.1984, c. 110, s. 5, eff. Aug. 3, 1984.

52:13E-10. Right of members to file statement of minority views

Nothing in this act shall be construed to affect, diminish or impair the right, under any other provision of law, rule or custom, of any member or group of members of a committee or other multimember investigating agency to file a statement or statements of minority views to accompany and be released with or subsequent to the report of the committee or agency.

L.1968, c. 376, s. 10, eff. Dec. 27, 1968.

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Chapter 13 of Title 52 of the Revised Statutes

Article 1. General Provisions.

52:13-1. Attendance of witnesses; production of books and papers; legal and clerical assistance

Any joint committee of the legislature, any standing committee of either house, or any special committee directed by resolution to enter upon any investigation or inquiry, the pursuit of which shall necessitate the attendance of persons or the production of books or papers, shall have power to compel the attendance before it of such persons as witnesses and the production before it of such books and papers as it may deem necessary, proper and relevant to the matter under investigation. Any such committee shall also have the power to employ such legal and clerical assistance as it may deem necessary to the proper conduct of the investigation.

52:13-2. Summons for witnesses; execution

If any person upon being summoned in writing by order of any committee mentioned in section 52:13-1 of this title to appear before such committee and testify, fails to obey such summons, the speaker of the house of assembly or the president of the senate may, upon application to him, by warrant under his hand order the sergeant at arms of the house over which he presides to arrest such person and bring him before the committee, and the sergeant at arms shall thereupon execute the warrant to him so directed.

52:13-3. Compensation of witnesses; swearing witnesses; perjury; immunity; refusal to answer or be sworn

Witnesses summoned to appear before any committee authorized by this article or any other law to conduct an investigation or inquiry shall be entitled to receive the same fees and mileage as persons summoned to testify in the courts of the state. All such witnesses may be sworn by any member of the committee conducting the investigation or inquiry; and all witnesses sworn before any such committee shall answer truly all questions put to them which the committee shall decide to be proper and pertinent to the investigation or inquiry; and any witness so sworn who shall swear falsely shall be guilty of perjury. No such witness shall be excused from answering any such questions on the ground that to answer the same might or would incriminate him; but no answers made by any witness to any such questions shall be used or admitted in evidence in any proceeding against such witness, except in a criminal prosecution against the witness for perjury in respect to his answers to such questions.

Any witness who refuses to answer any questions decided by the committee to be proper and pertinent shall be guilty of a misdemeanor; and any witness who, having been summoned to appear before any such committee, fails to appear in obedience to the summons or, appearing, refuses to be sworn shall be guilty of a misdemeanor.

52:13-4. Expenses of investigations; payment

The state treasurer shall, upon the warrant of the state comptroller, pay the fees and mileage of witnesses called, the compensation of legal and clerical assistance employed and the expenses of the sergeant at arms of either house in the execution of warrants

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pursuant to section 52:13-2 of this title, when the same shall be certified as correct and necessary by the chairman of the committee under whose authority and by whose order the same shall have been incurred, but only when the chairman's certificate has received the approval of the governor.

Article 2. Contempts of Joint Legislative Committees.

52:13-5. What constitutes contempt; report thereof to legislature

Whenever, in any investigation or inquiry by any committee constituted by joint resolution of the legislature to enter upon or make such investigation or inquiry, any witness summoned or subpoenaed to appear before such committee to testify or to produce books, documents, papers or records, shall willfully neglect or refuse to appear in obedience to the summons or subpoena, or shall willfully neglect or refuse to produce any books, documents, papers or records commanded to be produced by the summons or subpoena, or shall refuse to be sworn or affirmed, or shall refuse to answer any question put to him which the committee shall decide to be proper and pertinent to such investigation or inquiry, or shall in any other way contemn the authority or privileges of the legislature, and the facts alleged to constitute any such contempt shall have been reported by any such committee to the legislature, the alleged contemner shall be tried, and the alleged contempt determined, as hereinafter provided.

52:13-6. Joint session to determine alleged contempt; order for arrest; service

The senate and general assembly may by concurrent resolution direct that the senate and general assembly meet in joint session at a time and place therein fixed for the purpose of hearing the evidence and arguments regarding the alleged contempt and may order that a warrant, directed to any sergeant at arms of either house or of the joint session or to any sheriff, police officer, member of the state police, constable or other peace officer, issue in such manner as shall be prescribed in and by the concurrent resolution for the arrest of the alleged contemner and the production of him at the bar of such joint session, there to be heard.

52:13-7. Hearing by joint session

At the time and place fixed as aforesaid, or at any adjournment, the joint session shall sit and summarily hear the evidence and the arguments relating to the alleged contempt. The joint session shall adjourn from time to time until the matter shall have been disposed of and the alleged contemner shall appear and attend at each and every such adjourned session.

52:13-8. Contemner's rights

Any alleged contemner shall have the right to be heard before the joint session, to be represented by counsel, to call witnesses in his behalf, and to examine and cross-examine witnesses.

52:13-9. Determination of contempt by each house separately; concurrent resolution

After the joint session shall have heard the evidence and such arguments as may be made, the senate and the general assembly shall separately convene and shall separately

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consider and determine the alleged contempt; and the determination shall be by a concurrent resolution, which may originate in either house.

52:13-10. Sentence; order of commitment

Any person found to be guilty of a contempt of the legislature by a concurrent resolution of the two houses thereof, as hereinbefore provided, may be sentenced to imprisonment in the state prison or in the common jail of any county for any period not exceeding six months as shall be directed in and by the concurrent resolution determining the contempt, for the execution of which such concurrent resolution may order that a commitment shall issue, directed to any sheriff, police officer, member of the state police, constable or other peace officer, and to the keeper of the state prison or the keeper of the common jail of any county, which commitment shall be signed by the president of the senate and the speaker of the house of assembly in office at the date of the issue thereof.

52:13-11. Continuing validity of commitment

Any commitment issued in accordance with section 52:13-10 of this title shall remain valid and effective until the imprisonment therein set forth shall have been served, notwithstanding the legislature which directed the issue of the commitment may meanwhile have adjourned or ended.

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Amended by L.1953, c. 49, p. 853, s. 2.

52:13-13. Powers given additional to other powers

The powers given by this article shall be in addition to the powers given by article 1 of this chapter (s. 52:13-1 et seq.).

STATE OF NEW JERSEY, ss:

_____ being duly sworn according to law on his oath say that on the _____ day of December, 2013 at _____ he served the within Subpoena upon Robert Durando by exhibiting the same to him and informing him of the contents thereof_____ and giving to Robert Durando a true copy thereof, addressed to Robert Durando, General Manager of the George Washington Bridge, Port Authority of New York and New Jersey, 225 Park Avenue South, New York, New York 10003.

Subscribed and sworn to before me at _____ the _____ day of _____ 2013.

_____

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STATE OF NEW JERSEY

Assembly Transportation, Public Works and Independent Authorities Committee

to

Robert Durando, General Manager of the George Washington Bridge
Port Authority of New York and New Jersey

SUBPOENA

Duces Tecum

Writ Returnable on or before
December 19, 2013

to

Assembly Transportation, Public Works and Independent Authorities Committee

c/o Charles A. Buono, Jr.
Office of Legislative Services
State House Annex
PO Box 068
Trenton, New Jersey 08625

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New Jersey State Legislature

ASSEMBLY TRANSPORTATION, PUBLIC WORKS
AND INDEPENDENT AUTHORITIES COMMITTEE

STATE HOUSE ANNEX
PO BOX 068
TRENTON NJ 08625-0068

CHARLES A. BUONO, JR.
PATRICK BRENNAN
Office of Legislative Services
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(609) 847-3840
(609) 292-0561 FAX

December 12, 2013

Mr. Paul Nunziato, President of the Port Authority Police Benevolent Association
Port Authority of New York and New Jersey
225 Park Avenue South
New York, New York 10003

Dear Mr. Nunziato:

Please find attached hereto a subpoena requesting certain documents concerning the Assembly Transportation, Public Works and Independent Authorities Committee's investigation of the Port Authority of New York and New Jersey. The Assembly Transportation, Public Works and Independent Authorities Committee would accept mail or messenger delivery of the requested records at the following address on or before December 19, 2013: Charles A. Buono, Jr., Office of Legislative Services, State House Annex, PO Box 068, Trenton, New Jersey 08625. We also enclose herewith a copy of the Code of Fair Procedure.

Please be advised that if you fail to comply completely with the attached subpoena, you may be held in contempt and subject to penalties, including incarceration as set forth in Chapter 13 of Title 52 of the Revised Statutes.

We look forward to your anticipated cooperation in this matter. If you have questions in this matter, please contact Charles A. Buono, Jr. at 609-847-3840.

Very truly yours,

ASSEMBLY TRANSPORTATION, PUBLIC WORKS
AND INDEPENDENT AUTHORITIES COMMITTEE

John S. Wisniewski,
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JW/mc
Enclosures
c Members – Assembly Transportation, Public Works and Independent Authorities Committee
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Charles A. Buono, Jr., Office of Legislative Services

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ASSEMBLY TRANSPORTATION, PUBLIC WORKS AND INDEPENDENT AUTHORITIES COMMITTEE

SUBPOENA

TO: Paul Nunziato, President of the Port Authority Police Benevolent Association
Port Authority of New York and New Jersey
225 Park Avenue South
New York, New York 10003

WE COMMAND YOU, Laying aside all and singular business and excuses, to produce all documents, books, paper, and other writings, described below, that you have access to relevant to the Assembly Transportation, Public Works and Independent Authorities Committee's inquiry and investigation of the Port Authority of New York and New Jersey, as more particularly set forth on the attached Schedule A. These documents, books, papers, and other writings shall be returned on or before December 19, 2013 to: Charles A. Buono, Jr., Office of Legislative Services, State House Annex, PO Box 068, Trenton, New Jersey 08625. The Committee was constituted as a special committee of the General Assembly pursuant to Assembly Resolution No. 91 duly passed by the General Assembly of the State of New Jersey on February 14, 2013.

Your production of documents is governed by the Code of Fair Procedure and Chapter 13 of Title 52 of the Revised Statutes. A copy of the Code of Fair Procedure is delivered to you herewith.

Failure to comply with this Subpoena shall make you liable for such penalties as are provided by law.

WITNESS, the hand of The Honorable John S. Wisniewski, Chairman of the Assembly Transportation, Public Works and Independent Authorities Committee, on this the 12th day of December, 2013.

John S. Wisniewski, Chairman
Assembly Transportation, Public Works
and Independent Authorities Committee

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SCHEDULE A

(to Subpoena dated December 12, 2013, issued by
the Assembly Transportation, Public Works and Independent Authorities Committee.)

For the purposes of this schedule, "employee, officer, or executive" of the Port Authority of New York and New Jersey ("Port Authority") shall include, but not be limited to: the Executive Director, Patrick Foye; Deputy Executive Director, Bill Baroni; Chairman of the Board of Commissioners, David Samson; Director of Interstate Capital Projects, David Wildstein; Director of Bridges, Tunnels, and Terminals, Cedrick Fulton; General Manager of the George Washington Bridge, Robert Durando; President of the Port Authority Police Benevolent Association, Paul Nunziato; and Darcy Licorish of the Port Authority Police Department; any current or former member of the Board of Commissioners; any employee or other staff of the Port Authority of New York and New Jersey; or any individual acting on behalf of the Port Authority of New York and New Jersey.

The terms "document," "documents," and "correspondence" include hard copy documents and correspondence as well as electronic mail transmissions, text messages, telephone records, including a log of telephone calls placed or received, and electronically stored data, documents, correspondence, and other pertinent data compiled or collected. Attachments, exhibits, and enclosures are included as well.

In addition, please produce a log of any documents and/or correspondence withheld from production on the basis of any claimed privilege or protection, and retain such documents and/or correspondence.

Please deliver the following documents and correspondence:

1. All documents and correspondence, produced between August 1, 2013 and the present date between Governor Chris Christie or any member of his administration and/or any employee, officer, or executive of the Port Authority, concerning the reduction from three to one of the eastbound Fort Lee, New Jersey access lanes to the George Washington Bridge from September 9, 2013 through September 13, 2013;

2. All documents and correspondence, produced between August 1, 2013 and the present date, between and among any employee, officer, or executive of the Port Authority, including any documents and correspondence sent or received by Patrick Foye, Executive Director; Bill Baroni, Deputy Executive Director; David Wildstein, Director of Interstate Capital Projects; Cedrick Fulton, Director of Bridges, Tunnels, and Terminals; Robert Durando, General Manager of the George Washington Bridge; Paul Nunziato, President of the Port Authority Police Benevolent Association; and Darcy Licorish of the Port Authority Police Department concerning the reduction from three to one of the eastbound Fort Lee, New Jersey access lanes to the George Washington Bridge from September 9, 2013 through September 13, 2013.

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Code of Fair Procedure

52:13E-1. Definitions

As used in this act:

(a) "Agency" means any of the following while engaged in an investigation or inquiry: (1) the Governor or any person or persons appointed by him acting pursuant to P.L.1941, c. 16, s. 1 (C. 52:15-7), (2) any temporary State commission or duly authorized committee thereof having the power to require testimony or the production of evidence by subpoena, or (3) any legislative committee or commission having the powers set forth in Revised Statutes 52:13-1.

(b) "Hearing" means any hearing in the course of an investigatory proceeding (other than a preliminary conference or interview at which no testimony is taken under oath) conducted before an agency at which testimony or the production of other evidence may be compelled by subpoena or other compulsory process.

(c) "Public hearing" means any hearing open to the public, or any hearing, or such part thereof, as to which testimony or other evidence is made available or disseminated to the public by the agency.

(d) "Private hearing" means any hearing other than a public hearing.

L.1968, c. 376, s. 1, eff. Dec. 27, 1968.

52:13E-2. Personal service

No person may be required to appear at a hearing or to testify at a hearing unless there has been personally served upon him prior to the time when he is required to appear, a copy of this act, and a general statement of the subject of the investigation. A copy of the resolution, statute, order or other provision of law authorizing the investigation shall be furnished by the agency upon request therefor by the person summoned.

L.1968, c. 376, s. 2, eff. Dec. 27, 1968.

52:13E-3. Right to counsel; submission of proposed questions

A witness summoned to a hearing shall have the right to be accompanied by counsel, who shall be permitted to advise the witness of his rights, subject to reasonable limitations to prevent obstruction of or interference with the orderly conduct of the hearing. Counsel for any witness who testifies at a public hearing may submit proposed questions to be asked of the witness relevant to the matters upon which the witness has been questioned and the agency shall ask the witness such of the questions as it may deem appropriate to its inquiry.

L.1968, c. 376, s. 3, eff. Dec. 27, 1968.

52:13E-4. Records of public hearings; copies

A complete and accurate record shall be kept of each public hearing and a witness shall be entitled to receive a copy of his testimony at such hearing at his own expense. Where testimony which a witness has given at a private hearing becomes relevant in a criminal proceeding in which the witness is a defendant, or in any subsequent hearing in which the witness is summoned to testify, the witness shall be entitled to a copy of such

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testimony, at his own expense, provided the same is available, and provided further that the furnishing of such copy will not prejudice the public safety or security.

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52:13E-5. Sworn statement by witness; incorporation in the record

A witness who testifies at any hearing shall have the right at the conclusion of his examination to file a brief sworn statement relevant to his testimony for incorporation in the record of the investigatory proceeding.

L.1968, c. 376, s. 5, eff. Dec. 27, 1968.

52:13E-6. Persons affected by proceedings; appearance or statement of facts

Any person whose name is mentioned or who is specifically identified and who believes that testimony or other evidence given at a public hearing or comment made by any member of the agency or its counsel at such a hearing tends to defame him or otherwise adversely affect his reputation shall have the right, either to appear personally before the agency and testify in his own behalf as to matters relevant to the testimony or other evidence complained of, or in the alternative at the option of the agency, to file a statement of facts under oath relating solely to matters relevant to the testimony or other evidence complained of, which statement shall be incorporated in the record of the investigatory proceeding.

L.1968, c. 375, s. 6, eff. Dec. 27, 1968.

52:13E-7. Rights or privileges granted by agencies

Nothing in this act shall be construed to prevent an agency from granting to witnesses appearing before it, or to persons who claim to be adversely affected by testimony or other evidence adduced before it, such further rights and privileges as it may determine.

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52:13E-8. Dissemination of evidence adduced at private hearing

Except in the course of subsequent hearing which is open to the public, no testimony or other evidence adduced at a private hearing or preliminary conference or interview conducted before a single-member agency in the course of its investigation shall be disseminated or made available to the public by said agency, its counsel or employees without the approval of the head of the agency. Except in the course of a subsequent hearing open to the public, no testimony or other evidence adduced at a private hearing or preliminary conference or interview before a committee or other multimember investigating agency shall be disseminated or made available to the public by any member of the agency, its counsel or employees, except with the approval of a majority of the members of such agency. Any person who violates the provisions of this subdivision shall be adjudged a disorderly person.

L.1968, c. 376, s. 8, eff. Dec. 27, 1968.

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52:13E-9. Hearing conducted by temporary state commission

No temporary State commission having more than two members shall have the power to take testimony at a public or private hearing unless at least two of its members are present at such hearing.

Nothing in this section, however, shall be deemed to prevent the State Commission of Investigation from conducting private hearings, on an investigation previously undertaken by a majority of the members of the commission, with one commissioner present, when so designated by resolution pursuant to the provisions of section 12 of P.L.1968, c. 266 (C. 52:9M-12).

L.1968, c. 376, s. 9, eff. Dec. 27, 1968. Amended by L.1984, c. 110, s. 5, eff. Aug. 3, 1984.

52:13E-10. Right of members to file statement of minority views

Nothing in this act shall be construed to affect, diminish or impair the right, under any other provision of law, rule or custom, of any member or group of members of a committee or other multimember investigating agency to file a statement or statements of minority views to accompany and be released with or subsequent to the report of the committee or agency.

L.1968, c. 376, s. 10, eff. Dec. 27, 1968.

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Chapter 13 of Title 52 of the Revised Statutes

Article 1. General Provisions.

52:13-1. Attendance of witnesses; production of books and papers; legal and clerical assistance

Any joint committee of the legislature, any standing committee of either house, or any special committee directed by resolution to enter upon any investigation or inquiry, the pursuit of which shall necessitate the attendance of persons or the production of books or papers, shall have power to compel the attendance before it of such persons as witnesses and the production before it of such books and papers as it may deem necessary, proper and relevant to the matter under investigation. Any such committee shall also have the power to employ such legal and clerical assistance as it may deem necessary to the proper conduct of the investigation.

52:13-2. Summons for witnesses; execution

If any person upon being summoned in writing by order of any committee mentioned in section 52:13-1 of this title to appear before such committee and testify, fails to obey such summons, the speaker of the house of assembly or the president of the senate may, upon application to him, by warrant under his hand order the sergeant at arms of the house over which he presides to arrest such person and bring him before the committee, and the sergeant at arms shall thereupon execute the warrant to him so directed.

52:13-3. Compensation of witnesses; swearing witnesses; perjury; immunity; refusal to answer or be sworn

Witnesses summoned to appear before any committee authorized by this article or any other law to conduct an investigation or inquiry shall be entitled to receive the same fees and mileage as persons summoned to testify in the courts of the state. All such witnesses may be sworn by any member of the committee conducting the investigation or inquiry; and all witnesses sworn before any such committee shall answer truly all questions put to them which the committee shall decide to be proper and pertinent to the investigation or inquiry; and any witness so sworn who shall swear falsely shall be guilty of perjury. No such witness shall be excused from answering any such questions on the ground that to answer the same might or would incriminate him; but no answers made by any witness to any such questions shall be used or admitted in evidence in any proceeding against such witness, except in a criminal prosecution against the witness for perjury in respect to his answers to such questions.

Any witness who refuses to answer any questions decided by the committee to be proper and pertinent shall be guilty of a misdemeanor; and any witness who, having been summoned to appear before any such committee, fails to appear in obedience to the summons or, appearing, refuses to be sworn shall be guilty of a misdemeanor.

52:13-4. Expenses of investigations; payment

The state treasurer shall, upon the warrant of the state comptroller, pay the fees and mileage of witnesses called, the compensation of legal and clerical assistance employed and the expenses of the sergeant at arms of either house in the execution of warrants

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pursuant to section 52:13-2 of this title, when the same shall be certified as correct and necessary by the chairman of the committee under whose authority and by whose order the same shall have been incurred, but only when the chairman's certificate has received the approval of the governor.

Article 2. Contempts of Joint Legislative Committees.

52:13-5. What constitutes contempt; report thereof to legislature

Whenever, in any investigation or inquiry by any committee constituted by joint resolution of the legislature to enter upon or make such investigation or inquiry, any witness summoned or subpoenaed to appear before such committee to testify or to produce books, documents, papers or records, shall willfully neglect or refuse to appear in obedience to the summons or subpoena, or shall willfully neglect or refuse to produce any books, documents, papers or records commanded to be produced by the summons or subpoena, or shall refuse to be sworn or affirmed, or shall refuse to answer any question put to him which the committee shall decide to be proper and pertinent to such investigation or inquiry, or shall in any other way contemn the authority or privileges of the legislature, and the facts alleged to constitute any such contempt shall have been reported by any such committee to the legislature, the alleged contemner shall be tried, and the alleged contempt determined, as hereinafter provided.

52:13-6. Joint session to determine alleged contempt; order for arrest; service

The senate and general assembly may by concurrent resolution direct that the senate and general assembly meet in joint session at a time and place therein fixed for the purpose of hearing the evidence and arguments regarding the alleged contempt and may order that a warrant, directed to any sergeant at arms of either house or of the joint session or to any sheriff, police officer, member of the state police, constable or other peace officer, issue in such manner as shall be prescribed in and by the concurrent resolution for the arrest of the alleged contemner and the production of him at the bar of such joint session, there to be heard.

52:13-7. Hearing by joint session

At the time and place fixed as aforesaid, or at any adjournment, the joint session shall sit and summarily hear the evidence and the arguments relating to the alleged contempt. The joint session shall adjourn from time to time until the matter shall have been disposed of and the alleged contemner shall appear and attend at each and every such adjourned session.

52:13-8. Contemner's rights

Any alleged contemner shall have the right to be heard before the joint session, to be represented by counsel, to call witnesses in his behalf, and to examine and cross-examine witnesses.

52:13-9. Determination of contempt by each house separately; concurrent resolution

After the joint session shall have heard the evidence and such arguments as may be made, the senate and the general assembly shall separately convene and shall separately

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consider and determine the alleged contempt; and the determination shall be by a concurrent resolution, which may originate in either house.

52:13-10. Sentence; order of commitment

Any person found to be guilty of a contempt of the legislature by a concurrent resolution of the two houses thereof, as hereinbefore provided, may be sentenced to imprisonment in the state prison or in the common jail of any county for any period not exceeding six months as shall be directed in and by the concurrent resolution determining the contempt, for the execution of which such concurrent resolution may order that a commitment shall issue, directed to any sheriff, police officer, member of the state police, constable or other peace officer, and to the keeper of the state prison or the keeper of the common jail of any county, which commitment shall be signed by the president of the senate and the speaker of the house of assembly in office at the date of the issue thereof.

52:13-11. Continuing validity of commitment

Any commitment issued in accordance with section 52:13-10 of this title shall remain valid and effective until the imprisonment therein set forth shall have been served, notwithstanding the legislature which directed the issue of the commitment may meanwhile have adjourned or ended.

52:13-12. Bail of contemner

Any judge of the Superior Court may let to bail any person apprehended for hearing on a charge of contempt under a warrant issued by direction of a concurrent resolution as provided in section 52:13-6 of this Title, in such amount and with such surety as the judge shall determine to be reasonable, to appear before the Joint Session of the Legislature, at the time and place fixed by the warrant as well as at any and all adjournments thereof, and to stand to and abide such determination and sentence as may thereafter be found or imposed against the person so apprehended. Such recognizances shall run in favor of the State of New Jersey and shall be filed by the judge in the office of the Secretary of State.

Amended by L.1953, c. 49, p. 853, s. 2.

52:13-13. Powers given additional to other powers

The powers given by this article shall be in addition to the powers given by article 1 of this chapter (s. 52:13-1 et seq.).

STATE OF NEW JERSEY, ss:

_____ being duly sworn according to law on his oath say that on the _____ day of December, 2013 at _____ he served the within Subpoena upon Paul Nunziato by exhibiting the same to him and informing him of the contents thereof_____ and giving to Paul Nunziato a true copy thereof, addressed to Paul Nunziato, President of the Port Authority Police Benevolent Association, Port Authority of New York and New Jersey, 225 Park Avenue South, New York, New York 10003.

Subscribed and sworn to before me at _____ the _____ day of _____ 2013.

_____

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STATE OF NEW JERSEY

Assembly Transportation, Public Works and Independent Authorities Committee

to

Paul Nunziato, President of the Port Authority Police Benevolent Association
Port Authority of New York and New Jersey

SUBPOENA

Duces Tecum

Writ Returnable on or before
December 19, 2013

to

Assembly Transportation, Public Works and Independent Authorities Committee

c/o Charles A. Buono, Jr.
Office of Legislative Services
State House Annex
PO Box 068
Trenton, New Jersey 08625

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JOHN S. WISNIEWSKI
Chairman

LINDA D. STENDER
Vice-Chair

MARLENE CARIDE
UPENDRA J. CHIVUKULA
THOMAS F. GIBLIN
CHARLES S. MAINOR
RUBEN J. RAMOS, JR.
CELESTE M. RILEY
JOHN F. AMODEO
SCOTT RUDDER
BRIAN E. RUMPF
DAVID W. WOLFE

New Jersey State Legislature

ASSEMBLY TRANSPORTATION, PUBLIC WORKS AND INDEPENDENT AUTHORITIES COMMITTEE

STATE HOUSE ANNEX
PO BOX 068
TRENTON NJ 08625-0068

CHARLES A. BUONO, JR.
PATRICK BRENNAN
Office of Legislative Services
Co-Committee Aides
(609) 847-3840
(609) 292-0561 FAX

December 12, 2013

Darcy Licorish, Port Authority Police Department
Port Authority of New York and New Jersey
225 Park Avenue South
New York, New York 10003

Dear Mr. Licorish:

Please find attached hereto a subpoena requesting certain documents concerning the Assembly Transportation, Public Works and Independent Authorities Committee's investigation of the Port Authority of New York and New Jersey. The Assembly Transportation, Public Works and Independent Authorities Committee would accept mail or messenger delivery of the requested records at the following address on or before December 19, 2013: Charles A. Buono, Jr., Office of Legislative Services, State House Annex, PO Box 068, Trenton, New Jersey 08625. We also enclose herewith a copy of the Code of Fair Procedure.

Please be advised that if you fail to comply completely with the attached subpoena, you may be held in contempt and subject to penalties, including incarceration as set forth in Chapter 13 of Title 52 of the Revised Statutes.

We look forward to your anticipated cooperation in this matter. If you have questions in this matter, please contact Charles A. Buono, Jr. at 609-847-3840.

Very truly yours,

ASSEMBLY TRANSPORTATION, PUBLIC WORKS
AND INDEPENDENT AUTHORITIES COMMITTEE

John S. Wisniewski,
Chairman

JW/mc
Enclosures
c Members – Assembly Transportation, Public Works and Independent Authorities Committee
Jillian Dempsey, Assembly Majority Office
Glen Beebe, Assembly Republican Office
Charles A. Buono, Jr., Office of Legislative Services

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ASSEMBLY TRANSPORTATION, PUBLIC WORKS AND INDEPENDENT AUTHORITIES COMMITTEE

SUBPOENA

TO: Darcy Licorish, Port Authority Police Department
Port Authority of New York and New Jersey
225 Park Avenue South
New York, New York 10003

WE COMMAND YOU, Laying aside all and singular business and excuses, to produce all documents, books, paper, and other writings, described below, that you have access to relevant to the Assembly Transportation, Public Works and Independent Authorities Committee's inquiry and investigation of the Port Authority of New York and New Jersey, as more particularly set forth on the attached Schedule A. These documents, books, papers, and other writings shall be returned on or before December 19, 2013 to: Charles A. Buono, Jr., Office of Legislative Services, State House Annex, PO Box 068, Trenton, New Jersey 08625. The Committee was constituted as a special committee of the General Assembly pursuant to Assembly Resolution No. 91 duly passed by the General Assembly of the State of New Jersey on February 14, 2013.

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Failure to comply with this Subpoena shall make you liable for such penalties as are provided by law.

WITNESS, the hand of The Honorable John S. Wisniewski, Chairman of the Assembly Transportation, Public Works and Independent Authorities Committee, on this the 12th day of December, 2013.

John S. Wisniewski, Chairman
Assembly Transportation, Public Works
and Independent Authorities Committee

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SCHEDULE A

(to Subpoena dated December 12, 2013, issued by
the Assembly Transportation, Public Works and Independent Authorities Committee.)

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Code of Fair Procedure

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L.1968, c. 376, s. 1, eff. Dec. 27, 1968.

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If any person upon being summoned in writing by order of any committee mentioned in section 52:13-1 of this title to appear before such committee and testify, fails to obey such summons, the speaker of the house of assembly or the president of the senate may, upon application to him, by warrant under his hand order the sergeant at arms of the house over which he presides to arrest such person and bring him before the committee, and the sergeant at arms shall thereupon execute the warrant to him so directed.

52:13-3. Compensation of witnesses; swearing witnesses; perjury; immunity; refusal to answer or be sworn

Witnesses summoned to appear before any committee authorized by this article or any other law to conduct an investigation or inquiry shall be entitled to receive the same fees and mileage as persons summoned to testify in the courts of the state. All such witnesses may be sworn by any member of the committee conducting the investigation or inquiry; and all witnesses sworn before any such committee shall answer truly all questions put to them which the committee shall decide to be proper and pertinent to the investigation or inquiry; and any witness so sworn who shall swear falsely shall be guilty of perjury. No such witness shall be excused from answering any such questions on the ground that to answer the same might or would incriminate him; but no answers made by any witness to any such questions shall be used or admitted in evidence in any proceeding against such witness, except in a criminal prosecution against the witness for perjury in respect to his answers to such questions.

Any witness who refuses to answer any questions decided by the committee to be proper and pertinent shall be guilty of a misdemeanor; and any witness who, having been summoned to appear before any such committee, fails to appear in obedience to the summons or, appearing, refuses to be sworn shall be guilty of a misdemeanor.

52:13-4. Expenses of investigations; payment

The state treasurer shall, upon the warrant of the state comptroller, pay the fees and mileage of witnesses called, the compensation of legal and clerical assistance employed and the expenses of the sergeant at arms of either house in the execution of warrants

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pursuant to section 52:13-2 of this title, when the same shall be certified as correct and necessary by the chairman of the committee under whose authority and by whose order the same shall have been incurred, but only when the chairman's certificate has received the approval of the governor.

Article 2. Contempts of Joint Legislative Committees.

52:13-5. What constitutes contempt; report thereof to legislature

Whenever, in any investigation or inquiry by any committee constituted by joint resolution of the legislature to enter upon or make such investigation or inquiry, any witness summoned or subpoenaed to appear before such committee to testify or to produce books, documents, papers or records, shall willfully neglect or refuse to appear in obedience to the summons or subpoena, or shall willfully neglect or refuse to produce any books, documents, papers or records commanded to be produced by the summons or subpoena, or shall refuse to be sworn or affirmed, or shall refuse to answer any question put to him which the committee shall decide to be proper and pertinent to such investigation or inquiry, or shall in any other way contemn the authority or privileges of the legislature, and the facts alleged to constitute any such contempt shall have been reported by any such committee to the legislature, the alleged contemner shall be tried, and the alleged contempt determined, as hereinafter provided.

52:13-6. Joint session to determine alleged contempt; order for arrest; service

The senate and general assembly may by concurrent resolution direct that the senate and general assembly meet in joint session at a time and place therein fixed for the purpose of hearing the evidence and arguments regarding the alleged contempt and may order that a warrant, directed to any sergeant at arms of either house or of the joint session or to any sheriff, police officer, member of the state police, constable or other peace officer, issue in such manner as shall be prescribed in and by the concurrent resolution for the arrest of the alleged contemner and the production of him at the bar of such joint session, there to be heard.

52:13-7. Hearing by joint session

At the time and place fixed as aforesaid, or at any adjournment, the joint session shall sit and summarily hear the evidence and the arguments relating to the alleged contempt. The joint session shall adjourn from time to time until the matter shall have been disposed of and the alleged contemner shall appear and attend at each and every such adjourned session.

52:13-8. Contemner's rights

Any alleged contemner shall have the right to be heard before the joint session, to be represented by counsel, to call witnesses in his behalf, and to examine and cross-examine witnesses.

52:13-9. Determination of contempt by each house separately; concurrent resolution

After the joint session shall have heard the evidence and such arguments as may be made, the senate and the general assembly shall separately convene and shall separately

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consider and determine the alleged contempt; and the determination shall be by a concurrent resolution, which may originate in either house.

52:13-10. Sentence; order of commitment

Any person found to be guilty of a contempt of the legislature by a concurrent resolution of the two houses thereof, as hereinbefore provided, may be sentenced to imprisonment in the state prison or in the common jail of any county for any period not exceeding six months as shall be directed in and by the concurrent resolution determining the contempt, for the execution of which such concurrent resolution may order that a commitment shall issue, directed to any sheriff, police officer, member of the state police, constable or other peace officer, and to the keeper of the state prison or the keeper of the common jail of any county, which commitment shall be signed by the president of the senate and the speaker of the house of assembly in office at the date of the issue thereof.

52:13-11. Continuing validity of commitment

Any commitment issued in accordance with section 52:13-10 of this title shall remain valid and effective until the imprisonment therein set forth shall have been served, notwithstanding the legislature which directed the issue of the commitment may meanwhile have adjourned or ended.

52:13-12. Bail of contemner

Any judge of the Superior Court may let to bail any person apprehended for hearing on a charge of contempt under a warrant issued by direction of a concurrent resolution as provided in section 52:13-6 of this Title, in such amount and with such surety as the judge shall determine to be reasonable, to appear before the Joint Session of the Legislature, at the time and place fixed by the warrant as well as at any and all adjournments thereof, and to stand to and abide such determination and sentence as may thereafter be found or imposed against the person so apprehended. Such recognizances shall run in favor of the State of New Jersey and shall be filed by the judge in the office of the Secretary of State.

Amended by L.1953, c. 49, p. 853, s. 2.

52:13-13. Powers given additional to other powers

The powers given by this article shall be in addition to the powers given by article 1 of this chapter (s. 52:13-1 et seq.).

STATE OF NEW JERSEY, ss:

_____ being duly sworn according to law on his oath say that on the _____ day of December, 2013 at _____ he served the within Subpoena upon Darcy Licorish by exhibiting the same to him and informing him of the contents thereof_____ and giving to Darcy Licorish a true copy thereof, addressed to Darcy Licorish, Port Authority Police Department, Port Authority of New York and New Jersey, 225 Park Avenue South, New York, New York 10003.

Subscribed and sworn to before me at _____the _____day of _____ 2013.

_____

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STATE OF NEW JERSEY

Assembly Transportation, Public Works and Independent Authorities Committee

to

Darcy Licorish, Port Authority Police Department
Port Authority of New York and New Jersey

SUBPOENA

Duces Tecum

Writ Returnable on or before
December 19, 2013

to

Assembly Transportation, Public Works and Independent Authorities Committee

c/o Charles A. Buono, Jr.
Office of Legislative Services
State House Annex
PO Box 068
Trenton, New Jersey 08625

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Tab 28

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From: Nicole Crifo [npcrifo@[redacted]
Sent: Monday, December 16, 2013 10:14 PM
To: Regina Egea
Subject: JDR NYNJ Port Authority GWB Lane Closure.pdf
Attachments: JDR NYNJ Port Authority GWB Lane Closure.pdf; ATT1315043.txt

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United States Senate

COMMITTEE ON COMMERCE, SCIENCE
AND TRANSPORTATION

WASHINGTON, DC 20510-6125

WEB SITE: http://commerce.senate.gov

December 16, 2013

David Samson
Chairman
Port Authority of New York and New Jersey
225 Park Avenue South
New York, NY 10003

Scott H. Rechler
Vice Chairman
Port Authority of New York and New Jersey
225 Park Avenue South
New York, NY 10003

Dear Mr. Samson and Mr. Rechler:

Since the compact that created the Port Authority of New York and New Jersey was ratified by Congress in 1921, the U.S. Senate Commerce, Science, and Transportation Committee has exercised oversight of the Port Authority and its impact on interstate commerce. Pursuant to this jurisdiction, I write to express my concern about the events that led to the Port Authority's unannounced lane closures on the George Washington Bridge in September 2013. While this type of decision tends to be local in nature, I am concerned about the larger federal implications of what appears to be political appointees abusing their power to hamper interstate commerce and safety without public notice. It also exacerbates ongoing concerns with the governance and oversight of the Port Authority.

According to media reports, three access lanes leading from Fort Lee, New Jersey to the George Washington Bridge were unexpectedly shut down in September 2013, which led to several days of major traffic delays in New Jersey. The closure caused four hour commutes, brought traffic and commerce to a stop on these roads, and impaired the safe and efficient use of the transportation network in this region. There has been considerable public discussion about whether a traffic study was being conducted by the Port Authority, but it appears from recent testimony that no study was underway. While the Inspector General is currently conducting an investigation, it also appears that the public was not made aware of the closings nor were the relevant departments at the agency.

As the nation's busiest bridge in one of the most complex and congested areas of the country, planning for traffic disruptions of this magnitude would and should require significant involvement from all levels of government with substantial public notice to avoid unnecessary delays and a potentially dangerous safety threat to the public. Perhaps most concerning are unanswered questions about why no systems were in place to prevent and immediately correct what appears to be a significant abuse of power by a few appointees.

This latest incident adds to my Committee's existing concerns about the management of the Port Authority. As you recall, in April 2012, the Committee held a hearing to gather information on the Authority's implementation of toll hikes. The Port Authority witness, former

OGNJ-LEG-010263

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Deputy Executive Director Bill Baroni, was argumentative and unresponsive to legitimate questions raised at the hearing. Only after several inquiries and letters was the Committee able to attain any relevant information from the Port Authority. Further, in an August 2013 report, the U.S. Government Accountability Office reported that the Port Authority had insufficient public notification processes and has limited external oversight.

Unwarranted lane closures with no public notice can have serious ramifications on interstate commerce and safety in the region, and as the Committee with oversight responsibility of the Port Authority, I continue to have serious concerns about the actions of this agency. The gravity of this situation demands a comprehensive investigation. Please provide the Committee responses to the enclosed list of questions by January 15, 2014.

Sincerely,



John D. Rockefeller IV
Chairman

cc:
Senator John Thune, Ranking Member
Richard H. Bagger, Board Member
Kenneth Lipper, Board Member
Jeffrey H. Lynford, Board Member
Jeffrey A. Moerdler, Board Member
Basil A. Paterson, Board Member
Raymond M. Pocino, Board Member
Rossana Rosado, Board Member
Anthony J. Sartor, Board Member
William Schuber, Board Member
David S. Steiner, Board Member

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U.S. Senate Commerce, Science, and Transportation Committee
Questions on the George Washington Bridge (GWB) Lane Closures

1. What is the standard process for lane closures and/or a traffic study at the Port Authority of New York and New Jersey? Please include details on the internal approval process, the agencies that must be notified, public notification requirements, and the types of actions that are taken to minimize traffic disruptions. How long does this planning process typically take? How far in advance is the public typically notified?

2. As a bi-state agency, what is the standard process for coordinating operational decisions, like the lane closures, between the two states? How is each state made aware of these decisions and how long does it typically take to ensure that all parties are coordinated?

3. What process was followed for the lane closures from September 9th through 13th? How was this closure communicated between the two states?

4. At recent New Jersey State Assembly hearings, the Port Authority gave conflicting testimony about the purpose of the lane closures. What prompted the closure of the access lanes from September 9th through September 13th? Was a traffic study ever planned for this area or was this reason fabricated?

5. Who approved former Deputy Executive Director Baroni's testimony for the State Assembly hearing? Did the Board review or approve the testimony? What investigation was conducted by the Board prior to his testimony? At what point was the Board made aware that most of the Authority had no knowledge of a traffic study?

6. It is my understanding that TRANSCOM was created to coordinate construction activities between the New York-New Jersey region and that the Port Authority is a member agency. Their systems help public safety officials and emergency responders to make real-time, informed safety decisions, such as rerouting emergency vehicles around incidents and minimizing traffic delays. Did the Port Authority coordinate the lane closures with the public safety and emergency responders? If not, what steps were taken to ensure that safety would not be impeded?

7. Prior to the closure, who at the Port Authority knew about the decision? What concerns were raised?

8. At the State Assembly hearing, it was insinuated that some employees may have feared retribution, if they raised concerns about the closing. Are there processes in place for employees to anonymously raise concerns? If so, were these processes used and why did they not work in this instance? What steps are you to taking to address concerns of retribution and ensure that employees can raise valid concerns?

9. Did anyone conduct research into the potential impacts of closing access lanes to the busiest bridge in the nation? What were the ultimate impacts of these lane closures on congestion, commerce, and safety?

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Tab 29

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From: Nicole Crifo
Sent: Monday, December 16, 2013 10:26 PM
To: Deborah L. Gramiccioni
Cc: Regina Egea; Charles McKenna
Subject: Fw: Senator Rockefeller letter
Attachments: JDR NYNJ Port Authority GWB Lane Closure.pdf

Nicole P. Crifo
Senior Counsel
Authorities Unit
o. 609.777.2481
c. [redacted]

From: Eastman, Karen [mailto:keastman@panynj.gov]
Sent: Monday, December 16, 2013 09:58 PM
To: Nicole Crifo
Subject: FW: Senator Rockefeller letter

Nicole, can you provide a copy of the attached memo to Deb or should I be providing to her directly?

Karen

From: Eastman, Karen
Sent: Monday, December 16, 2013 9:57 PM
To: Chairman Samson; Vice Chairman Rechler; Richard H. Bagger (rbagger@celgene.com); 'David S. Steiner (dss@steinercompanies.com)'; JAMoerdler@mintz.com; Jeffrey Lynford (jlynford@wellsford.com); rmpvp@att.net; Sartor, Anthony (asartor@psands.com); William P. Schuber (wpschuber@optonline.net); Basil A. Paterson (bpaterson@msek.com); Rossana Rosado (rossana.rosado@eldiariony.com); Kenneth Lipper (Ken.lipper@lipper.com)
Cc: Foye, Patrick; Ma, John; Danielides, Philippe; Buchbinder, Darrell
Subject: Senator Rockefeller letter

The Chairman asked that I provide you with the attached letter received from Chairman Rockefeller of the U.S. Senate Commerce, Science, and Transportation Committee.

Thanks,
Karen

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United States Senate

COMMITTEE ON COMMERCE, SCIENCE,
AND TRANSPORTATION

WASHINGTON, DC 20510-6125

WEB SITE: http://commerce.senate.gov

December 16, 2013

David Samson
Chairman
Port Authority of New York and New Jersey
225 Park Avenue South
New York, NY 10003

Scott H. Rechler
Vice Chairman
Port Authority of New York and New Jersey
225 Park Avenue South
New York, NY 10003

Dear Mr. Samson and Mr. Rechler:

Since the compact that created the Port Authority of New York and New Jersey was ratified by Congress in 1921, the U.S. Senate Commerce, Science, and Transportation Committee has exercised oversight of the Port Authority and its impact on interstate commerce. Pursuant to this jurisdiction, I write to express my concern about the events that led to the Port Authority's unannounced lane closures on the George Washington Bridge in September 2013. While this type of decision tends to be local in nature, I am concerned about the larger federal implications of what appears to be political appointees abusing their power to hamper interstate commerce and safety without public notice. It also exacerbates ongoing concerns with the governance and oversight of the Port Authority.

According to media reports, three access lanes leading from Fort Lee, New Jersey to the George Washington Bridge were unexpectedly shut down in September 2013, which led to several days of major traffic delays in New Jersey. The closure caused four hour commutes, brought traffic and commerce to a stop on these roads, and impaired the safe and efficient use of the transportation network in this region. There has been considerable public discussion about whether a traffic study was being conducted by the Port Authority, but it appears from recent testimony that no study was underway. While the Inspector General is currently conducting an investigation, it also appears that the public was not made aware of the closings nor were the relevant departments at the agency.

As the nation's busiest bridge in one of the most complex and congested areas of the country, planning for traffic disruptions of this magnitude would and should require significant involvement from all levels of government with substantial public notice to avoid unnecessary delays and a potentially dangerous safety threat to the public. Perhaps most concerning are unanswered questions about why no systems were in place to prevent and immediately correct what appears to be a significant abuse of power by a few appointees.

This latest incident adds to my Committee's existing concerns about the management of the Port Authority. As you recall, in April 2012, the Committee held a hearing to gather information on the Authority's implementation of toll hikes. The Port Authority witness, former

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Deputy Executive Director Bill Baroni, was argumentative and unresponsive to legitimate questions raised at the hearing. Only after several inquiries and letters was the Committee able to attain any relevant information from the Port Authority. Further, in an August 2013 report, the U.S. Government Accountability Office reported that the Port Authority had insufficient public notification processes and has limited external oversight.

Unwarranted lane closures with no public notice can have serious ramifications on interstate commerce and safety in the region, and as the Committee with oversight responsibility of the Port Authority, I continue to have serious concerns about the actions of this agency. The gravity of this situation demands a comprehensive investigation. Please provide the Committee responses to the enclosed list of questions by January 15, 2014.

Sincerely,

John D. Rockefeller IV
Chairman

cc:
Senator John Thune, Ranking Member
Richard H. Bagger, Board Member
Kenneth Lipper, Board Member
Jeffrey H. Lynford, Board Member
Jeffrey A. Moerdler, Board Member
Basil A. Paterson, Board Member
Raymond M. Pocino, Board Member
Rossana Rosado, Board Member
Anthony J. Sartor, Board Member
William Schuber, Board Member
David S. Steiner, Board Member

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U.S. Senate Commerce, Science, and Transportation Committee
Questions on the George Washington Bridge (GWB) Lane Closures

1. What is the standard process for lane closures and/or a traffic study at the Port Authority of New York and New Jersey? Please include details on the internal approval process, the agencies that must be notified, public notification requirements, and the types of actions that are taken to minimize traffic disruptions. How long does this planning process typically take? How far in advance is the public typically notified?

2. As a bi-state agency, what is the standard process for coordinating operational decisions, like the lane closures, between the two states? How is each state made aware of these decisions and how long does it typically take to ensure that all parties are coordinated?

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4. At recent New Jersey State Assembly hearings, the Port Authority gave conflicting testimony about the purpose of the lane closures. What prompted the closure of the access lanes from September 9th through September 13th? Was a traffic study ever planned for this area or was this reason fabricated?

5. Who approved former Deputy Executive Director Baroni's testimony for the State Assembly hearing? Did the Board review or approve the testimony? What investigation was conducted by the Board prior to his testimony? At what point was the Board made aware that most of the Authority had no knowledge of a traffic study?

6. It is my understanding that TRANSCOM was created to coordinate construction activities between the New York-New Jersey region and that the Port Authority is a member agency. Their systems help public safety officials and emergency responders to make real-time, informed safety decisions, such as rerouting emergency vehicles around incidents and minimizing traffic delays. Did the Port Authority coordinate the lane closures with the public safety and emergency responders? If not, what steps were taken to ensure that safety would not be impeded?

7. Prior to the closure, who at the Port Authority knew about the decision? What concerns were raised?

8. At the State Assembly hearing, it was insinuated that some employees may have feared retribution, if they raised concerns about the closing. Are there processes in place for employees to anonymously raise concerns? If so, were these processes used and why did they not work in this instance? What steps are you to taking to address concerns of retribution and ensure that employees can raise valid concerns?

9. Did anyone conduct research into the potential impacts of closing access lanes to the busiest bridge in the nation? What were the ultimate impacts of these lane closures on congestion, commerce, and safety?

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From: Nicole Crifo
Sent: Tuesday, December 17, 2013 7:23 AM
To: Deborah L. Gramiccioni
Cc: Regina Egea; Charles McKenna
Subject: Fw: Senator Rockefeller letter
Attachments: GWB Lane Closures_US Senate Commerce Comm Letter 121613_USDOT 121613.pdf

Nicole P. Crifo
Senior Counsel
Authorities Unit
o. 609.777.2481
c. [redacted]

From: Eastman, Karen [mailto:keastman@panynj.gov]
Sent: Tuesday, December 17, 2013 07:00 AM
To: Nicole Crifo
Subject: FW: Senator Rockefeller letter

Another related memo for Deb.

Thanks,
Karen

From: Buchbinder, Darrell
Sent: Monday, December 16, 2013 10:46 PM
To: Eastman, Karen; Chairman Samson; Vice Chairman Rechler; Richard H. Bagger (rbagger@celgene.com); 'David S. Steiner (dss@steinercompanies.com)'; JAMoerdler@mintz.com; Jeffrey Lynford (jlynford@wellsford.com); rmpvp@[redacted] Sartor, Anthony (asartor@psands.com); William P. Schuber (wpschuber@[redacted] Basil A. Paterson (bpaterson@msek.com); Rossana Rosado (rossana.rosado@[redacted] Kenneth Lipper (Ken.lipper@lipper.com)
Cc: Foye, Patrick; Ma, John; Danielides, Philippe
Subject: RE: Senator Rockefeller letter

A related letter to USDOT is also worth noting.

Darrell Buchbinder
General Counsel
The Port Authority of New York and New Jersey
225 Park Avenue South, 15th Floor
New York, NY 10003
(212) 435-3515

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From: Eastman, Karen
Sent: Monday, December 16, 2013 9:58 PM
To: Chairman Samson; Vice Chairman Rechler; Richard H. Bagger (rbagger@celgene.com); 'David S. Steiner (dss@steinercompanies.com)'; JAMoerdler@mintz.com; Jeffrey Lynford (jlynford@wellsford.com); rmpvp@[redacted], Sartor, Anthony (asartor@psands.com); William P. Schuber (wpschuber@[redacted]; Basil A. Paterson (bpaterson@msek.com); Rossana Rosado (rossana.rosado@[redacted]; Kenneth Lipper (Ken.lipper@lipper.com)
Cc: Foye, Patrick; Ma, John; Danielides, Philippe; Buchbinder, Darrell
Subject: Senator Rockefeller letter

The Chairman asked that I provide you with the attached letter received from Chairman Rockefeller of the U.S. Senate Commerce, Science, and Transportation Committee.

Thanks,
Karen

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United States Senate

COMMITTEE ON COMMERCE, SCIENCE,
AND TRANSPORTATION

WASHINGTON, DC 20510-6125

WEB SITE: http://commerce.senate.gov

December 16, 2013

The Honorable Anthony Foxx
Secretary
U.S. Department of Transportation
1200 New Jersey Avenue, S.E.
Washington, D.C. 20590

Dear Secretary Foxx:

The U.S. Department of Transportation has an important oversight role in ensuring a safe and efficient transportation system. Given the unannounced lane closures at the Port Authority of New York and New Jersey in September 2013 that hampered commerce and safety, I ask that you review the events of this incident and examine the Department's authority to ensure oversight of the agency to prevent future disruptions.

According to media reports, three access lanes leading from Fort Lee, New Jersey to the George Washington Bridge were unexpectedly shut down in September 2013, which led to several days of major traffic delays in New Jersey. The closure caused four hour commutes, brought traffic and commerce to a stop on these roads, and impaired the safe and efficient use of the transportation network in this region. There has been considerable public discussion about whether a traffic study was being conducted by the Port Authority. While the Inspector General of the Port Authority is currently conducting an investigation, it also appears that the public was not made aware of the closings nor were the relevant departments at the agency. As the nation's busiest bridge in one of the most complex and congested areas of the country, planning for traffic disruptions of this magnitude would and should require significant involvement from all levels of government with substantial public notice to avoid unnecessary delays and a potentially dangerous safety threat to the public.

The Department of Transportation's mission is to ensure a fast, safe, efficient, accessible and convenient transportation system. Clearly, actions taken by the Port Authority to irresponsibly cause gridlock on one of our nation's major transportation arteries runs directly counter to this mission. While this type of decision tends to be local in nature, I have serious concerns about the larger federal implications of what appears to be political appointees abusing their power to hamper interstate commerce and safety without public notice. This latest incident also exacerbates ongoing concerns with the governance and oversight of the Port Authority, which the Commerce Committee and the Government Accountability Office have previously noted.

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Since the compact that created the Port Authority of New York and New Jersey was ratified by Congress in 1921, the U.S. Senate Commerce, Science, and Transportation Committee has exercised oversight of the Port Authority and its impact on interstate commerce. As Chairman of the Commerce Committee, I will continue to exercise this authority, and I urge you to use your Department's oversight authority to fully review this incident. Please also provide me an overview of the steps the Department can take or the authority you need to ensure this type of incident does not happen in the future.

Sincerely,

John D. Rockefeller IV
Chairman

cc:
Senator John Thune, Ranking Member

OGNJ-LEG-027884

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From: Samson, David [dsamson@wolffsamson.com]
Sent: Tuesday, December 17, 2013 8:20 AM
To: Regina Egea
Subject: Re: Rockefeller Letter on Port Authority Lane Closures

OK--I'll speak with her.

Sent from my iPhone

On Dec 17, 2013, at 8:07 AM, "Regina Egea" <Regina.Egea@gov.state.nj.us> wrote:

> From what I know, she has handed off most of her duties so up to her
> from what I know. R
>
> ----- Original Message -----
> From: Samson, David [mailto:dsamson@wolffsamson.com]
> Sent: Monday, December 16, 2013 10:18 PM
> To: Regina Egea
> Subject: Re: Rockefeller Letter on Port Authority Lane Closures
>
> I think Deb should start ASAP, hopefully next day or so, this week--I am concerned about vacancy continuing.
>
> Sent from my iPhone
>
> On Dec 16, 2013, at 10:04 PM, "Regina Egea" <Regina.Egea@gov.state.nj.us> wrote:
>
>> Ok thx. R
>>
>> ----- Original Message -----
>> From: Samson, David [mailto:dsamson@wolffsamson.com]
>> Sent: Monday, December 16, 2013 09:23 PM
>> To: Regina Egea
>> Subject: Fwd: Rockefeller Letter on Port Authority Lane Closures
>>
>>
>>
>> Sent from my iPhone
>>
>> Begin forwarded message:
>>
>>>
>>> Begin forwarded message:
>>>
>>> From: "Garten, David"
>>> <dgarten@panynj.gov<mailto:dgarten@panynj.gov>>
>>> To: "Samson, David"
>>> <dsamson@wolffsamson.com<mailto:dsamson@wolffsamson.com>>,
>>> "Danielides, Philippe"
>>> <pdanielides@panynj.gov<mailto:pdanielides@panynj.gov>>
>>> Cc: "'Rechler, Scott'"
>>> <SRechler@RXRRealty.com<mailto:SRechler@RXRRealty.com>>,
>>> "Buchbinder, Darrell"

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>>> <dbuchbin@panynj.gov<mailto:dbuchbin@panynj.gov>>
>>> Subject: FW: Rockefeller Letter on Port Authority Lane Closures
>>>
>>> Chairman -
>>>
>>> I wanted to send this along just in case you hadn't received it. It is a letter from Senator Rockefeller concerning the GWB. The letter includes a number of questions from the Commerce Committee and it gives a deadline of January 15th for our response. It appears that the Commerce Committee will also be doing press on this letter according to the committee website: http://www.commerce.senate.gov/public/index.cfm?p=PressReleases&ContentRecord_id=762f951a-f48e-415e-85df-45e13a290c8c&ContentType_id=77eb43da-aa94-497d-a73f-5c951ff72372&Group_id=4b968841-f3e8-49da-a529-7b18e32fd69d.
>>>
>>> Please let me know if you have any questions.
>>>
>>> David
>>>
>>> From: Barnhart, Devon (Commerce)
>>> [mailto:Devon_Barnhart@commerce.senate.gov]
>>> Sent: Monday, December 16, 2013 5:09 PM
>>> To: Garten, David; Powers, Krista; Michel, Lourde
>>> Cc: Kaufman, Brandon (Commerce)
>>> Subject: Rockefeller Letter on Port Authority Lane Closures
>>>
>>> Hi all,
>>>
>>> Attached is a letter to Chairman Samson and Vice-Chair Rechler from Chairman Rockefeller. Please let us know if you have any questions or concerns.
>>>
>>> Devon Barnhart
>>> Committee on Commerce, Science & Transportation
>>> 202.224.9000
>>>
>>>
>>>
>>> NOTICE: THIS E-MAIL AND ANY ATTACHMENTS CONTAIN INFORMATION FROM THE
>>> PORT
>>>
>>> AUTHORITY OF NEW YORK AND NEW JERSEY AND AFFILIATES. IF YOU BELIEVE
>>> YOU HAVE
>>>
>>> RECEIVED THIS E-MAIL IN ERROR, PLEASE NOTIFY THE SENDER IMMEDIATELY,
>>>
>>> PERMANENTLY DELETE THIS E-MAIL (ALONG WITH ANY ATTACHMENTS), AND
>>> DESTROY ANY
>>>
>>> PRINTOUTS.
>>
>> **********
>> * Please Note: The information contained in this email message is a
>> PRIVATE communication that may contain confidential attorney-client information. If you are not the intended recipient, do not read, copy or use it or disclose it to others. If you have received this message in error, please notify the sender immediately by replying to this message and then delete it from your system.
>> Thank you.
>> **********

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>> * IRS CIRCULAR 230 DISCLOSURE: To ensure compliance with requirements
>> imposed by the IRS, we inform you that any U.S. federal tax advice contained in this document (including any attachments) is not intended or written to be used, and cannot be used by the recipient and any other taxpayer, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.
>> **********
>> *
>>

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Tab 32

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From: Regina Egea
Sent: Tuesday, December 31, 2013 9:02 AM
To: 'Chris Porrino'
Subject: FW: Port Authority of New York and New Jersey Subpoena
Attachments: Wildstein Subpoena.pdf

FYI

-----Original Message-----
From: Amy Melick
Sent: Tuesday, December 31, 2013 8:59 AM
To: Nicole Crifo; Regina Egea; Ned Nurick
Subject: FW: Port Authority of New York and New Jersey Subpoena

-----Original Message-----
From: Beebe, Glen [mailto:GBeebe@njleg.org]
Sent: Tuesday, December 31, 2013 8:58 AM
To: Amy Melick
Subject: FW: Port Authority of New York and New Jersey Subpoena

-----Original Message-----
From: Buono, Charles A.
Sent: Tuesday, December 31, 2013 8:51 AM
To: Wisniewski, Asm. D.O.; Stender, Asw. D.O.; Caride, Asw. D.O.; Chivukula, Asm. D.O.; Giblin, Asm. D.O.; Mainor, Asm. D.O.; Ramos, Asm. D.O.; Riley, Asw. D.O.; Amodeo, Asm. D.O.; Rudder, Asm. D.O.; Rumpf, Asm. D.O.; Wolfe, Asm. D.O.
Cc: Dempsey, Jillian; Beebe, Glen; McMahon, Maureen; Buono, Charles A.
Subject: Port Authority of New York and New Jersey Subpoena

Members of the Assembly Transportation, Public Works and Independent Authorities Committee:

Attached please find a Subpoena ad Testificandum and Duces Tecum packet for David Wildstein.

Thank you.

Charles A. Buono, Jr.

Senior Counsel

Office of Legislative Services

State House Annex

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P.O. Box 068

Trenton, NJ 08625

[p]: (609) 847-3840

[f]: (609) 292-0561

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LINDA D. STENDER
Vice-Chair

MARLENE CARIDE
UPENDRA J. CHIVUKULA
THOMAS P. GIBLIN
CHARLES S. MAINOR
RUBEN J. RAMOS, JR.
CELESTE M. RILEY
JOHN F. AMODEO
SCOTT RUDDER
BRIAN E. RUMPF
DAVID W. WOLFE

New Jersey State Legislature

ASSEMBLY TRANSPORTATION, PUBLIC WORKS AND INDEPENDENT AUTHORITIES COMMITTEE

STATE HOUSE ANNEX
PO BOX 068
TRENTON NJ 08625-0068

CHARLES A. BUONO, JR.
PATRICK BRENNAN
Office of Legislative Services
Co-Committee Aides
(609) 847-3840
(609) 292-0561 FAX

December 30, 2013

Mr. David Wildstein
[redacted]

Dear Mr. Wildstein:

Please find attached hereto a subpoena concerning your appearance, testimony, and production of relevant records at a meeting of the Assembly Transportation, Public Works and Independent Authorities Committee. The meeting will be held on January 9, 2014, at 12:00 p.m., in Committee Room 11, 4th floor, State House Annex, Trenton, New Jersey. This meeting will be recorded by the Hearing Reporter Unit of the Office of Legislative Services. We also enclose herewith a copy of the Code of Fair Procedure.

Please be advised that if you fail to comply completely with the attached subpoena, you may be held in contempt and subject to penalties, including incarceration as set forth in Chapter 13 of Title 52 of the Revised Statutes.

We look forward to your anticipated cooperation in this matter. If you have questions in this matter, please contact Charles A. Buono, Jr. at 609-847-3840.

Very truly yours,

ASSEMBLY TRANSPORTATION, PUBLIC WORKS
AND INDEPENDENT AUTHORITIES COMMITTEE

John S. Wisniewski,
Chairman

JW/mc
Enclosures
c Members – Assembly Transportation, Public Works and Independent Authorities Committee
Jillian Dempsey, Assembly Majority Office
Glen Beebe, Assembly Republican Office
Charles A. Buono, Jr., Office of Legislative Services

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ASSEMBLY TRANSPORTATION, PUBLIC WORKS AND INDEPENDENT AUTHORITIES COMMITTEE

SUBPOENA

TO: David Wildstein
[redacted]

WE COMMAND YOU, That, laying aside all and singular business and excuses, you personally attend and appear before the Assembly Transportation, Public Works and Independent Authorities Committee, constituted as a special committee of the General Assembly pursuant to Assembly Resolution (duly passed by the General Assembly of the State of New Jersey on February 14, 2013), on January 9, 2014 at 12 o'clock p.m., in Committee Room 11, 4th floor, State House Annex, Trenton, New Jersey, to testify to certain matters relevant to the committee's inquiry and investigation into the Port Authority of New York and New Jersey and any other matters related thereto that the committee determines to be necessary for its purposes, and to produce to the committee at that time all documents, correspondence, books, papers and other writings that you have access to relevant to the committee's inquiry and investigation as more particularly set forth on the attached Schedule A.

Your appearance is governed by the Code of Fair Procedure and Chapter 13 of Title 52 of the Revised Statutes. A copy of the Code of Fair Procedure is delivered to you herewith. You shall appear and remain in attendance subject to the direction of the committee.

Failure to comply with this Subpoena shall make you liable for such penalties as are provided by law.

WITNESS, the hand of The Honorable John S. Wisniewski, Chairman of the Assembly Transportation, Public Works and Independent Authorities Committee, on this 30th day of December, 2013.

John S. Wisniewski, Chairman
Assembly Transportation, Public Works
and Independent Authorities Committee

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SCHEDULE A

(to Subpoena dated December 30, 2013, issued by
the Assembly Transportation, Public Works and Independent Authorities Committee.)

For the purposes of this schedule, "employee, officer, or executive" of the Port Authority of New York and New Jersey ("Port Authority") shall include, but not be limited to: the Executive Director, Patrick Foye; Deputy Executive Director, Bill Baroni; Chairman of the Board of Commissioners, David Samson; Director of Interstate Capital Projects, David Wildstein; Director of Bridges, Tunnels, and Terminals, Cedrick Fulton; General Manager of the George Washington Bridge, Robert Durando; President of the Port Authority Police Benevolent Association, Paul Nunziato; and Darcy Licorish of the Port Authority Police Department; any current or former member of the Board of Commissioners; any employee or other staff of the Port Authority of New York and New Jersey; or any individual acting on behalf of the Port Authority of New York and New Jersey.

The terms "document," "documents," and "correspondence" include hard copy documents and correspondence as well as electronic mail transmissions, text messages, telephone records, including a log of telephone calls placed or received, and electronically stored data, documents, correspondence, and other pertinent data compiled or collected. Attachments, exhibits, and enclosures are included as well.

Please deliver the following:

1. A log listing each redacted document provided by David Wildstein to the Assembly Transportation, Public Works and Independent Authorities committee on December 23, 2013, including a specific description of the redacted information; and the reason that the information was redacted sufficient to apprise the committee of its potential relevance to the committee's investigation; and

2. A log of any documents or correspondence withheld from production on the basis of any claimed privilege or protection and a specific, non-conclusionary description of the claimed privilege or protection for each withheld document sufficient to apprise the Committee of its potential relevance to the committee's investigation.

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Code of Fair Procedure

52:13E-1. Definitions

As used in this act:

(a) "Agency" means any of the following while engaged in an investigation or inquiry: (1) the Governor or any person or persons appointed by him acting pursuant to P.L.1941, c. 16, s. 1 (C. 52:15-7), (2) any temporary State commission or duly authorized committee thereof having the power to require testimony or the production of evidence by subpoena, or (3) any legislative committee or commission having the powers set forth in Revised Statutes 52:13-1.

(b) "Hearing" means any hearing in the course of an investigatory proceeding (other than a preliminary conference or interview at which no testimony is taken under oath) conducted before an agency at which testimony or the production of other evidence may be compelled by subpoena or other compulsory process.

(c) "Public hearing" means any hearing open to the public, or any hearing, or such part thereof, as to which testimony or other evidence is made available or disseminated to the public by the agency.

(d) "Private hearing" means any hearing other than a public hearing.

L.1968, c. 376, s. 1, eff. Dec. 27, 1968.

52:13E-2. Personal service

No person may be required to appear at a hearing or to testify at a hearing unless there has been personally served upon him prior to the time when he is required to appear, a copy of this act, and a general statement of the subject of the investigation. A copy of the resolution, statute, order or other provision of law authorizing the investigation shall be furnished by the agency upon request therefor by the person summoned.

L.1968, c. 376, s. 2, eff. Dec. 27, 1968.

52:13E-3. Right to counsel; submission of proposed questions

A witness summoned to a hearing shall have the right to be accompanied by counsel, who shall be permitted to advise the witness of his rights, subject to reasonable limitations to prevent obstruction of or interference with the orderly conduct of the hearing. Counsel for any witness who testifies at a public hearing may submit proposed questions to be asked of the witness relevant to the matters upon which the witness has been questioned and the agency shall ask the witness such of the questions as it may deem appropriate to its inquiry.

L.1968, c. 376, s. 3, eff. Dec. 27, 1968.

52:13E-4. Records of public hearings; copies

A complete and accurate record shall be kept of each public hearing and a witness shall be entitled to receive a copy of his testimony at such hearing at his own expense. Where testimony which a witness has given at a private hearing becomes relevant in a criminal proceeding in which the witness is a defendant, or in any subsequent hearing in which the witness is summoned to testify, the witness shall be entitled to a copy of such

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testimony, at his own expense, provided the same is available, and provided further that the furnishing of such copy will not prejudice the public safety or security.

L.1968, c. 376, s. 4, eff. Dec. 27, 1968.

52:13E-5. Sworn statement by witness; incorporation in the record

A witness who testifies at any hearing shall have the right at the conclusion of his examination to file a brief sworn statement relevant to his testimony for incorporation in the record of the investigatory proceeding.

L.1968, c. 376, s. 5, eff. Dec. 27, 1968.

52:13E-6. Persons affected by proceedings; appearance or statement of facts

Any person whose name is mentioned or who is specifically identified and who believes that testimony or other evidence given at a public hearing or comment made by any member of the agency or its counsel at such a hearing tends to defame him or otherwise adversely affect his reputation shall have the right, either to appear personally before the agency and testify in his own behalf as to matters relevant to the testimony or other evidence complained of, or in the alternative at the option of the agency, to file a statement of facts under oath relating solely to matters relevant to the testimony or other evidence complained of, which statement shall be incorporated in the record of the investigatory proceeding.

L.1968, c. 375, s. 6, eff. Dec. 27, 1968.

52:13E-7. Rights or privileges granted by agencies

Nothing in this act shall be construed to prevent an agency from granting to witnesses appearing before it, or to persons who claim to be adversely affected by testimony or other evidence adduced before it, such further rights and privileges as it may determine.

L.1968, c. 376, s. 7, eff. Dec. 27, 1968.

52:13E-8. Dissemination of evidence adduced at private hearing

Except in the course of subsequent hearing which is open to the public, no testimony or other evidence adduced at a private hearing or preliminary conference or interview conducted before a single-member agency in the course of its investigation shall be disseminated or made available to the public by said agency, its counsel or employees without the approval of the head of the agency. Except in the course of a subsequent hearing open to the public, no testimony or other evidence adduced at a private hearing or preliminary conference or interview before a committee or other multimember investigating agency shall be disseminated or made available to the public by any member of the agency, its counsel or employees, except with the approval of a majority of the members of such agency. Any person who violates the provisions of this subdivision shall be adjudged a disorderly person.

L.1968, c. 376, s. 8, eff. Dec. 27, 1968.

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52:13E-9. Hearing conducted by temporary state commission

No temporary State commission having more than two members shall have the power to take testimony at a public or private hearing unless at least two of its members are present at such hearing.

Nothing in this section, however, shall be deemed to prevent the State Commission of Investigation from conducting private hearings, on an investigation previously undertaken by a majority of the members of the commission, with one commissioner present, when so designated by resolution pursuant to the provisions of section 12 of P.L.1968, c. 266 (C. 52:9M-12).

L.1968, c. 376, s. 9, eff. Dec. 27, 1968. Amended by L.1984, c. 110, s. 5, eff. Aug. 3, 1984.

52:13E-10. Right of members to file statement of minority views

Nothing in this act shall be construed to affect, diminish or impair the right, under any other provision of law, rule or custom, of any member or group of members of a committee or other multimember investigating agency to file a statement or statements of minority views to accompany and be released with or subsequent to the report of the committee or agency.

L.1968, c. 376, s. 10, eff. Dec. 27, 1968.

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Chapter 13 of Title 52 of the Revised Statutes

Article 1. General Provisions.

52:13-1. Attendance of witnesses; production of books and papers; legal and clerical assistance

Any joint committee of the legislature, any standing committee of either house, or any special committee directed by resolution to enter upon any investigation or inquiry, the pursuit of which shall necessitate the attendance of persons or the production of books or papers, shall have power to compel the attendance before it of such persons as witnesses and the production before it of such books and papers as it may deem necessary, proper and relevant to the matter under investigation. Any such committee shall also have the power to employ such legal and clerical assistance as it may deem necessary to the proper conduct of the investigation.

52:13-2. Summons for witnesses; execution

If any person upon being summoned in writing by order of any committee mentioned in section 52:13-1 of this title to appear before such committee and testify, fails to obey such summons, the speaker of the house of assembly or the president of the senate may, upon application to him, by warrant under his hand order the sergeant at arms of the house over which he presides to arrest such person and bring him before the committee, and the sergeant at arms shall thereupon execute the warrant to him so directed.

52:13-3. Compensation of witnesses; swearing witnesses; perjury; immunity; refusal to answer or be sworn

Witnesses summoned to appear before any committee authorized by this article or any other law to conduct an investigation or inquiry shall be entitled to receive the same fees and mileage as persons summoned to testify in the courts of the state. All such witnesses may be sworn by any member of the committee conducting the investigation or inquiry; and all witnesses sworn before any such committee shall answer truly all questions put to them which the committee shall decide to be proper and pertinent to the investigation or inquiry; and any witness so sworn who shall swear falsely shall be guilty of perjury. No such witness shall be excused from answering any such questions on the ground that to answer the same might or would incriminate him; but no answers made by any witness to any such questions shall be used or admitted in evidence in any proceeding against such witness, except in a criminal prosecution against the witness for perjury in respect to his answers to such questions.

Any witness who refuses to answer any questions decided by the committee to be proper and pertinent shall be guilty of a misdemeanor; and any witness who, having been summoned to appear before any such committee, fails to appear in obedience to the summons or, appearing, refuses to be sworn shall be guilty of a misdemeanor.

52:13-4. Expenses of investigations; payment

The state treasurer shall, upon the warrant of the state comptroller, pay the fees and mileage of witnesses called, the compensation of legal and clerical assistance employed and the expenses of the sergeant at arms of either house in the execution of warrants

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pursuant to section 52:13-2 of this title, when the same shall be certified as correct and necessary by the chairman of the committee under whose authority and by whose order the same shall have been incurred, but only when the chairman's certificate has received the approval of the governor.

Article 2. Contempts of Joint Legislative Committees.

52:13-5. What constitutes contempt; report thereof to legislature

Whenever, in any investigation or inquiry by any committee constituted by joint resolution of the legislature to enter upon or make such investigation or inquiry, any witness summoned or subpoenaed to appear before such committee to testify or to produce books, documents, papers or records, shall willfully neglect or refuse to appear in obedience to the summons or subpoena, or shall willfully neglect or refuse to produce any books, documents, papers or records commanded to be produced by the summons or subpoena, or shall refuse to be sworn or affirmed, or shall refuse to answer any question put to him which the committee shall decide to be proper and pertinent to such investigation or inquiry, or shall in any other way contemn the authority or privileges of the legislature, and the facts alleged to constitute any such contempt shall have been reported by any such committee to the legislature, the alleged contemner shall be tried, and the alleged contempt determined, as hereinafter provided.

52:13-6. Joint session to determine alleged contempt; order for arrest; service

The senate and general assembly may by concurrent resolution direct that the senate and general assembly meet in joint session at a time and place therein fixed for the purpose of hearing the evidence and arguments regarding the alleged contempt and may order that a warrant, directed to any sergeant at arms of either house or of the joint session or to any sheriff, police officer, member of the state police, constable or other peace officer, issue in such manner as shall be prescribed in and by the concurrent resolution for the arrest of the alleged contemner and the production of him at the bar of such joint session, there to be heard.

52:13-7. Hearing by joint session

At the time and place fixed as aforesaid, or at any adjournment, the joint session shall sit and summarily hear the evidence and the arguments relating to the alleged contempt. The joint session shall adjourn from time to time until the matter shall have been disposed of and the alleged contemner shall appear and attend at each and every such adjourned session.

52:13-8. Contemner's rights

Any alleged contemner shall have the right to be heard before the joint session, to be represented by counsel, to call witnesses in his behalf, and to examine and cross-examine witnesses.

52:13-9. Determination of contempt by each house separately; concurrent resolution

After the joint session shall have heard the evidence and such arguments as may be made, the senate and the general assembly shall separately convene and shall separately

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consider and determine the alleged contempt; and the determination shall be by a concurrent resolution, which may originate in either house.

52:13-10. Sentence; order of commitment

Any person found to be guilty of a contempt of the legislature by a concurrent resolution of the two houses thereof, as hereinbefore provided, may be sentenced to imprisonment in the state prison or in the common jail of any county for any period not exceeding six months as shall be directed in and by the concurrent resolution determining the contempt, for the execution of which such concurrent resolution may order that a commitment shall issue, directed to any sheriff, police officer, member of the state police, constable or other peace officer, and to the keeper of the state prison or the keeper of the common jail of any county, which commitment shall be signed by the president of the senate and the speaker of the house of assembly in office at the date of the issue thereof.

52:13-11. Continuing validity of commitment

Any commitment issued in accordance with section 52:13-10 of this title shall remain valid and effective until the imprisonment therein set forth shall have been served, notwithstanding the legislature which directed the issue of the commitment may meanwhile have adjourned or ended.

52:13-12. Bail of contemner

Any judge of the Superior Court may let to bail any person apprehended for hearing on a charge of contempt under a warrant issued by direction of a concurrent resolution as provided in section 52:13-6 of this Title, in such amount and with such surety as the judge shall determine to be reasonable, to appear before the Joint Session of the Legislature, at the time and place fixed by the warrant as well as at any and all adjournments thereof, and to stand to and abide such determination and sentence as may thereafter be found or imposed against the person so apprehended. Such recognizances shall run in favor of the State of New Jersey and shall be filed by the judge in the office of the Secretary of State.

Amended by L.1953, c. 49, p. 853, s. 2.

52:13-13. Powers given additional to other powers

The powers given by this article shall be in addition to the powers given by article 1 of this chapter (s. 52:13-1 et seq.).

STATE OF NEW JERSEY, ss:

_____ being duly sworn according to law on his oath say that on the _____ day of December, 2013 at _____ he served the within Subpoena upon David Wildstein by exhibiting the same to him and informing him of the contents thereof_____ and giving to David Wildstein a true copy thereof, addressed to David Wildstein, [redacted]

Subscribed and sworn to before me at _____the _____day of _____ 2013.

_____

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STATE OF NEW JERSEY

Assembly Transportation, Public Works and Independent Authorities Committee

to

David Wildstein

SUBPOENA

ad Testificandum

and

Duces Tecum

Writ Returnable at 12:00 P.M.
on January 9, 2014

to

John S. Wisniewski
Chairman, Assembly Transportation, Public Works and Independent Authorities Committee

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Tab 33

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From: Dominick DiRocco
Sent: Tuesday, December 31, 2013 9:44 AM
To: Regina Egea
Subject: RE: Port Authority of New York and New Jersey Subpoena

Thank you

-----Original Message-----
From: Regina Egea
Sent: Tuesday, December 31, 2013 9:28 AM
To: Dominick DiRocco
Subject: FW: Port Authority of New York and New Jersey Subpoena

Meant to also provide to you. R

-----Original Message-----
From: Amy Melick
Sent: Tuesday, December 31, 2013 8:59 AM
To: Nicole Crifo; Regina Egea; Ned Nurick
Subject: FW: Port Authority of New York and New Jersey Subpoena

-----Original Message-----
From: Beebe, Glen [mailto:GBeebe@njleg.org]
Sent: Tuesday, December 31, 2013 8:58 AM
To: Amy Melick
Subject: FW: Port Authority of New York and New Jersey Subpoena

-----Original Message-----
From: Buono, Charles A.
Sent: Tuesday, December 31, 2013 8:51 AM
To: Wisniewski, Asm. D.O.; Stender, Asw. D.O.; Caride, Asw. D.O.; Chivukula, Asm. D.O.; Giblin, Asm. D.O.; Mainor, Asm. D.O.; Ramos, Asm. D.O.; Riley, Asw. D.O.; Amodeo, Asm. D.O.; Rudder, Asm. D.O.; Rumpf, Asm. D.O.; Wolfe, Asm. D.O.
Cc: Dempsey, Jillian; Beebe, Glen; McMahon, Maureen; Buono, Charles A.
Subject: Port Authority of New York and New Jersey Subpoena

Members of the Assembly Transportation, Public Works and Independent Authorities Committee:

Attached please find a Subpoena ad Testificandum and Duces Tecum packet for David Wildstein.

Thank you.

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Charles A. Buono, Jr.

Senior Counsel

Office of Legislative Services

State House Annex

P.O. Box 068

Trenton, NJ 08625

[p]: (609) 847-3840

[f]: (609) 292-0561

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From: Nicole Crifo
Sent: Tuesday, December 31, 2013 9:58 AM
To: 'debgram23@[redacted]
Subject: Fw: Port Authority of New York and New Jersey Subpoena
Attachments: Wildstein Subpoena.pdf

Nicole P. Crifo
Senior Counsel
Authorities Unit
o. 609.777.2481
c. [redacted]

----- Original Message -----
From: Amy Melick
Sent: Tuesday, December 31, 2013 08:58 AM
To: Nicole Crifo; Regina Egea; Ned Nurick
Subject: FW: Port Authority of New York and New Jersey Subpoena

-----Original Message-----
From: Beebe, Glen [mailto:GBeebe@njleg.org]
Sent: Tuesday, December 31, 2013 8:58 AM
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From: Buono, Charles A.
Sent: Tuesday, December 31, 2013 8:51 AM
To: Wisniewski, Asm. D.O.; Stender, Asw. D.O.; Caride, Asw. D.O.; Chivukula, Asm. D.O.; Giblin, Asm. D.O.; Mainor, Asm. D.O.; Ramos, Asm. D.O.; Riley, Asw. D.O.; Amodeo, Asm. D.O.; Rudder, Asm. D.O.; Rumpf, Asm. D.O.; Wolfe, Asm. D.O.
Cc: Dempsey, Jillian; Beebe, Glen; McMahon, Maureen; Buono, Charles A.
Subject: Port Authority of New York and New Jersey Subpoena

Members of the Assembly Transportation, Public Works and Independent Authorities Committee:

Attached please find a Subpoena ad Testificandum and Duces Tecum packet for David Wildstein.

Thank you.

Charles A. Buono, Jr.

OGNJ-LEG-010208

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Senior Counsel

Office of Legislative Services

State House Annex

P.O. Box 068

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Chairman

LINDA D. STENDER
Vice-Chair

MARLENE CARIDE
UPENDRA J. CHIVUKULA
THOMAS P. GIBLIN
CHARLES S. MAINOR
RUBEN J. RAMOS, JR.
CELESTE M. RILEY
JOHN F. AMODEO
SCOTT RUDDER
BRIAN E. RUMPF
DAVID W. WOLFE

New Jersey State Legislature

ASSEMBLY TRANSPORTATION, PUBLIC WORKS AND INDEPENDENT AUTHORITIES COMMITTEE

STATE HOUSE ANNEX
PO BOX 068
TRENTON NJ 08625-0068

CHARLES A. BUONO, JR.
PATRICK BRENNAN
Office of Legislative Services
Co-Committee Aides
(609) 847-3840
(609) 292-0561 FAX

December 30, 2013

Mr. David Wildstein
[redacted]

Dear Mr. Wildstein:

Please find attached hereto a subpoena concerning your appearance, testimony, and production of relevant records at a meeting of the Assembly Transportation, Public Works and Independent Authorities Committee. The meeting will be held on January 9, 2014, at 12:00 p.m., in Committee Room 11, 4th floor, State House Annex, Trenton, New Jersey. This meeting will be recorded by the Hearing Reporter Unit of the Office of Legislative Services. We also enclose herewith a copy of the Code of Fair Procedure.

Please be advised that if you fail to comply completely with the attached subpoena, you may be held in contempt and subject to penalties, including incarceration as set forth in Chapter 13 of Title 52 of the Revised Statutes.

We look forward to your anticipated cooperation in this matter. If you have questions in this matter, please contact Charles A. Buono, Jr. at 609-847-3840.

Very truly yours,

ASSEMBLY TRANSPORTATION, PUBLIC WORKS
AND INDEPENDENT AUTHORITIES COMMITTEE

John S. Wisniewski,
Chairman

JW/mc
Enclosures
c. Members – Assembly Transportation, Public Works and Independent Authorities Committee
Jillian Dempsey, Assembly Majority Office
Glen Beebe, Assembly Republican Office
Charles A. Buono, Jr., Office of Legislative Services

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ASSEMBLY TRANSPORTATION, PUBLIC WORKS AND INDEPENDENT AUTHORITIES COMMITTEE

SUBPOENA

TO: David Wildstein
[redacted]

WE COMMAND YOU, That, laying aside all and singular business and excuses, you personally attend and appear before the Assembly Transportation, Public Works and Independent Authorities Committee, constituted as a special committee of the General Assembly pursuant to Assembly Resolution (duly passed by the General Assembly of the State of New Jersey on February 14, 2013), on January 9, 2014 at 12 o'clock p.m., in Committee Room 11, 4th floor, State House Annex, Trenton, New Jersey, to testify to certain matters relevant to the committee's inquiry and investigation into the Port Authority of New York and New Jersey and any other matters related thereto that the committee determines to be necessary for its purposes, and to produce to the committee at that time all documents, correspondence, books, papers and other writings that you have access to relevant to the committee's inquiry and investigation as more particularly set forth on the attached Schedule A.

Your appearance is governed by the Code of Fair Procedure and Chapter 13 of Title 52 of the Revised Statutes. A copy of the Code of Fair Procedure is delivered to you herewith. You shall appear and remain in attendance subject to the direction of the committee.

Failure to comply with this Subpoena shall make you liable for such penalties as are provided by law.

WITNESS, the hand of The Honorable John S. Wisniewski, Chairman of the Assembly Transportation, Public Works and Independent Authorities Committee, on this 30th day of December, 2013.

John S. Wisniewski, Chairman
Assembly Transportation, Public Works
and Independent Authorities Committee

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SCHEDULE A

(to Subpoena dated December 30, 2013, issued by
the Assembly Transportation, Public Works and Independent Authorities Committee.)

For the purposes of this schedule, "employee, officer, or executive" of the Port Authority of New York and New Jersey ("Port Authority") shall include, but not be limited to: the Executive Director, Patrick Foye; Deputy Executive Director, Bill Baroni; Chairman of the Board of Commissioners, David Samson; Director of Interstate Capital Projects, David Wildstein; Director of Bridges, Tunnels, and Terminals, Cedrick Fulton; General Manager of the George Washington Bridge, Robert Durando; President of the Port Authority Police Benevolent Association, Paul Nunziato; and Darcy Licorish of the Port Authority Police Department; any current or former member of the Board of Commissioners; any employee or other staff of the Port Authority of New York and New Jersey; or any individual acting on behalf of the Port Authority of New York and New Jersey.

The terms "document," "documents," and "correspondence" include hard copy documents and correspondence as well as electronic mail transmissions, text messages, telephone records, including a log of telephone calls placed or received, and electronically stored data, documents, correspondence, and other pertinent data compiled or collected. Attachments, exhibits, and enclosures are included as well.

Please deliver the following:

1. A log listing each redacted document provided by David Wildstein to the Assembly Transportation, Public Works and Independent Authorities committee on December 23, 2013, including a specific description of the redacted information; and the reason that the information was redacted sufficient to apprise the committee of its potential relevance to the committee's investigation; and

2. A log of any documents or correspondence withheld from production on the basis of any claimed privilege or protection and a specific, non-conclusionary description of the claimed privilege or protection for each withheld document sufficient to apprise the Committee of its potential relevance to the committee's investigation.

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Code of Fair Procedure

52:13E-1. Definitions

As used in this act:

(a) "Agency" means any of the following while engaged in an investigation or inquiry: (1) the Governor or any person or persons appointed by him acting pursuant to P.L.1941, c. 16, s. 1 (C. 52:15-7), (2) any temporary State commission or duly authorized committee thereof having the power to require testimony or the production of evidence by subpoena, or (3) any legislative committee or commission having the powers set forth in Revised Statutes 52:13-1.

(b) "Hearing" means any hearing in the course of an investigatory proceeding (other than a preliminary conference or interview at which no testimony is taken under oath) conducted before an agency at which testimony or the production of other evidence may be compelled by subpoena or other compulsory process.

(c) "Public hearing" means any hearing open to the public, or any hearing, or such part thereof, as to which testimony or other evidence is made available or disseminated to the public by the agency.

(d) "Private hearing" means any hearing other than a public hearing.

L.1968, c. 376, s. 1, eff. Dec. 27, 1968.

52:13E-2. Personal service

No person may be required to appear at a hearing or to testify at a hearing unless there has been personally served upon him prior to the time when he is required to appear, a copy of this act, and a general statement of the subject of the investigation. A copy of the resolution, statute, order or other provision of law authorizing the investigation shall be furnished by the agency upon request therefor by the person summoned.

L.1968, c. 376, s. 2, eff. Dec. 27, 1968.

52:13E-3. Right to counsel; submission of proposed questions

A witness summoned to a hearing shall have the right to be accompanied by counsel, who shall be permitted to advise the witness of his rights, subject to reasonable limitations to prevent obstruction of or interference with the orderly conduct of the hearing. Counsel for any witness who testifies at a public hearing may submit proposed questions to be asked of the witness relevant to the matters upon which the witness has been questioned and the agency shall ask the witness such of the questions as it may deem appropriate to its inquiry.

L.1968, c. 376, s. 3, eff. Dec. 27, 1968.

52:13E-4. Records of public hearings; copies

A complete and accurate record shall be kept of each public hearing and a witness shall be entitled to receive a copy of his testimony at such hearing at his own expense. Where testimony which a witness has given at a private hearing becomes relevant in a criminal proceeding in which the witness is a defendant, or in any subsequent hearing in which the witness is summoned to testify, the witness shall be entitled to a copy of such

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testimony, at his own expense, provided the same is available, and provided further that the furnishing of such copy will not prejudice the public safety or security.

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52:13E-5. Sworn statement by witness; incorporation in the record

A witness who testifies at any hearing shall have the right at the conclusion of his examination to file a brief sworn statement relevant to his testimony for incorporation in the record of the investigatory proceeding.

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Any person whose name is mentioned or who is specifically identified and who believes that testimony or other evidence given at a public hearing or comment made by any member of the agency or its counsel at such a hearing tends to defame him or otherwise adversely affect his reputation shall have the right, either to appear personally before the agency and testify in his own behalf as to matters relevant to the testimony or other evidence complained of, or in the alternative at the option of the agency, to file a statement of facts under oath relating solely to matters relevant to the testimony or other evidence complained of, which statement shall be incorporated in the record of the investigatory proceeding.

L.1968, c. 375, s. 6, eff. Dec. 27, 1968.

52:13E-7. Rights or privileges granted by agencies

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52:13E-8. Dissemination of evidence adduced at private hearing

Except in the course of subsequent hearing which is open to the public, no testimony or other evidence adduced at a private hearing or preliminary conference or interview conducted before a single-member agency in the course of its investigation shall be disseminated or made available to the public by said agency, its counsel or employees without the approval of the head of the agency. Except in the course of a subsequent hearing open to the public, no testimony or other evidence adduced at a private hearing or preliminary conference or interview before a committee or other multimember investigating agency shall be disseminated or made available to the public by any member of the agency, its counsel or employees, except with the approval of a majority of the members of such agency. Any person who violates the provisions of this subdivision shall be adjudged a disorderly person.

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No temporary State commission having more than two members shall have the power to take testimony at a public or private hearing unless at least two of its members are present at such hearing.

Nothing in this section, however, shall be deemed to prevent the State Commission of Investigation from conducting private hearings, on an investigation previously undertaken by a majority of the members of the commission, with one commissioner present, when so designated by resolution pursuant to the provisions of section 12 of P.L.1968, c. 266 (C. 52:9M-12).

L.1968, c. 376, s. 9, eff. Dec. 27, 1968. Amended by L.1984, c. 110, s. 5, eff. Aug. 3, 1984.

52:13E-10. Right of members to file statement of minority views

Nothing in this act shall be construed to affect, diminish or impair the right, under any other provision of law, rule or custom, of any member or group of members of a committee or other multimember investigating agency to file a statement or statements of minority views to accompany and be released with or subsequent to the report of the committee or agency.

L.1968, c. 376, s. 10, eff. Dec. 27, 1968.

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Chapter 13 of Title 52 of the Revised Statutes

Article 1. General Provisions.

52:13-1. Attendance of witnesses; production of books and papers; legal and clerical assistance

Any joint committee of the legislature, any standing committee of either house, or any special committee directed by resolution to enter upon any investigation or inquiry, the pursuit of which shall necessitate the attendance of persons or the production of books or papers, shall have power to compel the attendance before it of such persons as witnesses and the production before it of such books and papers as it may deem necessary, proper and relevant to the matter under investigation. Any such committee shall also have the power to employ such legal and clerical assistance as it may deem necessary to the proper conduct of the investigation.

52:13-2. Summons for witnesses; execution

If any person upon being summoned in writing by order of any committee mentioned in section 52:13-1 of this title to appear before such committee and testify, fails to obey such summons, the speaker of the house of assembly or the president of the senate may, upon application to him, by warrant under his hand order the sergeant at arms of the house over which he presides to arrest such person and bring him before the committee, and the sergeant at arms shall thereupon execute the warrant to him so directed.

52:13-3. Compensation of witnesses; swearing witnesses; perjury; immunity; refusal to answer or be sworn

Witnesses summoned to appear before any committee authorized by this article or any other law to conduct an investigation or inquiry shall be entitled to receive the same fees and mileage as persons summoned to testify in the courts of the state. All such witnesses may be sworn by any member of the committee conducting the investigation or inquiry; and all witnesses sworn before any such committee shall answer truly all questions put to them which the committee shall decide to be proper and pertinent to the investigation or inquiry; and any witness so sworn who shall swear falsely shall be guilty of perjury. No such witness shall be excused from answering any such questions on the ground that to answer the same might or would incriminate him; but no answers made by any witness to any such questions shall be used or admitted in evidence in any proceeding against such witness, except in a criminal prosecution against the witness for perjury in respect to his answers to such questions.

Any witness who refuses to answer any questions decided by the committee to be proper and pertinent shall be guilty of a misdemeanor; and any witness who, having been summoned to appear before any such committee, fails to appear in obedience to the summons or, appearing, refuses to be sworn shall be guilty of a misdemeanor.

52:13-4. Expenses of investigations; payment

The state treasurer shall, upon the warrant of the state comptroller, pay the fees and mileage of witnesses called, the compensation of legal and clerical assistance employed and the expenses of the sergeant at arms of either house in the execution of warrants

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pursuant to section 52:13-2 of this title, when the same shall be certified as correct and necessary by the chairman of the committee under whose authority and by whose order the same shall have been incurred, but only when the chairman's certificate has received the approval of the governor.

Article 2. Contempts of Joint Legislative Committees.

52:13-5. What constitutes contempt; report thereof to legislature

Whenever, in any investigation or inquiry by any committee constituted by joint resolution of the legislature to enter upon or make such investigation or inquiry, any witness summoned or subpoenaed to appear before such committee to testify or to produce books, documents, papers or records, shall willfully neglect or refuse to appear in obedience to the summons or subpoena, or shall willfully neglect or refuse to produce any books, documents, papers or records commanded to be produced by the summons or subpoena, or shall refuse to be sworn or affirmed, or shall refuse to answer any question put to him which the committee shall decide to be proper and pertinent to such investigation or inquiry, or shall in any other way contemn the authority or privileges of the legislature, and the facts alleged to constitute any such contempt shall have been reported by any such committee to the legislature, the alleged contemner shall be tried, and the alleged contempt determined, as hereinafter provided.

52:13-6. Joint session to determine alleged contempt; order for arrest; service

The senate and general assembly may by concurrent resolution direct that the senate and general assembly meet in joint session at a time and place therein fixed for the purpose of hearing the evidence and arguments regarding the alleged contempt and may order that a warrant, directed to any sergeant at arms of either house or of the joint session or to any sheriff, police officer, member of the state police, constable or other peace officer, issue in such manner as shall be prescribed in and by the concurrent resolution for the arrest of the alleged contemner and the production of him at the bar of such joint session, there to be heard.

52:13-7. Hearing by joint session

At the time and place fixed as aforesaid, or at any adjournment, the joint session shall sit and summarily hear the evidence and the arguments relating to the alleged contempt. The joint session shall adjourn from time to time until the matter shall have been disposed of and the alleged contemner shall appear and attend at each and every such adjourned session.

52:13-8. Contemner's rights

Any alleged contemner shall have the right to be heard before the joint session, to be represented by counsel, to call witnesses in his behalf, and to examine and cross-examine witnesses.

52:13-9. Determination of contempt by each house separately; concurrent resolution

After the joint session shall have heard the evidence and such arguments as may be made, the senate and the general assembly shall separately convene and shall separately

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consider and determine the alleged contempt; and the determination shall be by a concurrent resolution, which may originate in either house.

52:13-10. Sentence; order of commitment

Any person found to be guilty of a contempt of the legislature by a concurrent resolution of the two houses thereof, as hereinbefore provided, may be sentenced to imprisonment in the state prison or in the common jail of any county for any period not exceeding six months as shall be directed in and by the concurrent resolution determining the contempt, for the execution of which such concurrent resolution may order that a commitment shall issue, directed to any sheriff, police officer, member of the state police, constable or other peace officer, and to the keeper of the state prison or the keeper of the common jail of any county, which commitment shall be signed by the president of the senate and the speaker of the house of assembly in office at the date of the issue thereof.

52:13-11. Continuing validity of commitment

Any commitment issued in accordance with section 52:13-10 of this title shall remain valid and effective until the imprisonment therein set forth shall have been served, notwithstanding the legislature which directed the issue of the commitment may meanwhile have adjourned or ended.

52:13-12. Bail of contemner

Any judge of the Superior Court may let to bail any person apprehended for hearing on a charge of contempt under a warrant issued by direction of a concurrent resolution as provided in section 52:13-6 of this Title, in such amount and with such surety as the judge shall determine to be reasonable, to appear before the Joint Session of the Legislature, at the time and place fixed by the warrant as well as at any and all adjournments thereof, and to stand to and abide such determination and sentence as may thereafter be found or imposed against the person so apprehended. Such recognizances shall run in favor of the State of New Jersey and shall be filed by the judge in the office of the Secretary of State.

Amended by L.1953, c. 49, p. 853, s. 2.

52:13-13. Powers given additional to other powers

The powers given by this article shall be in addition to the powers given by article 1 of this chapter (s. 52:13-1 et seq.).

STATE OF NEW JERSEY, ss:

_____ being duly sworn according to law on his oath say that on the _____ day of December, 2013 at _____ he served the within Subpoena upon David Wildstein by exhibiting the same to him and informing him of the contents thereof_____ and giving to David Wildstein a true copy thereof, addressed to David Wildstein, [redacted]

Subscribed and sworn to before me at _____the _____day of _____ 2013.

_____

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STATE OF NEW JERSEY

Assembly Transportation, Public Works and Independent Authorities Committee

to

David Wildstein

SUBPOENA

ad Testificandum

and

Duces Tecum

Writ Returnable at 12:00 P.M.
on January 9, 2014

to

John S. Wisniewski
Chairman, Assembly Transportation, Public Works and Independent Authorities Committee

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Tab 35

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From: Paul Matey
Sent: Tuesday, December 31, 2013 10:18 AM
To: Kevin O'Dowd; Charles McKenna; Regina Egea; 'Chris Porrino'
Subject: FW: Port Authority of New York and New Jersey Subpoena
Attachments: Wildstein Subpoena.pdf

I assume you have seen -

-----Original Message-----
From: Beebe, Glen [mailto:GBeebe@njleg.org]
Sent: Tuesday, December 31, 2013 8:58 AM
To: Amy Melick
Subject: FW: Port Authority of New York and New Jersey Subpoena

-----Original Message-----
From: Buono, Charles A.
Sent: Tuesday, December 31, 2013 8:51 AM
To: Wisniewski, Asm. D.O.; Stender, Asw. D.O.; Caride, Asw. D.O.; Chivukula, Asm. D.O.; Giblin, Asm. D.O.; Mainor, Asm. D.O.; Ramos, Asm. D.O.; Riley, Asw. D.O.; Amodeo, Asm. D.O.; Rudder, Asm. D.O.; Rumpf, Asm. D.O.; Wolfe, Asm. D.O.
Cc: Dempsey, Jillian; Beebe, Glen; McMahon, Maureen; Buono, Charles A.
Subject: Port Authority of New York and New Jersey Subpoena

Members of the Assembly Transportation, Public Works and Independent Authorities Committee:

Attached please find a Subpoena ad Testificandum and Duces Tecum packet for David Wildstein.

Thank you.

Charles A. Buono, Jr.

Senior Counsel

Office of Legislative Services

State House Annex

P.O. Box 068

Trenton, NJ 08625

[p]: (609) 847-3840

[f]: (609) 292-0561

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JOHN S. WISNIEWSKI
Chairman

LINDA D. STENDER
Vice-Chair

MARLENE CARIDE
UPENDRA J. CHIVUKULA
THOMAS P. GIBLIN
CHARLES S. MAINOR
RUBEN J. RAMOS, JR.
CELESTE M. RILEY
JOHN F. AMODEO
SCOTT RUDDER
BRIAN E. RUMPF
DAVID W. WOLFE

New Jersey State Legislature
ASSEMBLY TRANSPORTATION, PUBLIC WORKS
AND INDEPENDENT AUTHORITIES COMMITTEE
STATE HOUSE ANNEX
PO BOX 068
TRENTON NJ 08625-0068

CHARLES A. BUONO, JR.
PATRICK BRENNAN
Office of Legislative Services
Co-Committee Aides
(609) 847-3840
(609) 292-0561 FAX

December 30, 2013

Mr. David Wildstein
[redacted]

Dear Mr. Wildstein:

Please find attached hereto a subpoena concerning your appearance, testimony, and production of relevant records at a meeting of the Assembly Transportation, Public Works and Independent Authorities Committee. The meeting will be held on January 9, 2014, at 12:00 p.m., in Committee Room 11, 4th floor, State House Annex, Trenton, New Jersey. This meeting will be recorded by the Hearing Reporter Unit of the Office of Legislative Services. We also enclose herewith a copy of the Code of Fair Procedure.

Please be advised that if you fail to comply completely with the attached subpoena, you may be held in contempt and subject to penalties, including incarceration as set forth in Chapter 13 of Title 52 of the Revised Statutes.

We look forward to your anticipated cooperation in this matter. If you have questions in this matter, please contact Charles A. Buono, Jr. at 609-847-3840.

Very truly yours,

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AND INDEPENDENT AUTHORITIES COMMITTEE

John S. Wisniewski,
Chairman

JW/mc
Enclosures
c Members – Assembly Transportation, Public Works and Independent Authorities Committee
Jillian Dempsey, Assembly Majority Office
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Charles A. Buono, Jr., Office of Legislative Services

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ASSEMBLY TRANSPORTATION, PUBLIC WORKS AND INDEPENDENT AUTHORITIES COMMITTEE

SUBPOENA

TO: David Wildstein
[redacted]

WE COMMAND YOU, That, laying aside all and singular business and excuses, you personally attend and appear before the Assembly Transportation, Public Works and Independent Authorities Committee, constituted as a special committee of the General Assembly pursuant to Assembly Resolution (duly passed by the General Assembly of the State of New Jersey on February 14, 2013), on January 9, 2014 at 12 o'clock p.m., in Committee Room 11, 4th floor, State House Annex, Trenton, New Jersey, to testify to certain matters relevant to the committee's inquiry and investigation into the Port Authority of New York and New Jersey and any other matters related thereto that the committee determines to be necessary for its purposes, and to produce to the committee at that time all documents, correspondence, books, papers and other writings that you have access to relevant to the committee's inquiry and investigation as more particularly set forth on the attached Schedule A.

Your appearance is governed by the Code of Fair Procedure and Chapter 13 of Title 52 of the Revised Statutes. A copy of the Code of Fair Procedure is delivered to you herewith. You shall appear and remain in attendance subject to the direction of the committee.

Failure to comply with this Subpoena shall make you liable for such penalties as are provided by law.

WITNESS, the hand of The Honorable John S. Wisniewski, Chairman of the Assembly Transportation, Public Works and Independent Authorities Committee, on this 30th day of December, 2013.

John S. Wisniewski, Chairman
Assembly Transportation, Public Works
and Independent Authorities Committee

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L.1968, c. 376, s. 9, eff. Dec. 27, 1968. Amended by L.1984, c. 110, s. 5, eff. Aug. 3, 1984.

52:13E-10. Right of members to file statement of minority views

Nothing in this act shall be construed to affect, diminish or impair the right, under any other provision of law, rule or custom, of any member or group of members of a committee or other multimember investigating agency to file a statement or statements of minority views to accompany and be released with or subsequent to the report of the committee or agency.

L.1968, c. 376, s. 10, eff. Dec. 27, 1968.

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Chapter 13 of Title 52 of the Revised Statutes

Article 1. General Provisions.

52:13-1. Attendance of witnesses; production of books and papers; legal and clerical assistance

Any joint committee of the legislature, any standing committee of either house, or any special committee directed by resolution to enter upon any investigation or inquiry, the pursuit of which shall necessitate the attendance of persons or the production of books or papers, shall have power to compel the attendance before it of such persons as witnesses and the production before it of such books and papers as it may deem necessary, proper and relevant to the matter under investigation. Any such committee shall also have the power to employ such legal and clerical assistance as it may deem necessary to the proper conduct of the investigation.

52:13-2. Summons for witnesses; execution

If any person upon being summoned in writing by order of any committee mentioned in section 52:13-1 of this title to appear before such committee and testify, fails to obey such summons, the speaker of the house of assembly or the president of the senate may, upon application to him, by warrant under his hand order the sergeant at arms of the house over which he presides to arrest such person and bring him before the committee, and the sergeant at arms shall thereupon execute the warrant to him so directed.

52:13-3. Compensation of witnesses; swearing witnesses; perjury; immunity; refusal to answer or be sworn

Witnesses summoned to appear before any committee authorized by this article or any other law to conduct an investigation or inquiry shall be entitled to receive the same fees and mileage as persons summoned to testify in the courts of the state. All such witnesses may be sworn by any member of the committee conducting the investigation or inquiry; and all witnesses sworn before any such committee shall answer truly all questions put to them which the committee shall decide to be proper and pertinent to the investigation or inquiry; and any witness so sworn who shall swear falsely shall be guilty of perjury. No such witness shall be excused from answering any such questions on the ground that to answer the same might or would incriminate him; but no answers made by any witness to any such questions shall be used or admitted in evidence in any proceeding against such witness, except in a criminal prosecution against the witness for perjury in respect to his answers to such questions.

Any witness who refuses to answer any questions decided by the committee to be proper and pertinent shall be guilty of a misdemeanor; and any witness who, having been summoned to appear before any such committee, fails to appear in obedience to the summons or, appearing, refuses to be sworn shall be guilty of a misdemeanor.

52:13-4. Expenses of investigations; payment

The state treasurer shall, upon the warrant of the state comptroller, pay the fees and mileage of witnesses called, the compensation of legal and clerical assistance employed and the expenses of the sergeant at arms of either house in the execution of warrants

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pursuant to section 52:13-2 of this title, when the same shall be certified as correct and necessary by the chairman of the committee under whose authority and by whose order the same shall have been incurred, but only when the chairman's certificate has received the approval of the governor.

Article 2. Contempts of Joint Legislative Committees.

52:13-5. What constitutes contempt; report thereof to legislature

Whenever, in any investigation or inquiry by any committee constituted by joint resolution of the legislature to enter upon or make such investigation or inquiry, any witness summoned or subpoenaed to appear before such committee to testify or to produce books, documents, papers or records, shall willfully neglect or refuse to appear in obedience to the summons or subpoena, or shall willfully neglect or refuse to produce any books, documents, papers or records commanded to be produced by the summons or subpoena, or shall refuse to be sworn or affirmed, or shall refuse to answer any question put to him which the committee shall decide to be proper and pertinent to such investigation or inquiry, or shall in any other way contemn the authority or privileges of the legislature, and the facts alleged to constitute any such contempt shall have been reported by any such committee to the legislature, the alleged contemner shall be tried, and the alleged contempt determined, as hereinafter provided.

52:13-6. Joint session to determine alleged contempt; order for arrest; service

The senate and general assembly may by concurrent resolution direct that the senate and general assembly meet in joint session at a time and place therein fixed for the purpose of hearing the evidence and arguments regarding the alleged contempt and may order that a warrant, directed to any sergeant at arms of either house or of the joint session or to any sheriff, police officer, member of the state police, constable or other peace officer, issue in such manner as shall be prescribed in and by the concurrent resolution for the arrest of the alleged contemner and the production of him at the bar of such joint session, there to be heard.

52:13-7. Hearing by joint session

At the time and place fixed as aforesaid, or at any adjournment, the joint session shall sit and summarily hear the evidence and the arguments relating to the alleged contempt. The joint session shall adjourn from time to time until the matter shall have been disposed of and the alleged contemner shall appear and attend at each and every such adjourned session.

52:13-8. Contemner's rights

Any alleged contemner shall have the right to be heard before the joint session, to be represented by counsel, to call witnesses in his behalf, and to examine and cross-examine witnesses.

52:13-9. Determination of contempt by each house separately; concurrent resolution

After the joint session shall have heard the evidence and such arguments as may be made, the senate and the general assembly shall separately convene and shall separately

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consider and determine the alleged contempt; and the determination shall be by a concurrent resolution, which may originate in either house.

52:13-10. Sentence; order of commitment

Any person found to be guilty of a contempt of the legislature by a concurrent resolution of the two houses thereof, as hereinbefore provided, may be sentenced to imprisonment in the state prison or in the common jail of any county for any period not exceeding six months as shall be directed in and by the concurrent resolution determining the contempt, for the execution of which such concurrent resolution may order that a commitment shall issue, directed to any sheriff, police officer, member of the state police, constable or other peace officer, and to the keeper of the state prison or the keeper of the common jail of any county, which commitment shall be signed by the president of the senate and the speaker of the house of assembly in office at the date of the issue thereof.

52:13-11. Continuing validity of commitment

Any commitment issued in accordance with section 52:13-10 of this title shall remain valid and effective until the imprisonment therein set forth shall have been served, notwithstanding the legislature which directed the issue of the commitment may meanwhile have adjourned or ended.

52:13-12. Bail of contemner

Any judge of the Superior Court may let to bail any person apprehended for hearing on a charge of contempt under a warrant issued by direction of a concurrent resolution as provided in section 52:13-6 of this Title, in such amount and with such surety as the judge shall determine to be reasonable, to appear before the Joint Session of the Legislature, at the time and place fixed by the warrant as well as at any and all adjournments thereof, and to stand to and abide such determination and sentence as may thereafter be found or imposed against the person so apprehended. Such recognizances shall run in favor of the State of New Jersey and shall be filed by the judge in the office of the Secretary of State.

Amended by L.1953, c. 49, p. 853, s. 2.

52:13-13. Powers given additional to other powers

The powers given by this article shall be in addition to the powers given by article 1 of this chapter (s. 52:13-1 et seq.).

STATE OF NEW JERSEY, ss:

_____ being duly sworn according to law on his oath say that on the _____ day of December, 2013 at _____ he served the within Subpoena upon David Wildstein by exhibiting the same to him and informing him of the contents thereof_____ and giving to David Wildstein a true copy thereof, addressed to David Wildstein, [redacted]

Subscribed and sworn to before me at _____the _____day of _____ 2013.

_____

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STATE OF NEW JERSEY

Assembly Transportation, Public Works and Independent Authorities Committee

to

David Wildstein

SUBPOENA

ad Testificandum

and

Duces Tecum

Writ Returnable at 12:00 P.M.
on January 9, 2014

to

John S. Wisniewski
Chairman, Assembly Transportation, Public Works and Independent Authorities Committee

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Tab 36

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[redacted]

[redacted] cmgenovese@[redacted]

± Font Size -

Fwd: Fort Lee

From : Christina Genovese Renna <christina.m.genovese@[redacted] Fri, Dec 13, 2013 11:38 AM

Subject : Fwd: Fort Lee

To : CMGenovese@[redacted]

---------- Forwarded message ----------
From: **Bridget Anne Kelly** <bridgetannekelly@[redacted]
Date: Thu, Sep 12, 2013 at 11:44 PM
Subject: Re: Fort Lee
To: Christina Genovese Renna <christina.m.genovese@[redacted]

Good.

On Sep 12, 2013, at 3:36 PM, Christina Genovese Renna <christina.m.genovese@[redacted] wrote:

> This afternoon, Evan received a call from Mayor Sokolich. It came from a number he was not familiar with that was actually a secretary who patched the Mayor through to Evan.
>
> The Mayor is extremely upset about the reduction of toll lanes from 3 to 1. Not only is is causing a horrendous traffic back up in town, First Responders are having a terrible time maneuvering the traffic because the back up is so severe.
>
> The Mayor told Evan that he has no idea why Port Authority decided to do this, but there is a feeling in town that it is government retribution for something. He simply can't understand why that would be the case however, because he has always been so supportive of the Governor.
>
> Sokolich explained that the Council wants to organize a press conference with picketers at the foot of the bridge. The Mayor feels he is about to lose control of the situation and that he looks like a "fucking idiot."
>
> Evan told the fine Mayor he was unaware that the toll lanes were closed, but he would see what he could find out.
>
> --
> Christina Genovese Renna
> c. [redacted]

--
Christina Genovese Renna
c. [redacted]

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Tab 37

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GIBSON DUNN

Gibson, Dunn & Crutcher LLP

200 Park Avenue
New York, NY 10166-0193
Tel 212.351.4000
www.gibsondunn.com

Memorandum

PRIVILEGED AND CONFIDENTIAL
ATTORNEY OPINION WORK PRODUCT

To: File

From: Gibson, Dunn & Crutcher LLP

Re: Egea Interview Memorandum

On January 17, 2014, February 6, 2014, and February 19, 2014, Regina Egea was interviewed by Alexander H. Southwell and Sarah Vacchiano of Gibson Dunn. Egea was not represented by counsel during the interviews. All information contained herein was provided by Egea or as indicated. The information in brackets was obtained from publicly-available sources, not from the interview itself. Egea has not read or reviewed the memorandum and has not adopted or approved its contents. Southwell began the interview by administering the standard *Upjohn* warnings per Gibson Dunn protocol, and requesting that Egea refrain from discussing the investigation and interview with others. Egea stated that she agreed, understood, and did not have any questions.

This memorandum does not contain a verbatim transcript of what was said at the meeting; rather, it is a summary of the discussion that reflects counsel's mental thoughts and impressions and is therefore protected from disclosure by the attorney work product doctrine.

I. Background

[*Egea earned a BA from Montclair University in New Jersey and an MBA in Marketing from Fordham University. She also completed the International Executive Program at the International Institute for Management Development in Lausanne, Switzerland. Prior to joining state government, Egea was Senior Vice President for AT&T where she managed a 300-person team supporting AT&T business sales force. She was elected to local government in Harding Township (Morris), New Jersey in 2008. Egea left AT&T in 2008 to work for the Christie for Governor campaign and policy team in 2009.*]

Upon the change in administration, Egea worked for the Policy Office, but only for two weeks until she was appointed Chief of Staff for the State Treasurer. In February 2012, she was appointed as Director of the Authorities Unit under Governor Christie. In December 2013, she was promoted to Chief of Staff, although currently and as a practical matter, Egea noted that Kevin O'Dowd remains in that role and Egea remains in charge of the Authorities Unit.

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A. Role and Responsibilities

Egea runs the Authorities Unit, which, Egea explained, oversees numerous different state commissions and authorities, such as NJ Transit, the Port Authority of New York and New Jersey, and the casino commission. The role of the Authorities Unit is to generally monitor the work of the Authorities and specifically review agenda items to be presented to the boards of the Authorities, in order to ensure the agenda items are legally appropriate and consistent with policies the Governor's Office has supported.

Egea said that she oversees four attorneys who serve as deputies in the Authorities Unit: one senior counsel and three associate counsel. Each deputy oversees 12-15 authorities.

Egea primarily interacts with other employees in the Governor's Office on issues of policy. On the policy side, Egea interfaces with the Chief Counsel's office. Egea said that her interactions with the Office of Legislative and Intergovernmental Affairs ("IGA") are limited; she would only interact with IGA when local events are scheduled by an authority.

Egea regularly interacted with former Chief Counsel Charlie McKenna, most often in person. She infrequently interacts with Kevin O'Dowd.

As head of the Authorities Unit, Egea said that she infrequently interacts directly with the Governor.

B. Interactions with the Port Authority of New York & New Jersey

Nicole Crifo was the Authorities Unit deputy responsible for the Port Authority. Egea explained that Crifo now works for the Port Authority full-time. While serving in the Authorities Unit, Crifo was responsible for reviewing the agendas for Port Authority board meetings in order to confirm appropriateness. In this role, Crifo mostly worked with David Wildstein but also worked with Bill Baroni. Prior to scheduled Port Authority board meetings, Egea and Crifo discussed any agenda items of concern and outlined questions they should ask. They would then obtain final versions of the agenda and attend the board meetings.

During Crifo's maternity leave, Kirsten Sundstrom attended Port Authority committee and board meetings on behalf of the Authorities Unit. Egea recalled attending one meeting during Crifo's maternity leave. Egea noted that Peter Simon now oversees the Port Authority on behalf of the Authorities Unit.

Aside from discussing board agenda items, Egea reported that there were "regular," but not weekly, communications with Port Authority representatives, mostly involving any communication that went to the Port Authority board. The Port Authority would also sometimes share statements they planned to issue to the press with the Authorities Unit, but in most cases Egea would not comment on Port Authority press releases. Egea noted that aside from the fact

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that the Port Authority is the "busiest" relationship the Authorities Unit manages, there is nothing different about that relationship than the Unit's relationship with the other Authorities. Port Authority personnel infrequently attend meetings at the Authorities Unit. If Port Authority personnel were to attend a meeting it would be for a specific purpose, and the attendees would be either Bill Baroni or project-specific teams (for example, Port Authority members of the Hurricane Sandy or Bayonne Bridge project teams).

Egea said that she has a good professional relationship with Bill Baroni. She said she does not socialize with Baroni outside of work, aside from having seen Baroni at an event on election night and possibly one additional professional or social event. David Wildstein mostly liaised with Crifo, aside from when Egea recalled interacting with Wildstein when there was a plane crash at the Atlantic City airport. Egea also recalled seeing Wildstein at one professional social event.

C. Interactions with IGA

Egea knew Bill Stepien from working on the Governor's first campaign, but they did not socialize. They did not interact when she was working for the State Treasurer. Egea interacted with Bridget Kelly on various issues, and they had a professional, but not a social, relationship.

II. Chronology of the George Washington Bridge Events

A. Spring 2013

Egea had no knowledge of anyone reaching out to the Fort Lee Mayor or his office for an endorsement in spring 2013.

B. August 2013

Egea was not aware at the time of the Kelly/Wildstein Fort Lee communications in August 2013 that later came to light in the media.

C. September 9-13, 2013 – George Washington Bridge Lane Realignment

Egea was not aware at that time of the lane realignment from September 9-13. She was not aware of the Fort Lee Mayor's requests for assistance with traffic problems during that period.

1. 9/11 Memorial Event

Egea was aware of the public 9/11 Memorial event taking place, but was not involved in planning it or deciding who should attend. After the 9/11 event, Egea recalled talking to Baroni, who commented that he had seen the Governor at the event. The conversation covered a number

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of topics. If Baroni mentioned Fort Lee traffic problems Egea could not recall that topic coming up. Egea could not recall precisely when this conversation occurred and commented that it might have been later in the context of the Foye email (see below).

2. Patrick Foye's Email

Egea first learned of Foye's September 13 email from Baroni. Egea did not recall if Baroni called her to discuss Foye's email before he forwarded the email to her, or if he forwarded the email and then called her to discuss, but she recalled having a phone conversation with Baroni about Foye's email. Egea thought Baroni had mentioned something about a traffic study prior to Egea reading Foye's email, because she recalled that when she read the email she then realized that the email concerned the traffic study that Baroni had mentioned. During this phone conversation, Egea asked Baroni what Foye's email was all about, and Baroni said that the Port Authority was doing a traffic study. Egea recalled that Baroni explained they were studying the inefficiencies in the current lane alignments and that there was a view that it was inefficient to have so many lanes dedicated along the side of the plaza. The focus of their conversation was on why Foye would have sent such an email, and Baroni commented that Foye was simply interfering and meddling, offering no explanation for why Foye sent the email. Egea found this to be a common refrain, as there were regularly tensions between the New York and New Jersey Port Authority representatives. Because the Foye email was laced with accusations, Egea asked if Baroni had done anything wrong, and Baroni responded that nothing inappropriate had been done. Egea felt reassured by Baroni's response.

Egea recalled forwarding Foye's September 13th email to Crifo. Egea said that she likely discussed the email with Crifo, but did not recall the conversation. Egea did not recall discussing the email with anyone else in the Governor's Office.

D. October 1, 2013 *Wall Street Journal* Article

After the *Wall Street Journal* article came out on October 1, 2013, Egea recalled speaking separately with both Baroni and Crifo about the article. Egea was flabbergasted that the email was leaked. Egea discussed with both Baroni and Crifo that someone (likely Foye) must be feeding the press with the intent of embarrassing and accusing Baroni. The focus of the discussions was on the apparent tension between Baroni and Foye.

Egea recalled that she may have also had a similar discussion with Maria Comella because this involved the press, although they agreed this was an internal Port Authority matter for it to respond to. At some point during this time, Egea recalled that she may have been asked by someone in the Governor's Office how she knew about the Fort Lee traffic issue, and she would have responded that the Port Authority was doing a traffic study and that she knew about the Foye email but considered it an internal Port Authority matter.

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Egea was scheduled to meet with Baroni and Wildstein at the State House at 3 p.m. on October 2, 2013 to discuss a Port Authority capital project related to transporting trash. Crifo was also scheduled to attend the meeting. Egea cancelled the meeting with Baroni and Wildstein to attend a meeting with the Governor about the Economic Opportunity Act with the Governor, Michele Brown from the New Jersey Economic Development Authority, and other members of senior staff.

E. October 7, 2013 – Port Authority Committee Meeting

At some point, Egea heard that Senator Weinberg had informed the Port Authority that she wanted to appear at an upcoming Port Authority committee meeting. Baroni called Egea about it, and he told her that this was not standard at committee meetings, as public comment periods are generally held only during board meetings. Egea discussed the issue with Crifo, and she recalls that their view was that there was no guidance one way or the other—it was not standard to have public comment at a committee meeting, but there was nothing that prevented it. Because it was a policy call, Egea referred Baroni to McKenna. Egea recalled that on the morning of the committee meeting, Egea emailed Baroni asking how the question had been resolved regarding Senator Weinberg's request to speak at the committee meeting. Baroni responded that the Senator would be allowed to speak for the customary three minute limit.

Egea thought she told McKenna that Baroni would be calling about Senator Weinberg's request. Egea remembered that McKenna's reaction had been that, as a courtesy, the legislator should be allowed to speak.

Crifo also attended the October 16 Port Authority board meeting and provided Egea with a meeting update afterwards. At that time, Egea understood that the lane realignment was being internally reviewed by the Port Authority.

F. November 2013, 2013 – Baroni's Testimony

1. Review of Baroni's Draft Testimony

Egea recalled hearing at some point that Assemblyman Wisniewski wanted Port Authority representatives to appear at a hearing and explain what happened regarding the Fort Lee lane realignment. Prior to the hearing, Egea reviewed Baroni's opening statement. He provided a hard copy of his opening statement to Egea. Baroni asked Egea to only make comments and circulate revisions in hard copy. Egea shared the opening statement with Crifo, and they both reviewed and joined a conference call with Baroni on November 19, 2013, to discuss his opening statement and provide their comments. Egea recalled that the conference call was scheduled for a half hour but lasted longer than that. Egea believed she gave a hard copy of her handwritten comments to Crifo, who brought them to Baroni, as she had a meeting at the Port Authority. Egea did not believe she emailed her comments and did not retain a copy of her proposed revisions or the revised draft statement after discussing the upcoming testimony

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with Baroni prior to it occurring. Egea recalled the nature of her comments were to keep the statement short and simple, and for Baroni to simply address what he had been asked to talk about—what did they do, and why did they do it. Egea also conveyed to Baroni that he should acknowledge that he did not follow normal protocol for communicating about operational decisions and should acknowledge his error in that regard. She further thought Baroni should include the traffic study results, which she recalled based on the statement, showed that there was improvement on Tuesday and Wednesday (there was not improvement on Monday because there had been a crash on the Cross-Bronx Expressway). Egea recalled telling Baroni to stay focused on that. The topic of who authorized or knew about the lane realignment did not come up in this conversation. There was also nothing in her conversation with Baroni or the materials Egea reviewed reflecting that anyone in the Governor's Office knew about the traffic study, and there was nothing suggesting that in any of the materials she saw. Egea understood the lane realignment to be a Port Authority traffic optimization opportunity.

Egea recalled a second conference call with Crifo, Baroni and Wildstein to discuss Baroni's draft testimony, but she did not have a specific recollection of the substance of that call. The calls were done on speakerphone, and Egea stated that there could have been other participants on the call from the Port Authority, but she does not remember anyone else participating except Crifo, Baroni and Wildstein.

Egea mentioned to McKenna that she was helping Baroni to be clear and concise in his statement. Besides McKenna and Crifo, she did not talk to anyone else in the Governor's Office about this. She is not aware of whether McKenna spoke to Baroni.

Egea saw at least two hard copy versions of Baroni's testimony (an initial and revised version), but she no longer has any copies. Looking at the handwritten comments on a draft copy of Baroni's testimony released publicly by the Select Committee on Investigation, Egea confirmed the handwriting was mostly hers and confirmed which of the handwritten comments belonged to her. Egea also explained what the comments meant. All of the comments were consistent with how Egea described what she had been trying to effectuate through her comments on Baroni's draft testimony.

Egea recalled Kelly asked if Egea knew what the substance of Baroni's testimony was going to be. Egea told Kelly that she had been on a call with Baroni about his testimony and was working on Baroni's opening statement. Egea recalled giving a copy of Baroni's draft testimony to Kelly.

Egea listened to Baroni's testimony online alone in her office. She said that Baroni used an opening statement that she had not seen before and that he had not taken a lot of her advice. Egea recalled thinking that Baroni admitted that the Port Authority had a business problem but had not communicated the problem effectively.

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G. December 2, 2013 – Press Conference

Egea found out shortly before the Governor's December 2, 2013 press conference that the Governor planned to announce Egea as Chief of Staff, replacing O'Dowd. Shortly before the press conference started, the Governor called Egea to ask her to make remarks about her announcement as incoming Chief of Staff. She did not recall questions asked during the press conference about the lane realignment, in part, because she was distracted by the events.

H. December 6, 2013 – Wildstein's Resignation

Egea was not part of the internal discussions about Wildstein's resignation. She knew he was going to resign, but could not recall how she knew.

I. December 9, 2013 – Wisniewski Committee Hearing

Prior to the December 9, 2013 Assembly Transportation Committee hearing, Egea did not know what the witnesses were going to say. Egea listened to the testimony online and thought the Port Authority employees sounded professional.

Egea did not specifically recall any internal discussions about the testimony, although she believed she probably discussed it with Crifo and McKenna. Egea believed she may also have texted the Governor her thoughts about the Port Authority employees sounding professional during their December 9, 2013 testimony.

J. December 13, 2013

1. Senior Staff Meeting

Egea attended the senior staff meeting with the Governor an hour or two before the press conference on December 13, 2013. Senior staff were seated around a conference table. Egea did not recall where she was seated at the table, and added that O'Dowd and McKenna were seated on each side of the Governor where they typically sat. Drewniak and Matt McDermott (Appointments Director) arrived late to the meeting.

In that meeting, Egea recalled Governor Christie making statements that his Administration was not handling itself well lately. The Governor said he wanted to go out and publicly talk about the Fort Lee lane realignment issue, but he had to know beforehand whether any of his senior staff were involved. The Governor sternly communicated that if anyone had any information on the lane realignment, they needed to come forward and immediately communicate that information to O'Dowd or McKenna. The Governor added that he was about to go out publicly and would say that no one in that room was involved if that were the case, so now was the time to come forward and tell the truth if anyone there knew anything. He spent

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some time reiterating these points. The focus of the comments was on the motivation for the lane realignment and the accusations of political retribution.

Egea recalled O'Dowd calling her the night before to ask if she knew anything on this topic; she told him no. McKenna also went to Egea before the senior staff meeting on December 13, 2013 and she told him she did not have any information.

2. Post-Senior Staff Meeting and Pre-Press Conference

After the senior staff meeting but prior to the press conference on December 13, 2013, Egea recalled seeing Kelly, Stepien and O'Dowd talking in Kelly's office. Egea recalled Kelly was sitting at her desk and Stepien and O'Dowd were standing. Egea did not know what they were talking about, and did not recall the tenor of the meeting or the demeanor of Kelly, Stepien or O'Dowd.

3. Press Conference

Egea recalled being aware generally that the Baroni resignation was coming, in part, because she knew Gramiccioni had been slotted into that role. She became aware of this around two or three weeks prior to the day his resignation was announced, probably from a mention at a senior staff meeting.

K. January 8, 2014

1. Kelly's Emails Revealed in *The Bergen Record*

Egea became aware of the press reports on the Kelly/Wildstein communications the morning of January 8, 2014. Egea believed that Crifo sent her a text to look at *The Bergen Record* article, which Egea then read. She then called O'Dowd, who said he was just reading the article.

Egea recalled being at a 10 a.m. scheduling meeting that was leanly attended. Kelly was not at the meeting, and the press reports were not discussed. Egea believed she was the only senior staff member who attended the scheduling meeting on January 8.

2. Meeting at Drumthacket

On January 8, 2014, O'Dowd asked Egea to go to Drumthwacket at noon. Egea recalled that in attendance were the Governor, Kevin O'Dowd, Charlie McKenna, Paul Matey, Maria Comella, Michele Brown, Bill Palatucci, Mike DuHaime, Chris Porrino, and over the course of the day, others. Egea left Drumthwacket to go home at approximately 7:45 p.m that evening.

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Egea described being blindsided by the press reports and was trying to figure out what it all meant (referring to the Kelly/Wildstein email of August 13, 2013). She had never seen the most troubling Kelly/Wildstein exchange and had no inkling of any such thing. During this gathering, Egea further recalled the Governor saying that he needed to know who knew what. Egea also recalled telling the group that she had talked to Baroni about his testimony. She did not remember what anyone else said about who knew what. Egea further recalled that the Governor made the decision to fire Kelly and that Porrino was to speak to Kelly the next morning to do that. Egea also commented on talking points that Comella was drafting for the Governor's January 9, 2014, press conference the next day.

The following day, Egea was in the Governor's office before the press conference, along with others.

L. January 9, 2014 – Press Conference

Shortly before Governor Christie's press conference announcing the termination of Kelly, Cristina Renna came to Egea's office. Egea commented that she didn't really know Renna but recognized her. Renna said that she wanted Egea to know about "this" before the press conference, then pulled out a copy of a September 2013 email about one of her subordinates having spoken with the Fort Lee Mayor about traffic at the time of the lane realignment. Egea relayed that Renna told her she had forwarded the email to Kelly to inform Kelly, and Kelly replied, "good." Renna added that the reason she was bringing this up was that on December 12, 2013, Kelly had directed her to delete the email. Renna relayed to Egea that she had, in fact, forwarded the email to a second personal account to preserve it, and then deleted it from the original account. The print out of the email was from Renna's personal account.

Renna also told Egea that she thought Baroni had pursued an endorsement from the Mayor of Fort Lee at some point. Egea relayed this information to Porrino the next day. Approximately two days later, Melissa Orsen told Egea that Renna had come to see Orsen first on January 9, 2014 and Orsen told Renna that she should go see Egea. Egea thought that another IGA staffer, Vincent Napolitano, was also present during this meeting with Renna, but she was not sure.

After the press conference, Egea and Porrino met with the IGA team because Egea was concerned that they had felt blindsided as well. Porrino instructed them not to delete any relevant documents.

Egea said that she has not had any conversations with Kelly since she was fired. Egea also said that she has not had any conversations with Wildstein, Baroni, or Stepien since then.

III. Document Retention Notices

Egea received the document retention notices and is in compliance with them.

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Memorandum

PRIVILEGED AND CONFIDENTIAL
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To: File

From: Gibson, Dunn & Crutcher LLP

Re: DuHaime Interview Memorandum

On March 11, 2014, and March 13, 2014, Mike DuHaime was interviewed by Randy M. Mastro and Sarah Vacchiano of Gibson Dunn. DuHaime was represented by counsel Marc Mukasey during both interviews. All information contained herein was provided by DuHaime or as indicated. The information in brackets was obtained from publicly-available sources, not from the interview itself. DuHaime has not read or reviewed the memorandum and has not adopted or approved its contents. Mastro began the interview by administering the standard *Upjohn* warnings per Gibson Dunn protocol, and requesting that DuHaime refrain from discussing the investigation and interview with others. DuHaime stated that he agreed, understood, and did not have any questions.

This memorandum does not contain a verbatim transcript of what was said at the meeting; rather, it is a summary of the discussion that reflects counsel's mental thoughts and impressions and is therefore protected from disclosure by the attorney work product doctrine.

I. Background

[*DuHaime graduated from Rutgers University with a B.A. in journalism and political science.*]

A. Relationship with Governor Chris Christie

DuHaime's relationship with Governor Christie dates back to 1997, when DuHaime was working on a New Jersey state senate campaign at the same time that Governor Christie was running for re-election as Morris County freeholder. DuHaime got to know the Governor at that time and they stayed in touch through the years.

On January 1, 2009, DuHaime started working at Mercury Public Affairs, and also started working for Governor Christie when the Governor retained DuHaime's consulting firm, Mercury Public Affairs, to consult for the gubernatorial campaign. The Governor hired Mercury again in 2013 for Governor Christie's re-election campaign. DuHaime worked as a strategist on both of

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Governor Christie's campaigns. In this role, DuHaime coordinated the strategic part of the campaign, including consulting, polling and advertising.

DuHaime also worked as a consultant to the New Jersey Republican Party ("NJGOP") after the primary in 2009, with a focus on the GOTV ("Get Out The Vote") operation.

After Governor Christie was elected Governor in 2009, DuHaime served as one of ten volunteer members on the Governor's transition committee. In that role, DuHaime was involved in reviewing resumes and making policy and staff recommendations. DuHaime stated that party affiliation was not a hiring factor, as the team was tasked with finding the best people regardless of political affiliation. DuHaime was not otherwise involved in setting up the structure of the Governor's Office. Aside from serving on the transition committee, DuHaime did not work for the Governor in an official capacity during the Governor's first term in office. DuHaime has not worked for the Governor during his second term since consulting on the Governor's re-election campaign. DuHaime and the Governor are friends, and DuHaime gives the Governor informal advice when he asks for it.

When the Governor took office in 2010, DuHaime also served twice as a consultant for the NJGOP in a general advisory role for restructuring state government. Both of these consulting jobs were brief and done through DuHaime's employment at Mercury.

B. Relationship with Bill Stepien

DuHaime and Stepien have a history of working together, in and out of politics, that spans approximately twenty years. For example, Stepien and DuHaime worked together on the Senator Bob Franks and Rudy Giuliani campaigns. When Stepien worked in the Administration as Deputy Chief of Staff for Legislative and Intergovernmental Affairs ("IGA"), DuHaime and Stepien were friends and spoke over time, but DuHaime was not involved with IGA.

C. Relationship with Bridget Kelly

DuHaime first met Bridget Kelly during Governor Christie's 2009 campaign. When Kelly worked in the Governor's Office, DuHaime and Kelly interacted infrequently. When Kelly was promoted to Deputy Chief of Staff after Stepien left the Governor's Office, DuHaime coordinated with Kelly on specific things; for example, if DuHaime was planning to attend a speech the Governor was making, DuHaime coordinated with Kelly to get his ticket to the event. He also, from time to time, passed along resumes to her for intern positions.

D. Relationship with Bill Baroni

DuHaime first met Bill Baroni in 1998. They first worked together in 2000 on Bob Franks' Senatorial campaign. DuHaime later served as a consultant to Baroni's 2003 New Jersey Assembly campaign. DuHaime and Baroni stayed in touch over the years. During Baroni's 2003 New Jersey Assembly campaign, DuHaime left to work on the Bush campaign in 2004. DuHaime was not involved with Baroni's subsequent Assembly re-election and state

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Senate campaigns, but Baroni called DuHaime every so often to ask for informal campaign advice, and the two maintained a friendship over the years.

DuHaime stated that Baroni approached DuHaime when DuHaime was serving on Governor Christie's transition committee to express interest in serving in the Administration. Baroni asked DuHaime to help circulate Baroni's resume and named a few positions that he specifically had in mind, including Attorney General and a position at the Port Authority. DuHaime said that he was not involved in making those types of decisions, but offered to pass Baroni's resume to the appropriate people.

E. Relationship with David Wildstein

DuHaime has known David Wildstein since the late 1990s. In 1999, DuHaime was working for then-Congressman Bob Franks running a political action committee. When Franks decided to run for Senate in the latter part of 1999, DuHaime transitioned to Franks' campaign for Senate. Wildstein did not work on the campaign, but he was a close friend of Franks and was frequently present at campaign meetings and often gave political advice, and DuHaime and Wildstein became friends during this time. After the Franks campaign, DuHaime and Wildstein maintained a friendship. DuHaime knew that Wildstein ran a carpet business, and became aware early in their friendship that Wildstein was running a political blog, PoliticsNJ.com, under the pseudonym Wally Edge.

1. Wildstein's Position at the Port Authority

DuHaime said that the recommendation to hire Wildstein as Director of Interstate Capital Projects at the Port Authority came through Baroni, not the Governor. DuHaime was aware that the Governor and Wildstein went to high school together, but was not under the impression that the Governor and Wildstein maintained a close relationship since high school. DuHaime said it was definitely Baroni, not the Governor, who was the driver for getting Wildstein into the Port Authority.

II. Roles and Responsibilities

A. Governor Christie's Re-Election Campaign

DuHaime went to the Governor with a proposal for DuHaime's role on the re-election campaign, which DuHaime said mirrored the 2009 role both in terms of compensation and responsibilities. DuHaime added that his proposed 2013 compensation may have even been slightly less than in 2009. The Governor and his campaign chairman, Bill Palatucci, approved DuHaime's proposal.

1. Selection of Stepien as Campaign Manager

DuHaime said that he always believed Stepien would be the right person to manage the campaign, but DuHaime did not know if Stepien wanted to run the campaign again, having

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served as the Governor's campaign manager in 2009. DuHaime said that the Governor thought that it would be the right call to bring Stepien back for the re-election campaign. Stepien and the Governor made the decision for Stepien to leave the Governor's Office to run the campaign. DuHaime was not involved in any discussion of who should fill Stepien's position in the Governor's Office. DuHaime said that he had always heard good things about Kelly, but had not had a lot of interactions with her.

2. Potential Endorsement by Hoboken Mayor Dawn Zimmer

DuHaime explained that he has had a unique relationship with Hoboken because it was DuHaime's hometown from the late 1990s until 2011, and because of that connection, DuHaime interacted with Mayor Zimmer frequently. DuHaime said that Mayor Zimmer reached out to him during her 2013 re-election campaign—she was running for re-election during the same time as Governor Christie—and asked DuHaime if he was interested in being involved in her campaign. In or about December 2012 or January 2013, DuHaime met with Mayor Zimmer and her chief of staff to discuss DuHaime's potential involvement. DuHaime told Mayor Zimmer that he did not really work on municipal campaigns anymore, but because Hoboken was a city that he loved and lived in, he was happy to talk to her about it. DuHaime said they discussed the Governor's contemporaneous re-election race, and recalled Mayor Zimmer expressing concern about getting involved in the Governor's race because of her own election race. Later in 2013, DuHaime met with Mayor Zimmer's husband and her chief of staff to talk about whether or not DuHaime wanted to have a role in Mayor Zimmer's campaign. DuHaime relayed that the Governor's campaign had recently done a poll in Hoboken, and the Governor's numbers were very strong in Hoboken. DuHaime thought this would give Mayor Zimmer comfort and signal to her that her own re-election would not be affected by her endorsement of the Governor. DuHaime thinks that this conversation took place post-primary, in late June or early July 2013.

DuHaime commented that, as late as June or July 2013, Mayor Zimmer had a good working relationship with the Governor and DuHaime had received no indication otherwise, by Mayor Zimmer or her husband, who was very involved in her campaign. Subsequent to the June/July meeting, Mayor Zimmer's husband told DuHaime that Hoboken had also done a poll that showed the Governor in a strong position. DuHaime passed this information to Stepien to follow up on Mayor Zimmer's endorsement, as most of the endorsement process was handled through the campaign's day to day staff and not DuHaime as a consultant.

In August 2013, DuHaime read a *Star-Ledger* article, quoting Mayor Zimmer at an event in Newark, in which Mayor Zimmer stated she would not be endorsing the Governor. DuHaime said this was the first time DuHaime or the campaign learned about Mayor Zimmer's decision not to endorse. Shortly thereafter, the campaign was organizing a small business endorsement event for Governor Christie in Hoboken. DuHaime explained that the bakery is called "City Hall Bakery" because of its proximity to City Hall in Hoboken. DuHaime recalled that Mayor Zimmer had reached out to DuHaime the day before the event, offering to come to the event and welcome the Governor to Hoboken. DuHaime asked her directly if she would be endorsing the Governor; she responded no. DuHaime told her politely that her presence might be a distraction

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to the event. DuHaime said he spoke to the Governor to make sure that he was aware DuHaime had told Mayor Zimmer that her presence at the endorsement event could be a distraction based on her decision not to endorse, and the Governor agreed with DuHaime.

DuHaime explained there was a general frustration among campaign staff that Mayor Zimmer had been particularly supportive of the Governor's policy initiatives over the years, and she had said nice things about the Governor publicly and in conversations with DuHaime and others on the campaign, and had indicated a willingness to endorse—yet when Mayor Zimmer decided not to endorse, her decision was received by DuHaime and others on the campaign by reading a newspaper article along with the general public. However, DuHaime said that, aside from telling Mayor Zimmer that her attendance at a Hoboken endorsement event would be a distraction based on her decision not to endorse the Governor, DuHaime had no knowledge of whether the campaign was frustrated with Mayor Zimmer or took any adverse action against her. DuHaime was similarly unaware of people in IGA being told not to go the extra mile for Mayor Zimmer after she decided not to endorse the Governor.

3. Potential Endorsement by Fort Lee Mayor Mark Sokolich

DuHaime was generally uninvolved in obtaining endorsements. DuHaime would speak personally with Democratic officials with whom he had preexisting personal relationships, but he recalls only personally knowing a handful of the more than sixty Democratic elected officials who endorsed Governor Christie's re-election campaign. When asked if he was aware of any instances where a Democratic elected official was targeted for deciding not to endorse, DuHaime stated that he was not.

DuHaime does not currently have and has never had a relationship with Fort Lee Mayor Mark Sokolich. Prior to the GWB allegations, DuHaime did not recognize Mayor Sokolich's name, since DuHaime primarily recognized the names of Democrats who endorsed the Governor, as the list of names was public and everyone who worked on the Governor's re-election campaign was proud of the list of Democratic endorsements. DuHaime did not speak to anyone about Mayor Sokolich as a potential endorser during the campaign.

When the allegations of political retribution came out, DuHaime asked Stepien if Mayor Sokolich had been on the campaign's endorsement radar screen. Stepien reported back to DuHaime that former IGA Regional Director Matt Mowers had approached Mayor Sokolich in April 2013, and Mayor Sokolich had been clear at that time that he did not plan to endorse the Governor. DuHaime never got the impression that Stepien had any issue with Mayor Sokolich.

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III. Chronology of the George Washington Bridge Events

A. August 2013

DuHaime had no advance knowledge of, or involvement in, the decision to realign the Fort Lee access lanes.

B. September 9–13, 2013 – George Washington Bridge Lane Realignment

DuHaime had no awareness of the lane realignment during the week of September 9 to 13, 2013. He said that he may have spoken to Stepien during that week in the normal course of business, but it would have been unrelated to the traffic issues.

C. October 1, 2013 *Wall Street Journal* Article

The first time DuHaime recalls becoming aware that the traffic problem had become a larger issue was when the October 1 *Wall Street Journal* article came out. He knew there had been articles published about the lane realignment before October 1, but the issue had not risen to the level of impacting the Governor's re-election campaign in any way up to that point, so he did not view it as a big story until the October 1 article.

The next recollection DuHaime had of the lane realignment issue surfacing was when the Governor was questioned about it during a *Bergen Record* editorial board meeting after the October 1 *Wall Street Journal* article came out. DuHaime attended the meeting with the Governor, which he did from time to time, and recalled the Governor was questioned once about the lane realignment during the hour-long meeting. The Governor joked in response and dismissively addressed the question because, as DuHaime understood, the Governor did not know anything about the issue.

DuHaime recalled that in addition to a dozen or so people from the newspaper in attendance, Kevin Roberts, from the Governor's Communications Office, and a campaign staffer were also present. DuHaime does not recall having any subsequent discussions with Baroni, Stepien, Kelly or the Governor about the editorial board meeting.

DuHaime stated that, prior to Election Day, he did not discuss the lane realignment with Stepien, Baroni, Wildstein, or Kelly.

DuHaime does not recall the issue coming up again until after the Governor's re-election in early November 2013. DuHaime said that shortly after the re-election, the Governor attended an event in Union City, NJ with Union City Mayor Brian Stack, who had endorsed the Governor. During a staff meeting before the event, DuHaime said that the issue of the lane realignment was raised due to the increased focus from the State Legislature and the scheduled Assembly Transportation Committee hearings.

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D. Wildstein Tells DuHaime That Kelly and Stepien Had Knowledge Beforehand

On or about November 11, 2013, Wildstein asked DuHaime to meet for coffee at "Rockin' Joes," a coffee shop in Westfield, New Jersey, where DuHaime's office is located. During the course of the meeting, DuHaime and Wildstein discussed the lane realignment. DuHaime recalled Wildstein said that it was his idea to conduct a traffic study, and regardless of whether or not people thought that the traffic study was poorly executed, Wildstein thought it was an important policy issue worth exploring and he was prepared to take responsibility for his idea. Wildstein also expressed frustration about the way the issue had been handled from a communications perspective, by allowing the narrative that the traffic study was politically motivated to take hold without pushback or refutation that it was nothing more than a traffic study. Wildstein said that he would not have done the traffic study without Trenton knowing about it beforehand, and was upset that other people were not acknowledging that they knew about the traffic study beforehand.

At some point, Wildstein told DuHaime specifically that Kelly and Stepien knew about the traffic study beforehand. DuHaime does not recall when, but it was sometime between the coffee shop conversation and early December. Wildstein reiterated that he would take responsibility for what happened but remained frustrated that other people were not taking responsibility. Wildstein did not say the basis or source of Kelly's or Stepien's knowledge, and did not specify the extent or details of their knowledge.

DuHaime did not recall Wildstein bringing up Mayor Sokolich at all during these conversations.

E. November 25, 2013 – Baroni's Testimony

DuHaime did not watch Baroni's testimony before the Assembly Transportation Committee. DuHaime read press accounts of Baroni's testimony. DuHaime did not have a conversation with anyone in the Governor's Office after Baroni testified, and does not recall having a discussion about the testimony with Baroni or Wildstein.

F. December 6, 2013 – Meeting with Wildstein About His Resignation

In general, DuHaime's perception was that Stepien stopped talking to Wildstein after Stepien returned from vacation in December 2013. Wildstein had been trying to reach Stepien and was unable to reach him. The Governor shared with DuHaime the Governor's Office statement of Wildstein's resignation.

G. December 9, 2013 – Wisniewski Committee Hearing

DuHaime was aware of the December 9, 2013 testimony by Port Authority officials. DuHaime specifically recalled speaking to the Governor during that timeframe, and the

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Governor saying that he believed, as Baroni had testified, that the lane realignment was a traffic study. DuHaime said that the Governor took Baroni at his word.

H. Conversation Between DuHaime and Stepien

DuHaime spoke to Stepien at some point after Wildstein told him that Kelly and Stepien had knowledge of the lane realignment beforehand. During this conversation, Stepien told DuHaime that he knew about the traffic study beforehand because Wildstein had come to him with this particular idea about a traffic study, but because Wildstein was always coming to Stepien with crazy ideas, Stepien dismissively told Wildstein to take the idea to "Trenton," because Stepien no longer worked in state government. Stepien said that he did not tell Wildstein whether or not he should go ahead with the traffic study, just that he had to go to "Trenton"—and that was the extent of what Stepien knew before the traffic study was undertaken. Stepien did not discuss any ulterior motives for the traffic study. DuHaime came away with the impression that Stepien did not believe that Stepien had done anything improper.

Based on this discussion with Stepien, DuHaime believed that the traffic study was not Stepien's idea. DuHaime's reaction to Stepien's explanation was that Stepien probably should have told Wildstein that the traffic study was a bad idea, and should not have told Wildstein to take it to Trenton, but DuHaime did not believe Stepien had done anything wrong and had no reason to believe he knew anything more than that.

I. December 11, 2013 – Conversation between DuHaime and the Governor

DuHaime conveyed to the Governor what Wildstein told him on or about December 11, 2013. During this conversation, DuHaime specifically reported to the Governor that Wildstein told DuHaime that both Kelly and Stepien had knowledge of the traffic study beforehand. DuHaime recalls that the conversation took place over the telephone and that the Governor's reaction was that he wanted to get to the bottom of things.

DuHaime does not recall whether or not Stepien told DuHaime that Stepien had prior knowledge of the traffic study before DuHaime spoke with the Governor on or about December 11, 2013. He knows Stepien was on vacation in early December. DuHaime said that he knows the conversation with Stepien occurred after DuHaime spoke with Wildstein, but based on the high volume of DuHaime's communications with Stepien during that time—they spoke almost daily about many different issues—DuHaime could not specifically recall if this conversation with Stepien occurred before or after DuHaime relayed Wildstein's claims to the Governor on or about December 11, 2013. And he does not believe he conveyed to the Governor the substance of any conversation with Stepien about the lane realignment at the time he conveyed the substance of his conversation with Wildstein to the Governor on or about December 11, 2013.

J. Conversation Between the Governor and Stepien

Stepien had just returned from vacation when Stepien was called in to meet with the Governor on December 12, 2013. DuHaime was aware that Stepien had been called in by the

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Governor on December 12 because Stepien called DuHaime on his way to meet with the Governor. DuHaime believes that Stepien knew what the topic of conversation would be. DuHaime was not present during the Governor's December 12 conversation with Stepien about the lane realignment, and does not know what Stepien told the Governor during that conversation.

DuHaime did not have a conversation with the Governor specifically about the Governor's discussion with Stepien on December 12. DuHaime spoke with the Governor after the Governor's December 12 meeting with Stepien and then twice the next morning before the December 13 press conference, but does not remember the substance of those conversations. DuHaime said that during this timeframe, both before and after December 13, he was constantly in contact with the Governor about many different things.

DuHaime recalls subsequently relaying to the Governor that DuHaime had been told by Stepien of Stepien's firsthand knowledge of the lane realignment beforehand, but believes this conversation was subsequent to both DuHaime's December 11 conversation with the Governor and the Governor's December 12 conversation with Stepien. And DuHaime would have conveyed to the Governor at that time that Stepien did not believe he had done anything wrong in this regard. And DuHaime himself did not believe Stepien had done anything wrong in this regard.

K. December 13, 2013

1. Conversations with Stepien and Wildstein

Stepien called DuHaime from the State House on the morning of December 13, 2013, before the press conference, asking DuHaime to confirm that Wildstein had said Kelly had knowledge of the lane realignment beforehand. Stepien asked DuHaime if Wildstein had proof of Kelly's knowledge beforehand. Stepien told DuHaime that the Governor would be holding a press conference later that day to address the lane realignment, and Stepien wanted to confirm what DuHaime was told by Wildstein to be sure Stepien had heard it correctly. DuHaime then called Wildstein to verify that Wildstein was certain that Kelly had knowledge beforehand. Wildstein replied that he was one hundred percent certain that Kelly had prior knowledge and that there were emails to further confirm Kelly knew beforehand. DuHaime then spoke to Stepien again to relay Wildstein's confirmation.

2. Meeting with Baroni About His Resignation

DuHaime said that Baroni had called him early in December before he was fired, and apparently realized he would be axed. Baroni also called DuHaime right after his resignation, and told DuHaime that he had left on good terms and he was happy that the Governor had said good things about him.

At some point, Baroni confided in DuHaime that he was worried about his future. DuHaime told Baroni that he would land on his feet, and DuHaime would explore hiring Baroni

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at DuHaime's consulting firm, or talk to him about potential law firms. DuHaime added that once the emails came out on January 8, 2014, there was an internal discussion at Mercury and the decision was made not to bring Baroni on.

L. December 13, 2013

1. Press Conference

DuHaime recalled thinking the Governor did a great job addressing the lane realignment during the press conference on December 13, 2013, but DuHaime does not recall having a conversation with the Governor about the press conference specifically.

M. December 13, 2013–January 8, 2014

Following December 13, 2013, DuHaime's only recollection of the lane realignment issue coming up was a rumor that Assemblyman John Wisniewski had said he knew that the Governor's Office had some involvement in the lane realignment.

N. January 8, 2014

DuHaime became aware of *The Record* story publishing emails and text messages from the editorial page editor of *The Record*, whom DuHaime was meeting for a previously scheduled breakfast at a diner in Clifton, New Jersey. The editor told DuHaime that *The Record* had just released a story naming Kelly as the person who ordered the lane realignment. At that point, DuHaime had not seen the story or the reprinted communications. The editor was showing DuHaime the story on the editor's phone when DuHaime received a call from the Governor. DuHaime went outside of the diner and took the call with the Governor, who asked DuHaime if he could come to Drumthwacket. DuHaime told the Governor he would make himself available. DuHaime then cancelled a scheduled meeting with Donald Trump for later that day. DuHaime then had a client conference call. Following the call, Kevin O'Dowd called to ask DuHaime to come to Drumthwacket around noon or one o'clock that day.

Earlier that day—before the news broke in *The Record*—DuHaime spoke with Wildstein over the phone to let him know that DuHaime was meeting with Trump that day. This conversation was unrelated to the lane realignment.

DuHaime did not see the email or texts reprinted in *The Record* until he arrived at Drumthwacket. He described being dumbfounded by the story and the reprinted communications. Kelly's level of involvement struck DuHaime the most. DuHaime said that based on the communications, it seemed obvious to DuHaime that Stepien's conversations with Wildstein were different than Kelly's conversations with Wildstein, but that Stepien was being targeted too, and that the Democrats would really be going after Stepien following the news. DuHaime recalls that based on the communications initially released, the focus at the Drumthwacket meeting was mostly on Stepien and Kelly. DuHaime, however, considered the Stepien communications to be consistent with what Stepien had previously told DuHaime about

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having knowledge before the lane realignment based on the idea of a traffic study Wildstein had presented. DuHaime did not think the communications reflected Stepien directing or having a level of involvement beyond the knowledge Stepien had already communicated to DuHaime.

DuHaime believes the following people, at one point or another, were present that day at Drumthwacket: the Governor, O'Dowd, Chris Porrino, David Samson, Jeff Chiesa, Maria Comella, Michele Brown, Regina Egea, and Bill Palatucci. DuHaime recalled the Governor's initial reaction was very emotional. He gathered everyone around the table and said, despite having already asked, he was asking again if anyone knew about the lane realignment beforehand. Everyone reiterated that they did not have any knowledge of the lane realignment before it occurred.

DuHaime recalls that the decision to terminate Kelly was made quickly. There was then a discussion about what to do about Stepien's relationship with the Governor.

Over the next few hours, everyone was reading texts and deciphering what communications meant and whom they were between. When the discussion turned to Stepien, the reaction of the group was negative, and the Governor then asked DuHaime to go meet with Stepien and find out what Stepien actually knew, in light of the reprinted communications. DuHaime believed that, at that point, the Governor had not yet made a final decision what to do about Stepien.

DuHaime left Drumthwacket and met Stepien at the Corner Bakery on Route 1 in Princeton, New Jersey. DuHaime told Stepien that Stepien should get an attorney because Wisniewski had already said earlier in the day that Stepien would be subpoenaed. DuHaime also discussed the political fallout with Stepien, at which point Stepien volunteered to step away from the NJGOP chairmanship. DuHaime told Stepien that his role with the Republican Governor's Association would also be problematic.[1]

DuHaime asked Stepien if he had any belief that Kelly had been lying when she said previously she did not know about the lane realignment beforehand. Stepien essentially responded that he thought Kelly had lied about her knowledge. Stepien said that in his mind, the chain of command for authorizing Wildstein's traffic study idea would be Kelly or Egea as Director of the Authorities Unit. DuHaime added that Wildstein never mentioned Egea having any knowledge of the lane realignment before it occurred, so DuHaime came away thinking Stepien knew the idea had gone only through Kelly in the Governor's Office. And Stepien repeated what he had told DuHaime before about the exchange he had with Wildstein and that he did not believe he had done anything wrong.

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[1] Stepien had already accepted a consulting role with the Republican Governor's Association on or about December 1, 2013.

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DuHaime and Stepien also discussed the published email in which Stepien referred to Mayor Sokolich as an "idiot." Stepien said he was just trying to be comforting to Wildstein as a friend when he used that word. DuHaime recalled that Stepien was incredulous that he was being thrown under the bus for using that word.

Stepien also said that he had spoken with Kelly that day and she was a wreck, and reporters were at both her house and her mother's house. Stepien said he had told Kelly not to speak to reporters.

During this conversation, DuHaime asked Stepien if he had had a romantic relationship with Kelly. DuHaime said that he had not heard this personally before that day, but people gathered at Drumthwacket told DuHaime that the Democrats were pushing the story around. DuHaime added that Stepien was generally uncomfortable talking about his personal life, but told DuHaime that he had had a short-lived personal relationship with Kelly during the summer after Stepien left the Governor's Office and before the George Washington Bridge lane realignment took place.

DuHaime then returned to Drumthwacket and reported back to the Governor what he discussed with Stepien. The Governor then made the decision to sever his ties from Stepien based on a loss of confidence in Stepien. DuHaime said that he personally saw a clear line between the ways in which Kelly and Stepien were implicated: Kelly had sent an email approving of Wildstein's idea beforehand, while there was no indication of Stepien doing anything of the sort.

After the Governor decided what action to take against Stepien, DuHaime participated in a conversation with the Governor and others about the press conference planned for the next day. They also discussed who would fire Kelly and talk to her attorney. The Governor then asked DuHaime to tell Stepien about the Governor's decision as to Stepien.

During his drive home from Drumthwacket, DuHaime called Stepien, who was understandably upset about the situation. DuHaime recalled that Stepien said that he had worked harder than anyone for the Governor over the past years, and could not believe that the Governor was severing ties with him and putting him in the same category as Kelly. DuHaime told Stepien that he was sorry and apologized that things had come to this.

When he got home, DuHaime called the Governor to tell him that he spoke to Stepien, and relayed to the Governor that Stepien understood the situation but was not happy.

Stepien called DuHaime back to lobby for the Governor to change his mind. DuHaime called the Governor back and told him that he had had another tough conversation with Stepien.

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O. January 9, 2014 Press Conference

The following morning before the press conference, Stepien and his attorney called DuHaime and lobbied for the Governor to moderate the language he used during the press conference announcing the Governor's decision to separate himself from Stepien. DuHaime called Porrino and relayed to Porrino that he had had an uncomfortable conversation with Stepien's attorney and communicated the attorney's request. DuHaime did not attend the January 9 press conference, but saw the majority of it on television. DuHaime spoke to the Governor following the press conference, either that day or the next, and told the Governor he had handled the situation well, and that DuHaime hoped it would be the turning of a new page for the Governor.

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Memorandum

PRIVILEGED AND CONFIDENTIAL
ATTORNEY OPINION WORK PRODUCT

To: File

From: Gibson, Dunn & Crutcher LLP

Re: Governor Christie Interview Memorandum

On February 12, 2014, February 28, 2014, and March 18, 2014, Governor Chris Christie was interviewed by Randy Mastro, Debra Wong Yang, and Alexander H. Southwell of Gibson Dunn. The Governor was not represented by counsel and volunteered to make himself available to be interviewed. All information contained herein was provided by Governor Christie. Governor Christie has not read or reviewed the memorandum and has not adopted or approved its contents.

This memorandum does not contain a verbatim transcript of what was said at the meeting; rather, it is a summary of the discussion that reflects counsel's mental thoughts and impressions and is therefore protected from disclosure by the attorney work product doctrine.

I. Allegations concerning Sandy Aid and Mayor Zimmer

In response to questions about the Governor's Administration's focus on Sandy aid, Governor Christie explained that he established a separate office—the Governor's Office of Recovery and Rebuilding, referred to as GORR—within his Office to coordinate Sandy aid. He established GORR to help administer aid in an orderly and responsive manner. The process of funding reimbursements is complicated and needed a dedicated staff. Specifically, the Office was tasked with handling requests for Sandy aid and the extensive federal and state oversight of Sandy aid, including integrity audits. The Governor's charge to those who worked on the Sandy aid response was that because there were lots of different sources of aid, aid should be distributed quickly and efficiently to the people who need it. The Governor established weekly meetings in order to help those in need to access available funds. He hired Marc Ferzan, a former federal prosecutor, to head up GORR because he was a very effective, "by the book" guy. The Governor commented that he was confident that Ferzan would not be overwhelmed or frustrated by the task at hand, which was extraordinarily complex.

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The Governor was involved in some policy decisions concerning the types of recovery programs and projects to pursue. Examples of such decisions included whether to buy out homes in repetitive flood areas and whether to provide aid to elevate homes. The Governor further understood that much of the Sandy aid was based on formulas, and he was not generally involved in issues of where the aid money was distributed after programs were decided upon. On occasion, the Governor would get reports on where the aid money was distributed and any problems with contractors. If something was not working, his GORR team would become aware of it, and sometimes, he would hear how they were trying to fix it. The Governor often commented that aid should be distributed "on the merits." Governor Christie noted that there was always a concern that there was so much need and not nearly enough money.

When asked about Mayor Dawn Zimmer, he believed he spent more time with Mayor Zimmer than most other Mayors in the State. Governor Christie noted that Mayor Zimmer was one of a few mayors he met with alone in his Office about Sandy aid. He recalled that that meeting occurred in the winter of 2013, likely in February. At that one-on-one meeting with the Governor, Mayor Zimmer had come with a presentation that outlined her plan for flood control for Hoboken, including showing the Governor large maps with proposed flood walls and pumps. That one-on-one meeting with Mayor Zimmer, which occurred in the Governor's Office, was followed by another larger meeting that Mayor Zimmer had with Commissioners in the Christie Administration at Governor Christie's behest.

The Governor stated that there is no truth to the allegations that he directed anyone to tie Sandy aid to any political considerations or support for any economic development projects. The Governor made clear that he did not give any such direction and did not send any messages to anyone about tying Sandy aid to economic development projects. The Governor further stated that he did not provide any direction to the Lt. Governor, as alleged, at any time.

A. Rockefeller Development Group

Asked about awareness of the Rockefeller Group development project in Hoboken, the Governor stated that he had only a very general awareness of the Rockefeller Group and that they were attempting to pursue some development in Hoboken. The Governor was aware of the Rockefeller Group from some other projects around the state, including ground-breakings or ribbon-cuttings that he recalls having attended. The Governor recalls that there was another development project in Hoboken involving NJ Transit, but he does not recall or know if he knew the name of the other developer of that project or any other details about the project; he simply refers to it as the NJ Transit project. [NOTE: LCOR is the developer of the NJ Transit project.] The Governor did recall, however, that NJ Transit was frustrated that Mayor Zimmer was not supporting that other project, despite it being a good project. The Governor did not recall from whom he had heard this.

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The Governor was not aware, and had no recollection of ever knowing, that Mayor Zimmer took any position adverse to the Rockefeller Group project.

The Governor had no specific recollection of any meetings with any Rockefeller Group executives or lobbyists. He acknowledged that he may have met or seen Rockefeller Group executives at events. He recently saw a photograph of himself and a Rockefeller Group executive at a DayTop Village charity event last year. He had not recalled seeing the executive at that large gathering, but realized that he must have, given the photograph.

The Governor stated that he now knows that Wolff & Samson represented the Rockefeller Group, although he was not aware of that at the time of the allegations at issue. The Governor has not met with Lori Grifa of Wolff & Samson since she left DCA.

Concerning the alleged May 10, 2013 meeting with the Lt. Governor, the Governor did not recall having any substantive conversations with the Lt. Governor at the Senior Staff retreat. The Governor recalled only two interactions with the Lt. Governor at the retreat: first, the Governor recalls singing a song with the Lt. Governor after dinner; second, the Governor recalled going to the kitchen for a snack—he recalled having raspberries—and running into the Lt. Governor in the kitchen and briefly saying hello. The Governor did not recall any conversations at all at that Senior Staff retreat about the Rockefeller Group. And he did not recall any conversations with the Lt. Governor about Mayor Zimmer at the Senior Staff retreat. Nor did the Governor recall any conversation with the Lt. Governor about Mayor Zimmer since May 1, 2013, with the exception of a call from the Lt. Governor after these allegations were made by Mayor Zimmer in January 2014, in which the Lt. Governor assured the Governor that the allegations were false.

The Governor further commented that even if the Rockefeller Group's Hoboken development project were to have been mentioned to him, he would not have known anything about the project. He therefore would not have directed the Lt. Governor to "deliver a message" in Hoboken to Mayor Zimmer, and he did not do so.

In response to a question about whether the Governor was familiar with the NJTV program with Commissioner Constable and Mayor Zimmer, the Governor said that he did not see the program. He did not have any conversations with Commissioner Constable beforehand about the program or about what to say at the program. He also did not ask or direct Commissioner Constable to send "a message" to Mayor Zimmer, as Mayor Zimmer suggested. The Governor noted that he does not have any memory of the event happening, that Commissioner Constable was going, that Mayor Zimmer was going, or that Commissioner Constable would interact with Mayor Zimmer. The Governor first heard about the allegations regarding Commissioner Constable when he read the news about it on the way to Florida in January 2014. At some point after the news report, the Governor got a call from Commissioner Constable, who told the Governor that the allegations were false.

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In response to a question about Mayor Zimmer's allegations against Marc Ferzan, the Governor said he had no conversations with Ferzan about delivering any such message to Mayor Zimmer and gave no such direction to Ferzan.

In response to a question about Rebuild by Design, the Governor commented that he cannot recall any discussions with Mayor Zimmer about Rebuild by Design. The Governor had a vague and general recollection that there were three New Jersey proposals in the finals of the competition—one from the shore, one from Hoboken, and the third related to the Meadowlands. The Governor did not recall any prioritization among these three projects. The Governor had no recollection that Mayor Zimmer wanted New Jersey to prioritize Hoboken's project and support only it over the other New Jersey projects, although the Governor did have an understanding that Mayor Zimmer was advocating for Hoboken's Rebuild by Design project. The Governor was aware that a credo of Rebuild by Design was public-private partnerships.

In response to a question about any visits to Hoboken since May 2013, the Governor recalled visiting Carlo's Bakery for an endorsement by a small business group.

In response to a question about a potential endorsement from Mayor Zimmer, the Governor explained that at the end of his February 2013 meeting with Mayor Zimmer, he told her that he was not going to ask that day, but that he may come to ask for her endorsement later, and he asked her to start thinking about that and let him know her views. The Governor thought that he had a good working relationship with the Mayor. The Governor knew the Mayor was concerned about crossing party lines to endorse, in part, because she was up for re-election, and she responded that she couldn't give him an answer. And the Governor said he was fine with that. The Governor had no other direct conversations with Mayor Zimmer about her endorsement, although he understood that the campaign approached her at a later date. He recalled that at some point in the Fall, Mayor Zimmer indicated she might publicly state that she would vote for the Governor but that she did not want to use the word "endorse." At that late date, the Governor had so many other endorsements, and was well ahead in the polls, so he did not see much value in Zimmer's expression of support without an endorsement.

II. Fort Lee Mayor Mark Sokolich

The Governor had no memory of meeting Mayor Sokolich. The Governor knew Mayor Sokolich's name because of the accusations that Mayor Sokolich made. When those accusations came up, the Governor asked Stepien if there was any truth to them. Stepien responded that they had asked in spring 2013 for Mayor Sokolich's endorsement, but that Mayor Sokolich had said that due to business reasons, he could not be publicly supportive. After that, Stepien remarked, they left Mayor Sokolich alone. Stepien commented that, accordingly, he did not understand the allegations concerning retribution against Mayor Sokolich. This information from Stepien made sense to the Governor because he did not

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recall being asked to court Mayor Sokolich. After speaking with Stepien, the Governor believed that the news stories were just being stirred by the press or Barbara Buono.

III. Chronology of the George Washington Bridge Events

Governor Christie did not know about any plans or ideas for the lane realignment of the three dedicated Fort Lee lanes at the George Washington Bridge ("GWB") at any time. Governor Christie had no role in the lane realignment and no knowledge of anyone's participation in the lane realignment. He did not discuss the lane realignment with any Port Authority or Administration personnel.

While the realignment was in effect, Governor Christie did not recall being aware of the lane realignment or the traffic caused by the lane realignment.

A. 9/11 Memorial Event

For the 9/11 Memorial Event, Governor Christie, at Charlie McKenna's suggestion, took a ferry across the Hudson River with the New Jersey families of 9/11 victims. Upon arrival in Manhattan, the New Jersey State Police drove the Governor to the arrival site, where he was met by Baroni. Wildstein and Samson joined at some point later. Governor Christie then stood around for a while, waiting for Governor Cuomo to arrive, so that the two governors could enter at the same time, per tradition. During this waiting period, various Port Authority employees were brought over by Baroni and/or Wildstein to take pictures with Governor Christie.

The Governor did not believe that Chip Michaels was there. The Governor said he did not know Michaels well, but he is familiar with Michaels' family. They were reacquainted in the past few years because their children played hockey. The Governor recently saw Michaels at the hockey rink, where they discussed their children and hockey, including his son's recent injury. The Governor never discussed the GWB traffic or lane realignment with Michaels.

Mrs. Christie was by the Governor's side throughout the 9/11 Memorial Event, including the period before the event began. Before the 9/11 Memorial Event began, the Governor recalled that Mrs. Christie asked to use a bathroom, and Wildstein directed her to a large white Port Authority trailer. She went into the van, and then exited, saying that there was no bathroom in the trailer. A female Port Authority Police Department officer, who was possibly Baroni's driver, then took Mrs. Christie to the bathroom. Otherwise, Mrs. Christie was with the Governor throughout the event.

During the time before the event started, Baroni and Wildstein, along with others, were present for most of the time. The Governor has no specific recollection of conversations with them, other than light banter. Asked whether anyone raised the subject of traffic in Fort Lee prior to or at this event, the Governor responded that he had no such

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recollection, and any such mention would not have been memorable to the Governor because traffic issues are a regular occurrence. Asked whether anyone raised Mayor Sokolich with him at the 9/11 event, the Governor responded that he did not believe there was any mention of Mayor Sokolich.

The Governor left the 9/11 Memorial Event early to go to a doctor's appointment in Manhattan. Following that appointment, he went to the West 30th Street heliport, and took the NJSP helicopter south to Trenton. The helicopter flew over the Statue of Liberty and the Verrazano Bridge, and then took a hard right, as it always does.

B. Bill Stepien

Stepien and the Governor did not meet regularly. Stepien was an incredibly hard worker who put in long hours. He would often remain in his office, focused on his work, and rarely venture to the Governor's office. Stepien was also very formal and respectful of the Governor's time. Stepien generally did not drop by to discuss things with the Governor, as others who worked with the Governor at the USAO would do. Usually, the Governor would have to go to Stepien's office if he wanted to speak with Stepien. As of April 2013, Stepien would need an appointment to meet with the Governor because he was no longer a State employee.

C. David Wildstein

The Governor first met Wildstein in 1977, when both were students at Livingston High School and volunteering on Tom Kean's gubernatorial primary election. The Governor and Wildstein attended the same high school, but were not in the same class. The Governor had very little recollection of Wildstein in high school, and believed they did not have significant interaction during that time.

After high school, the Governor recalled that Wildstein was elected to the Town Council, which was notable because he was so young. He also recollected Wildstein's election as Mayor. The Governor read about both of those elections. He also recalled reading that Wildstein took some controversial political steps, including firing a local judge that was the father of a friend—Marty Brenner—in the 1980s. After that, the Governor had no contact with, or any recollection regarding, Wildstein, until around 2000 in the context of the Franks 2000 U.S. Senate campaign. At that time, the Governor was counsel to the George W. Bush presidential campaign in New Jersey. Baroni was Franks' campaign counsel, and Wildstein also worked on the Franks Senate campaign. The Governor interacted directly with Baroni, as they were both counsel to their respective campaigns.

Around the time that he was thinking about getting ready to run for governor, the Governor recalled hearing speculation that Wildstein was "Wally Edge," which made the Governor laugh because he thought it was possible, given that Wildstein is such an "odd

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duck." After the 2009 campaign, DuHaime told the Governor that Wildstein was "Wally Edge."

D. Port Authority Positions

Upon assuming the Office, the Governor decided to keep Anthony Coscia as Chairman at the Port Authority for a period of time, due to the complexity of negotiations concerning the World Trade Center rebuilding efforts. The Governor discussed the position of Deputy Executive Director with DuHaime, who suggested Baroni for the position. The Governor was reluctant because Baroni sat in a swing seat, but DuHaime made the case that the party could keep the seat, and that Baroni had the necessary smarts and skills. The Governor then decided to name Baroni as Deputy Executive Director, along with the Governor's appointment of Samson as the Port Authority Chairman.

At some point, someone, possibly Deb Gramiccioni, told the Governor that Baroni wanted to bring in Wildstein and pay him over $200,000 a year, which she said was too high. The Governor agreed and said that Wildstein's appointment was acceptable as long as he was not paid too much. While the Governor did not recall the amount discussed, he now understands that Wildstein made $150,000 per year while at the Port Authority, and so he believed that $150,000 may have been the amount discussed with Gramiccioni.

As an indication of his lack of connection to Wildstein, the Governor pointed out that Wildstein is not a contact in his cell phone. The Governor commented that his direct contact with Wildstein was when Baroni brought him to meetings.

E. September and October 2013

The Governor did not recall reading the "Road Warrior" piece about the lane realignment.

The first week of September was particularly busy for the Governor. He went to a Sunday football game in Texas, and then to Dallas, San Antonio, and Houston. The Seaside fire was a big deal on September 12. He first learned about the fire when he was interrupted during a Sandy recovery meeting by a message from a journalist. He sent Comella to check out the news, and learned that the fire was out of control. The Governor decided to caravan down to Seaside that night with a group that included Michele Brown, Commissioner Constable, Bridget Kelly, and others. During that time, he had no discussion with Kelly regarding Fort Lee or the lane realignment. The Governor was preoccupied with the fire and what needed to be done to respond to it.

The Governor had no specific recollection of the September 17, 2013, and October 1, 2013 *Wall Street Journal* ("WSJ") articles, but generally recalled that the WSJ was the lead outlet reporting on this story. He recalled seeing the substance of Foye's email and an article about it, but was not sure when it was posted—at night or the next day. He was aware that

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the articles included claims of violations of law. The Governor had two reactions to the article: (1) it was typical of Foye to write and then leak an email, rather than directly discussing the issue; and (2) the Governor wanted to know what happened. Soon thereafter, the Governor raised the issue with McKenna and/or O'Dowd. At some point thereafter, the Governor thought McKenna came back and told him that Baroni said this was a traffic study, and that Foye was making a huge deal out of nothing. This explanation was consistent with the Governor's understanding of tensions at the Port Authority, and therefore, after hearing this explanation, he was satisfied at that time.

F. November 2013

The Governor next heard about this issue when it was brought to the Governor's attention whether Baroni should appear at a legislative committee meeting without being subpoenaed. The Governor's reaction was that he should appear. The Governor did not listen to or follow the testimony. The Governor did recall asking McKenna how the testimony went, and McKenna told the Governor that it went fine—that Baroni had shared evidence of the traffic study, apologized for not talking to Foye about it, and promised that nothing similar would happen in the future.

Thereafter, the Governor heard about the subpoena to Foye and some employees of the Port Authority. The Governor asked McKenna about the subpoenas, and McKenna told him that it was McKenna's impression that Foye had asked for the subpoena.

G. December 2013

Asked about the decision to ask for Wildstein's and Baroni's resignations, the Governor recalled telling McKenna to ask for Wildstein's resignation, and telling O'Dowd and McKenna to ask for Baroni's resignation, although the Governor did not recall when this was.

The Governor listened to part of Foye's testimony and the other Port Authority professionals while he ate lunch. He recalled that his reaction was that it was clear that Foye disliked Wildstein, but liked Baroni. Wisniewski repeatedly attempted to get Foye to "dump on" Baroni, but Foye did not do so. The Governor also noted that the professional Port Authority employees had told the committee that Wildstein had previously asked about the Fort Lee lane issues, as early as the Fall 2010.

After their testimony, and with the increased press attention, the Governor recalled someone (though he does not recollect who), relaying that Wildstein had said something along the lines of, "I'm not stupid; I got this cleared by the Front Office." The Governor recalled that, in response to hearing that, the Governor asked McKenna what was going on. McKenna talked to Egea, who said she never talked to Wildstein and thought that Wildstein was trying to protect himself. At some point, the Governor also heard (although the

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Governor again does not recall from whom) that Wildstein had said that he told the Governor about the traffic study during the period the lanes were closed.

The Governor did recall a telephone conversation with DuHaime about the lane realignment allegations being advanced in the press, which occurred at some point during the week just prior to when Baroni was asked for his resignation, although the Governor could not recall precisely when. In that conversation, DuHaime reported on a recent conversation he had had with Wildstein. DuHaime reported that Wildstein had told him that the traffic study was Wildstein's idea and that Wildstein would take responsibility for it. Wildstein further commented to DuHaime, who repeated this to the Governor, that he (Wildstein) wasn't stupid and would not have proceeded with the traffic study without approval. Additionally, Wildstein told DuHaime that he (DuHaime) needed to know that Kelly and Stepien knew about the traffic study.

The Governor could not recall specifically if DuHaime told him in this conversation that DuHaime had also spoken to Stepien about this, but he does not think that DuHaime did. The Governor recalled thinking that the press and legislature were increasingly focusing on Wildstein and that the Governor wanted to understand what Wildstein was saying and whether he was simply looking to protect himself. The Governor also decided to talk to Stepien.

On the morning of December 12, 2013, there was a breakfast at Drumthwacket for union leaders, which Stepien attended. The Governor had no specific recollection of that event, although typically the breakfast is held in the music room at Drumthwacket, the Governor would come in and speak from the steps, take pictures, and then quickly leave. The Governor did recall that there was no discussion about the Bridge lane realignment at the breakfast, with the Port Authority Police Department, or Bridget Kelly, or anyone else.

The Governor asked Stepien to meet with him after the breakfast to discuss a few issues, and the two met in the dining room following the breakfast. In that meeting, the Governor asked Stepien if he was involved in the lane realignment decision. Stepien denied any involvement. Stepien added that Wildstein would come to him with 50 crazy ideas each week and that Stepien would tell Wildstein that Stepien was not in the government anymore, so Wildstein had to run things by Trenton.

Regarding any conversations with O'Dowd or Drewniak about the lane realignment, the Governor recalled that at some point in December, the Governor walked into O'Dowd's office while Drewniak was there speaking with O'Dowd. The Governor recalled that Drewniak was talking about having dinner with Wildstein, which the Governor found surprising because he did not think that Drewniak and Wildstein were such good friends that they would have dinner together. Leading up to the December 13, 2013 press conference, the Governor knew that when Baroni's departure was announced, the Governor would be asked about the lane realignment. He wanted to address this issue with his senior staff, but

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the meeting he called for that morning with the senior staff was also about his concern about "senioritis" in the aftermath of his re-election victory.

During the December 13, 2013 senior staff meeting, the Governor walked in, slammed the door, and stood the whole time. He was agitated and disappointed. He recalled saying "this is a mess, and now I have to clean it up." He recalled saying that he hoped everyone enjoyed their 38-day vacation, and was pleased with themselves over the 60-percent victory and the TIME magazine cover, but that it was time to get back to work. He said that "the spotlight can turn to a searchlight real quick" and it was time to raise their game. He said that anyone not up to that challenge should tell him. He then pivoted to the Port Authority issue, and said that he now had to clean up the mess. He said that he needed to know everything so that he could clean it up. He said that if anyone had knowledge of or involvement in the lane realignment, they should tell O'Dowd or McKenna in the next 45 minutes—"the confessionals are open." The Governor said that the staff should not let him go out and say anything that is not true. He delivered this message loudly and made eye contact with everyone. He then went to his desk, and everyone filed out silently. O'Dowd and McKenna stayed behind and told the Governor they would talk to the staff.

After that morning meeting, but before the press conference, O'Dowd and McKenna told the Governor that all senior staff denied knowledge of or involvement in the lane realignment. The Governor generally recalled that O'Dowd reported that Kelly had an email about the lane realignment while it was going on, which was consistent with Kelly claiming not to have had any prior knowledge of the lane realignment. Thus, the Governor never had any idea or indication that Kelly was involved in the lane realignment. He thought of Kelly as Stepien's deputy. She was temporarily put in the role of running IGA until it was known whether she could handle it, and he believed part of the scope of the job was taken away from her.

Prior to the press conference, the Governor also called Stepien, inviting Stepien to the press conference and telling Stepien that he was not happy with anyone's performance lately. The Governor did not recall if Stepien attended the press conference.

After learning from O'Dowd and McKenna that all senior staff denied knowledge of, or involvement in, the lane realignment, the Governor went confidently out to his press conference, knowing that O'Dowd and McKenna had been looking at this issue.

The Governor recalled that O'Dowd had reported that Kelly was crying when she had said that she had nothing to do with the lane realignment, claimed she had no emails about it, and swore up and down that she had no knowledge about it. O'Dowd expressed concern because Kelly was so emotional. The Governor did not recall when O'Dowd expressed this concern, but thought it was after the December 13, 2013, press conference. The Governor was not surprised that someone, particularly an individual like Kelly, might be nervous or

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upset in this situation because O'Dowd's inquiries can be very direct, intense and prosecutorial-like, given his background.

The Governor also recalled getting a call from Stepien on December 14, 2013, while the Governor was on his way to a doctor's appointment. Stepien told the Governor that Kelly was fragile and worried. The Governor responded that we would keep an eye on her. He added that she should not be worried because no one had anything to do with the lane realignment. Stepien responded that was right.

The Governor did not recall Gramiccioni telling him anything about what she heard from Baroni.

H. January 2014

After working out on January 8, 2014, the Governor received a call from Comella regarding a story in *The Record* that she described as "bad." He read the article on his iPad, which made him sick to his stomach. Mrs. Christie called, and the Governor confirmed that he had seen the article and would talk to her later. He believed that he then called O'Dowd, and told him to gather those he would need at Drumthwacket. On the drive down to Drumthwacket, the Governor thought he spoke to DuHaime. Meeting at Drumthwacket were O'Dowd, Porrino, Egea, Brown, Comella, Matey, the Governor's brother, and at some point, DuHaime, Palatucci, and Samson. Others may have been there as well. The Governor recalled McKenna being away.

When the meeting started, the Governor recalled being nervous because he did not know who else might be involved. He got emotional, and with tears in his eyes, asked if anyone else had anything else to do with the lane realignment, because he could not get sand-bagged again. One-by-one, each person denied involvement. Together, they then turned to where to go next. When Samson arrived, which was later in the day, the Governor took him aside and asked if he knew anything about the lane realignment allegations and Samson responded that he did not.

The Governor and his advisors discussed whether his team should talk to Kelly or Stepien. They concluded that they should not talk to Kelly because she had a potential legal problem. There was no conversation about talking to Baroni or Wildstein. They decided that they needed to talk to Drewniak, given the documents that had been publicly disclosed, and called him over to Drumthwacket in order to question him about any knowledge or involvement in the lane realignment he may have had. If Drewniak had any, he would have been fired. He was questioned for a while by Porrino and Matey, and explained that he had no involvement in this lane realignment decision.

The Governor concluded that Kelly had to be fired. He recalled not being sure about the nature of Stepien's involvement in the lane realignment, but felt it was better to sever ties with both at the same time. The Governor decided to sever ties with Stepien in part because

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of the language Stepien used in the released emails, but also because he felt he could no longer trust Stepien. The Governor instructed DuHaime to tell Stepien and to find out if he had a relationship with Kelly. DuHaime argued not to get rid of Stepien, but the Governor said that Stepien needed to go.

The Governor recalled that DuHaime left to talk to Stepien and, after a while, returned and reported to the group. DuHaime reported that Stepien was upset, and claimed he did nothing wrong and did not deserve to be thrown under the bus. DuHaime also reported that Stepien acknowledged a relationship with Kelly, but said that it was over. DuHaime further reported that Stepien was angry that he could not tell the Governor his side of the story in person. DuHaime explained that Stepien felt wronged because nothing in the released emails or other evidence suggested his involvement in the lane realignment decision.

The next day, the Governor went to Trenton in the morning. He then held the press conference, while exhausted, answering all questions. Only after coming back did he realize that the press conference lasted nearly two hours.

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Memorandum

PRIVILEGED AND CONFIDENTIAL
ATTORNEY OPINION WORK PRODUCT

To: File

From: Gibson, Dunn & Crutcher LLP

Re: McKenna Interview Memorandum

On January 22, 2014, and March 12, 2014, Charlie McKenna was interviewed by Randy M. Mastro, Debra Wong Yang, Alexander H. Southwell, and/or Sarah L. Kushner of Gibson Dunn. On January 22, 2014, McKenna was not represented by counsel. On March 12, 2014, McKenna was represented by John Azzarello and Matt Whipple of Whipple Azzarello LLC. All information contained herein was provided by McKenna or as indicated. The information in brackets was obtained from publicly-available sources, not from the interview itself. McKenna has not read or reviewed the memorandum and has not adopted or approved its contents. Southwell began the interview by administering the standard *Upjohn* warnings per Gibson Dunn protocol, and requesting that McKenna refrain from discussing the investigation and interview with others. McKenna stated that he agreed, understood, and did not have any questions.

This memorandum does not contain a verbatim transcript of what was said at the meeting; rather, it is a summary of the discussion that reflects counsel's mental thoughts and impressions and is therefore protected from disclosure by the attorney work product doctrine.

I. Background

A. Role and Responsibilities

McKenna joined Governor Christie's Administration four years ago as the Director of New Jersey's Office of Homeland Security & Preparedness ("OHSP"). Around the end of January 2012, McKenna joined the Governor's Office as Chief Counsel.

[*Prior to working in the Administration, McKenna worked at the U.S. Attorney's Office for the District of New Jersey (the "USAO") for 18 years. Most recently, he was the Chief of the Criminal Division at the USAO. In that capacity, McKenna was responsible for establishing policy for the Criminal Division, and coordinating with other law enforcement*

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agencies, including the FBI, IRS, and the Department of Defense. Before that, McKenna served as the Executive Assistant U.S. Attorney under then-U.S. Attorney Christie. In that position, McKenna had executive oversight of all Criminal and Civil Division investigations and was responsible for ensuring efficient operations in the office. In 2002, McKenna received the Director's Award for Superior Performance from the U.S. Department of Justice. From 1999 to 2002, McKenna was the USAO's Liaison to the FBI Joint Terrorism Task Force. Throughout his tenure at the USAO, McKenna was the Crisis Management Coordinator for the District of New Jersey.]

B. Reporting Lines

As Chief Counsel, McKenna had a fifteen minute meeting scheduled daily with the Governor, although these meetings did not always happen. McKenna rarely emailed the Governor because the Governor did not generally use email.

The following individuals/units within the Governor's Office reported to McKenna: the Authorities Unit, Deputy Chief Counsel, Director of Appointments, and David Cohen in the Office of Employee Relations. McKenna interacted with the Authorities Unit as needed, and received that unit's meeting minutes, which were prepared by the Director of the Authorities Unit's staff and then reviewed by the Director. If, however, there was a particular issue within that unit that needed McKenna's attention—for example, cutting employee salaries, or making some personnel change—then the Director would talk to McKenna directly about that issue or the Director would notify McKenna that someone in the unit needed to talk to him about a particular issue. Regarding McKenna's interaction with the New Jersey authorities in general, McKenna interacted with the Port Authority of New York & New Jersey (the "Port Authority") the most, and, second most, with the Waterfront Commission.

C. Interactions with the Port Authority

McKenna interacted occasionally with Bill Baroni, rarely with David Samson (although more so around the time of David Wildstein's and Baroni's resignations), and, occasionally with Philip Kwon. McKenna and Kwon worked together at the USAO, and McKenna was involved in Kwon's nomination to the New Jersey Supreme Court.

1. Relationship with Wildstein

McKenna did not interact with Wildstein, and had only met him four times that he could recall. First, Wildstein approached McKenna at a store near McKenna's house. McKenna had no idea who Wildstein was, but pretended to know him; a few weeks later, Stepien or Baroni mentioned McKenna's chance encounter with Wildstein, and, at a subsequent time, McKenna made the connection. Second, McKenna said hello to Wildstein at the State House because McKenna realized that he had probably appeared rude at the

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store. Third, when McKenna asked for Wildstein's resignation on December 6, 2013. And, fourth, when O'Dowd and McKenna notified Wildstein on December 12, 2013, that his resignation would be effective the following day, as opposed to the end of the year, as initially planned.

2. **Relationship with Baroni**

Regarding McKenna's relationship with Baroni, McKenna knew Baroni when McKenna was at OHSP and Baroni was at the Port Authority. McKenna said that OHSP had projects that involved the Port Authority, including a project regarding Liberty State Park that McKenna asked the Port Authority, and Baroni in particular, to set aside money for, which McKenna believes that the Port Authority did. McKenna said that there was always tension between New Jersey and New York within the Port Authority regarding which side received credit for a particular project. With respect to their professional relationship, McKenna recalled a couple of instances when Baroni called him on a weekend in connection with business matters—*e.g.*, a security breach at the Port Authority or a plane landing without landing gear.

D. IGA

McKenna commented that the Office's Legislative and Intergovernmental Affairs ("IGA") unit's purpose was to interface with State legislators, locally elected officials, and municipalities, and to be responsive to them. McKenna was not aware of any changes within IGA during election season. McKenna did not frequently interact with IGA. Occasionally, Stepien asked McKenna to meet with certain constituency groups; Kelly asked the same of McKenna once or twice.

With respect to McKenna's interactions with Kelly, McKenna mainly saw her at senior staff meetings. At those meetings, if someone from the Office was scheduled to visit a certain mayor or town that week, Kelly would provide information about the Office's relationship with mayors. McKenna did not have a social relationship with Stepien, Kelly, or Baroni.

E. "Front Office"

McKenna understood the term "front office" to mean the senior staff, the Deputy Chief of Staff of IGA, and Deputy Chief of Staff (Lou Goetting). McKenna added that it could also include Egea and Paul Matey, Deputy Chief Counsel, but whether they were "front office" was more amorphous and depended on the context. McKenna did not consider David Cohen or then-Senior Policy Advisor Amy Cradic as part of the "front office." McKenna said that someone might assume that an action had "front office approval" if the approval came from the Deputy Chief of Staff for Policy and Planning (at the relevant time,

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Deborah Gramiccioni). If someone said "front office approval," one might assume that to mean an Office-approved action.

F. Interactions with the Governor's Campaign

McKenna's only interaction with the Governor's reelection campaign was in connection with coordinating scheduling. McKenna and O'Dowd were very focused on maintaining the separation between the Office and the campaign. McKenna made it clear in the Office that this separation was something everyone should be aware of and take seriously.

II. Chronology of the George Washington Bridge Events

A. Spring 2013

McKenna was not aware of any efforts to seek Fort Lee Mayor Mark Sokolich's endorsement of the Governor in the spring of 2013. McKenna did not know who Mayor Sokolich was at the time. In fact, the first time that McKenna recalled hearing Mayor Sokolich's name was at the Governor's December 13, 2013 press conference.

In the spring of 2013, McKenna was probably generally aware of efforts to secure endorsements for the Governor because he knew that local elected officials were endorsing the Governor around then, and that Stepien was working to that end.

B. August 2013

McKenna had no knowledge of any discussions between Kelly and Wildstein in August 2013 about Fort Lee traffic issues or "traffic problems."

C. September 9–13, 2013 – GWB Lane Realignment

Prior to and during the week of the lane realignment (September 9–13, 2013), McKenna had no knowledge of the lane realignment. Had McKenna known about the lane realignment at the time, he probably would have done something to stop it, not for the reasons described in Port Authority Executive Director Patrick Foye's September 13, 2013 email, but because traffic jams were simply not good for the Governor. At some point between September and October 2013, there was a major traffic jam on the Garden State Parkway because a contractor was late in completing a project on the highway, which forced certain lanes to remain closed for several hours longer than expected during the morning rush. The traffic jam was reported in the press and when McKenna learned about it, he called New Jersey Department of Transportation ("DOT") Commissioner Jim Simpson that day, asked Simpson what was going on, and emphasized that people were going to be very unhappy with the Governor if they were sitting in traffic. Because traffic jams on State-

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owned roads were usually blamed on the Governor, this was something that McKenna would have wanted to avoid, especially in the months leading up to the election.

McKenna was asked about a public 9/11 Memorial event that the Governor attended the week of the lane realignment. McKenna did not attend the event, but explained that, every year, the Administration provided free ferry service to families attending this event. McKenna met the Governor and his wife that morning at the ferry station to see them off.

McKenna learned about the fire on the boardwalk in Seaside that began on September 12, 2013 that day. McKenna was not involved in the Governor's decision to go to Seaside in response to the fire.[1]

D. September 17, 2013 *Wall Street Journal* Article

On or around September 13, 2013, McKenna went on a trip to Bosnia, and returned the following Friday, September 20, 2013. On Saturday, September 21, 2013, McKenna went to the senior staff retreat. McKenna had no recollection of discussing the lane realignment at the retreat. It was unlikely that he learned about Foye's September 13, 2013 email when it was first reported in the *Wall Street Journal* on September 17, 2013, and McKenna did not recall learning about it then. McKenna did not have a subscription to the *Wall Street Journal* at the time, so he would only have learned about the September 17, 2013 article when it was re-reported in New Jersey-based newspapers and/or circulated in the Office's press clips.

E. October 1, 2013 *Wall Street Journal* Article

McKenna thought that he likely learned of the October 1, 2013 *Wall Street Journal* article, which included a copy of Foye's September 13, 2013 email, sometime after its initial publication. McKenna possibly saw a press clipping about the article, but, even if he had, he would not have given the article much thought because he would have viewed Foye's email as part of the internal, Port Authority sniping between the New York side on the one hand, and New Jersey on the other. McKenna did not recall ever reading Foye's email. This email was not on his radar until Foye's December 9, 2013 testimony before the Wisniewski committee, which was also around when McKenna first recalled seeing a picture of Foye. McKenna did not recall any discussions within the Office regarding the Foye email and/or the October 1 *Wall Street Journal* article around the time of the article's publication.

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[1] Separately, McKenna was asked about a communication during the week of the lane realignment—specifically, a September 12, 2013 email McKenna received from Egea. McKenna believed this email referred to an issue about trains flooding around that time.

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F. October 7, 2013 – Port Authority Committee Meeting

Regarding State Senator Loretta Weinberg's request to testify at a Port Authority committee meeting, McKenna recalled Philip Kwon or possibly Baroni—McKenna did not have a clear recollection of who—calling McKenna and informing him that Senator Weinberg wanted to attend a Port Authority meeting. McKenna did not recall what Senator Weinberg wanted to discuss at the meeting in part because she had a lot of complaints that she wanted to voice before the Port Authority. Regardless, McKenna said that the Port Authority should allow Senator Weinberg to appear at the meeting, which was not otherwise open to the public.

G. October 16, 2013 – Port Authority Committee Meeting

McKenna's attention was directed to an October 16, 2013 email from Egea to O'Dowd, McKenna, and Drewniak. McKenna generally recalled this email and that Egea was reporting back about a Port Authority meeting that Senator Weinberg had attended that day. McKenna said that Egea and/or Crifo were generally responsible for interfacing with the Port Authority on behalf of the Governor's Office.

McKenna added that Senator Weinberg—who was the Democratic candidate for Lieutenant Governor in the 2009 New Jersey gubernatorial election—always said negative things about the Administration, and, as such, McKenna did not generally view her criticisms of the Administration as credible.

H. November 2013 – Awareness of Traffic Study as Reason for Lane Realignment & Wisniewski Committee's Request

McKenna became aware of the lane realignment over time, primarily through press clippings. Once aware, McKenna did not think that the lane realignment was significant, as it was something that had already occurred and because traffic at the Bridge was a regular occurrence. McKenna did not focus on the lane realignment until the Wisniewski committee asked members of the Port Authority to testify about it.

McKenna recalled a request from the Wisniewski committee for certain Port Authority individuals' testimony. In particular, McKenna thought testimony was requested from Baroni, Wildstein, and Kwon. McKenna thought he was aware of the request around the time that it was made to the Port Authority. Kwon called McKenna to discuss this request and explained that the Port Authority was thinking of sending Baroni to testify, which McKenna said was fine.

McKenna did not specifically recall when he first heard that the lane realignment was a traffic study, but said that, by this time, he had heard of this explanation. His general recollection was that he first heard this explanation around when the allegations of political

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retaliation surfaced in the newspapers and, in response, the Port Authority had publicly asserted that the lane realignment was simply a traffic study.

At the time, it seemed perfectly plausible to McKenna that the lane realignment was a traffic study. McKenna traveled across the Bridge all the time and had learned long ago from a former FBI agent that he could take a short cut and avoid the traffic on I-80/95 if he entered the Bridge through Fort Lee and drove through the Fort Lee access lanes. McKenna noted that none of the other bridges or tunnels along the Hudson River had any lanes that were specifically designated for local access. Thus, when McKenna first heard that the lane realignment was a traffic study, his initial reaction was that, although he would lose the short cut he used, the study sounded like an appropriate thing to do. McKenna also commented that he thought such a study was something that would likely not have been brought to his attention beforehand because it was operational, and, as such, it was not a matter with which McKenna would have dealt.

McKenna probably informed the Governor that Baroni would be testifying, but did not specifically recall doing so.

I. November 25, 2013 – Baroni's Testimony

McKenna's first recollection of talking to someone about the lane realignment as a traffic study was when he talked to Baroni shortly before Baroni testified before the Wisniewski committee on November 25, 2013. In particular, McKenna recalled that he, Egea, and/or Crifo were in Egea's office when they spoke to Baroni and possibly Kwon on the phone shortly before Baroni's testimony. During that call, Baroni relayed that he would testify that the lane realignment was a legitimate traffic study and briefly described the study and related charts. Baroni also recited parts of his prepared testimony to McKenna, including that traffic from I-80/95 moved quicker through the last quarter mile to the Bridge toll booths as a result of the lane realignment. That Baroni had actual results from the traffic study further reinforced in McKenna's mind that the realignment was a legitimate traffic study. Baroni also explained that the public was not informed of the study beforehand because that would skew the results. During their conversation, McKenna gave Baroni two pieces of advice in connection with Baroni's upcoming testimony: (1) to not be combative with the Wisniewski committee, and (2) to apologize to the people of Fort Lee who were stuck in traffic, regardless of whether the lane realignment was right or wrong.

When Baroni said that the realignment was a traffic study, McKenna—who did not know how to conduct a traffic study and did not know whether the Port Authority had taken any preliminary measures in connection with the Fort Lee lane realignment—assumed that the Port Authority knew what it was doing.

McKenna did not receive, and did not know if anyone else in the Office received, a copy of Baroni's testimony in advance of the hearing. On November 25, 2013, McKenna

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listened to the testimony on his computer, but had it on in the background. After the testimony, McKenna spoke to Kwon. During that conversation, McKenna told Kwon that he thought that Baroni's testimony was OK, but that Baroni had been too combative. In addition, McKenna told Kwon that there were times when Baroni's testimony was muddled, and that McKenna did not like the use of the term "lanes"; McKenna would have preferred the term "tollbooths," which he thought was more accurate.

McKenna also may have spoken to Baroni after his testimony and told Baroni that he did OK. McKenna did not speak to Wildstein about Baroni's testimony.

After the November 25, 2013 testimony, McKenna thought that people would realize that the lane realignment was just a traffic study and move on.

J. December 2, 2013 – Press Conference and Governor's Nomination of New Attorney General

Even before September 2013, unrelated to the lane realignment, McKenna knew that Baroni and Wildstein would be relieved of their positions at the end of the Governor's first term. McKenna said that Baroni did not know about this decision in advance and felt bad that Baroni did not see it coming; McKenna was not sure if Wildstein knew in advance. McKenna explained that, from the Governor's perspective, Baroni had been in his position for four years, which was long enough. Moreover, Samson, as Chairman of the Port Authority, should not be involved in day-to-day issues, but was forced to intercede more than typical on various issues during Baroni's tenure. As such, at the December 2, 2013 press conference, when the Governor announced that Cradic would replace Gramiccioni as Deputy Chief of Staff for Policy, McKenna understood that to mean that Gramiccioni would eventually assume Baroni's position at the Port Authority.

McKenna did not prepare the Governor for the December 2, 2013 press conference. McKenna noted that the Governor generally did not need a lot of preparation.

At that press conference, the Governor made the "moving the cones" comment in response to a question about the lane realignment. McKenna did not anticipate there would be questions about the lane realignment at this press conference. McKenna said that, had the Governor had even an inkling that there was anything in fact nefarious about the lane realignment, that he would never have made that comment.

When asked about a December 2, 2013 calendar entry for a daily briefing that morning between McKenna and the Governor, McKenna said that his meetings with the Governor usually did not occur at their scheduled time. McKenna believed that this meeting would have occurred after the press conference, which began around 11:00 a.m. On or around December 2, 2013, McKenna believed he may have told the Governor that Foye had been subpoenaed, and that, according to a conversation between McKenna and Kwon around

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that time, the Port Authority viewed the subpoena as beyond the realm of what the Wisniewski committee had the authority to do. McKenna told the Governor that Kwon and others at the Port Authority wanted the committee to withdraw its subpoena and allow Foye to testify voluntarily.

K. December 4–5, 2013

On or around December 4, 2013—shortly before McKenna met with Wildstein to ask for his resignation—McKenna recalled a conversation he had with Drewniak. At the time, McKenna understood that Drewniak knew that Wildstein would be asked to resign. During their conversation, Drewniak said that he was scheduled to have dinner with Wildstein around that time, and asked McKenna what, if anything, Drewniak should say to Wildstein. McKenna said that Drewniak could foreshadow what was coming, and commented that Drewniak knew Wildstein well and could say what he wanted to.

McKenna did not recall hearing from Drewniak that Wildstein had told Drewniak that others outside of the Port Authority knew about the lane realignment. McKenna did recall hearing at some point that Kelly might have known about the lane realignment, but McKenna assumed that what she knew was that the lane realignment was for a traffic study.

L. December 6, 2013 – Meeting with Wildstein About His Resignation

On Friday, December 6, 2013, at the Governor's instruction, McKenna met with and, subsequently, accepted Wildstein's resignation, effective at the end of the year. The Governor had explained to McKenna that Wildstein was in the middle of a bad set of circumstances, and that, unrelated to the Bridge events, it had already been decided that Wildstein would be asked to step down at the end of the year anyway.

In particular, McKenna scheduled a meeting with Wildstein at the Governor's Newark office for 10:00 a.m. on December 6, 2013. At the beginning of the meeting, McKenna told Wildstein that he must have realized where this was going, and Wildstein said that he did and understood that he was in the middle of what had become a big distraction for the Office. At the meeting, Wildstein said that "this" was my idea, which McKenna assumed meant the traffic study, which was reinforced when McKenna subsequently heard Foye's testimony. At the meeting, Wildstein also expressed concern about his reputation. Wildstein said that he wanted to talk to his kids, Stepien, and Michael DuHaime before he resigned. McKenna did not know why Wildstein wanted to talk to Stepien and/or DuHaime. McKenna responded that he did not care who Wildstein spoke to, just that he received Wildstein's resignation by 2:00 p.m. that afternoon. Wildstein asked if his resignation could be effective as of January 1, 2014, rather than December 31, 2013, for health benefit reasons, and McKenna agreed. In addition, Wildstein expressed his concern to McKenna about Foye's upcoming testimony, and said that he was worried that Foye, in his testimony, would say bad things about Wildstein, including with respect to an internal harassment complaint that had

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been lodged against Wildstein at the Port Authority. Wildstein told McKenna that the complaint had been trumped up. McKenna, who had not previously heard about this complaint, told Wildstein that he did not know what Foye was going to testify about, but that Foye would probably stick to matters regarding the Bridge events. Before the meeting ended, McKenna gave Wildstein his number in case Wildstein wanted to call him.

Around this time, because Baroni and Wildstein were in the process of being removed, McKenna interacted more with Samson and continued to communicate with Kwon. McKenna recalled that either Samson or Kwon called him when he was with Wildstein, during which call McKenna asked Samson or Kwon about the harassment complaint against Wildstein, to which Samson or Kwon responded that there was an internal investigation of the allegation, but that it appeared likely to be resolved without further consequences to Wildstein. McKenna then relayed this to Wildstein.

McKenna spoke to Drewniak a couple of times on December 6, 2013, seeking updates on the status of Wildstein's resignation letter because Drewniak was tasked with ensuring that Wildstein submitted his resignation letter that afternoon. As the 2:00 p.m. deadline approached, McKenna became concerned that Wildstein was not going to voluntarily resign. That afternoon, McKenna reiterated to Drewniak that if Wildstein did not submit his resignation soon, he would just be fired. Drewniak assured McKenna that Wildstein would submit his resignation letter that afternoon, which Wildstein eventually did. In addition, Stepien called McKenna that day and asked why he had a missed call from Wildstein. McKenna told Stepien that Wildstein wanted to talk to him before Wildstein submitted his resignation.

When asked if it was the Governor's Office's—as opposed to the Port Authority's—role to remove Wildstein, McKenna explained that Baroni would have likely been the one at the Port Authority to secure Wildstein's resignation, but that was not realistic because Baroni was also going to be asked to resign around the same time. Moreover, the Governor's Office was not in a position to ask Foye to fire Wildstein. As such, just as it was always understood that the Governor's Office would ask Baroni for his resignation, as Baroni had been appointed by the Governor, it seemed logical for the Office to also ask Baroni's direct subordinate for his resignation.

Regarding Baroni's resignation, it was still understood at this time that Baroni would not leave the Port Authority immediately and that there would be some overlap between him and Gramiccioni at the Port Authority to facilitate a smooth transition between them. Around this time, McKenna and Gramiccioni discussed whether Baroni knew he would be replaced at the end of the year. During that conversation, Gramiccioni said she had heard rumors that Kelly knew about the lane realignment, which McKenna understood to mean that Kelly had contemporaneous knowledge of the lane realignment. At the time, this did not surprise McKenna because he assumed that what Kelly knew about the lane realignment was

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from complaints that IGA had received at the time about it. McKenna did not recall learning of rumors that there were emails reflecting Kelly's knowledge of the lane realignment. McKenna also did not recall hearing any rumors that Stepien was also implicated in the same rumor, but added that it was his understanding that Kelly and Stepien spoke all the time, and that they spoke on the phone a lot.

McKenna believed that he probably told O'Dowd, who was on vacation at the time, about his meeting with Wildstein and that it went well.

M. December 9, 2013 – Wisniewski Committee Hearing

McKenna listened to the December 9, 2013 Wisniewski committee hearing, which he had on in the background. During the hearing, McKenna recalled that Foye explained that he was outraged in part because he had not been informed of the lane realignment either before or during the period of the lane realignment (September 9–13, 2013). When McKenna heard that, he realized for the first time that the lane realignment was a much bigger botch from a communications point of view than he had previously thought. Before Foye's testimony, McKenna understood that there were external communication failures insofar as no one outside of the Port Authority had been informed in advance of the realignment, but Foye's testimony was the first time that McKenna realized that there was also an internal communications failure within the Port Authority. McKenna added that while he was surprised to learn this, he was not shocked by this internal communications failure because it was in line with the historical tension between the New York and New Jersey factions within the Port Authority.

McKenna recalled that there were two other witnesses who testified before the Wisniewski committee on December 9, 2013, and that they talked about traffic studies and how they were generally conducted. Through their testimony, McKenna learned a bit more about the Fort Lee traffic study in particular, including that it did not follow certain protocols. In addition, McKenna recalled someone testifying that Wildstein had approached that witness two years earlier about a traffic study, which reinforced to McKenna that the lane realignment was a study and not part of any political retaliation scheme against Mayor Sokolich. McKenna said that it did not make sense that the realignment somehow harmed Fort Lee and/or Mayor Sokolich because all the Mayor had to do in that situation was point to the Governor and the Port Authority and blame them for the traffic. In other words, as between the Mayor and the Governor, the only one who could be hurt by the lane realignment was the Governor.

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N. December 12, 2013

1. Meeting with Constable About His Second Term Plans

McKenna was involved in conversations with Constable and O'Dowd about Constable's plans for the second term, but did not specifically recall when these conversations occurred other than that they were sometime after December 11, 2013.

2. Meeting with Baroni About His Resignation

On or around December 12, 2013, either the Governor or O'Dowd told McKenna that Baroni had to resign, effective the next day. Accordingly, that afternoon, O'Dowd and McKenna traveled (in separate cars) to the Governor's office in Newark, where they were scheduled to meet with Baroni to ask for his resignation. McKenna recalled emailing a friend who he was going to meet in New York City that night to say he was coming from Newark. The friend responded, "great, don't get caught in traffic in Fort Lee," to which McKenna jokingly replied the "Bridge-gate" story was getting blown out of proportion and that the Fort Lee shortcut he used all the time was the real "scam," which was how an FBI agent once described it to McKenna.

At the meeting with Baroni, O'Dowd took the lead and explained that the lane realignment had become too big of a distraction, and that Baroni had to resign. Baroni reminded them that he is a lawyer and a constitutional law professor, that he would not have lied to the Wisniewski committee, and that everything he had said and testified to was true, again reinforcing in McKenna's mind that the lane realignment was, in fact, a traffic study. In connection with Baroni's concern about his future and how he would make a living, the possibility of Baroni temporarily working for DuHaime was mentioned.

3. Meeting with Wildstein About His Resignation

After his meeting with Baroni, McKenna briefly met with Wildstein and told him that his resignation would be effective the next day, December 13, 2013, as opposed to January 1, 2014, as initially planned. During that meeting, Wildstein told McKenna that he had hired a lawyer, Alan Zegas, who Wildstein knew because their kids had gone to pre-school together. After this meeting, McKenna spoke briefly to Samson on the phone and told him that everything went okay. McKenna spoke to Samson throughout the day to keep him informed of the status of Baroni's and Wildstein's resignations.

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O. December 13, 2013

1. **Pre-Senior Staff Meeting**

On December 13, 2013, early that morning, McKenna spoke to Baroni, who wanted to know if he would be receiving a severance and/or indemnification package.[2] Thereafter, McKenna said that the Governor stopped by his office, at which point McKenna relayed the substance of his conversation with Baroni. The Governor told McKenna that Baroni should get whatever he is entitled to pursuant to the Port Authority's policy, and that this was not something that the Governor's Office had any say over.

2. **Senior Staff Meeting**

McKenna learned about the December 13, 2013 senior staff meeting approximately five minutes before it happened. McKenna did not recall anyone asking him before the meeting to find out if anyone had any knowledge of the lane realignment before or at the time it occurred. McKenna learned about the Governor's upcoming press conference that day either during the senior staff meeting or shortly before it.

McKenna described that senior staff meeting. McKenna thought that everyone on senior staff was present, and that Drewniak may have also been there. McKenna said that the Governor was more agitated when he entered the room than McKenna had ever seen the Governor before. McKenna and O'Dowd sat on either side of the Governor at the conference table. At the meeting, the Governor spoke in a rough tone and began by explaining that, since the election, there were too many people in the room who had not been working hard enough and had not been addressing issues as they arose. The Governor said that he did not want to play defense. The Governor then specifically mentioned the lane realignment, and explained that, after the meeting, he was going to have to go in front of the press and get beaten up by them over the situation. The Governor said that this press conference was the last time that he wanted to deal with the Fort Lee story, so if anyone knew anything about the lane realignment, they had to come forward now. McKenna said that he would be surprised if anyone walked out of the meeting thinking that it was a normal meeting. McKenna said there was absolutely no ambiguity in the Governor's message. The Governor made clear that if anything came out at a later date that someone in the Office knew about the lane realignment, but did not say so before the press conference, there would be no opportunity to resign, and the employee would be fired on the spot. The Governor ended the meeting by saying that if anyone knew anything, they should talk to McKenna

[2] When asked about a December 13, 2013 text message McKenna sent O'Dowd after McKenna's conversation with Baroni earlier that morning, McKenna pointed out a typo therein. Where it read, "I see where gov had pity on 11 am presser," McKenna meant to say, in sum or in substance, "I see gov has set up 11 am presser."

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and/or O'Dowd before the press conference; the Governor may have also said that people could come to him directly. McKenna did not recall the Governor looking around the table at each person because McKenna kept his head down for most of the meeting.

McKenna agreed that it was obvious from the Governor's tone at the meeting that the Governor did not have any reason to believe that there was anything nefarious about the lane realignment, and that, had the Governor known anything, he would not have made the cone statement on December 2, 2013, would not have first convened this senior staff meeting when he did, and would not have held the December 13, 2013 press conference.

After the meeting, McKenna spoke to Egea, which he thought may have been per the Governor's request at the end of the meeting, as McKenna did not believe he would have gone to Egea without being directed to do so. McKenna had a good relationship with Egea and thought that if she knew anything about the lane realignment, she would have already told him. Nevertheless, McKenna went to Egea's office and asked if she knew anything about it, and whether she had any information about it, including any emails/texts/etc. Egea said no. After that, McKenna returned to his office. McKenna did not recall anyone coming to see him before the press conference.

At the time, McKenna knew that O'Dowd spoke to Kelly after the senior staff meeting. McKenna did not recall the details of the conversation between Kelly and O'Dowd, but probably asked O'Dowd if he learned anything from Kelly, and O'Dowd said no.

McKenna recalled that the Governor told him and O'Dowd that the Governor wanted Stepien at the press conference because the Governor wanted Stepien to see what he had to go through. McKenna said this was because Stepien was friendly with Wildstein, who brought about this whole mess.

3. Post-Press Conference

McKenna walked away from the press conference with the understanding that no one had come forward with information that changed the playing field.

P. December 15, 2013

McKenna's attention was directed to a December 15, 2013 email he received from Samson, forwarding an email from Foye to the Port Authority Board of Commissioners about public reports of Wildstein's purchase of domain names. McKenna understood Samson's email as a means of informing McKenna of this bizarre behavior. McKenna also found Foye's email itself to be odd, as Foye's reaction seemed to be over the top. McKenna viewed Foye's September 13, 2013 and December 15, 2013 emails as odd given that, despite Foye's professed outrage, Foye never confronted the Port Authority employees directly, and

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McKenna believed that Foye did not direct the Port Authority's Inspector General to look into the alleged conduct until long after the fact.

Q. End of December 2013

On or around December 22, 2013, Wildstein's lawyer, Zegas, called McKenna. On the call, Zegas explained that he had to make a document production the next day on behalf of his client, and wanted to challenge the scope of the document request. In response, McKenna told Zegas that Wildstein should produce any documents responsive to the request, to which Zegas said that there might be some embarrassing information in the production. McKenna then asked what Zegas was referring to, but Zegas said he did not know because he had not yet seen the documents and was just relaying what his client had told him. Before the conversation ended, McKenna asked Zegas to send him a copy of the production once it was submitted.

McKenna thought that he subsequently relayed the substance of this conversation to the Governor, including that McKenna told Zegas that he should produce any documents responsive to Wildstein's subpoena. McKenna said that the Governor agreed with that assessment.

After the December 23, 2013 production deadline, McKenna called Zegas to follow up on McKenna's request for a copy of the production. Zegas never returned his calls.

R. January 8–10, 2014

On the morning of January 8, 2014, O'Dowd came by McKenna's office and told McKenna to look at a story in *The Record* that had just published Kelly's "traffic problems" email. McKenna was saddened and shocked by this news—he felt really sad that Kelly would write an email like that, which, on its face, seemed nefarious. McKenna elaborated that even if Kelly was just referencing an otherwise legitimate traffic study and had known about it in advance, she should not have phrased the email the way that she did.

Shortly after McKenna read the story in *The Record*, Matey came to McKenna's office to tell McKenna that his name appeared in two of the released documents. One document was a text from Wildstein to Baroni stating that McKenna thought that Baroni did a "great" job at the November 25, 2013 hearing. There were at least two things that bothered McKenna about this text: (1) McKenna never talked to Wildstein about Baroni's testimony; and (2) McKenna never described Baroni's testimony as "great." The second document was an email from Drewniak to Wildstein, referencing McKenna's "itchiness," which McKenna explained referred to his frustration on December 6, 2013, in connection with obtaining Wildstein's resignation statement. McKenna added that Drewniak did not consult him on Wildstein's resignation statement, which was not unusual because Drewniak only ran such statements by McKenna if he needed to confirm the accuracy of a statement, which was not

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an issue here. After speaking to Matey, McKenna asked O'Dowd if the Governor had been informed of the article and released documents, and was told that Comella had informed the Governor.

McKenna did not attend the January 8, 2014 meeting at Drumthwacket. On January 9, 2014, McKenna left for vacation. January 10, 2014 was McKenna's last official day as Chief Counsel.

III. Superstorm Sandy Aid Allegations

McKenna had never heard anyone in the Administration ever suggest withholding Superstorm Sandy aid for political reasons or conditioning such aid on private development issues.

McKenna did not recall ever meeting Mayor Zimmer and he did not have any dealings with her. As for his involvement with Sandy, McKenna tried to sit in on the Office's weekly Sandy meetings when he could. Attending these meetings were primarily senior staff members, as well as some non-senior staff employees, including Terrance Brody, the Deputy Executive Director of the Governor's Office of Recovery and Rebuilding and Jim Leonard from Treasury. In addition, individuals from outside of the Office would attend these Sandy meetings, including, almost always, DEP Commissioner Bob Martin, DCA Commissioner Richard Constable, and Banking and Insurance Commissioner Kenneth Kobylowski. Department of Human Services Commissioner Jennifer Velez, a representative from the Department of Children and Families, and Chris Porrino in connection with eminent domain issues, occasionally attended these meetings. If the meeting's agenda involved a DOT issue, Simpson might attend. O'Dowd, Gramiccioni, and GORR Executive Director Marc Ferzan came up with the agenda for these meetings. McKenna did not recall any discussions in any of the meetings that Sandy aid should be contingent upon local elected officials' support for the Governor's political agenda or any particular development projects.

McKenna gathered from the Sandy meetings that Mayor Zimmer was not necessarily the easiest person to deal with. McKenna understood that there was some redevelopment project in Hoboken that Zimmer was on the fence about. McKenna did not have any recollection of that issue ever coming up in the weekly Sandy meetings.

Someone once asked McKenna for a suggestion on where to make a private donation in response to Sandy. McKenna referred that individual to the Hoboken University Medical Center.

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IV. Jersey City Mayor Steven Fulop

McKenna was not aware of a cabinet day that had been scheduled for Jersey City Mayor Steven Fulop and was not aware of any cancelled meetings between Mayor Fulop and the Administration.

In or around December 2013, McKenna recalled hearing about an upcoming meeting about overtime issues in connection with the closing of the Pulaski Skyway, which he thought Simpson and DOT's Public Safety Director should attend. McKenna reached out to Simpson to inform him of this meeting, which Simpson then attended.

In or around January 2014, when Mayor Fulop made allegations against the Governor's Office, Simpson called McKenna and said that he (Simpson) was emailing with Mayor Fulop at the time and that, based on their email exchanges, there was no suggestion that Mayor Fulop had any issues with the Administration. As such, McKenna viewed Mayor Fulop's allegations as contrived and suspect.

V. Document Retention Notices

McKenna received the document retention notices and is in compliance with them.

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Memorandum

PRIVILEGED AND CONFIDENTIAL
ATTORNEY OPINION WORK PRODUCT

To: File

From: Gibson, Dunn & Crutcher LLP

Re: Napolitano Interview Memorandum

On March 20, 2014, Vinny Napolitano was interviewed by Matthew Benjamin and Sarah Vacchiano of Gibson Dunn. Napolitano was not represented by counsel during the interview. All information contained herein was provided by Napolitano or as indicated. The information in brackets was obtained from publicly-available sources, not from the interview itself. Napolitano has not read or reviewed the memorandum and has not adopted or approved its contents. Benjamin began the interview by administering the standard *Upjohn* warnings per Gibson Dunn's protocol, and requesting that Napolitano refrain from discussing the investigation and interview with others. Napolitano stated that he agreed, understood, and did not have any questions.

This memorandum does not contain a verbatim transcript of what was said at the meeting; rather, it is a summary of the discussion that reflects counsel's mental thoughts and impressions and is therefore protected from disclosure by the attorney work product doctrine.

I. Background

A. Role and Responsibilities

Napolitano joined the Governor's Office in March 2010 as Constituencies Liaison in the Office of Legislative and Intergovernmental Affairs ("IGA"). Napolitano was a member of the constituencies outreach team and reached out to constituent communities across the state as the Governor's Office liaison to those communities. From November 2010 to March 2012, Napolitano served as a Regional Director in IGA. Over the course of his tenure as a Regional Director, Napolitano covered counties in the western part of New Jersey, including Hunterdon, Warren, Burlington, Camden, Gloucester, Salem, Cumberland, and Cape May. In this role, Napolitano served as IGA's liaison to mayors, freeholders and local officials.

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In March 2012, Napolitano was promoted to Director of Constituencies. In this role, Napolitano oversees the constituencies outreach team. Napolitano still serves as the liaison to certain constituent communities, including the autism community in particular, in addition to other cultural and civil constituent communities. At one point, Napolitano undertook a one-and-a-half month assignment as the department liaison to the FEMA Joint Field Office to help coordinate outreach, communication and constituent relations.

B. Relationship with Bill Stepien

Napolitano reported to Bridget Kelly during Bill Stepien's tenure as Deputy Chief of Staff and therefore had minimal direct interaction with Stepien.

C. Relationship with Bridget Kelly

Prior to succeeding Stepien as Deputy Chief of Staff, Kelly was Director of Intergovernmental Affairs. In this role, she oversaw all of IGA. Napolitano described Kelly's management style as hands-on.

Napolitano did not recall observing any changes in IGA operations during the transition from Stepien to Kelly. Napolitano said that when Kelly was promoted to Deputy Chief of Staff, no one was officially given Kelly's former role and accompanying responsibilities. Renna was given Kelly's former title but not the full set of responsibilities that Kelly had in that role. Napolitano does not know why the decision was made to organize staff in this manner.

Napolitano said that Kelly and Renna were close.

D. Interactions with the Campaign

Napolitano volunteered for the campaign during his free time. Napolitano said that he chose to volunteer and did not feel compelled to do so. When he did volunteer for the campaign, he chose to volunteer in south New Jersey, close to where he lives.

When asked about whether or not Napolitano had knowledge of former Port Authority Deputy Executive Director Bill Baroni's involvement in soliciting potential endorsements from Fort Lee Mayor Mark Sokolich, Napolitano did not have any knowledge of Baroni seeking the Mayor's endorsement. Napolitano said that he was not involved at all in the endorsement process.

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II. Chronology of the George Washington Bridge Events

A. Spring 2013

Napolitano was not a Regional Director during the Governor's re-election campaign, and was not involved in or aware of IGA's endorsement efforts.

Napolitano did not recall ever personally interacting with Mayor Sokolich. Napolitano was not aware of any event occurring during the summer of 2013 that would have prompted a change in the way IGA interacted with Mayor Sokolich. Furthermore, Napolitano did not recall any issues coming up about Mayor Sokolich during the IGA weekly staff meetings. Napolitano said that Matthew Mowers, the former Regional Director in charge of Bergen County, would have raised any issues regarding Mayor Sokolich during these meetings, and Napolitano did not recall an instance where Mowers raised any issues about Mayor Sokolich.

B. January 8, 2014

1. IGA Staff Meeting with Regina Egea

[On January 8, 2014, following the release of Kelly's communications with David Wildstein regarding the Fort Lee lane realignment, certain IGA staff members met with Regina Egea, Director of the Authorities Unit.]

During the IGA staff meeting with Egea, IGA staff disclosed to Egea that Kelly had directed them to use their personal email accounts to draft and maintain Google spreadsheets for IGA purposes. Napolitano said that, during Kelly's tenure in IGA, Napolitano and others had assumed that Kelly's directives were known by others in the Governor's Office; when that no longer seemed to be the case in light of the events of January 8, 2014, in the interest of full disclosure, Napolitano and others told Egea about IGA's process for maintaining files.

During this meeting, Renna also discussed her understanding of what IGA staffing changes were being considered in light of the Governor's upcoming second term in office. For example, prior to January 8, 2014, Napolitano did not know and had not been advised that Kelly planned to transition him to employment with the New Jersey Department of State; he learned of Kelly's plan during this meeting with Egea and Renna, who was most familiar with Kelly's plans to reorganize the IGA staff.

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Memorandum

PRIVILEGED AND CONFIDENTIAL
ATTORNEY OPINION WORK PRODUCT

To: File

From: Gibson, Dunn & Crutcher LLP

Re: Crifo Interview Memorandum

On January 21, 2014, and February 15, 2014, Nicole Crifo was interviewed by Alexander H. Southwell, Debra Wong Yang and Sarah Vacchiano of Gibson Dunn. Crifo was not represented by counsel during the interview. All information contained herein was provided by Crifo or as indicated. The information in brackets was obtained from publicly-available sources, not from the interview itself. Crifo has not read or reviewed the memorandum and has not adopted or approved its contents. Southwell began the interview by administering the standard *Upjohn* warnings per Gibson Dunn protocol, and requesting that Crifo refrain from discussing the investigation and interview with others. Crifo stated that she agreed, understood, and did not have any questions.

This memorandum does not contain a verbatim transcript of what was said at the meeting; rather, it is a summary of the discussion that reflects counsel's mental thoughts and impressions and is therefore protected from disclosure by the attorney work product doctrine.

I. Background

[*Crifo attended College of the Holy Cross and Rutgers University School of Law. Following law school, she clerked in the Appellate Division before joining Lowenstein Sandler in Roseland, New Jersey.*]

Crifo joined the Authorities Unit as Assistant Counsel on or about April 28, 2011. She was promoted to Senior Counsel around July or August 2012. Crifo left the Authorities Unit on or about January 10, 2014, to serve as Deb Gramiccioni's Chief of Staff at the Port Authority.

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A. Role and Responsibilities

The Authorities Unit oversees various independent authorities and serves as the main point of contact between those authorities and the Governor's Office. While working in the Authorities Unit, Crifo was assigned to oversee various authorities, including the Port Authority and NJ Transit. Overseeing these authorities, Crifo was responsible for reviewing board meeting agenda items, attending committee and board meetings, and recommending whether or not the Governor should veto certain agenda items. She was also responsible for reviewing non-veto items, attending meetings with the various departments, reviewing travel requests over $250.00, and approving hiring or backfill decisions.

B. Reporting Lines

During her tenure at the Authorities Unit, Crifo initially reported to Gramiccioni in her former role as Director of the Authorities Unit. When Gramiccioni left for maternity leave, Dave Reiner became acting Director and Crifo temporarily reported to Reiner. In around February 2012, Regina Egea replaced Gramiccioni as Director of the Authorities Unit. Because Egea is not an attorney, Crifo was promoted to Senior Counsel and became second in command to Egea in the Authorities Unit. Crifo reported to Egea until Crifo left the Authorities Unit in around January 2014.

While at the Authorities Unit, Crifo interacted primarily with the Chief Counsel and Policy offices.

C. Interactions with the Office of Legislative and Intergovernmental Affairs ("IGA")

Crifo's interactions with IGA varied depending on the issue. In the beginning of her tenure at the Authorities Unit, Crifo interacted with Bridget Kelly, who at the time was Director of Legislative Relations. When Kelly was promoted to IGA Deputy Chief of Staff, Crifo's main IGA contacts were Christina Renna and Kieran Tintle. Crifo noted that she could not figure out whom she needed to go to in IGA when Kelly was promoted to Deputy Chief of Staff, so Crifo primarily went to Renna because she knew her better than Tintle.

Crifo noted that she and Kelly both live in Bergen County and occasionally had discussions about local matters or their respective children.

Crifo did not have much contact with Bill Stepien after he left the Governor's Office. She probably met Stepien three to four times, and the nature of their relationship was to say hello when they passed in the hallways.

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D. Interactions with the Port Authority of New York & New Jersey

Crifo did not interact directly with the Port Authority until she became Senior Counsel in the Authorities Unit in or around February 2012; it was only at that point she assumed responsibility for the Port Authority after her predecessor, Joanna Jones, left the position, leaving to Crifo Jones's docket of authorities and commissions. At that point in time, Crifo's main Port Authority points of contact were David Wildstein, Bill Baroni, and Phil Kwon. Crifo also interacted with Patrick O'Reilly before he was replaced by Philippe Danielides. Crifo then regularly interacted with Danielides.

In or around late 2013, Crifo's Port Authority contacts were mainly Wildstein and Kwon. In general, Baroni tended to interface directly with Egea, instead of Crifo, on matters related to the Authorities Unit.

Crifo generally interacted with Port Authority Chairman Samson only at board meetings. She said that she also may have spoken with him over the phone once.

E. Interactions with the Governor

The only time Crifo recalled meeting with Governor Christie was in September 2011, in the context of the Governor vetoing an agenda item from one of Crifo's authorities.

F. Interactions with the Governor's Campaign

Crifo took vacation time over a period of two afternoons to make campaign phone calls on behalf of the Governor's campaign, but was not otherwise involved in Governor Christie's reelection campaign.

II. Chronology of the George Washington Bridge Events

A. Spring 2013

Crifo was not aware of any efforts by the Governor's reelection campaign to obtain Fort Lee Mayor Sokolich's endorsement in spring 2013, nor was she personally aware of efforts to get the support of local elected officials.

B. August 2013

Crifo said that she gave birth to her second child on June 18, 2013, and was on maternity leave from around June 14 through around September 9, 2013. Crifo did not recall communicating with the Governor's Office while on maternity leave.

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During her maternity leave, Crifo recalled communicating with Wildstein on four separate occasions:

1. Wildstein sent Crifo a baby gift to her home; she sent back a thank you note;

2. Wildstein called Crifo to relay drama between NY and NJ representatives at a Port Authority board meeting. Crifo characterized the drama as "fireworks among commissioners" regarding a directive for the Executive Director and Chairman to give internal reports. Crifo said Wildstein called because he wanted someone to appreciate the "drama," which included various commissioners yelling at each other during the board meeting;

3. Wildstein forwarded Crifo a copy of a report from the Port Authority; and

4. Wildstein followed up on the report asking Crifo if they could discuss. Crifo recalled this was around September 3 and she responded to Wildstein that she would be back from maternity leave on September 9.

C. September 9–13, 2013 – George Washington Bridge Lane Realignment

Crifo returned from maternity leave on September 9, 2013, and recalled becoming aware of the Fort Lee traffic issues upon receiving a call from Jeanne Ashmore, the Director of Constituent Relations, at some point during that week. Ashmore told Crifo that Constituent Relations had received a handful of inquiries regarding Fort Lee traffic and asked Crifo what the deal was. Crifo explained that the Office of Constituent Relations routinely receives public inquiries, and on occasion passes those inquiries on to other parts of the Governor's Office. Crifo recalled telling Ashmore to call Wildstein for more information. She did not recall whether she joined Ashmore on the call with Wildstein, or heard back from Ashmore as to what Wildstein said, but recalled that Wildstein responded it was not an issue that would concern the Governor's Office.

Sometime around early December 2013 (or possibly late November), Crifo recalled running into Ashmore in the parking garage. In that interaction, Ashmore asked if Crifo remembered calling Wildstein with Ashmore to ask Wildstein about the Fort Lee traffic issue, and Wildstein responding that was not an issue that concerned the Governor's Office. Crifo could not specifically recall whether she was on the call with Wildstein, but characterized his response as unsurprising given that Wildstein often focused on "division of responsibility."

At some later point, Crifo recalled telling Egea that Ashmore reached out to Crifo around the time of the lane realignment regarding some public inquiries concerning the Fort

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Lee traffic issues. Crifo recalled that Egea responded that the Governor's Office would not have involved itself with such operational issues within the Port Authority.

1. 9/11 Memorial Event

Crifo was aware of the 9/11 Memorial event, primarily because she was unable to reach anyone that day at the Port Authority as they were all out of the office at the event. Crifo did not personally attend the 9/11 event, and did not have any discussions with anyone about the 9/11 event.

2. Patrick Foye's Email

Crifo recalled that Egea forwarded Foye's September 13 email to Crifo, and Crifo generally recalled discussing the email with Egea, but not with anyone else. Crifo did not recall talking to Egea about the substance of the allegations in Foye's email. Crifo also remembered discussing with Egea why Foye wrote the email and how it got leaked.

D. September 17, 2013 and October 1, 2013 *Wall Street Journal* Articles

Crifo did not recall whether she saw the September 17, 2013 article about the Fort Lee traffic issue, but speculated that she probably received the article in a Google alert for the Port Authority. However, Crifo specifically remembered seeing the October 1, 2013 *Wall Street Journal* article in which Foye's email was published, because she recalled being struck that the October 1 article did not redact Port Authority Vice Chairman Scott Rechler's email. However, she did not specifically recall the substance of the *Wall Street Journal* article and had no distinct memory of reading it.

The first time Crifo recalled hearing about a traffic study was when she read Foye's email, which referenced a traffic study. Crifo recalled bringing up the issue with Wildstein in his office, and asking Wildstein what was the deal with Fort Lee. Crifo said that this meeting likely took place after the October 1 article was published. Crifo recalled that during that meeting, Wildstein stated that it had always bothered "us" that Fort Lee had three dedicated lanes, and they wanted to study how realigning the lanes would affect traffic. Crifo said that she was not sure who "us" referred to, but she assumed Wildstein was referring to the Port Authority.

Crifo did not recall having a discussion with Baroni about Foye's email or the subsequent articles.

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E. October 7, 2013 – Port Authority Committee Meeting

Crifo recalled hearing from either Egea or Wildstein about Senator Weinberg's request to speak at the Port Authority committee meeting on October 7, 2013. Crifo recalled discussions taking place in the Governor's Office about Senator Weinberg's request.

Egea informed Crifo over the weekend (October 5-6) or Monday morning (October 7) that Senator Weinberg would be speaking at the committee meeting.

Crifo attended the meeting of the Port Authority Committee on Governance and Ethics in Jersey City on October 7, 2013. Wildstein also attended, but Crifo did not meet with Wildstein in his office before or after that particular committee meeting.

Crifo had a general recollection that Senator Weinberg's comments during the committee meeting referred to the Fort Lee traffic issue. Crifo recalled that Senator Weinberg asked pointed questions about the Fort Lee issue, including what the breakdown of communication was and how the Port Authority planned to avoid making the same mistake again.

After the committee meeting, Crifo called Egea and gave her a report on how the meeting went.

Crifo recalled subsequently seeing documents stating that prior to the October 7, 2013 meeting, Ashmore received a letter from Senator Weinberg about the Fort Lee traffic issue.

F. October 16, 2013 – Port Authority Committee Meeting

Crifo attended the Port Authority board meeting at the Port Authority's Manhattan office on October 16, 2013. Crifo recalled Senator Weinberg also attended the board meeting and spoke again, but that Senator Weinberg mainly repeated her statements from the October 7 Port Authority committee meeting.

Crifo recalled being surprised that Senator Weinberg was allowed to attend the press gaggle after the board meeting, which is usually reserved for members of the press, not the public.

Crifo noted that she routinely met with Chairman Samson and Wildstein on days she attended board meetings at the Port Authority. Crifo stated that the Port Authority assigns seats at board meetings and recalled that Crifo's seat was next to Wildstein at the October 16 board meeting. She did not recall communicating with Wildstein about Fort Lee during the

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meeting. She remembered being copied on an email Wildstein sent to a group of people during the course of one meeting saying that Senator Weinberg would be speaking at an upcoming committee meeting.

G. November 2013

1. November 13, 2013 – Port Authority Board Meeting

Crifo attended the Port Authority board meeting in Jersey City on November 13, 2013. Crifo recalled that, in addition to Senator Weinberg, Assemblyman Gordon Johnson, Assemblyman John Wisniewski, and Bergen County Freeholder Jim Tedesco were all in attendance and addressed the Board. Crifo recalled that, during the press gaggle after the board meeting, Foye made a statement that the Fort Lee traffic issue was "under internal review."

Crifo recalled talking to Egea after the meeting to tell her that Senator Weinberg called out each of the commissioners by name.

Chairman Samson did not attend the press gaggle, which Crifo recalled being a focus of frustration for the press. At this point, only Foye had talked during the press gaggles—saying the issue was under internal review—and whenever Baroni was questioned about the issue, he deferred to Foye.

After the press gaggle, Crifo met with Samson in Samson's office. Baroni and Wildstein joined shortly thereafter. Before Baroni and Wildstein arrived, Crifo told Samson about the press focus on the Fort Lee traffic issue at the press gaggle. Samson agreed and told Baroni that he needed to make a statement explaining what he did and admitting that there had been a communication failure. Samson felt that the tone of the statement needed to be like a *mea culpa*.

Crifo called Egea as she was leaving the meeting to give her the latest update and tell her that they were discussing Baroni issuing a public statement or testifying. After Crifo spoke with Egea, she recalled talking to Baroni on her cellphone as she drove home. She recalled asking him if there was anything else that she needed to know about Fort Lee. Baroni responded that there was nothing else. Crifo added that the issue had always been presented to her by Baroni and Wildstein as a legitimate traffic study.

2. Crifo Accepts a Position at the Port Authority

At some point, Crifo had lunch with Gramiccioni. At that lunch, Gramiccioni told Crifo that Gramiccioni was under consideration to be Baroni's replacement. Crifo recalled

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joking with Gramiccioni that if Gramiccioni were moving to the Port Authority, she wanted Gramiccioni to take Crifo with her.

Crifo recalled that the Governor asked Gramiccioni to be Baroni's replacement at some point before Gramiccioni left to attend a wedding. When Gramiccioni returned, she called Crifo into her office and asked Crifo to come with her to the Port Authority as Gramiccioni's Chief of Staff. Crifo recalled that this conversation took place before Thanksgiving.

H. November 2013

1. Review of Baroni's Draft Testimony

Baroni asked Crifo and Egea to review his hearing testimony before the November 25 Assembly Transportation Committee hearing. Crifo recalled it was mainly Egea who made comments on Baroni's testimony.

Crifo recalled two conference calls about Baroni's testimony, which Crifo took in Egea's office.

Crifo recalled that Egea, Baroni, Wildstein, and Danielides were on the first conference call, which Crifo thought took place on or about November 19, 2013. Crifo recommended to Egea that they should loop in Danielides because, in Crifo's opinion, Danielides's approach made the most sense—like Crifo, he also believed the Port Authority should just put out a statement to address the lane realignment issue and then try to move on.

Crifo said that Egea took the lead in providing comments, suggesting to Baroni that the statement should be concise and direct. Baroni, however, felt strongly that the statement should include the history of the lane realignment. As a meet-in-the-middle approach, Danielides recommended a short statement with an appendix that would include all supporting background information that Baroni wanted to include.

Egea told Baroni to make the business case. Crifo recalled saying the testimony needed to communicate the core point Baroni was making: that the Port Authority was studying the impact on traffic.

Crifo recalled Egea, Charlie McKenna, and Kwon participated in the second conference call. Egea, Crifo, and McKenna took the call from Egea's office. Crifo said it was always her understanding that Egea would talk to McKenna about the testimony, as the Chief Counsel's office would typically be in the loop before a legislative hearing. Crifo recalled McKenna stating that, as he understood it, the Port Authority had a legitimate reason for not broadly communicating about the traffic study because it might have skewed the

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results. McKenna was focused on making sure the testimony gave the legitimate reasons behind the traffic study. Crifo commented that it made sense to her that the Port Authority would not have told people about the study because the stated purpose was to assess the impact on the actual traffic. During the call, Crifo said that they also discussed who would attend the hearing with Baroni and they were considering whether Kwon should go.

Crifo remembered asking Egea if she should give Kelly a copy of Baroni's testimony. Egea said yes, they should loop in Kelly because it was a local issue. Crifo gave Kelly a copy of the proposed testimony and told Kelly that Egea and Crifo suggested that Baroni emphasize the business case, and not the history behind the lane realignment, as Baroni wanted to do. Crifo recalled Kelly saying she agreed with Baroni—the testimony should lay out the history behind the lane realignment, because that was what happened and that was the story. Crifo relayed Kelly's opinion back to Egea.

The extent of Crifo's interactions with Kelly on the lane realignment issue was handing Kelly a copy of Baroni's testimony. Crifo never separately discussed the issue with Kelly.

Looking at the handwritten comments on a draft copy of Baroni's testimony released publicly by the Select Committee on Investigation, Crifo confirmed which of the handwritten comments belonged to her. Crifo also explained what the comments meant. All of the comments were consistent with how Crifo described what she had been trying to effectuate through her comments on Baroni's draft testimony.

2. November 25, 2013 – Baroni's Testimony

Crifo listened to the November 25, 2013 hearing from her office. Crifo thought Baroni generally did a good job.

After the hearing, Crifo spoke to Wildstein to say she thought Baroni's testimony went well, but that she was frustrated Baroni did not explain the reason for the lack of communication beforehand—that telling people would have skewed the results of the traffic study. Within the Governor's Office, Crifo said that she probably talked about the testimony with others who came by her office, because she listened to the testimony throughout the day.

Crifo did not recall ever speaking with Baroni about his testimony after it occurred.

I. December 2, 2013 – Press Conference

Crifo recalled the December 2, 2013 press conference as the first time she knew the Governor was aware of the Fort Lee traffic issue. She recalled being struck by the fact that

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the Governor was even being asked questions about the lane realignment at all. Crifo said that, even as Senior Counsel, this was not an issue she would have involved herself in, so it seemed even more ridiculous that the Governor was having to field questions on the issue. She recalled that the Governor's sarcastic answer about being the one to move the cones therefore seemed to her to be an appropriate response.

J. December 4, 2013 – Port Authority Board Meeting

Crifo attended the Port Authority board meeting at the Port Authority's Manhattan office on December 4, 2013, and recalled Senator Weinberg and Assemblyman Johnson attending. Assemblyman Johnson testified about the December 1, 2013 toll increase and how it was more expensive to cross the bridge.

During the press gaggle afterwards, Crifo recalled that the press asked question after question about the lane realignment. Foye stated that he stood by his email and would testify about the lane realignment issue on December 9, 2013.

After the press gaggle, Crifo went to the Chairman's office to meet with Foye, Baroni, and Danielides. Samson confirmed that Foye was going to testify so as not to prolong the issue. Crifo observed that Baroni seemed anxious about Foye testifying.

K. December 6, 2013 – Wildstein's Resignation

Crifo said that the last time she saw Wildstein prior to his December 6, 2013, resignation was on December 4, 2013, at the Port Authority board meeting. After the subsequent gathering in Chairman Samson's office, Crifo went to Wildstein's office to say goodbye before she went home. Crifo remembered that Wildstein was in his office with the president of the Port Authority Police Benevolent Association and a few other people whom she did not specifically recall. Crifo did not discuss anything about the traffic issue with Wildstein.

Crifo recalled that on Friday, December 6, 2013, Gramiccioni told her confidentially that McKenna told Wildstein he had until 5 p.m. to resign.

Crifo did not speak to Wildstein on the date of his resignation and said that she has not spoken to him since.

L. December 9, 2013 – Wisniewski Committee Hearing

Crifo was not involved in preparing testimony for the Assembly Committee Hearing on December 9, 2013. She listened to the hearing online in her office. Crifo recalled that Durando's testimony was the first time she heard that realigning the Fort Lee access lanes

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may not have been an appropriate way to do a traffic study. Crifo recalled talking to Egea about the December 9 hearing, and said that she may have also discussed the hearing with Kwon. She did not recall the substance of those conversations.

M. December 11 to 12, 2013

Crifo recalled a December 11, 2013 meeting with Gramiccioni during which they discussed logistics of Crifo's and Gramiccioni's transition from the Governor's Office to the Port Authority. She recalled having several general discussions that week about staff that they would bring with them, among other topics.

When asked about a December 12, 2013 calendar entry reflecting a meeting that day between Crifo and McKenna, Crifo did not initially recall what this meeting would have been about. On further reflection, she believed the meeting was likely about an unrelated issue—namely the Water Supply Authority's request for a $1.91 annual increase per customer.

N. December 13, 2013

1. Senior Staff Meeting

Crifo did not attend the senior staff meeting on December 13, 2013, as she was not senior staff. However, Crifo did attend the press conference that followed later that day.

2. Press Conference

During the morning of the December 13, 2013 press conference, Gramiccioni called Crifo about a departure issue Baroni had concerning indemnification by the Port Authority. Crifo recalled that Gramiccioni was supposed to be out of the office that day at a doctor's appointment but decided to come in because the Governor was announcing her as Baroni's replacement at the press conference. Crifo said that she handed the indemnification issue off to others to handle.

Shortly before the December 13 press conference, Crifo recalled seeing Kelly with Stepien and O'Dowd. She remembered thinking it was odd that Stepien was at the Governor's Office, because he had already left for the campaign at that point. Crifo recalled that Kelly appeared "upset."

After the press conference, Crifo wanted to leave the office early, and she had decided to exit through a back door that was reachable only by going through Kelly's office. Kelly was in her office with someone else sitting there, but Crifo did not recall who. Crifo recalled that Kelly seemed distracted. Crifo asked Kelly if she could go out through her office, and Kelly just nodded in response.

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Later that day, Crifo was talking to Ashmore about an unrelated matter when she received a call from Wildstein on her Blackberry. She recalled asking Ashmore if she should take the call; Ashmore suggested that she not. Crifo did not take the call. At that point in time, she was unaware of the emails between Kelly and Wildstein.

In an Authorities Unit staff meeting after the December 13, 2013 press conference, Egea recounted to the Authorities Unit staff that the Governor had grilled the senior staff in the meeting.

After Baroni resigned, Gramiccioni requested that Crifo reach out to Baroni about Port Authority operational issues, including the promotion of two employees and the capital plan and operating budget. The only subsequent discussion Crifo had with Baroni about the lane realignment issue was in reference to Baroni's retention of Lowenstein Sandler, when Crifo told Baroni that she previously worked at Lowenstein.

After that, in late December 2013, Crifo exchanged text messages with Baroni extending seasons' greetings and related pleasantries. Baroni initiated the text messages.

O. January 8, 2014

Crifo said that she was attending a board meeting at NJ Transit on January 8, 2014 when she first learned about the publication of Kelly's August 13, 2013 email to Wildstein. She recalled receiving a text from the Chief of Staff at NJ Transit containing a link to a PDF document and asking Crifo if she had seen the breaking news. Crifo sent the PDF document to Gramiccioni, then texted Egea to ask if Egea had seen the news. Egea responded that she had not seen the news, so Crifo forwarded her the text with the PDF link. Crifo then went to the NJ Transit Chief of Staff's office and printed out the Wildstein/Kelly email.

The Chief of External Government Affairs at NJ Transit came into the Chief of Staff's office and told Crifo there were two mentions of "Nicole" in the documents (once when Crifo said Baroni did well during the November 25 hearing; the other where Baroni was writing Wildstein to tell him to check his Gmail account to see if Crifo had something). Crifo did not recall if she went home or to Trenton after she left NJ Transit, but she thinks she probably went home.

Crifo noted that she was still working at the Governor's Office on January 8, 2014, but Gramiccioni had already transitioned to the Port Authority. Crifo did not attend the gathering at Drumthwacket on January 8 after the news story broke.

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P. January 9, 2014 – Press Conference

Crifo attended a Port Authority Finance and Operations committee meeting on January 9, 2014. During that meeting, Crifo recalled receiving an email sent to all those who worked at the State House staff telling everyone to avoid downstairs because it was going to be busy.

Crifo's husband texted her about the Governor's press conference. Crifo went to Gramiccioni's office at the Port Authority and watched the end of the Governor's press conference with Gramiccioni and Kwon.

III. Document Retention Notices

Crifo started her new job at the Port Authority on January 13, 2014. Crifo received the January 10, 2014 document retention notice before she left the Governor's Office and asked her assistant to preserve her documents in compliance. Crifo is in compliance with the document retention notices.

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[redacted]

Re:

David Wildstein <david.wildstein@[redacted]> Sat, Sep 7, 2013 at 10:09 AM
To: Bridget Anne Kelly <bridgetannekelly@[redacted]>

Will call you in 5 minutes

On Sep 7, 2013, at 10:00 AM, Bridget Anne Kelly <bridgetannekelly@[redacted]> wrote:

> Great. I called you yesterday to talk PATH
>
> On Sep 7, 2013, at 9:43 AM, David Wildstein <david.wildstein@[redacted]> wrote:
>
> > I will call you Monday AM to let you know how Fort Lee goes.
> >
> > On Sat, Sep 7, 2013 at 9:30 AM, Bridget Anne Kelly <bridgetannekelly@[redacted]> wrote:
> > Yes. I will let you know.
> >
> > On Sep 6, 2013, at 2:50 PM, David Wildstein <david.wildstein@[redacted]> wrote:
> >
> > > We are ready to do this, can you have someone call the Mayor of Springfield and tell him that Gov has approved $60k for their traffic study.
> > >
> > > The Township of Springfield has requested LAP funding for a Master Plan Re-examination Report. The Township requested that the Re-examination include a critical Traffic Study for Morris Avenue to assist in the redevelopment of the downtown and a Sustainability Element to assist the Township in getting certified by Sustainable New Jersey. $60,000.

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State of New Jersey
OFFICE OF THE GOVERNOR
PO BOX 001
TRENTON, NJ 08625-0001

CHRIS CHRISTIE
Governor

May 25, 2012

The Honorable David Samson
Chairman, The Port Authority of New York and New Jersey
225 Park Avenue South
New York, NY 10003

Dear Chairman Samson:

In accordance with the October 2009 action of the Board of Commissioners of The Port Authority of New York and New Jersey (the "Port Authority"), which increased the provision for appropriate projects in the State of New Jersey ("Project Funds") to $32.2 million, I am writing to request that the Port Authority authorize funding from New Jersey Project Development funds for the following purpose:

Borough of Fort Lee

The sum of $162,000 to the Borough of Fort Lee to be used for the municipality's purchase of shuttle bus vehicles to provide resident access to trans-Hudson ferry service located in Edgewater, NJ and transport to the George Washington Bridge Bus Station in New York City.

I appreciate the Port Authority's assistance with this important initiative and look forward to continuing to work with the agency on the transportation issues of significance to the region.

Thank you for your attention to this matter.

Sincerely,

Chris Christie
Governor

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2013 AGREEMENT BETWEEN THE PORT AUTHORITY AND BOROUGH OF FORT LEE: FUNDING FOR EDGEWATER FERRY LANDING SHUTTLE BUS SERVICE

THIS AGREEMENT, made as of the 22nd day of February, 2013 between THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY, a body corporate and politic created by Compact between the States of New York and New Jersey with the consent of the Congress of the United States, having its principal office at 225 Park Avenue South, New York, New York 10003, hereinafter referred to as the "Port Authority," and the BOROUGH OF FORT LEE, a municipality of the State of New Jersey, County of Bergen, with its municipal office located at 309 Main Street, Fort Lee, New Jersey 07021, hereinafter referred to as the "Borough";

WITNESSETH:

WHEREAS, from time to time, the Port Authority has taken action in connection with the creation of new ferry service routes, operated by private sector entities under agreements with the Port Authority pertaining to such service, and the Port Authority has undertaken various ferry projects in the New York and New Jersey portions of the Port District to enhance interstate mass transit capacity; and

WHEREAS, the Borough has implemented a shuttle bus service (the "Bus Service") to provide access between Fort Lee and the ferry landing in Edgewater, New Jersey, which is a terminal for trans-Hudson ferry service (the "Ferry Service") to and from midtown Manhattan at West 39th Street, and is committed to operating the Bus Service for a period of at least three years from the date on which this Agreement has been executed by both parties, provided that the Ferry Service remains in operation during that time period; and

WHEREAS, implementation of the Bus Service has: facilitated use of the Ferry Service, thereby helping to control the flow of traffic over the George Washington Bridge, which is operated by the Port Authority; fostered regional environmental benefits by promoting the use of mass transportation and potentially reducing the use of single-occupant vehicles; and enhanced access to employment opportunities and promoted economic development; and

WHEREAS, in February 2008, the Port Authority and the Borough entered into an agreement (the "2008 Agreement") pursuant to which the Port Authority has provided the Borough with up to $160,000, through the Port Authority's Regional Transportation Management Program, toward the Borough's costs in connection with the purchase of buses and related equipment to be used in operating the Bus Service; and

WHEREAS, the Board of Commissioners of the Port Authority, at its meeting of October 22, 2009, adopted a Resolution, attached hereto as Exhibit A, authorizing the Executive Director

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of the Port Authority to enter into agreements with appropriate entities as may be necessary to effectuate, consistent with existing legislation and agreements with the holders of the Port Authority's obligations, projects designated by the Governor of the State of New Jersey in the New Jersey portion of the Port District in connection with the allocation of the remaining $2.2 million of funds for previously authorized commitments for projects and initiatives in the State of New Jersey; and

WHEREAS, Governor Chris Christie of the State of New Jersey has requested the Port Authority to provide up to $162,000 toward the Borough's costs in connection with the purchase of additional buses and related equipment to be used in operating the Bus Service; and

WHEREAS, the Port Authority has agreed, pursuant to the above-mentioned authorization and under the terms of this Agreement, to provide the Borough with up to $162,000 toward the Borough's costs in connection with the purchase of additional buses and related equipment to be used in operating the Bus Service,

NOW, THEREFORE, the Port Authority and the Borough hereby agree as follows:

SECTION A – DEFINITION OF PROJECT

The Project, as used in this Agreement, shall refer to the acquisition by the Borough of two passenger bus vehicles and related equipment for use on the Bus Service between Fort Lee and the Edgewater ferry landing. Any bus vehicles and related equipment acquired by the Borough using the funds provided by the Port Authority pursuant to the 2008 Agreement shall not be included as part of the Project, as referred to in this Agreement.

SECTION B – PAYMENTS BY THE PORT AUTHORITY

The Port Authority's sole responsibility under this Agreement in connection with the Project shall be to allocate and make available, as subsequently requested in properly drawn invoices, up to $162,000 to the Borough toward the Borough's expenditures in connection with the Project.

Payment of funds by the Port Authority to the Borough in connection with this Agreement shall take place as follows: Upon receipt by the Port Authority of a certified contractor's invoice demonstrating expenditures incurred (but not necessarily paid yet) by the Borough in connection with the Project, and after verifying the accuracy and appropriateness of the invoice for reimbursement, the Port Authority will reimburse the Borough for the amount of the invoice within 30 days of the Port Authority's receipt of the invoice. However, there shall be no reimbursement for any internal costs that may be incurred by the Borough in connection with the Project.

If the Port Authority questions or disputes a charge or charges on an invoice for which payment was made, and it is determined through the dispute resolution procedures provided for

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in this Agreement that the Borough is required to reimburse the Port Authority for the disputed charges(s), the Port Authority will deduct such amount from its future reimbursement to the Borough, or the Borough will reimburse the Port Authority within 30 days of the Borough's receipt of notification of the resolution of the dispute.

SECTION C – RESPONSIBILITIES OF THE BOROUGH

The Borough shall be obligated to place all of the passenger bus vehicles and related equipment acquired under the Project in service on the Bus Service between Fort Lee and the Edgewater ferry landing, as soon as practicable after it has acquired and performed any necessary testing procedures on the vehicles and related equipment, and shall operate the Bus Service on a regular schedule for a period of at least three years, provided that the Ferry Service remains in operation during that time period.

SECTION D – REPORTING REQUIREMENTS

The Borough shall provide the Port Authority with quarterly reports regarding the progress of the Project. The form of such quarterly reports shall contain such information as the Port Authority may reasonably request. The Port Authority may, upon reasonable notice, during regular business hours, examine all records of the Borough relating to the Project or any agreements entered into by the Borough in connection with the Project.

SECTION E – NO PORT AUTHORITY LIABILITY

The Port Authority shall have no responsibility of any kind for any agreement, contract or project utilizing funds provided under this Agreement. Without limiting the generality of the foregoing, the Port Authority shall have no responsibility for the design, effectuation, maintenance, ongoing operation or any other aspect (including all environmental matters) of the Project, any contract entered into in connection with the Project, or the operation of any bus vehicles or related equipment during or following completion of the Project. Between the Port Authority and the Borough, only the Borough hereby assumes the following risks, whether or not they arise from acts or omissions of the Borough: all risks of loss or damage to property or injury to or death of persons, and risks of other damages, to whomsoever occurring, arising out of or in any way connected with or related to the Project and/or the operation of any bus vehicles or related equipment during or following completion of the Project, including, without limitation, the design, effectuation, maintenance, operation or any other aspect (including all environmental matters) of the Project. The Port Authority shall have no responsibility for providing any monies for the Project except as provided in this Agreement.

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SECTION F – INDEMNIFICATION AND INSURANCE OF THE PORT AUTHORITY

The Borough hereby agrees to indemnify and save harmless the Port Authority, its successors, Commissioners, officers, agents, and employees, and each of them, from and against claims, suits, and demands arising out of or in any way connected with or related to the Project and/or the operation of any bus vehicles or related equipment during or following completion of the Project, including the costs of legal defense arising therefrom, for any such injury, death, loss, damage, or other claim, whether said claims, suits or demands are just or unjust, fraudulent or not, and irrespective of whether such risks are beyond the control of the Borough.

The Borough, in indemnifying the Port Authority, shall, if so requested by the Port Authority, defend against such claims at no cost and expense to the Port Authority, in which event the Borough shall not, without obtaining express advance written permission from General Counsel of the Port Authority, raise any defense involving in any way the jurisdiction of the tribunal over the Port Authority, the immunity of the Port Authority, the governmental nature of the Port Authority, or the provisions of any statutes respecting suits against the Port Authority.

SECTION G – GENERAL

1. By execution, delivery and performance of this Agreement, each party represents to the other that it has been duly authorized by all requisite action on the part of the Port Authority and the Borough, respectively. This Agreement constitutes the legal, valid and binding obligation of the parties hereto.

2. It is expressly understood and agreed that the Port Authority has not reviewed and shall not review any plans, specifications, drawings, or other similar documents relating to the work performed or to be performed in connection with the effectuation of the Project or any agreement entered into in connection with or relating in any way to the Project.

3. No payment, approval, failure to approve or make payment, act, or omission to act on the part of either the Port Authority or the Borough shall preclude either party from subsequently asserting that any payment, approval, or act on its part was incorrect and requesting an adjustment to remedy same or seeking all remedies allowed by law.

4. All disagreements under this Agreement shall be submitted to the Executive Director of the Port Authority and the Mayor of the Borough for their review and decision, which decision shall be binding upon the parties. In the event that the Executive Director of the Port Authority and the Mayor of the Borough shall disagree, then either party may seek all legal or equitable remedies to the extent permitted by applicable law, with venue for such disputes being rested solely in the Superior Court of New Jersey, Law Division, Bergen County.

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5. Notices and communications under this Agreement shall be in writing and sent via certified mail, return receipt requested, and shall be directed as follows, or to such other address as the party receiving such notice shall have previously specified by notice to the party sending such notice:

If to the Port Authority:
The Port Authority of New York and New Jersey
233 Park Avenue South –12th Floor
New York, New York 10003
Attn: Michael Vozza, Manager, Program Review and Grant Management, Office of Management and Budget

If to the Borough:
Borough of Fort Lee Municipal Offices
309 Main Street
Fort Lee, NJ 07024
Attn: Borough Clerk

6. This Agreement shall not be construed to create any rights on behalf of any party other than the Port Authority and the Borough. Neither this Agreement nor any rights or duties hereunder may be assigned or delegated by either party hereto without the written consent of the other party, and any such purported assignment or delegation shall be null and void and of no force or effect.

7. a) No Commissioner, director, officer, agent or employee of the Port Authority shall be held personally liable under any provision of this Agreement or because of its execution or attempted execution or because of any breach or alleged breach hereof.

b) No official, agent or employee of the Borough shall be held personally liable under any provision of this Agreement or because of its execution or attempted execution or because of any breach or alleged breach hereof.

8. If any provision of this Agreement shall be such as to destroy its mutuality or to render it invalid or illegal, then, if it shall not appear to have been so material that without it this Agreement would not have been made by the parties, it shall not be deemed to form a part hereof, but the balance of this Agreement shall remain in full force and effect, and a reviewing court may reform this Agreement as necessary to carry out the intention of the parties.

9. The entire agreement between the parities is contained herein and no change or modification, termination or discharge of this Agreement shall be effective unless in writing and signed by both parties.

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10. This Agreement shall be governed by and construed in accordance with the laws of the State of New Jersey, without reference to choice of law principles.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be signed, sealed and attested.

ATTEST:

THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY

By: _____
Patrick J. Foye
Executive Director

DATE: 2/22/13

ATTEST:

_____
Borough Clerk

DATE: _____

BOROUGH OF FORT LEE

By: _____
Mark J. Sokolich
Mayor

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2013 AGREEMENT BETWEEN THE PORT AUTHORITY AND BOROUGH OF FORT LEE: FUNDING FOR EDGEWATER FERRY LANDING SHUTTLE BUS SERVICE

EXHIBIT A

(October 2009 Resolution of the Board of Commissioners of the Port Authority)

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ALLOCATION OF PROJECT DEVELOPMENT FUNDS FOR NEW YORK AND NEW JERSEY

It was recommended that the Board authorize the Executive Director and the Deputy Executive Director, each individually, to enter into agreements with appropriate entities necessary to effectuate projects in New York and New Jersey designated, respectively, by the Governor of the State of New York and the Governor of the State of New Jersey, in connection with the allocation of funds from previously authorized commitments for various projects and initiatives in the two States. Under the proposed authorization, $15.8 million would be made available for projects in the State of New York and $2.2 million for projects in the State of New Jersey, consistent with existing legislation and agreements with the holders of the Port Authority's obligations.

From time to time, the Board has authorized the provision of funds for various projects and initiatives in the two States. At its meeting of February 24, 2005, the Board authorized the allocation of $30 million for projects in New Jersey to be designated by the Governor of New Jersey.

With respect to funding commitments to the State of New York, currently there is approximately $5.8 million remaining from two prior authorizations. At its meeting of December 10, 1992, the Board authorized $10 million for the development of an Intelligent Transportation System, of which $5 million remains unspent. An additional $812,000 remains from an authorization by the Board, at its meeting of March 7, 1987, to fund traffic distribution improvements in Manhattan. Moreover, an existing $10 million commitment for use by the State of New York is in the approved ten-year capital plan, and would be included within this authorization.

With regard to funding commitments to the State of New Jersey, currently there is $2.2 million remaining from prior authorizations. At its meeting of September 14, 1989, the Board authorized $27 million for various marine-related projects in New Jersey, of which $1.8 million remains unspent. On July 26, 2001, the Board authorized the provision of $1 million to fund transportation planning studies to address congestion in the surface transportation network in certain portions of Hudson County, of which $400,000 remains unspent.

Periodically, the Governor of New York and the Governor of New Jersey, respectively, would submit a project or list of projects for which Port Authority funding would be requested through this initiative. Agreements would be entered into with appropriate entities to provide funding for eligible designated projects, up to the limit of the then remaining available funds, and consistent with existing legislation and agreements with the holders of the Port Authority's obligations.

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

RESOLVED, that the Executive Director and the Deputy Executive Director, each individually, be and they hereby are authorized, for and on behalf of the Port Authority, to enter into such agreements with appropriate entities as are

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necessary to effectuate, consistent with existing legislation and agreements with the holders of the Port Authority's obligations: (1) projects in the State of New York designated by the Governor of the State of New York in connection with the allocation of the remaining $15.8 million of funds from previously authorized commitments for projects and initiatives in New York; and (2) projects in the State of New Jersey designated by the Governor of the State of New Jersey in connection with the allocation of the remaining $2.2 million of funds for previously authorized commitments for projects and initiatives in the State of New Jersey; 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.

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From: Matt Mowers [matthew.mowers@[redacted]
Sent: Friday, February 01, 2013 8:58 AM
To: b_stepien@[redacted]
Cc: Bridget Kelly
Subject: Re: Ft Lee

I'll be sure to remind him when we speak later.

Sent from my iPhone

On Feb 1, 2013, at 8:09 AM, "b stepien@[redacted]" <b stepien@[redacted]> wrote:

> We approved this mths ago (he just sent this out). Hope he remembers.
>
>
> Fort lee shuttle service to NY-bound ferry expanded Friday, February
> 1, 2013 BY SVETLANA SHKOLNIKOVASTAFF WRITER Fort Lee Suburbanite Print
> | E-mailA new agreement between
>
> Fort Lee and Port Authority of New York and New Jersey will allow the
> borough to add a second shuttle route to the
>
> Edgewater ferry this month, offering two free buses to commuters near Anderson Avenue.
>
> BERNADETTE MARCINIAK/STAFF PHOTOGRAPHER Buy this photoAn Agreement
> between Fort Lee and the Port Authority of New York and New Jersey adds a second shuttle route to the Edgewater ferry.
>
> The popular shuttle service went into effect more than ten years ago and sees a daily ridership of 70 to 100 people.
>
> The two buses in its current fleet travel back and forth between
> Palisade Avenue and the
>
> Edgewater ferry landing, where hundreds board a NY Waterway boat into New York City every weekday.
>
> With the help of Port Authority, the borough will be able to add two buses to the shuttle service and meet commuter needs in the western terminus of the town by mid-February, said Mayor Mark Sokolich.
>
> The agency has agreed to donate the $85,000 buses;
>
> Fort Lee will pay for their upkeep and assign two borough drivers to operate them.
>
> "There was a demand [from residents]," said Sokolich, who used a survey of all the major residential buildings in town to determine whether the expansion was necessary.
>
> If the new route proves unsuccessful and the borough has to revert to a two-bus shuttle service, the agreement will still be of benefit to the borough, said Sokolich.
>
> "When we invest in something, we make sure that it can be readily convertible to something else," said Sokolich. "
>

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> Fort Lee could use these buses whether this works or doesn't work."
>
>
> Sent from my Verizon Wireless BlackBerry

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From: Matt Mowers [matthew.mowers@[redacted]
Sent: Friday, July 06, 2012 4:42 PM
To: Pete Sheridan
Subject: Recaps

Date: 7/6/12
Event: Port Authority flag presentation to Garfield VFW
Notes: I had prepared to meet with Julio Quiles of the Garfield VFW and presented him with a flag from the Port Authority. he had requested this flag after he heard that the Lyndhurst VFW had received one. They were very excited that they could receive such a rare gift. The conversation was not too substantive beyond that outside of the fact that they said they are discussing whether to ask for the steel from the Port Authority at their meeting next week. (There are apparently issues as to whether they will be keeping their location because of declining membership).

Date: 7/6/12
Event: meeting with Fort Lee Mayor Mark Sokolich
Notes: This was just a check in meeting and we kept most of the conversation casual. Two notable issues though Mayor Sokolich was speaking to Bill Baroni at one point a few months ago and they discussed the creation of additional shuttle routes to bring individuals near the GW Bridge. He then make a joking inquiry as to whether the riders could then be shuttled across the bridge free of charge. Low and behold, Baroni spoke to Sokolich a couple weeks later and said "we're going to do it " Sokolich was caught off guard and later told Baroni that the free shuttle across the bridge could cause issues within town because more riders would want to utilize the shuttle for free across the bridge, there would be issues with verifying residency of the riders, and residents of different sections of town would then complain that they were left out of the shuttle route. We had even reached out to Sokolich as part of standard outreach and told him that the Governor asked the Port Authority to grant the buses for the shuttle service. To the end Baroni agreed with Soklich about the free service across the bridge. They are still going to utilize the new buses we asked the Port Authority to provide Fort Lee for shuttle service. but they will not offer free service across the bridge. This was kept very close to the vest by Sokolich with only him and the town administrator knowledgeable about it

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AUTHORITIES TRANSITION REPORT – EXECUTIVE SUMMARY

Thank you for the opportunity to be a part of your transition team. Each member of this transition subcommittee personally met with or spoke to leaders of numerous authorities. Each deserves a great deal of credit for volunteering numerous hours, gathering valuable information and making serious recommendations.

It should be noted that the recommendations and opinions expressed herein do not reflect the opinions of each member of the subcommittee. Rather, this is a compilation of the most important observations and suggestions made by individual members.

Our subcommittee reviewed the budgets, missions and initiatives of various authorities. In some cases, very specific recommendations are made for changes or further examination where a need was seen. In other cases, due to significant overlap with other subcommittees, we limited our scope of examination and may make no recommendations, leaving those to the committees which only focused on one major policy area.

It is important to note that every single authority had overlap with one subcommittee or another. Therefore, in some cases, we allowed the entire examination and subsequent recommendations to be done by the subcommittee with the more specific focus. Efforts were made to avoid duplication.

Admittedly, there are times our recommendations and observations may go beyond our scope, or perhaps be inconsistent by those made by another committee, but where it was felt a recommendation was necessary, it was made. At times, we even looked beyond authorities when our research took us in certain directions and made recommendations that are felt to be in the best interest in the state's citizens.

This executive summary is separated into sections.

The first section makes recommendations as to how the Governor-Elect and his administration should approach all authorities as a whole. The goal is to recommend a framework as to how all authorities should be approached, regardless of the obvious differences between them. With so many authorities, it is imperative that there be a guiding philosophy in approach so there is consistency when dealing with the staff and leadership at each.

In the second section, specific recommendations pertaining to some individual authorities are made. In some instances, important and timely issues are raised without a recommendation. This is done

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when the issue deserves attention, but it is felt more research needs to be completed by the incoming Administration.

Section One:
Recommendations as to how the Governor Should Approach All Authorities Units

The independent nature of authorities units has caused some to be, at best, underutilized assets in helping governors pursue their goals, and others, at worst, to be ineffective government organizations that waste public dollars. All too often, the authorities have been an afterthought. Given the vast resources and potential of the many state and bi-state authorities, it is imperative that they receive equal direction and are held as accountable as any state department or agency.

As one would imagine, when dealing with dozens of authorities, some operate far more effectively and efficiently than others. Some serve obvious and useful purposes for our citizens; some seemingly serve parochial interests and/or waste money.

In order to maximize the effectiveness of all authorities and cut down on the waste that is prevalent throughout these units, the governor can do five things across all the Authorities units to improve their performances.

- Bring a Clear Vision
- Create Accountability
- Control the Agenda
- Consolidate
- Require Fiscal Restraint

Also, special consideration should be given to how vision, accountability, appropriate control, fiscal restraint and even consolidation can be brought to bi-state authorities. While the governor has less ability to unilaterally do this at bi-state authorities, some things can be done, which will discussed at the end of this section.

Vision

For each individual authority, the new Administration should review their mission, plans and budgets for the next two years. Too often, these entities are simply going about their business, well-intentioned in nearly all cases, but without focus or direction from the front office.

Literally billions of dollars are spent by various authorities throughout our state. This money will help our state and her citizens, but the money will be spent more effectively if the governor provides the vision, in an appropriate fashion, as to how those dollars are spent (or saved).

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So much good can be done with the vast power and relative financial strength of many authorities, but their underutilization would be a missed opportunity if no focus is given to each.

Contrary to what one may think, many of the leaders on a staff level at the authorities clearly crave this type of direction, and often complained about ineffective liaisons with the Governor's office. Strong policy planning is needed, and then the system of communication must become an effective two-way street.

The system of communication between the individual authorities and the governor's office must be improved and strengthened if common goals are to be met. With so many authorities, it is clear some, even very large ones, have suffered from a lack of communication and direction with key players in the Governor's office.

Accountability

The same lack of attention also leads to a lack of accountability. As stated previously, billions of public dollars are spent by state and multi-state authorities. While there is not enough time during a transition to audit scores of authorities and commissions, it is clear that there is waste. It is also apparent, that few people have truly ever scrutinized the waste and poor financial prioritization seen in a number of authorities. The leaders of the authorities must know the Governor's office will scrutinize their books, and utilize all the power at its disposal, to bring accountability to each.

Audits of all authorities should be conducted early in the new Administration's tenure. If this is not feasible, there are a few that deserve a special look, which will be apparent in the specific recommendations made later in this report.

Sounding much like private parties often can, authority directors often complained about dealing with other authorities or government agencies. This is merely further evidence of the frustration that can be found everywhere with the ineffective nature of some inside the government.

Control

In order to bring vision and accountability to these authorities, it is important to exercise control over the authorities to the levels that are appropriate and afforded to the Governor under the law. Obviously, different authorities are set up with varying levels of control that the Governor may appropriately exercise.

- Use Veto Authority –
    - This is a powerful tool at the Governor's disposal. All authorities must act in a fiscally responsible manner and promote the vision of the Governor or face a veto. Early use of veto power, if necessary, would show that the Governor's office means what it says in terms of its vision and accountability.

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- Legislative Remedies to Veto Authority –
  - The governor has no veto authority over some large-budgeted authorities, such as the Passaic Valley Sewerage Commission, the Casino Control Commission, the Meadowlands Commission, the Casino Control Commission and the North Jersey Water Supply Commission. If and where appropriate, the legislature should consider taking action to give veto authority to each and every authority.
  - Where there is veto authority, consideration should also be given to extending the timelines for veto authority where the turnaround time does not allow for thorough review by the Governor's office.

- Executive Directors –
  - The vast majority of executive directors are dedicated public servants who were very cooperative and looking to serve the interests of our state. That said, evaluations should be made on each as to how well he/she has performed and will perform during the next administration.

- General Counsel –
  - It is apparent that the general counsels within each authority can have considerable power of what can and cannot be accomplished. Just as with executive directors, the general counsel at each authority should be evaluated for past performance and future intentions.

- Cross-Pollinate Board Members –
  - Since some of the authorities have considerable impact on state departments, it is instructive that some past administrations have smartly had the same person serving on various related authority boards at the same time in an effort to enhance communication and understand the impact of the authorities on state operations.
  - For example, the Governor's Commissioner of Transportation should also serve on the boards of the Port Authority of New York and New Jersey, the Delaware River Port Authority, New Jersey Transit, the New Jersey Turnpike Authority, the South Jersey Transportation Authority and the South Jersey Port Corporation, among others.

  - While this is just one example, this cross-pollination should be considered for transportation, gaming and sports, the environment and economic development at the very least. It means fewer people getting appointments, but it means more reliable input, control and information flow for the governor.

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Simply put, there are too many authorities. This wastes money in obvious and obscure ways. The governor's office should look to quickly make some changes that would both save money and send a powerful signal as to how serious the governor is when it comes to saving public dollars. Specific recommendations are made in the next section. While this is easier said than done, numerous authorities have outlived their usefulness and deserve to be downsized, merged or eliminated.

Too much government is unlikely to be limited only to the authorities. There is overlap between the missions of authorities and state agencies as well. Intensive studies should be embarked upon quickly to find potential cost-savings wherever possible.

Also, it seems incongruous that authorities are paying other authorities and agencies for work. While money moving between authorities and state government agencies may actually benefit the state's bottom line, it seems in many ways to simply be a shell game with public dollars. For example, the NJSDA complained that it paid $20 million dollars in permitting fees (mostly to DEP and DOE) over the last twelve months. It would be important to undertake an effort to see how widespread this practice is within the state government and between governments and authorities.

Certain outside consulting functions should be considered for centralization/standardization. Examples include:

- Consideration of using the Attorney General's office more, and for more functions.
    - For instance, NJDOT has the AG's office handle all property acquisitions. NJ Transit and NJSDA use outside counsel for acquisitions (at considerable expense) but use the AG for environmental matters arising out of property acquisitions. NJTA uses outside counsel for acquisitions and environmental. Could these services be performed in a uniform way that would cut down on expenses?
    - Adding additional experienced staff to the AG's office could yield significant savings and potentially equal or better service – one typical case could generate $500,000 in fees to a private firm. The same monies could be used to hire 5 experienced deputy AGs who, together, can handle dozens of cases each year.

- Most or all authorities hire outside accounting firms to perform audits at considerable expense. Audit procedures may be ripe for centralization, either within an expanded function of the State Controller, or through standardized audit procedures which will likely yield savings and more efficient operations

- While it may seem at first blush that adding personnel to certain government departments is contrary to the policy of making government "smaller," it may in certain cases make government much more efficient and less expensive to run

Require Fiscal Restraint

The financial pictures at different authorities vary greatly due to distinct sources of funding. It is imperative that each authority act like the state government must during this difficult economic time.

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Many authorities have embarked upon, or are considering embarking upon, massive and expensive capital projects. Careful consideration should be given to the necessity of each given our financial situation.

The necessity of doing long-term capital projects that are not directly necessitated by safety or increased use by our citizens must be immediately reevaluated. Now is likely not the time to be thinking about expansion of systems that are already losing money.

One other important note that may help fiscal restraint (as well as accountability), would be to level the pay and benefits structures at the authorities to match those within state government. At least 27 people at various authorities have more lucrative salaries than the Governor. Without the oversight that is brought to departments in state government, salaries and benefits have often times escalated to unacceptable levels. And in some cases, particularly noted by the Casino Control Commission, it would actually help the management of their budget and employees if the employees were subject to the state personnel systems with steps.

While many of the authorities we looked at have done a good job controlling the employee numbers, increased employment nearly anywhere puts a strain on the state's pension system because many employees and some people providing professional services may be eligible for participation in PERS.

Dealing with Bi-State Authorities

While the ability to exercise such control and provide unilateral vision to bi-state authorities is understandably limited, the governor's office should attempt to bring about positive change wherever possible.

- Reach out early to other governors to create a dialogue regarding changes that should be made.
- Push for the same type of procurement and ethics reforms in these authorities as would be expected by state government agencies. The bi-state authorities are currently behind what has been done recently at the state authorities.

Section Two:
Specific Recommendations Pertaining to Individual Authorities

Below are some specific recommendations we make regarding individual authorities that we felt deserved special consideration.

Rethink the Highlands Council

The Highlands Council may be well-intentioned, but it is a disaster on multiple levels. Rather than simply providing the intended environmental protection to a treasured part of our state, it has added

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extra layers of government bureaucracy that have punished individual landowners and inhibited the decision-making abilities of local governing bodies, causing economic distress to individuals and local governments alike.

If the Highlands Council had its powers changed or reduced, or even if it was eliminated outright, environmental protections would still be in place, enforced just as they are in every other part of the state. All projects would still be subject to DEP and local rules and regulations, just as they would be in any other region.

The Highlands Act's enabling legislation, as flawed as it is, has been hijacked by over reaching regulations by the DEP and by a Highlands Council which has strayed from both the law and the intention of the law in the Master Plan document. The law is very clear as to the content within the Master Plan and the separation of the Planning versus Preservation Areas, requiring true economic analyses of the impact of Highlands' zoning, transportation needs, etc., none of which seems to have been done.

The lack of ability for any ratable growth in most of the Highlands burdens the municipalities and chains their citizens to increasingly higher taxes to support school and local government contractual obligations, as well as inflationary increases of their operating costs. The Highlands Council has used punitive and menacing tools to force "opting in" by municipalities and co-opted home rule, which was not the legislative intention of the Act.

Further, by having a Council formed with 100% appointment power by the Governor (unlike the Meadowlands or Pinelands where Freeholders have some appointment authority) where 7 out of 15 members do not even have to live in the Highlands, the local governments and landowners feel unrepresented, powerless and voiceless.

At a bare minimum, changes should be brought to the representation on the Council. Right now, there is too little voice given to the counties and constituents most affected by their actions.

Importantly, there can also be cost savings as a part of any change. Annual budgets have ranged from $2 million to $3.8 million since its inception. Since this is funded entirely by the state, there is an opportunity for considerable savings.

Merge the South Jersey Transportation Authority with the Turnpike Authority

In concert with the recommendation of the Transportation subcommittee, the South Jersey Transportation Authority should be merged with the New Jersey Turnpike Authority. The elimination of a substantial amount of redundant administrative bureaucracy, redundant outside professional fees and needs, and the need for a separate administrative staff and Board could all be achieved by a merger. Throughout our collection of information, we have seen no reason why

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there should be a separate authority. The legitimate needs of the region can still be met at a lower cost with a much-needed consolidation.

This recommendation should not be construed to suggest the SJTA does not do important work and do it well. To the contrary, the authority undertakes vital projects throughout the region. The same good work, though, likely can be done under the auspices of another authority.

Since the SJTA is not simply a toll road authority, the merger would require that thought be given to how these services are managed.

- The Atlantic City garages operated by SJTA could be turned over to one of the Atlantic City authorities or even the city or county should they adopt the operating costs.
- The Atlantic City Airport could be operated by a bi-state authority with experience managing airports, such as the Port Authority of New York and New Jersey or the Delaware River and Bay Authority.
    - While this is far outside the Port Authority's 25-mile radius of jurisdiction, an exception was made when they took over management of Stewart Airport in Newburgh, NY. The same exemption could theoretically be granted here.
    - The DRBA operates five airports, so this could be a sensible addition.
    - The Port Authority clearly understands how to operate airports very well.
    - The Atlantic City region could benefit from the expertise that would be brought in by the Port Authority or DRBA rather than being served by a toll road authority.
    - 52% of flights operated out of the airport are conducted by the Air National Guard, so communication with them should be considered beforehand.
    - ACY is a massive tract of land, so massive that it has a contract with NASA to serve as an alternate landing site for the space shuttle and is put on standby. The impact here would have to be reviewed.

Rethink the Sports and Exposition Authority.

Since the Sports and Gaming subcommittee studied this in far greater depth and is making serious policy recommendations, I will go into very little detail here as to the serious problems that face the NJSEA and their charges beyond this. With a $38 million dollar budget shortfall that will have to be made up by the state's taxpayers in 2010, it is important that the entire mission, structure and even very existence of the NJSEA be questioned. No recommendation should be off the table.

The Authority will require immediate drastic cuts or capital infusion from supplemental sources simply to preserve its existence within the 1st Quarter of 2010.

While the NJSEA had immediate positive impact in the 1970's, showed great vision into the 1990's and provided great benefit to the state, it is fair to question what it should look like in the future.

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With a horse racing industry losing tens of millions of dollars, the Devils gone, the Nets leaving and a poor deal with the Jets and Giants with their new stadium, the entire mission and future of the NJSEA must be entirely rethought, not simply tweaked.

The Port Authority of New York and New Jersey is an underutilized asset.

While this is true of many authorities, it bears special mention when it comes to the Port Authority. The key to New Jersey residents getting the most from the Port Authority will be having a strong governor with a clear vision for its potential and an understanding of potential budget ramifications and opportunities.

The economic impact the Port Authority's operations have on the state of New Jersey would be hard to overstate.

The Port Authority of New York and New Jersey, with its $6.36 billion dollar budget and 6,977 employees operating and overseeing the nation's busiest airport system, marine terminals and ports, the PATH rail transit system, six tunnels and bridges between New York and New Jersey, the Port Authority Bus Terminal in Manhattan, and the World Trade Center, may be the most important but underutilized asset among all the authorities.

With its virtual monopoly on revenue for airports and river crossings, the Port Authority holds incredible potential to help the citizens of New Jersey by investing in infrastructure deemed important by the Governor to our region.

These considerations also could alleviate state budget pressures where transportation projects could, if appropriate, be shifted to the auspices of the Port Authority. The ARC tunnel is a massive and complex project, but within its finances, there are likely short-term opportunities from a budget perspective that would not change long-term obligations or jeopardize federal funding.

In addition to the budget ramifications that should be studied, here are a few other quick items on the Port Authority which should be immediately discussed by the new Administration:

- We have benefitted from excellent leadership at the Board of the Port Authority, but there is no substitute for clear vision and strong leadership from the Governor.
- Given the numerous assets of the Port Authority in New York, and the ongoing costs of the redevelopment of lower Manhattan around the World Trade Center, it will be important to ensure the new administration fight for New Jersey's fair share of projects that benefit New Jersey and/or both states. New Jersey is and always will be an equal partner in the Port, and this must be enforced.
- While the airports and river crossings make the PANYNJ solvent, the Port Authority could see similar success with an analysis of marine terminals and shipping in our ports.

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- The Bayonne Bridge problem needs to be addressed. While it is not an imminent issue, a solution should be decided on relatively quickly to ensure the continued economic vitality of our port as it competes for business with ports up and down the east coast.
- Due to a revolving door of governors in both states, staff has had more control due to a lack of consistent visions from chief executives.
- A very cursory look at their revenue-generators paints a good picture long-term. The Port Authority basically has a monopoly on river crossings and airports, so as long as people need to drive and fly into and out of our region, they should be okay.
- Finally, the new Administration should not feel compelled to move quickly on anything immediately after taking office. New projects and revenue-generating ideas should be closely reviewed.

The Delaware River and Bay Authority Faces Challenges that Deserve Immediate Attention.

While the DRBA has clearly done a good job reducing its expenses by cutting its workforce from more than 500 employees to 398, reducing its vehicle fleet, reducing employee use of free E-Z Pass (could it be eliminated?), eliminating non-essential employee travel and planning to cease its community grant program after 2010, it will still face several major challenges in the upcoming months.

- DRBA must negotiate and execute new collective bargaining agreements with two unions that represent a combined total of 49% of its employees.
- DRBA may seek to increase the $3 toll on the Delaware Memorial Bridge this coming summer to counteract falling bond ratios.
- DRBA intends to begin a $300 million rehabilitation of the first span of the Delaware Memorial Bridge in late 2010.
- DRBA must adopt a plan to sustain its ferry service, which has operated at a significant loss over the past few years.

Importantly, it also seems that most senior level positions held at the DRBA are held by Delaware residents. This may have led to disproportionate attention given to Delaware's priorities over New Jersey's. It is important that this be thoroughly reviewed and addressed if true.

Consider Multiple Mergers Under the Economic Development Authority

As was mentioned in the first section of this report, there are simply too many authorities. EDA provides a very good opportunity to cut down the number of authorities by consolidating authorities with similar missions under its umbrella.

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While all policy recommendations regarding economic development are left to the Economic Development Subcommittee, this is a specific recommendation regarding consolidation of multiple authorities in an effort to save public dollars.

While the New Jersey Redevelopment Authority has an important mission, and seems to have had some laudable achievements, it seems a lack of coordination and some duplication of efforts could be resolved with a merger. Merging NJRDA with the EDA should save money, eliminate duplication and make it more likely that the mission will be accomplished. It would be important that the core mission of the Redevelopment Authority be protected with a merger.

The Capital City Redevelopment Corporation and the New Jersey Commission on Science and Technology also ought to be considered for consolidation under EDA. Since the Economic Development Authority consistently received high marks in our research, we believe the goals of NJRDA, CCRC and NJ Commission on Science and Technology can be accomplished under EDA's umbrella, thereby saving public dollars.

The Fort Monmouth Economic Revitalization Planning Authority may also be ripe for consolidation here, but it is not as clear cut given some differing needs and variety of factors. That said, it is worthy of consideration if public dollars can be saved.

The Housing and Mortgage Finance Agency Needs a Spending Review.

While The Transition DCA Subcommittee has taken the lead on reviewing NJHMFA policy and program issues, we have looked at it from a budgetary perspective.

Certain spending within HMFA, along with reports of duplicative staffing, all while additional staff is being requested, demand a further review by the incoming Administration.

As of 2009, NJHMFA has 296 employees. In the interest of not duplicating the Transition DCA Subcommittee's report, we will not here detail HMFA's growth in budget and employees over the years, but will simply note that NJHMFA has expanded significantly in recent years, including its staff expanding into a second Trenton building. Notwithstanding that recent growth, HMFA desires to hire additional staff, particularly in the legal and regulatory affairs area.

One program worthy of question within HMFA is a direct subsidy to single-family home purchasers, which reportedly amounts to a simple direct buy-down of the purchase price, at approximately $60,000.00 to $70,000.00 per home, for approximately 250 single-family homebuyers per year.

A number of questions immediately come to mind here:

- Can a more creative program be advised, that leverages financial resources, other than just a direct buy-down of the purchase price?
- How are the 250 lucky winners selected?
- Since the program can apply statewide, with 566 municipalities, 250 single-family purchase price buy-downs per year means that less than 1 house very two years will be financed in the average municipality – at a cost of over $15 Million per year.

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- One should question whether this is an appropriate use of $60 Million over the next four years on a program that, on the average, will simply buy down the purchase price of less than 2 homes per municipality over that entire four-year period.

Also, there are reports of massive duplicative efforts in the NJHMFA bureaucracy, including, for example, mandatory inspections of the same multi-family housing units each year, by the NJHMFA Property Management Unit, the NJHMFA Tax Credit Unit, and the NJHMA Technical Services Unit. If true, this would indicate that HMFA is vastly over-staffed, and that the staff could be cut back if that kind of duplicate effort was curtailed. At the very least, it indicates that requests for more staff may need further examination.

As we think of bringing change here, it is important to note that NJHMFA is one of the rare authorities where the Governor can exert tremendous influence essentially from "day one." The Authority has nine total members, and five out of nine are Cabinet Members.

Make New Jersey Network Self-Reliant. Eliminate all state subsidies.

More than $10 million of the $16.8 million dollar budget of the New Jersey Public Broadcasting Authority is provided either directly by the state in terms of a subsidy or though in-kind services performed by the state. In order to save taxpayer dollars, a goal should be to make NJN self-reliant during the first term. It is possible, given the resources of this station, that it can subsist without taxpayer support. Outside experts with experience privatizing television stations should be asked to undertake a study a make recommendations as to how this can be accomplished.

Since 2002, outside accountants have also said the authority does not follow generally accepted accounting methods. While it seems the reason for this is far from nefarious, it also seems like it a company faced with this issue in the private sector would solve it quickly.

Audit the Schools Development Authority.

While the impact of SDA on education policy should be left to education experts on our subcommittee, the financial impact needs immediate review. Previously, this report recommended that audits be performed on numerous authorities. With $12.5 Billion in bonds already authorized and another $425 million requested, impending changes in staff leadership and a fiscal outlook that only keeps the authority solvent through March of 2010, this should be the first place the new governor's office audits. How this money has been spent is very important to know because this money was supposed to be invested in schools for the children of the state.

Given the current state of finances here, decisions will need to be made very soon to

- Continue all projects, meaning the issuance of $4.35 billion in bonds
- Finish just the 1,620 projects currently under construction, at a cost of $1.3 billion

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  - 695 projects would be suspended or forfeited meaning substantial lost sunk costs
- Cancel the program impacting over 1,800 projects and leaving 20 major facilities unfinished, in addition to legal exposure.

It should also be noted that non-project related costs seem excessive, such as rent exceeding $2 million per year and employee parking costs in Trenton rising to $390,000 annually.

New Jersey Transit Requires Early Attention from the Administration.

While the specific transportation policy recommendations will be left to the Transportation Subcommittee, the financial challenges facing New Jersey Transit require immediate attention.

With 270 million riders per year, New Jersey Transit is the 3rd largest public transportation agency in the United States. There are a host of issues that are very expensive and time-sensitive and deserve immediate attention.

The first is the ARC Tunnel, which is also a Port Authority issue. This $8.7 billion project has budget ramifications for years to come at New Jersey Transit, the PANYNJ and state of New Jersey.

An impending time sensitive issue relates to the fiscal solvency of private ferry operators who require funding by March of 2010 to remain solvent. Approximately 30,000 New Jersey commuters now utilize the ferry system to cross into New York every day, and there should be attention given as to what would happen if the ferry system was no longer viable.

Also of great fiscal importance, NJT's FY2011 budget faces a shortfall due to the use of stimulus funds in FY2010.

PATCO's New Jersey projects must be addressed quickly by the Delaware River Port Authority.

As with other transportation authorities, policy implications will be left to the Transportation Subcommittee. From a financial perspective however, multiple projects important to South Jersey commuters are jeopardized by the state of the Transportation Trust Fund. PATCO's expansion in South Jersey will be a 5-7 year project and is broken down into three phases.

1. Light Rail from Camden to Glassboro.
2. Rapid bus transit along Routes 42 and 55.
3. Improved rail connection to Atlantic City and its airport.

The projected costs for these projects will be north of $1.5 billion, likely considerably higher as the cost analysis is not fully complete. Other PATCO projects that require considerable funding are the rehabilitation of train cars and the rehabilitation of tracks on the viaducts and the Ben Franklin Bridge.

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As with other authorities, they must evaluate the necessity of doing capital projects that are not directly related to safety or increased use. Now may not be the time to be thinking about expansion of systems that are already losing money in part because there are other transportation options.

Breaking News: The New Jersey Transportation Trust Fund is Broke.

Nothing else needs to be said here as the ramifications and solutions will best be left to another subcommittee. One point from our research though - the current board makeup seems overly focused on transportation interests and lacks financial expertise. The disastrous financial position of the TTF should be kept in mind when making future appointments.

The Passaic Valley Sewerage Commission Needs an Overhead Budget Review.

The Governor currently lacks veto authority over the Passaic Valley Sewerage Commission and does not have enough representation on the commission to affect change. It seems the internal overhead expenditures here deserve a thorough review based on our transition findings. It also seems the use of outside consultants, including attorneys and engineers should be reviewed as a cost-saving measure given the existence of in-house professionals.

Bring Budget Prioritization to the Atlantic City Convention and Visitors Authority.

People all over New Jersey are inundated with ads to go to Las Vegas, Foxwoods in Connecticut and even Pennsylvania for gaming. In a cursory review of their budget, the ACCVA actually spent 40% more on salaries and benefits ($5.2 million) for its 69 employees in 2008 than it did on marketing Atlantic City ($3.7 million). Perhaps a review of the workforce is in order given the lack of dollars spent on marketing.

That said, there are ways the Administration may be able to assist ACCVA in controlling overhead costs as well. Labor costs were described as inconsistently and excessively higher at the Boardwalk Hall and Convention Center, as compared with private national competition facilities, as well as those located in Atlantic City. It was reported that this labor cost disparity significantly increased during the current administration to appease labor. Leveling the playing field would increase the Authority's ability to compete for shows which otherwise cannot afford its facilities.

Eliminate Council on Alcoholism and Drug Abuse - Fold into Addiction Services in the Dept. of Human Services

Governor Corzine attempted this consolidation but met with serious opposition. The Council on Alcoholism and Drug Abuse gives out $9 million in grants every year, and with that they have a constituency. Despite that constituency, the same functions can and should be performed by the Division of Addiction Services within the Department of Human Services.

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Real cost-savings can occur here as there is a staff of nine with a payroll and benefits budget of approximately $800,000. It seems the overhead could be eliminated through consolidation while the good that is done by the $9 million in grants could be continued.

It is important to note that some at the Council on Alcoholism and Drug Abuse were very critical of the Division of Addiction Services during our review, perhaps due to Governor Corzine's attempt at consolidation.

Consider Eliminating Salaries for Commissioners.

Most commissioners on state authorities are unpaid. However, there are some exceptions, notably the Casino Redevelopment Authority which pays commissioners $20,000 per year and the New Jersey Maritime Pilot and Docking Commission, which pays its six commissioners $28,000 annually. (It should be noted, however, that the Maritime and Docking Commission is self-reliant and actually has returned its surplus to the state for general operations over the last five years.) Calling for this elimination across the board will save tax dollars and send a powerful signal about cost savings.

Higher Education Student Assistance Authority

This important authority was examined by the Education Subcommittee, so the important leadership and policy recommendations are left to their report. However, given the Governor-Elect's dedication to higher education in the state, as well as the sometimes controversial nature regarding loans and banks in this fiscal climate, it is imperative that HESAA be looked at immediately by the new administration, and constantly evaluated during the course of the Governor's tenure.

Analyze the South Jersey Port Corporation's Budget and Projects

It is clear that the South Jersey Port Corporation has money and the ability to spend it, as evidenced by the Paulsboro groundbreaking in 2009. While there is such a need for economic development at this time, it is important that the state's vision for economic development be enhanced by the South Jersey Port Corporation.

Fort Monmouth Needs Immediate Attention and Assistance.

Fort Monmouth is a potentially tremendous asset which will be given to us by the US government in about 18 months, but progress has been hampered by government inaction and inefficiency. If we don't have an organized effort and vision as to how to use that asset to create jobs and economic growth quickly, it will be nearly impossible for that region to recover from the losses it will realize by the closure of the fort.

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Institute Best Practices.

A number of authorities do some things very well, but due to the quasi-independent nature of the authorities, sometimes best practices aren't shared with others where they can be helpful. For example, the Building Authority's effective use of shared services and strong financial model with accountability should be reviewed to determine where else this model could be employed. The Authority has been able to significantly minimize administrative and staffing costs by utilizing a shared service model for administrative functions. This model has enabled the Authority to consistently deliver projects on time and on budget despite the increase in the complexities of their projects.

The Catastrophic Illness in Children Relief Fund Deserves Support from the Front Office.

The fund has distributed $124 million to families in need over the last 20 years while administrative costs have seemingly been kept in check. There are two places where the Administration can help the fund. First, there is a claim that $5 million was diverted from this fund to the general fund in 2009. This should be audited as dedicated funds should not be taken without the proper course being followed. Secondly, their infrastructure is aging. A new database system will allow them to process requests more quickly and efficiently.

The Federal Government Must Be Asked to Fund Its Fair Share for the Delaware River Basin Commission.

DRBC is funded through annual contributions from its members, state and federal grants, project review fees, water-use charges, and fines. New Jersey contributed $800,000 this fiscal year. These funds were appropriated from the state budget.

DRBC advised that the federal government has not contributed its share since 1997, which cumulatively totals $7.8 million. While perhaps impacting the effectiveness of the DRBC's operations, the federal government's failure to contribute has not affected the other members' contribution amounts.

Clearly if the federal government were to make good on its obligations to the DRBC, not just for the current year but retroactively, it could save $800,000 from the state's general budget. This benefit could be realized years into the future as well if our federal representatives can get these past obligations met.

The Garden State Preservation Trust Needs Direction Regarding the Recently Approved Open Space Monies.

They are responsible for managing and disbursing the constitutional dedication of $98 Million per year for open space and historic preservation (from the Sales Tax) PLUS the $400 Million just approved by voters in the 2009 Ballot Referendum. The strategy for the $400 Million is of

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immediate concern. They will likely make no effort or suggestion as to how this should be spent until the new Administration is seated.

Additionally, nearly a quarter-million dollars could be saved per the Garden State Preservation Trust. Their annual allocation of $476,000 in nearly twice what they need to fund their overhead, per their own estimates.

The EnCap Issue Facing the New Jersey Meadowlands Commission Needs Immediate Attention.

The Meadowlands Commission's major issue at the present time concerns the EnCap development, an 800-acre site that includes four former landfills. The planned redevelopment of the site had languished for years when the EnCap Company ran into substantial financial and other issues. The site is now being remediated by American Home Assurance in accordance with a performance bond that had been executed in the event that the redevelopment project stalled, which is exactly what happened.

NJMC is working on restructuring the financial arrangements with the banks involved with the project. NJMC must attract a new redeveloper for the project. NJMC will await guidance from the new administration with regard to these and other significant EnCap-related issues that arise.

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From: Coleman, Steve
Sent: Wednesday, November 06, 2013 10:55 AM
To: Samson, David; 'srechler@rxrrealty.com'; Foye, Patrick; Baroni, Bill
Cc: Wildstein, David; Ma, John; MacSpadden, Lisa; Danielides, Philippe; Garten, David
Subject: Wall Street Journal story/GWB

All:

We were contacted this morning by Ted Mann of the Wall Street Journal, who informed us that he is writing another story about the September closing of the GWB local access lanes. The story will be published tomorrow. Ted told us that the story will lead with a description of David Wildstein's order to Bob Durando and Cedrick Fulton to close the local access lanes on the bridge in early September and also will note that David visited the bridge that Monday morning – the first day of the closings -- to make sure the order was carried out and to observe the traffic conditions. The story will further refute any notion that this was part of a traffic study. Ted is looking to give several people in the Port Authority leadership an opportunity to comment, including the chair, vice chair, Pat, Bill, David, Bob Durando and Cedrick. Ted also mentioned that he may try to reach these individuals through other means. We will not respond to this inquiry unless directed to do so.

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[redacted]

Re: George Washington Bridge

David Wildstein <david.wildstein@[redacted]> Wed, Nov 6, 2013 at 11:40 AM
To: Michael Drewniak <mpdrew42@[redacted]>

Ok

On Nov 6, 2013, at 11:36 AM, Michael Drewniak <mpdrew42@[redacted]> wrote:

> Will talk to you within the next hour.
>
> Sent from my iPhone
>
> Begin forwarded message:
>
> **From:** "Michael Drewniak" <Michael.Drewniak@gov.state.nj.us>
> **Date:** November 6, 2013, 11:15:26 AM EST
> **To:** "Colin Reed" <colin.reed@gov.state.nj.us>, "Maria Comella" <Maria.Comella@gov.state.nj.us>
> **Subject: Fw: George Washington Bridge**
>
> It's back...
>
> ---
>
> **From:** Mann, Ted [mailto:Ted.Mann@wsj.com]
> **Sent:** Wednesday, November 06, 2013 10:49 AM
> **To:** Michael Drewniak
> **Subject:** George Washington Bridge
>
> Mike,
>
> I'm writing about the George Washington Bridge and the closure of local access lanes from Fort Lee in early September. Our story will note that the closures were done on the orders of David Wildstein, and will reiterate what we've already reported about their purpose: that the official explanation of a traffic study appears to be contradicted by the Port Authority's own internal communications, and that the mayor of Fort Lee told Bill Baroni that he concluded the real purpose was "punitive."
>
> Some questions for the governor:
>
> When did the governor learn about these lane closures?
>
> Did he direct David Wildstein to order that the lanes be closed?

NJCA_00067

[redacted]

David Weinberg and Bill Baroni, On the New Jersey State Library

Has he spoken to David Weinberg, Bill Baroni, or anyone else at the Port Authority about this matter, and if so, what did he tell them?

Does he support Sen. Weinberg's resolution to empower the State Government committee to subpoena the Port Authority to determine the purpose of the closures, and if not, why not?

On a broader issue that will be addressed in the article: people familiar with the workings of the Port Authority have told us that Gov. Christie has wielded outsize influence within the authority in recent years, through his appointees including Baroni and Wildstein. These people describe the efforts to advance Gov. Christie's agenda within the authority as creating "a culture of fear" and "wreaking havoc" on the normal operations of the authority, and they use this incident with the GW Bridge as an example.

Do you have any response to that criticism? Has the governor ever expressed views about how his appointees at the PA should (or shouldn't) use their positions to get New Jersey and/or the administration what it wants?

I'm happy to discuss all this on the phone if you prefer. I'm writing now, and planning to file this story by 4 p.m. today at the latest. Please let me know if you'll be able to answer these questions.

Ted

Ted Mann

Reporter

The Wall Street Journal

1211 Sixth Ave.

New York NY 10036

212-416-2660 (o)

[redacted](c)

ted.mann@wsj.com

NJCA 00067

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Tab 50

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From: Schwarz, Arielle <aschwarz@panynj.gov>
Sent: Wednesday, November 6, 2013 2:01 PM
To: Wildstein, David <dwildstein@panynj.gov>; Baroni, Bill <bbaroni@panynj.gov>
Subject: Nicole Crifo would like to speak to either of you once meeting is over

---

Arielle Schwarz
Assistant to David Wildstein
Office of the Deputy Executive Director
225 Park Ave South - 15th Floor
New York, NY 10003
[redacted]
aschwarz@panynj.gov

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Tab 51

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From: Bill Baroni <billbaroni@[redacted]>
Sent: Friday, November 15, 2013 12:28 PM
To: David Wildstein <david.wildstein@[redacted]>
Subject: Fwd: First draft

Sent from my iPhone

Begin forwarded message:

From: Gretchen DiMarco <gdimarco44@[redacted]>
Date: November 15, 2013 at 11:20:35 AM EST
To: "billbaroni@[redacted]" <billbaroni@[redacted]>
Subject: First draft
Reply-To: Gretchen DiMarco <gdimarco44@[redacted]>

I reworked the second paragraph in the future study section a little bit. Both versions are there, though, so you can just cut one. Four pages, 1341 words.

The George Washington Bridge is the busiest bridge in the world. In 2012, more than 102 million vehicles crossed the bridge connecting Fort Lee, New Jersey and New York City. The bridge is a vital lifeline for commuters, visitors, and commerce.

As the busiest bridge in the world, the George Washington Bridge also experiences significant traffic backups – usually during rush hour. It is not unheard of that, due to the volume on the bridge, drivers can wait in backups lasting more than 45 minutes during the morning and evening rush. Drivers from more than ____ New Jersey municipalities sit in traffic leading into New York City every morning.

These traffic backups affect the lives of drivers from throughout the region. They also cause residual traffic delays in the host municipalities of the bridge -- Fort Lee and New York City. Because of these impacts, the Port Authority has spent more than _____ in Fort Lee to assist the community in ameliorating the impacts of this traffic. Some examples include:

XXXX
XXXX
XXXX

Drivers using the bridge pay a toll to cross the bridge east bound only. This means that vehicles entering New York cue through toll lanes in New Jersey. There are _____ toll lanes at the bridge. On an average weekday, _____ lanes are designated for cash toll payers and _____ lanes are reserved for EZPass users. Traffic enters these toll lanes using a variety of approaches, including Routes 95, 46, _____.

Background

In the early 1990s, according to police officers employed at that time, then Manager of Fort Lee,

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Jack Alter, insisted that the Governor of New Jersey and the Port Authority create special entrance lanes to the George Washington Bridge for Fort Lee residents. These lanes were created by placing traffic cones to block all other traffic from using three toll lanes from all other approaches. This reduced the number of toll lanes from _____ to _____. This forced the creation of three special "Fort Lee Lanes" – lanes segregated for use only by residents of Fort Lee who access them via _____ Street.

This plan allowed Fort Lee residents to avoid the longer traffic lanes experienced by non-Fort Lee residents and enabled them to bypass the general traffic back up at the bridge.

These segregated lanes were ordered by the Port Authority nearly 20 years ago by the Port Authority without any recorded traffic study, without any analysis of their impact and without consultation with any Bergen County municipality or government. According to Port Authority police officers, they were ordered to create and enforce these special, segregated lanes in response to the directive from Mayor Alter.

As a result, traffic from the rest of Bergen and Passaic counties – and all the other users of the bridge – had their available toll lanes reduced _____%.

(insert chart)

To create these segregated lanes each morning during the workweek, Port Authority police officers placed cones to segregate the three southern most toll lanes. These lanes remain in place today.

August/September 2013

In August 2013, as a result of conversations with members of the Port Authority police, Port Authority Director of Interstate Capital Projects David Wildstein met with Port Authority officials in Engineering, Traffic Engineering, and Tunnels Bridges and Terminals to review the situation of the segregated Fort Lee Lanes.

After reviewing the current lane structure, Mr. Wildstein asked that a review of the segregated lanes be performed during the first week of September 2013. The study was intended to determine if these segregated lanes cause a clear and marked increase in traffic into the bridge for users from other areas of Bergen and Passaic Counties and across the state. Mr. Wildstein requested that the segregated lanes not be eliminated entirely, but be reduced from three to only one segregated Fort Lee lane.

The reduction in lanes was performed by Port Authority police at the bridge. At all times during the week of the review, the Port Authority police monitored traffic. They were alert for any emergency vehicles in the area of the bridge and prepared to alter traffic patterns in the event of an emergency.

According to bridge staff, the return of two lanes to general use resulted in a moderate relief and reduction in traffic times for non-Fort Lee Lane users. However, the reduction in segregated lanes resulted in significant traffic in the Borough of Fort Lee. On Friday, September 13, Port Authority Executive Director Pat Foye ordered the Fort Lee lanes returned to use by Fort Lee users only.

Communication

The implementation of the reduction of Fort Lee Lanes from three to one was not accompanied by customary communications, both within the Port Authority and externally. The decision to move forward with the study was not approved by either the Executive level of the agency or the Board

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of Commissioners. The Borough of Fort Lee was not notified of the closures in advance. These communication breakdowns cannot be repeated. The Port Authority relies on mutual cooperation both internally and with our community stakeholders. Not having complete buy-in within the agency and securing the cooperation of Fort Lee resulted in a lack of information that is not consistent with our agency's commitment to transparency. While the question of the segregated Fort Lee Lanes is critically important, it must be addressed in an open and transparent manner.

Future Study

Two clear lessons were learned from this situation. First, a new formalized process will be implemented immediately to address any changes to lane configurations. Beginning immediately, any traffic changes must be approved by both the Executive Director and Deputy Executive Director, and the Board of Commissioners must be notified. In addition, notification must be made to the local municipality and county not less than 30 days prior to implementation. (This would exclude emergency activity conducted in the interest of public safety.) This 30-day notification period will allow time for improved dialogue between the Port Authority, our host communities and the public.

Second, the issue of the segregated Fort Lee Lanes is one that clearly has become a regional controversy. While residents of Fort Lee have a segregated entrance to the bridge, they also are impacted as the host the busiest bridge in the world. Residents of Bergen and Passaic Counties – and all other bridge users – wait in longer traffic lanes because of the segregated lanes. This balance is one of regional significance and requires study by public officials and leaders both inside and outside the Port Authority.

SUGGESTED REVISION:

Second, the segregated Fort Lee Lanes are clearly a controversial issue in the region. Mayor Alter felt that in return for hosting the world's busiest bridge, the residents of Fort Lee deserved three special, segregated access lanes. As a result, other residents of Bergen and Passaic Counties – and all other bridge users – wait in longer traffic lines. This is an issue of regional significance that requires study by public officials and leaders both inside and outside the Port Authority.

Therefore, the Port Authority will immediately create a Fort Lee Lane Task Force to study the lanes at the bridge. The agency asks that representatives of the five legislative districts in Bergen County participate along with representatives of the Bergen County Executive, Bergen County Freeholders, Borough of Fort Lee, New Jersey Department of Transportation and the Port Authority's Chief Engineer, Chief Traffic Engineer, Director of Tunnels, Bridges and Terminals and General Manager of the George Washington Bridge to review the traffic patterns at the toll lanes to determine in a public, open and transparent way how access to the George Washington Bridge should be configured.

By opening the process, both specifically at the George Washington Bridge and generally other Port Authority crossings, the Port Authority will fulfill our commitment to transparency. By including members of the public and their representatives, the Port Authority will benefit from the input of those who live and work around the George Washington Bridge.

We believe that the Port Authority will learn from the events of September 2013 and will be a more open, inclusive and transparent agency as a result.

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From: David Wildstein <david.wildstein@[redacted]
Sent: Monday, November 18, 2013 8:43 AM
To: Bill Baroni <billbaroni@[redacted]
Subject:

The George Washington Bridge is the busiest bridge in the world. In 2012, more than 102 million vehicles crossed the bridge connecting Fort Lee, New Jersey and New York City. The bridge is a vital lifeline for commuters, visitors, and commerce.

As the busiest bridge in the world, the George Washington Bridge also experiences significant traffic backups – usually during rush hour. It is not unheard of that, due to the volume on the bridge, drivers can wait in backups lasting more than 45 minutes during the morning and evening rush. Drivers from more than 200 New Jersey municipalities sit in traffic leading into New York City every morning.

On a typical weekday, about 105,000 vehicles with E-ZPass travel eastbound on the George Washington Bridge from New Jersey to New York. Vehicles with E-ZPass tags registered to a Fort Lee Address account for 4.5% of the total traffic. The other 69 municipalities in Bergen County make up an additional 42.4%. Vehicles come from all parts of New Jersey (eighteen counties in total), from New York, and from dozens of other states.

These traffic backups affect the lives of drivers from throughout the region. They also cause residual traffic delays in the host municipalities of the bridge – Fort Lee and New York City. Because of these impacts, over the last decade the Port Authority has spent nearly $15 million in Fort Lee to assist the community in ameliorating the impacts of this traffic. Most of these funds have been spent on improvements to the local roadway network near the bridge and for the Fort Lee municipal parking lot. This year, for example, the Port Authority contributed $140,000 to the Borough of Fort Lee to help pay for shuttle bus service across the bridge as a way of alleviating local traffic congestion.

Drivers using the bridge pay a toll to cross the bridge east bound only. This means that vehicles entering New York cue through toll lanes in New Jersey. There are twelve toll lanes on the upper level of the bridge – three of which are specially segregated for local Fort Lee traffic only. On an average weekday, _____ lanes are designated for cash toll payers and _____ lanes are reserved for EZPass users. Traffic enters these toll lanes using a variety of approaches, including Routes 95, 46, and 4.

BACKGROUND

About a decade ago, according to Port Authority employees assigned to the George Washington Bridge at that time, then-Fort Lee Mayor Jack Alter (who was also a Bergen County Freeholder and a Commissioner of the New Jersey Board of Public Utilities) insisted on the creation of special dedicated entrance lanes to the bridge for vehicles coming from local streets in Fort Lee. These lanes were created by placing traffic cones to block all other traffic from using three toll lanes from all other approaches. This reduced the number of toll lanes from twelve to nine. This forced the creation of three special "Fort Lee Lanes" – lanes segregated for use only by residents of Fort Lee who access them via _____ Street.

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This plan allowed Fort Lee residents to avoid the longer traffic lanes experienced by non-Fort Lee residents and enabled them to bypass the general traffic back up at the bridge.

These segregated lanes were ordered by the Port Authority without any recorded traffic study, without any analysis of their impact, and without consultation with any Bergen County municipality or government. According to Port Authority police officers, they were ordered to create and enforce these special, segregated lanes in response to the directive from Mayor Alter to Port Authority staff.

As a result, traffic from the rest of Bergen County – and all the other users of the bridge – had their available toll lanes reduced to just 75% of the total lanes available on the Upper Level. It is important to note that trucks are not permitted on the Lower Level, so the bridge's heavy truck traffic must complete with cars for this diminished lane capacity during the morning rush hours.

Fort Lee	4839	4.50%
Bergen County (69 Towns)	45244	42.40%
Essex County	6528	6.10%
Passaic County	4793	4.50%
Morris County	4,683	4.4%
Hudson County	3,738	3.5%
Middlesex County	2,946	2.8%
Monmouth County	2,637	2.5%
Union County	1,905	1.8%
Union County	1,905	1.8%
Somerset County	1,036	1.0%
Mercer County	881	0.8%
Northwest New Jersey	1,298	1.30%
South Jersey	921	0.90%
New York	15,747	14.8%
Other States	7,188	6.7%

To create these segregated lanes each morning during the workweek, Port Authority police officers placed cones to segregate the three right most toll lanes. These lanes remain in place today.

AUGUST/SEPTEMBER 2013

In August 2013, following conversations with members of the Port Authority Police Department, Port Authority Director of Interstate Capital Projects David Wildstein met with Port Authority officials in Engineering, Traffic Engineering, and Tunnels Bridges and Terminals to review the situation of the segregated Fort Lee Lanes. He asked the Office of the Chief Engineer to recommend the best way to review these Special Lanes to determine

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the possibility of reduced traffic congestion by changing the preferential treatment offered to vehicles coming from one municipality.

On August 28, 2013, Jose Rivera, the Port Authority's Chief Traffic Engineer, created several scenarios to modify the Special Lanes. This included the option of setting aside all traffic cones so that traffic is allowed to move freely from various approaches. It was the recommendation of the Chief Traffic Engineer that since traffic flows are extremely congested during the morning peak periods, Fort Lee traffic should be segregated from the other approaches, by the use of traffic cones, regardless of the number of toll lanes it is feeding, to reduce the risk of sideswipe crashes. These scenarios included reducing the total number of Special Lanes from three to either two, one or zero.

After reviewing the current lane structure and the scenarios offered by the Chief Traffic Engineer, on September 5, Mr. Wildstein requested the special segregated lanes not be eliminated entirely, be reduced from three to only one, for a one week period so that professional staff could analyze the data. He asked that the study begin on the following Monday, for one week. The study was intended to determine if these segregated lanes cause a clear and marked increase in traffic into the bridge for users from other areas of Bergen and Passaic Counties and across the state.

On the morning of September 6, the Chief Engineer notified the Director of Tunnels, Bridges and Terminals (TBT) that the study would begin on the morning of September 9. Shortly afterwards, TBT Director notified his staff, including the General Manager of the George Washington Bridge. The Chief Engineer asked the TBT Director to have their respective traffic staff work together to assess any and all impacts.

That morning, it was determined that three signs would be impacted by the change: one at the corner of Bruce Reynolds Boulevard (BRB) and Hoyt, one on the Hudson Street median just north of BRB, and one of the Martha Washington median just south of BRB. These signs, which depict lanes usage approaching the Upper Level Toll Plaza, would be covered by facility maintenance prior to Monday morning.

The reduction in lanes on September 9 was performed by Port Authority police at the bridge. They were notified in advance by the bridge staff. At all times during the week of the review, the Port Authority police monitored traffic. They were alert for any emergency vehicles in the area of the bridge and prepared to alter traffic patterns in the event of an emergency.

The bridge staff did note that this test was labor intensive. Because the one lane dedicated to Fort Lee was a cash lane, it was necessary to have a relief toll collector on duty.

Mr. Wildstein was at the bridge early on September 9 to observe the effect of traffic, both locally in Fort Lee and on other vehicles utilizing the full span. It should be noted that the Office of the Deputy Executive Director typically visits facilities to view the effects of new policies first hand.

According to bridge staff, the return of two lanes to general use resulted in a moderate relief and reduction in traffic times for non-Fort Lee Lane users. However, the reduction in segregated lanes resulted in significant traffic in the Borough of Fort Lee. On Friday, September 13, Port Authority Executive Director Pat Foye ordered the Fort Lee lanes returned to use by Fort Lee users only.

EARLY DATA COLLECTION

Data collection was limited, partly due to a traffic accident on the Cross Bronx Expressway on Monday morning, and to the early termination of the study on Friday morning. Still, there was a noticeable difference in the movement of traffic for the 95% of vehicles that do not come from Fort Lee. For example, on Tuesday

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morning, the bridge general manager noted that the I-95 approaches were free and clear by 8:30 AM.

Traffic Engineering performed an analysis for Tuesday, September 10 and observed some improvement in the overall travel time on the mainline during the morning peak period, which runs from 6AM to Noon:

* For traffic originating on the I-95 Express Lanes, an average reduction of 4.00 minutes in travel time was observed.

* For traffic originating on the I-95 Local lanes, an average reduction of 2.76 minutes in travel time was observed.

The Chief Traffic Engineer noted that the improvement in the travel time on the mainline should be weighed against the deterioration of level of service for the local traffic originating from Fort Lee.

COMMUNICATION

The implementation of the reduction of Fort Lee Lanes from three to one was not accompanied by customary communications, both within the Port Authority and externally. The Borough of Fort Lee was not notified of the closures in advance. These communication breakdowns cannot be repeated. The Port Authority relies on mutual cooperation both internally and with our community stakeholders. Not having complete buy-in within the agency and securing the cooperation of Fort Lee resulted in a lack of information that is not consistent with our agency's commitment to transparency. While the question of the segregated Fort Lee Lanes is critically important, it must be addressed in an open and transparent manner.

FUTURE STUDY

Two clear lessons were learned from this situation. First, a new formalized process will be implemented immediately to address any changes to lane configurations. Beginning immediately, any traffic changes must be approved by both the Executive Director and Deputy Executive Director, and the Board of Commissioners must be notified. In addition, notification must be made to the local municipality and county not less than 30 days prior to implementation. (This would exclude emergency activity conducted in the interest of public safety.) This 30-day notification period will allow time for improved dialogue between the Port Authority, our host communities and the public.

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determine in a public, open and transparent way how access to the George Washington Bridge should be configured.

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Sent: Monday, November 18, 2013 8:55 AM
To: Bill Baroni <billbaroni@[redacted]
Subject:

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* For traffic originating on the I-95 Express Lanes, an average reduction of 4.00 minutes in travel time was observed.

* For traffic originating on the I-95 Local lanes, an average reduction of 2.76 minutes in travel time was observed.

There was also improvement on Wednesday, September 11:

* For traffic originating on the I-95 Express Lanes, an average reduction of 4.12 minutes (52%) in travel time was observed.

* For traffic originating on the I-95 Local lanes, an average reduction of 2.72 minutes (43%) in travel time was observed.

The Chief Traffic Engineer noted that the improvement in the travel time on the mainline should be weighed against the deterioration of level of service for the local traffic originating from Fort Lee.

COMMUNICATION

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FUTURE STUDY

Two clear lessons were learned from this situation. First, a new formalized process will be implemented immediately to address any changes to lane configurations. Beginning immediately, any traffic changes must be approved by both the Executive Director and Deputy Executive Director, and the Board of Commissioners must be notified. In addition, notification must be made to the local municipality and county not less than 30 days prior to implementation. (This would exclude emergency activity conducted in the interest of public safety.) This 30-day notification period will allow time for improved dialogue between the Port Authority, our host communities and the public.

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Therefore, the Port Authority will immediately create a Fort Lee Lane Task Force to study the lanes at the bridge. The agency asks that representatives of the five legislative districts in Bergen County participate along with representatives of the Bergen County Executive, Bergen County Freeholders, Borough of Fort Lee, New Jersey Department of Transportation and the Port Authority's Chief Engineer, Chief Traffic Engineer, Director of Tunnels, Bridges and Terminal, the Port Authority Police Department, the Port Authority Law Department, and General Manager of the George Washington Bridge to review the traffic patterns at the toll lanes to determine in a public, open and transparent way how access to the George Washington Bridge should be configured.

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We believe that the Port Authority will learn from the events of September 2013 and will be a more open, inclusive and transparent agency as a result.

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From: David Wildstein <david.wildstein@[redacted]>
Sent: Monday, November 18, 2013 9:16 AM
To: Bill Baroni <billbaroni@[redacted]>
Subject: Updated

The George Washington Bridge is the busiest bridge in the world. In 2012, more than 102 million vehicles crossed the bridge connecting Fort Lee, New Jersey and New York City. The bridge is a vital lifeline for commuters, visitors, and commerce.

As the busiest bridge in the world, the George Washington Bridge also experiences significant traffic backups – usually during rush hour. It is not unheard of that, due to the volume on the bridge, drivers can wait in backups lasting more than 45 minutes during the morning and evening rush. Drivers from more than 200 New Jersey municipalities sit in traffic leading into New York City every morning.

On a typical weekday, about 105,000 vehicles with E-ZPass travel eastbound on the George Washington Bridge from New Jersey to New York. Vehicles with E-ZPass tags registered to a Fort Lee Address account for 4.5% of the total traffic. The other 69 municipalities in Bergen County make up an additional 42.4%. Vehicles come from all parts of New Jersey (eighteen counties in total), from New York, and from dozens of other states.

These traffic backups affect the lives of drivers from throughout the region. They also cause residual traffic delays in the host municipalities of the bridge – Fort Lee and New York City. Because of these impacts, over the last decade the Port Authority has spent nearly $15 million in Fort Lee to assist the community in ameliorating the impacts of this traffic. Most of these funds have been spent on improvements to the local roadway network near the bridge and for the Fort Lee municipal parking lot. This year, for example, the Port Authority contributed $140,000 to the Borough of Fort Lee to help pay for shuttle bus service across the bridge as a way of alleviating local traffic congestion.

Drivers using the bridge pay a toll to cross the bridge east bound only. This means that vehicles entering New York cue through toll lanes in New Jersey. There are twelve toll lanes on the upper level of the bridge – three of which are specially segregated for local Fort Lee traffic only. On an average weekday, _____ lanes are designated for cash toll payers and _____ lanes are reserved for EZPass users. Traffic enters these toll lanes using a variety of approaches, including Routes 95, 46, and 4.

BACKGROUND

About a decade ago, according to Port Authority employees assigned to the George Washington Bridge at that time, then-Fort Lee Mayor Jack Alter (who was also a Bergen County Freeholder and a Commissioner of the New Jersey Board of Public Utilities) insisted on the creation of special dedicated entrance lanes to the bridge for vehicles coming from local streets in Fort Lee. These lanes were created by placing traffic cones to block all other traffic from using three toll lanes from all other approaches. This reduced the number of toll lanes from twelve to nine. This forced the creation of three special "Fort Lee Lanes" – lanes segregated for use only by residents of Fort Lee who access them via _____ Street.

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This plan allowed Fort Lee residents to avoid the longer traffic lanes experienced by non-Fort Lee residents and enabled them to bypass the general traffic back up at the bridge.

These segregated lanes were ordered by the Port Authority without any recorded traffic study, without any analysis of their impact, and without consultation with any Bergen County municipality or government. According to Port Authority police officers, they were ordered to create and enforce these special, segregated lanes in response to the directive from Mayor Alter to Port Authority staff.

As a result, traffic from the rest of Bergen County – and all the other users of the bridge – had their available toll lanes reduced to just 75% of the total lanes available on the Upper Level. It is important to note that trucks are not permitted on the Lower Level, so the bridge's heavy truck traffic must complete with cars for this diminished lane capacity during the morning rush hours.

Fort Lee	4839	4.50%
Bergen County (69 Towns)	45244	42.40%
Essex County	6528	6.10%
Passaic County	4793	4.50%
Morris County	4,683	4.4%
Hudson County	3,738	3.5%
Middlesex County	2,946	2.8%
Monmouth County	2,637	2.5%
Union County	1,905	1.8%
Union County	1,905	1.8%
Somerset County	1,036	1.0%
Mercer County	881	0.8%
Northwest New Jersey	1,298	1.30%
South Jersey	921	0.90%
New York	15,747	14.8%
Other States	7,188	6.7%

To create these segregated lanes each morning during the workweek, Port Authority police officers placed cones to segregate the three right most toll lanes. These lanes remain in place today.

AUGUST/SEPTEMBER 2013

In August 2013, following conversations with members of the Port Authority Police Department, Port Authority Director of Interstate Capital Projects David Wildstein met with Port Authority officials in Engineering, Traffic Engineering, and Tunnels Bridges and Terminals to review the situation of the segregated Fort Lee Lanes. He asked the Office of the Chief Engineer to recommend the best way to review these Special Lanes to determine

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the possibility of reduced traffic congestion by changing the preferential treatment offered to vehicles coming from one municipality.

On August 28, 2013, Jose Rivera, the Port Authority's Chief Traffic Engineer, created several scenarios to modify the Special Lanes. This included the option of setting aside all traffic cones so that traffic is allowed to move freely from various approaches. It was the recommendation of the Chief Traffic Engineer that since traffic flows are extremely congested during the morning peak periods, Fort Lee traffic should be segregated from the other approaches, by the use of traffic cones, regardless of the number of toll lanes it is feeding, to reduce the risk of sideswipe crashes. These scenarios included reducing the total number of Special Lanes from three to either two, one or zero.

After reviewing the current lane structure and the scenarios offered by the Chief Traffic Engineer, on September 5, Mr. Wildstein requested the special segregated lanes not be eliminated entirely, be reduced from three to only one, for a one week period so that professional staff could analyze the data. He asked that the study begin on the following Monday, for one week. The study was intended to determine if these segregated lanes cause a clear and marked increase in traffic into the bridge for users from other areas of Bergen and Passaic Counties and across the state.

On the morning of September 6, the Chief Engineer notified the Director of Tunnels, Bridges and Terminals (TBT) that the study would begin on the morning of September 9. Shortly afterwards, TBT Director notified his staff, including the General Manager of the George Washington Bridge. The Chief Engineer asked the TBT Director to have their respective traffic staff work together to assess any and all impacts.

That morning, it was determined that three signs would be impacted by the change: one at the corner of Bruce Reynolds Boulevard (BRB) and Hoyt, one on the Hudson Street median just north of BRB, and one of the Martha Washington median just south of BRB. These signs, which depict lanes usage approaching the Upper Level Toll Plaza, would be covered by facility maintenance prior to Monday morning.

The reduction in lanes on September 9 was performed by Port Authority police at the bridge. They were notified in advance by the bridge staff. At all times during the week of the review, the Port Authority police monitored traffic. They were alert for any emergency vehicles in the area of the bridge and prepared to alter traffic patterns in the event of an emergency.

The bridge staff did note that this test was labor intensive. Because the one lane dedicated to Fort Lee was a cash lane, it was necessary to have a relief toll collector on duty.

Mr. Wildstein was at the bridge early on September 9 to observe the effect of traffic, both locally in Fort Lee and on other vehicles utilizing the full span. It should be noted that the Office of the Deputy Executive Director typically visits facilities to view the effects of new policies first hand.

According to bridge staff, the return of two lanes to general use resulted in a moderate relief and reduction in traffic times for non-Fort Lee Lane users. However, the reduction in segregated lanes resulted in significant traffic in the Borough of Fort Lee. On Friday, September 13, Port Authority Executive Director Pat Foye ordered the Fort Lee lanes returned to use by Fort Lee users only.

EARLY DATA COLLECTION

Data collection was limited, partly due to a traffic accident on the Cross Bronx Expressway on Monday morning, and to the early termination of the study on Friday morning. Still, there was a noticeable difference in the movement of traffic for the 95% of vehicles that do not come from Fort Lee. For example, on Tuesday

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morning, the bridge general manager noted that the I-95 approaches were free and clear by 8:30 AM.

Traffic Engineering performed an analysis for Tuesday, September 10 and observed some improvement in the overall travel time on the mainline during the morning peak period, which runs from 6AM to Noon:

* For traffic originating on the I-95 Express Lanes, an average reduction of 4.00 minutes (47%) in travel time was observed.

* For traffic originating on the I-95 Local lanes, an average reduction of 2.76 minutes (40%) in travel time was observed.

There was also improvement on Wednesday, September 11:

* For traffic originating on the I-95 Express Lanes, an average reduction of 4.12 minutes (52%) in travel time was observed.

* For traffic originating on the I-95 Local lanes, an average reduction of 2.72 minutes (43%) in travel time was observed.

The Chief Traffic Engineer noted that the improvement in the travel time on the mainline should be weighed against the deterioration of level of service for the local traffic originating from Fort Lee.

The trial results in a trade-off between travel time savings for mainline traffic and substantial delays for local traffic. Assuming the 11,592 vehicles using the mainline toll lanes after implementation of the trial each saved five minutes, the total savings would be approximately 966 vehicle hours of reduced day. Based on estimated Fort Lee queues of approximately 600 vehicles over the course of four hours, local traffic is experiencing an additional 2,800 vehicle hours of delay.

COMMUNICATION

The implementation of the reduction of Fort Lee Lanes from three to one was not accompanied by customary communications, both within the Port Authority and externally. The Borough of Fort Lee was not notified of the closures in advance. These communication breakdowns cannot be repeated. The Port Authority relies on mutual cooperation both internally and with our community stakeholders. Not having complete buy-in within the agency and securing the cooperation of Fort Lee resulted in a lack of information that is not consistent with our agency's commitment to transparency. While the question of the segregated Fort Lee Lanes is critically important, it must be addressed in an open and transparent manner.

FUTURE STUDY

Two clear lessons were learned from this situation. First, a new formalized process will be implemented immediately to address any changes to lane configurations. Beginning immediately, any traffic changes must be approved by both the Executive Director and Deputy Executive Director, and the Board of Commissioners must be notified. In addition, notification must be made to the local municipality and county not less than 30 days prior to implementation. (This would exclude emergency activity conducted in the interest of public safety.) This 30-day notification period will allow time for improved dialogue between the Port Authority, our host communities and the public.

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Second, the segregated Fort Lee Lanes are clearly a controversial issue in the region. Mayor Alter felt that in return for hosting the world's busiest bridge, the residents of Fort Lee deserved three special, segregated access lanes. As a result, other residents of Bergen and Passaic Counties – and all other bridge users – wait in longer traffic lines. This is an issue of regional significance that requires study by public officials and leaders both inside and outside the Port Authority.

Therefore, the Port Authority will immediately create a Fort Lee Lane Task Force to study the lanes at the bridge. The agency asks that representatives of the five legislative districts in Bergen County participate along with representatives of the Bergen County Executive, Bergen County Freeholders, Borough of Fort Lee, New Jersey Department of Transportation and the Port Authority's Chief Engineer, Chief Traffic Engineer, Director of Tunnels, Bridges and Terminal, the Port Authority Police Department, the Port Authority Law Department, and General Manager of the George Washington Bridge to review the traffic patterns at the toll lanes to determine in a public, open and transparent way how access to the George Washington Bridge should be configured.

By opening the process, both specifically at the George Washington Bridge and generally other Port Authority crossings, the Port Authority will fulfill our commitment to transparency. By including members of the public and their representatives, the Port Authority will benefit from the input of those who live and work around the George Washington Bridge.

We believe that the Port Authority will learn from the events of September 2013 and will be a more open, inclusive and transparent agency as a result.

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From: David Wildstein <david.wildstein@[redacted]>
Sent: Monday, November 18, 2013 12:06 PM
To: Bill Baroni <billbaroni@[redacted]>
Subject:

The George Washington Bridge is the busiest bridge in the world. In 2012, more than 102 million vehicles crossed the bridge connecting Fort Lee, New Jersey and New York City. The bridge is a vital lifeline for commuters, visitors, and commerce.

As the busiest bridge in the world, the George Washington Bridge also experiences significant traffic backups – usually during rush hour. It is not unheard of that, due to the volume on the bridge, drivers can wait in backups lasting more than 45 minutes during the morning and evening rush. Drivers from more than 200 New Jersey municipalities sit in traffic leading into New York City every morning.

On a typical weekday, about 105,000 vehicles with E-ZPass travel eastbound on the George Washington Bridge from New Jersey to New York. Vehicles with E-ZPass tags registered to a Fort Lee Address account for 4.5% of the total traffic. The other 69 municipalities in Bergen County make up an additional 42.4%. Vehicles come from all parts of New Jersey (eighteen counties in total), from New York, and from dozens of other states.

These traffic backups affect the lives of drivers from throughout the region. They also cause residual traffic delays in the host municipalities of the bridge – Fort Lee and New York City. Because of these impacts, over the last decade the Port Authority has spent nearly $15 million in Fort Lee to assist the community in ameliorating the impacts of this traffic. Most of these funds have been spent on improvements to the local roadway network near the bridge and for the Fort Lee municipal parking lot.

Drivers using the bridge pay a toll to cross the bridge east bound only. This means that vehicles entering New York cue through toll lanes in New Jersey. There are twelve toll lanes on the upper level of the bridge – three of which are specially segregated for local Fort Lee traffic only. On an average weekday, _____ lanes are designated for cash toll payers and _____ lanes are reserved for EZPass users. Traffic enters these toll lanes using a variety of approaches, including Routes 80, 95, 46, and 4.

BACKGROUND

About a decade ago, according to Port Authority employees assigned to the George Washington Bridge at that time, then-Fort Lee Mayor Jack Alter (who was also a Bergen County Freeholder and a Commissioner of the New Jersey Board of Public Utilities) insisted on the creation of special dedicated entrance lanes to the bridge for vehicles coming from local streets in Fort Lee. These lanes were created by placing traffic cones to block all other traffic from using three toll lanes from all other approaches. This reduced the number of toll lanes from twelve to nine. This forced the creation of three special "Fort Lee Lanes" – lanes segregated for use only by residents of Fort Lee who access them via _____ Street.

This plan allowed Fort Lee residents to avoid the longer traffic lanes experienced by non-Fort Lee residents and

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enabled them to bypass the general traffic back up at the bridge.

These segregated lanes were ordered by the Port Authority without any recorded traffic study, without any analysis of their impact, and without consultation with any Bergen County municipality or government. According to Port Authority police officers, they were ordered to create and enforce these special, segregated lanes in response to the directive from Mayor Alter to Port Authority staff.

As a result, traffic from the rest of Bergen County – and all the other users of the bridge – had their available toll lanes reduced to just 75% of the total lanes available on the Upper Level. It is important to note that trucks are not permitted on the Lower Level, so the bridge's heavy truck traffic must complete with cars for this diminished lane capacity during the morning rush hours.

Fort Lee	4839	4.50%
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Other States	7,188	6.7%

To create these segregated lanes each morning during the workweek, Port Authority police officers placed cones to segregate the three right most toll lanes. These lanes remain in place today.

AUGUST/SEPTEMBER 2013

In August 2013, following multiple conversations with members of the Port Authority Police Department, Port Authority Director of Interstate Capital Projects David Wildstein met with Port Authority officials in Engineering, Traffic Engineering, and Tunnels Bridges and Terminals to review the situation of the segregated Fort Lee Lanes. He asked the Office of the Chief Engineer to recommend the best way to review these Special Lanes to determine the possibility of reduced traffic congestion by changing the preferential treatment offered to

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vehicles coming from one municipality.
On August 28, 2013, the Port Authority's Chief Traffic Engineer created several scenarios to modify the Special Lanes. This included the option of setting aside all traffic cones so that traffic is allowed to move freely from various approaches. It was the recommendation of the Chief Traffic Engineer that Fort Lee traffic should be segregated from the other approaches by the use of traffic cones, regardless of the number of toll lanes it is feeding. This was aimed at reducing the risk of sideswipe crashes. These scenarios included reducing the total number of Special Lanes from three to either two or one.

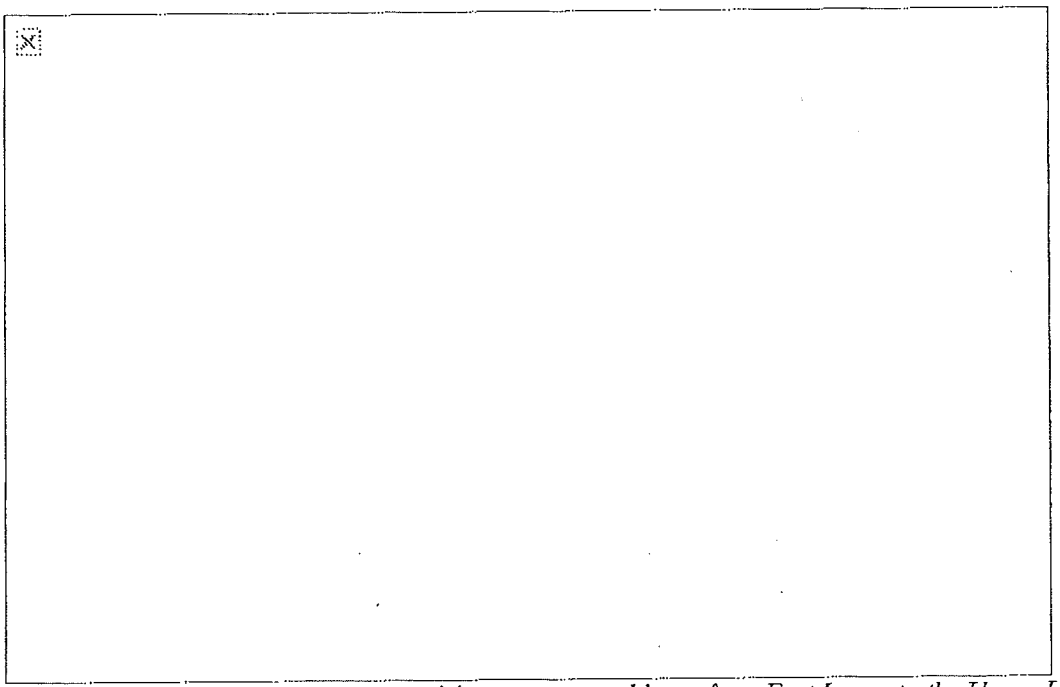


Chart 1: Shows current composition of three segregated lanes from Fort Lee onto the Upper Level Toll Plaza. (Office of the Chief Engineer, August 28, 2013)

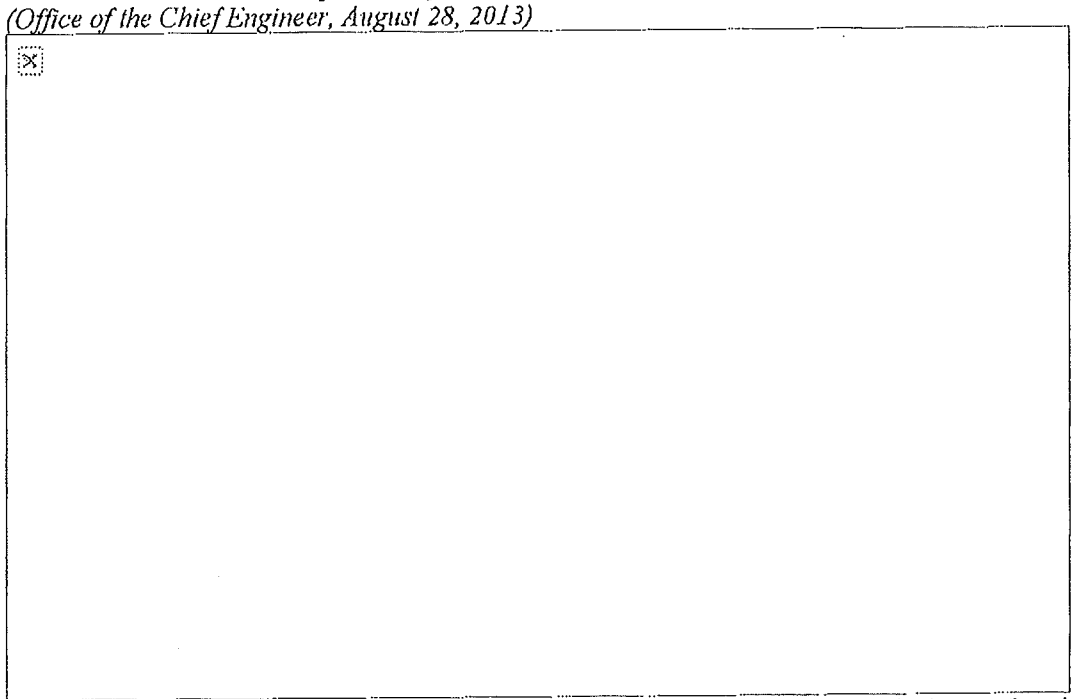


Chart 2: Shows possible scenario of two segregated lanes from Fort Lee onto the Upper Level Toll Plaza. .

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(Office of the Chief Engineer, August 28, 2013)



Chart 3: Shows possible scenario of one segregated lane from Fort Lee onto the Upper Level Toll Plaza. . (Office of the Chief Engineer, August 29 2013)

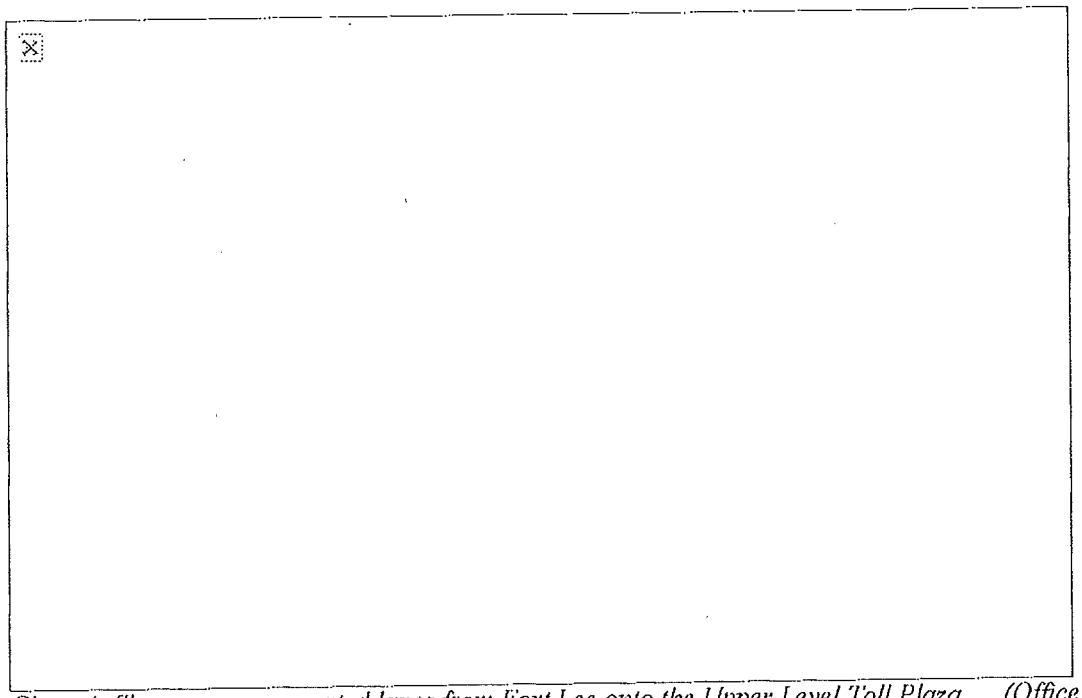


Chart 4: Shows zero segregated lanes from Fort Lee onto the Upper Level Toll Plaza. . (Office of the Chief Engineer, August 28, 2013)

After reviewing the current lane structure and the scenarios offered by the Chief Traffic Engineer, on September 5, Mr. Wildstein requested the special segregated lanes not be eliminated entirely, be reduced from three to only one, for a one week period so that staff could analyze the resultant traffic flow. He asked that the study begin

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on the following Monday, for one week. The study was intended to determine if these segregated lanes cause a clear and marked increase in traffic into the bridge for users from other areas of Bergen and Passaic Counties and across the state.

On the morning of September 6, the Chief Engineer notified the Director of Tunnels, Bridges and Terminals (TBT) that the study would begin on the morning of September 9. Shortly afterwards, TBT Director notified his staff, including the General Manager of the George Washington Bridge. The Chief Engineer asked the TBT Director to have their respective traffic staff work together to assess any and all impacts. This also happened on the morning of September 6. It was determined that three signs would need to be changed for the duration of the one week test: one at the corner of Bruce Reynolds Boulevard (BRB) and Hoyt, one on the Hudson Street median just north of BRB, and one of the Martha Washington median just south of BRB. These signs, which depict lanes usage approaching the Upper Level Toll Plaza, were to be covered by facility maintenance prior to Monday morning. These signs would remain covered for the duration of the test. Bridge staff also notified the Port Authority Police Department, who handled the reduction in lanes on the morning of September 9.

At all times during the week of the review, the Port Authority police monitored traffic. They were alert for any emergency vehicles in the area of the bridge and prepared to further alter traffic patterns in the event of an emergency.

The bridge staff did note that this test was labor intensive. Because the one lane dedicated to Fort Lee was a cash lane, it was necessary to have a relief toll collector on duty.

Mr. Wildstein was at the bridge early on September 9 to observe the effect of traffic, both locally in Fort Lee and on other vehicles utilizing the full span. It should be noted that the Office of the Deputy Executive Director typically visits facilities to view the effects of new policies first hand.

According to bridge staff, the return of two lanes to general use resulted in a moderate relief and reduction in traffic times for non-Fort Lee Lane users. However, the reduction in segregated lanes resulted in significant traffic in the Borough of Fort Lee. On Friday, September 13, Port Authority Executive Director Pat Foye ordered the Fort Lee lanes returned to use by Fort Lee users only.

EARLY DATA COLLECTION

Data collection was limited, partly due to a traffic accident on the Cross Bronx Expressway on Monday morning, and to the early termination of the study on Friday morning. Still, there was a noticeable difference in the movement of traffic for the 95% of vehicles that do not come from Fort Lee. For example, on Tuesday morning, the bridge general manager noted that the I-95 approaches were free and clear by 8:30 AM.

Traffic Engineering performed an analysis for Tuesday, September 10 and observed some improvement in the overall travel time in the nine non-segregated (non-Fort Lee) lanes during the morning peak period, which runs from 6AM to Noon:

* For traffic originating on the I-95 Express Lanes, an average reduction of 4.00 minutes in travel time was observed – a reduction of 47% of the time it normally takes.

* For traffic originating on the I-95 Local lanes, an average reduction of 2.76 minutes in travel time was observed – a reduction of 40% of the time it normally takes.

There was also improvement on Wednesday, September 11:

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* For traffic originating on the I-95 Express Lanes, an average reduction of 4.12 minutes in travel time was observed -- – a reduction of 52% of the time it normally takes.

* For traffic originating on the I-95 Local lanes, an average reduction of 2.72 minutes in travel time was observed -- – a reduction of 43% of the time it normally takes.

The Chief Traffic Engineer noted that the improvement in the travel time on the nine non-segregated lanes should be weighed against the deterioration of level of service for the local traffic originating from Fort Lee.

COMMUNICATION

The implementation of the reduction of Fort Lee Lanes from three to one was not accompanied by customary communications, both within the Port Authority and externally. The Borough of Fort Lee was not notified of the closures in advance. These communication breakdowns cannot be repeated. The Port Authority relies on mutual cooperation both internally and with our community stakeholders. Not having complete buy-in within the agency and securing the cooperation of Fort Lee resulted in a lack of information that is not consistent with our agency's commitment to transparency. While the question of the segregated Fort Lee Lanes is critically important, it must be addressed in an open and transparent manner. Future traffic studies will include outreach to municipal government officials where a facility is located.

FUTURE STUDY

Two clear lessons were learned from the September traffic study. First, a new formalized process will be implemented immediately to address any changes to lane configurations. Beginning immediately, any traffic changes must be approved by both the Executive Director and Deputy Executive Director, and the Board of Commissioners must be notified. In addition, notification must be made to the local municipality and county not less than 30 days prior to implementation. (This would exclude emergency activity conducted in the interest of public safety.) This 30-day notification period will allow time for improved dialogue between the Port Authority, our host communities and the public.

Second, the segregated Fort Lee Lanes are clearly a controversial issue in the region. Mayor Alter felt that in return for hosting the world's busiest bridge, the residents of Fort Lee deserved three special, segregated access lanes. As a result, other residents of Bergen and Passaic Counties – and all other bridge users – wait in longer traffic lines. This is an issue of regional significance that requires study by public officials and leaders both inside and outside the Port Authority. A final determination as to the future of segregated Fort Lee lanes on the Upper Level Toll Plaza must consider whether it is appropriate for special access for one town to come at the expense of drivers from the rest of New Jersey and the region.

Therefore, the Port Authority will immediately create a Fort Lee Lane Task Force to study the lanes at the bridge. The agency asks that representatives of the five legislative districts in Bergen County participate along with representatives of the Bergen County Executive, Bergen County Freeholders, Borough of Fort Lee, New Jersey Department of Transportation, the Port Authority's Chief Engineer, Chief Traffic Engineer, Director of Tunnels, Bridges and Terminal, the Port Authority Police Department, the Port Authority Law Department, and General Manager of the George Washington Bridge to review the traffic patterns at the toll lanes to determine in a public, open and transparent way how access to the George Washington Bridge should be configured.

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By opening the process, both specifically at the George Washington Bridge and generally other Port Authority crossings, the Port Authority will fulfill our commitment to transparency. By including members of the public and their representatives, the Port Authority will benefit from the input of those who live and work around the George Washington Bridge.

We believe that the Port Authority will learn from the events of September 2013 and will be a more open, inclusive and transparent agency as a result.

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From: David Wildstein <david.wildstein@[redacted]>
Sent: Monday, November 18, 2013 12:41 PM
To: Bill Baroni <billbaroni@[redacted]>
Subject:
Attach: The George Washington Bridge is the busiest bridge in the world.pdf

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The George Washington Bridge is the busiest bridge in the world. In 2012, more than 102 million vehicles crossed the bridge connecting Fort Lee, New Jersey and New York City. The bridge is a vital lifeline for commuters, visitors, and commerce.

As the busiest bridge in the world, the George Washington Bridge also experiences significant traffic backups – usually during rush hour. It is not unheard of that, due to the volume on the bridge, drivers can wait in backups lasting more than 45 minutes during the morning and evening rush. Drivers from more than 200 New Jersey municipalities often sit in traffic leading into New York City every morning.

On a typical weekday, about 105,000 vehicles with E-ZPass travel eastbound on the George Washington Bridge from New Jersey to New York. Vehicles with E-ZPass tags registered to a Fort Lee Address account for 4.5% of the total traffic. The other 69 municipalities in Bergen County make up an additional 42.4%. Vehicles come from all parts of New Jersey (eighteen counties in total), from New York, and from dozens of other states.

These traffic backups affect the lives of drivers from throughout the region. They also cause residual traffic delays in the host municipalities of the bridge – Fort Lee and New York City. Because of these impacts, over the last decade the Port Authority has spent nearly $15 million in Fort Lee to assist the community in ameliorating the impacts of this traffic. Most of these funds have been spent on improvements to the local roadway network near the bridge and for the Fort Lee municipal parking lot.

Drivers using the bridge pay a toll to cross the bridge east bound only. This means that vehicles entering New York cue through toll lanes in New Jersey. There are twelve toll lanes on the upper level of the bridge – three of which are specially segregated for local Fort Lee traffic only. On an average weekday, _____ lanes are designated for cash toll payers and _____ lanes

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are reserved for EZPass users. Traffic enters these toll lanes using a variety of approaches, including Routes 80, 95, 46, and 4.

BACKGROUND

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This plan allowed Fort Lee residents to avoid the longer traffic lanes experienced by non-Fort Lee residents and enabled them to bypass the general traffic back up at the bridge.

These segregated lanes were ordered by the Port Authority without any recorded traffic study, without any analysis of their impact, and without consultation with any Bergen County municipality or government outside of Fort Lee According to Port Authority police officers present at that time, they were ordered to create and enforce these special, segregated lanes in response to the directive from Mayor Alter to Port Authority staff.

As a result, traffic from the rest of Bergen County – and all the other users of the bridge – had their available toll lanes reduced to just 75% of the total lanes available on the Upper Level. It is important to note that trucks are not permitted on the Lower Level, so the bridge's heavy truck traffic must complete with cars for this diminished lane capacity during the morning rush hours.

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Fort Lee	4,839	4.50%
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Morris County	4,683	4.4%
Hudson County	3,738	3.5%
Middlesex County	2,946	2.8%
Monmouth County	2,637	2.5%
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Union County	1,905	1.8%
Somerset County	1,036	1.0%
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To create these segregated lanes each morning during the workweek, Port Authority police officers placed cones to segregate the three right most toll lanes. These lanes remain in place today.

AUGUST/SEPTEMBER 2013

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On August 28, 2013, the Port Authority's Chief Traffic Engineer created several scenarios to modify the Special Lanes. This included the option of setting aside all traffic cones so that traffic is allowed to move freely from various approaches. It was the recommendation of the Chief Traffic Engineer that Fort Lee traffic should be segregated from the other approaches by the use of traffic cones, regardless of the number of toll lanes it is feeding. This was aimed at reducing the risk of sideswipe crashes. These scenarios included reducing the total number of Special Lanes from three to either two or one.

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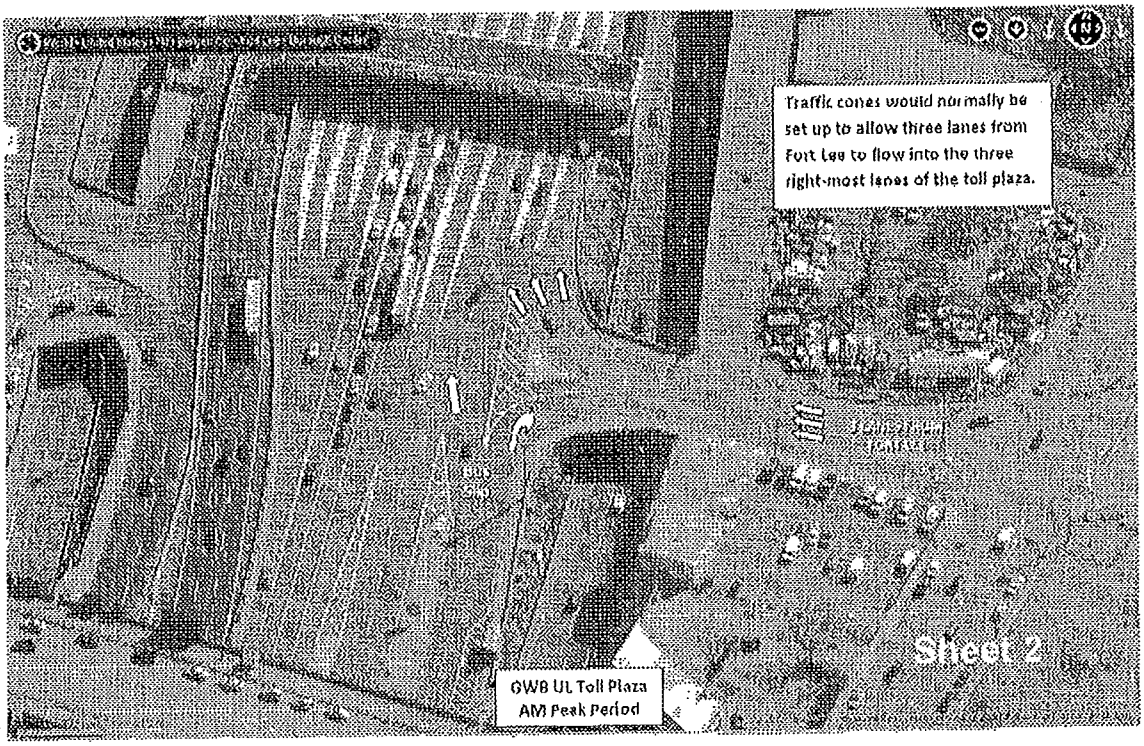


Chart 1: Shows current composition of three segregated lanes from Fort Lee onto the Upper Level Toll Plaza. (Office of the Chief Engineer, August 28, 2013)

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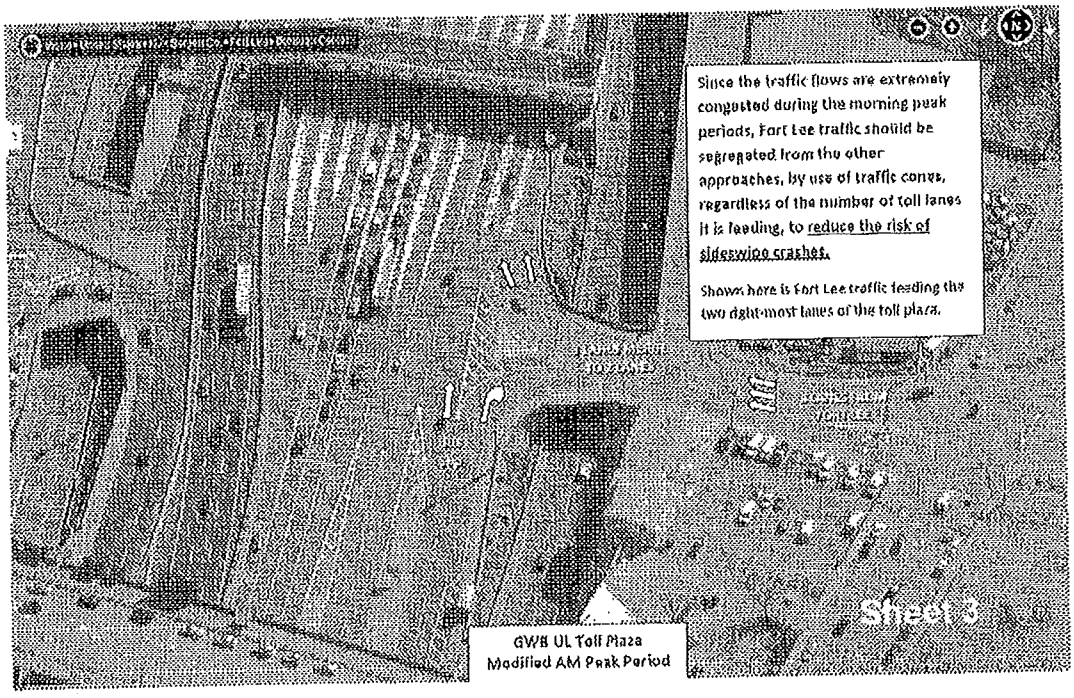


Chart 2: Shows possible scenario of two segregated lanes from Fort Lee onto the Upper Level Toll Plaza. . (Office of the Chief Engineer, August 28, 2013)

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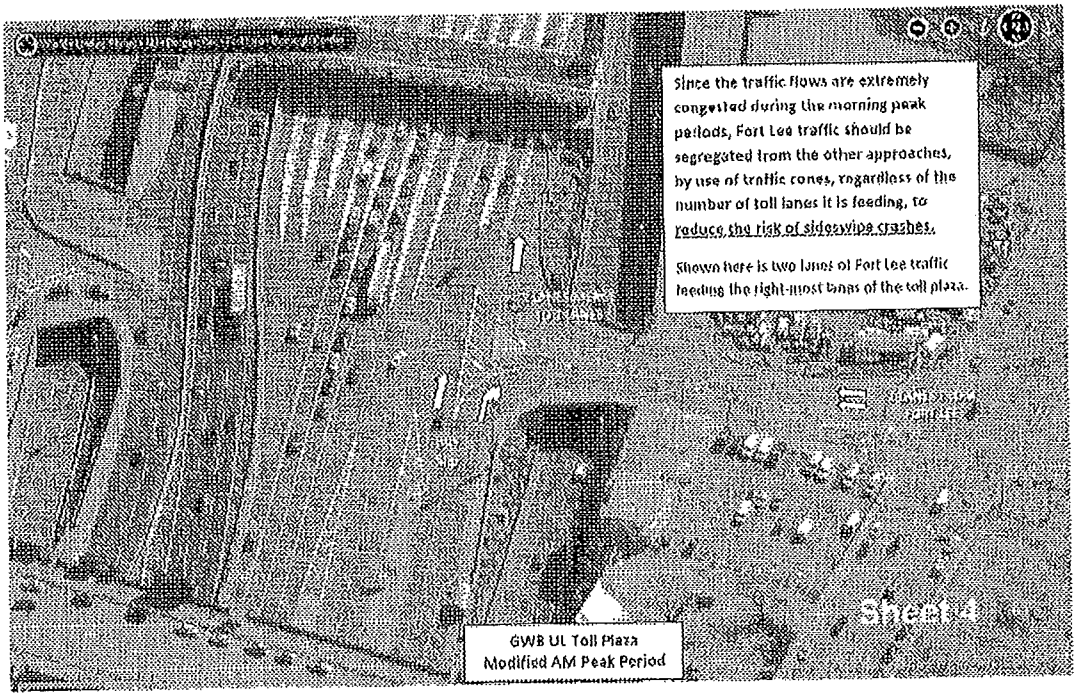


Chart 3: Shows possible scenario of one segregated lane from Fort Lee onto the Upper Level Toll Plaza.

. (Office of the Chief Engineer, August 29 2013)

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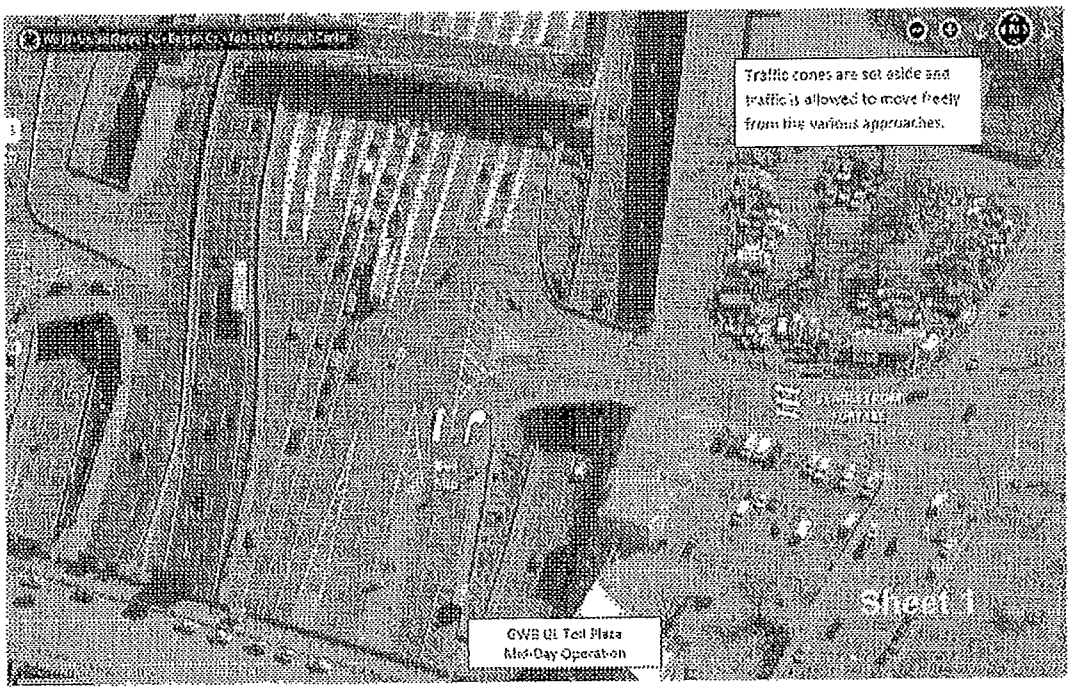


Chart 4: Shows zero segregated lanes from Fort Lee onto the Upper Level Toll Plaza. . (Office of the Chief Engineer, August 28, 2013)

After reviewing the current lane structure and the scenarios offered by the Chief Traffic Engineer, on September 5, Mr. Wildstein requested the special segregated lanes not be eliminated entirely, be reduced from three to only one, for a one week period so that staff could analyze the resultant traffic flow. He asked that the study begin on the following Monday, for one week. The study was intended to determine if these segregated lanes cause a clear and marked increase in traffic into the bridge for users from other areas of Bergen and Passaic Counties and across the state.

On the morning of September 6, the Chief Engineer notified the Director of Tunnels, Bridges and Terminals (TBT) that the study would begin on the morning of September 9.

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Shortly afterwards, TBT Director notified his staff, including the General Manager of the George Washington Bridge. The Chief Engineer asked the TBT Director to have their respective traffic staff work together to assess any and all impacts. This also happened on the morning of September 6. It was determined that three signs would need to be changed for the duration of the one week test: one at the corner of Bruce Reynolds Boulevard (BRB) and Hoyt Avenue, one on the Hudson Street median just north of BRB, and one of the Martha Washington median just south of BRB. These signs, which depict lanes usage approaching the Upper Level Toll Plaza, were to be covered by facility maintenance prior to Monday morning. These signs would remain covered for the duration of the test. Bridge staff also notified the Port Authority Police Department, who handled the reduction in lanes on the morning of September 9.

At all times during the week of the review, the Port Authority police monitored traffic. They were alert for any emergency vehicles in the area of the bridge and prepared to further alter traffic patterns in the event of an emergency. Mr. Wildstein was at the bridge early on September 9 to observe the effect of traffic, both locally in Fort Lee and on other vehicles utilizing the full span.

The bridge staff did note that this test was labor intensive. Because the one lane dedicated to Fort Lee was a cash lane, it was necessary to have a relief toll collector on duty.

According to bridge staff, the return of two lanes to general use resulted in a moderate relief and reduction in traffic times for non-Fort Lee Lane users. However, the reduction in segregated lanes resulted in significant traffic in the Borough of Fort Lee. On Friday, September 13, Port Authority Executive Director Pat Foye ordered the Fort Lee lanes returned to use by Fort Lee users only.

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EARLY DATA COLLECTION

Data collection was limited, partly due to a traffic accident on the Cross Bronx Expressway on Monday morning, and to the early termination of the study on Friday morning. Still, there was a notable difference in the movement of traffic for the 95% of vehicles that do not come from Fort Lee. For example, on Tuesday morning, the bridge general manager noted that the I-95 approaches were free and clear by 8:30 AM.

Traffic Engineering performed an analysis for Tuesday, September 10 and observed some improvement in the overall travel time in the nine non-segregated (non-Fort Lee) lanes during the morning peak period, which runs from 6AM to Noon:

* For traffic originating on the I-95 Express Lanes, an average reduction of 4.00 minutes in travel time was observed – a reduction of 47% of the time it normally takes.

* For traffic originating on the I-95 Local lanes, an average reduction of 2.76 minutes in travel time was observed – a reduction of 40% of the time it normally takes.

There was also improvement on Wednesday, September 11:

* For traffic originating on the I-95 Express Lanes, an average reduction of 4.12 minutes in travel time was observed -- -- a reduction of 52% of the time it normally takes.

* For traffic originating on the I-95 Local lanes, an average reduction of 2.72 minutes in travel time was observed -- – a reduction of 43% of the time it normally takes.

The Chief Traffic Engineer noted that the improvement in the travel time on the nine non-segregated lanes should be weighed against the deterioration of level of service for the local traffic originating from Fort Lee.

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COMMUNICATION

The implementation of the reduction of Fort Lee Lanes from three to one was not accompanied by customary communications, both within the Port Authority and externally. The Borough of Fort Lee was not notified of the closures in advance. These communication breakdowns cannot be repeated. The Port Authority relies on mutual cooperation both internally and with our community stakeholders. Not having complete buy-in within the agency and securing the cooperation of Fort Lee resulted in a lack of information that is not consistent with our agency's commitment to transparency. While the question of the segregated Fort Lee Lanes is critically important, it must be addressed in an open and transparent manner. Future traffic studies will include outreach to municipal government officials where a facility is located.

FUTURE STUDY

Two clear lessons were learned from the September traffic study. First, a new formalized process will be implemented immediately to address any changes to lane configurations. Beginning immediately, any traffic changes must be approved by both the Executive Director and Deputy Executive Director, and the Board of Commissioners must be notified. In addition, notification must be made to the local municipality and county not less than 30 days prior to implementation. (This would exclude emergency activity conducted in the interest of public safety.) This 30-day notification period will allow time for improved dialogue between the Port Authority, our host communities and the public.

Second, the segregated Fort Lee Lanes are clearly a controversial issue in the region. Mayor Alter felt that in return for hosting the world's busiest bridge, the residents of Fort Lee deserved three special, segregated access lanes. As a result, other residents of Bergen and Passaic

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Counties – and all other bridge users – wait in longer traffic lines. This is an issue of regional significance that requires study by public officials and leaders both inside and outside the Port Authority. A final determination as to the future of segregated Fort Lee lanes on the Upper Level Toll Plaza must consider whether it is appropriate for special access for one town to come at the expense of drivers from the rest of New Jersey and the region.

Therefore, the Port Authority will immediately create a Fort Lee Lane Task Force to study the lanes at the bridge. The agency asks that representatives of the five legislative districts in Bergen County participate along with representatives of the Bergen County Executive, Bergen County Freeholders, Borough of Fort Lee, New Jersey Department of Transportation, the Port Authority's Chief Engineer, Chief Traffic Engineer, Director of Tunnels, Bridges and Terminal, the Port Authority Police Department, the Port Authority Law Department, and General Manager of the George Washington Bridge to review the traffic patterns at the toll lanes to determine in a public, open and transparent way how access to the George Washington Bridge should be configured.

By opening the process, both specifically at the George Washington Bridge and generally other Port Authority crossings, the Port Authority will fulfill our commitment to transparency. By including members of the public and their representatives, the Port Authority will benefit from the input of those who live and work around the George Washington Bridge.

We believe that the Port Authority will learn from the events of September 2013 and will be a more open, inclusive and transparent agency as a result.

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Tab 52

Text Messages - William Baroni and David Wildstein

From	To	Received	Message
David Wildstein	William Baroni	9/9/2013 10:51:23 AM	Hudson terr south traffic has broke. Ft lee from martha wash still heavy.
David Wildstein	William Baroni	9/9/2013 8:46:54 PM	911
David Wildstein	William Baroni	9/9/2013 8:46:56 PM	Call me
William Baroni	David Wildstein	9/10/2013 7:53:36 AM	Presently we have four very busy traffic lanes merging into only one toll booth..... The bigger problem is getting kids to school. Help please. It's maddening
David Wildstein	William Baroni	9/10/2013 8:43:29 AM	So I-95 traffic broke about 5 minutes ago, about 45 minutes earlier than usual, because there are 2 additional lanes to handle morning rush.
William Baroni	David Wildstein	9/12/2013 6:02:58 PM	From Serbia: My frustration is now trying to figure out who is mad at me.
William Baroni	David Wildstein	9/12/2013 6:03:04 PM	From Serbia: My frustration is now trying to figure out who is mad at me.
William Baroni	David Wildstein	9/17/2013 9:29:16 AM	I'm really not doing well with the red hook- ft lee-path EWR-- I feel really overwhelmed. And I'm not being dramatic.
David Wildstein	William Baroni	9/17/2013 9:41:20 AM	You will, seriously, feel better if you punch someone in the face. Right now you are taking punches
William Baroni	David Wildstein	9/17/2013 9:45:06 AM	That's not helpful.
David Wildstein	William Baroni	9/17/2013 9:45:36 AM	I don't know what to tell you

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Text Messages - William Baroni and David Wildstein

From	To	Received	Message
William Baroni	David Wildstein	9/17/2013 1:32:43 PM	From Serbia We should talk. Someone needs to tell me that the recent traffic debacle was not punitive in nature. The last four reporters that contacted me suggest that the people they are speaking with absolutely believe it to be punishment. Try as I may to dispel these rumors I am having a tough time.
William Baroni	David Wildstein	9/17/2013 1:33:28 PM	A private face-to-face would be important to me. Perhaps someone can enlighten me as to the errors of my ways. Let me know if you'll give me 10 minutes. Regards Mark
William Baroni	David Wildstein	9/17/2013 1:56:52 PM	Serbia???
David Wildstein	William Baroni	9/17/2013 1:57:20 PM	Have not heard back fr Bridget
David Wildstein	William Baroni	9/17/2013 1:57:20 PM	Bridget; Just finishing a meeting
David Wildstein	William Baroni	9/17/2013 1:57:20 PM	So we will speak soon
William Baroni	David Wildstein	9/17/2013 1:57:38 PM	Fck
William Baroni	David Wildstein	9/17/2013 1:59:25 PM	We could sched a meeting to stave off reporters then pull a faps
David Wildstein	William Baroni	9/17/2013 1:59:28 PM	Like for Monday?
David Wildstein	William Baroni	9/17/2013 1:59:28 PM	Ok
William Baroni	David Wildstein	9/17/2013 2:00:21 PM	Too cute. Tuesday or later next week.
David Wildstein	William Baroni	9/17/2013 2:34:05 PM	Ted Mann just called my cell
William Baroni	David Wildstein	9/17/2013 2:34:30 PM	Jesus.
William Baroni	David Wildstein	9/17/2013 2:34:42 PM	Call Drewniak.
William Baroni	David Wildstein	10/2/2013 3:45:43 PM	Comella didn't think much of the story. Said nobody paying attention
William Baroni	David Wildstein	10/2/2013 3:45:47 PM	Oh lol
David Wildstein	William Baroni	10/2/2013 3:46:03 PM	Bridget same
David Wildstein	William Baroni	11/13/2013 12:03:55 PM	Instructions for gaggle... Do we let Weinberg and wiz attend? Can we stop them?
William Baroni	David Wildstein	11/13/2013 12:04:18 PM	How do we stop them?
William Baroni	David Wildstein	11/13/2013 12:04:30 PM	It just creates an issue
David Wildstein	William Baroni	11/13/2013 12:04:41 PM	I don't see how but need to ask you

BARONI000412

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Text Messages - William Baroni and David Wildstein

From	To	Received	Message
William Baroni	David Wildstein	11/13/2013 12:05:03 PM	Yeah they will beat us up either way
William Baroni	David Wildstein	11/13/2013 12:10:21 PM	Invite nj commissioners?
David Wildstein	William Baroni	11/13/2013 12:11:22 PM	Up to you
William Baroni	David Wildstein	11/13/2013 12:11:40 PM	Yes
William Baroni	David Wildstein	11/21/2013 6:57:04 PM	Need exact upper level number of lanes from tomorrw
David Wildstein	William Baroni	11/21/2013 8:14:34 PM	Will take gw bridge to work
William Baroni	David Wildstein	11/24/2013 7:51:11 AM	Toll chart
David Wildstein	William Baroni	11/25/2013 9:05:55 AM	1
William Baroni	David Wildstein	11/25/2013 11:56:59 AM	???
William Baroni	David Wildstein	11/25/2013 11:58:13 AM	???
David Wildstein	William Baroni	11/25/2013 11:58:46 AM	PAPD said all was fine
David Wildstein	William Baroni	11/25/2013 11:58:59 AM	You did great
William Baroni	David Wildstein	11/25/2013 11:59:08 AM	Trenton feedback
William Baroni	David Wildstein	11/25/2013 11:59:12 AM	?
David Wildstein	William Baroni	11/25/2013 11:59:18 AM	Good
David Wildstein	William Baroni	11/25/2013 11:59:36 AM	O'Toole statement ready
William Baroni	David Wildstein	11/25/2013 11:59:37 AM	Just good? Shit
David Wildstein	William Baroni	11/25/2013 12:00:19 PM	No i have only texted brudget and Nicole they were VERY happy
William Baroni	David Wildstein	11/25/2013 12:00:33 PM	Ok
David Wildstein	William Baroni	11/25/2013 12:00:49 PM	Both said you are doing great
David Wildstein	William Baroni	11/25/2013 12:06:18 PM	Charlie said you did GREAT

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Tab 53

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From: Maria Comella
Sent: Monday, December 02, 2013 10:28 AM
To: Michael Drewniak; Colin Reed
Subject: let's start the list for questions

Redacted

Hearing on GW bridge closure

Redacted

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Tab 54

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From: Maria Comella
Sent: Monday, December 02, 2013 11:31 AM
To: Kevin O'Dowd
Subject: anything to add? this is the hit list for the presser today

Redacted

Hearing on GW bridge closure/Foye subpoena

Redacted

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GIBSON DUNN

Gibson, Dunn & Crutcher LLP

200 Park Avenue
New York, NY 10166-0193
Tel 212.351.4000
www.gibsondunn.com

Memorandum

PRIVILEGED AND CONFIDENTIAL
ATTORNEY OPINION WORK PRODUCT

To: File

From: Gibson, Dunn & Crutcher LLP

Re: Renna Interview Memorandum

On Thursday, January 30, 2014, Christina Genovese Renna was interviewed by Randy M. Mastro, Alexander H. Southwell, Debra Wong Yang and Sarah Vacchiano of Gibson Dunn. During the interview, Renna was represented by Henry Klingeman of Krovatin Klingeman LLC. All information contained herein was provided by Renna or as indicated. The information in brackets was obtained from publicly-available sources, not from the interview itself. Renna has not read or reviewed the memorandum and has not adopted or approved its contents. Southwell began the interview by administering the standard *Upjohn* warnings per Gibson Dunn's protocol, and requesting that Renna refrain from discussing the investigation and interview with others. Renna stated that she agreed, understood, and did not have any questions.

This memorandum does not contain a verbatim transcript of what was said at the meeting; rather, it is a summary of the discussion that reflects counsel's mental thoughts and impressions and is therefore protected from disclosure by the attorney work product doctrine.

I. Background

[*Renna graduated from St. Joseph's University and received a Master's in Public Administration from Villanova University.*]

Prior to joining the Governor's Office in 2010, Renna served as a private legislative aide in District 1 in South New Jersey, then worked in the private sector before spending three years as a business lobbyist for the Chamber of Commerce of Southern New Jersey, a 501(c)(6) organization.

Renna stated that she kind of fell into her job with the Governor's Office. She did not work on the Governor's campaign in 2009, though she did vote for Governor Christie and is a registered Republican. Renna was introduced to Bill Stepien in 2009 by Pete Sheridan, a

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mutual friend who thought Renna was a great fit for an open Business Affairs position within the Governor's Office.

Renna joined the Governor's Office in April 2010 as Director of Business Affairs within the Department of Legislative & Intergovernmental Affairs ("IGA"). In this role, Renna travelled the state to meet with small businesses and local chambers of commerce to discuss the Administration's economic development initiatives (Renna pointed out that this time period predated the Lieutenant Governor's principal focus on driving economic development issues). As Director of Business Affairs, Renna's primary objective was getting the Governor's name out among small businesses and focusing on economic development issues. In this role, Renna reported to former Director of IGA, Amanda Gasperino. When Gasperino left this position, Bridget Kelly assumed the role of Director of IGA and Renna reported to Kelly thereafter. Renna held the position of IGA Director of Business Affairs for approximately nine months. In winter 2011, Renna became the IGA Legislative Liaison, where she liaised with the New Jersey Assembly and ultimately the entire state legislature. Renna stayed in this role for approximately one year and then became IGA Director of Departmental Relations.

Renna described the Departmental Relations role as very different from her first two positions within IGA. As Director of Departmental Relations, Renna served as the intermediary between the State departments and the Governor's Office. For example, Renna served as the Governor's Office liaison with department commissioners, assisting the cabinet members to flag issues with the Administration and updating the Governor on projects the departments were working on. Renna also attended meetings between the department heads and the Governor's Office. Renna held the position of Director of Departmental Relations for approximately one year, and then was promoted to her current role of Director of Intergovernmental Affairs, Kelly's former position within the Governor's Office.

A. Role and Responsibilities

As Director of IGA, Renna said that she oversees 10 members of IGA staff divided into two teams of Regional Directors and Sandy Regional Directors. Non-Sandy Regional Directors serve as the points of contact for all local and county officials in the state, broken down by region. Sandy Regional Directors are uniquely focused on the 16 towns most severely impacted by Hurricane Sandy, and serve as points of contact for mayors and community groups in those towns. Both teams of regional staff spend the majority of their time on the road meeting with local officials and community groups.

When Renna first assumed the role of Director of Intergovernmental Affairs, she was only responsible for overseeing the team of Sandy Regional Directors. In June 2013, Renna's oversight role expanded to both teams of regional staff, although Renna stated that Sandy oversight had been her primary focus over the past year.

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Renna said that her interactions vary between the two Regional Director teams. Due to the fact that the Sandy team is based fully on the road, Renna said she mainly approves various meetings the Sandy Regional Directors set up with local officials and community groups, and then requests updates and feedback from those meetings. Additionally, the Sandy team fields questions and requests from local officials and community groups, and then forwards these questions to Renna, who gathers information from Marc Ferzan and other officials from the Governor's Office of Recovery and Rebuilding ("GORR"). Renna said that GORR also provides input on various action items that Renna communicates to the Sandy team to take back to their regions' respective mayors and community groups.

Kelly was promoted to Deputy Chief of Staff for Legislative and Intergovernmental Affairs in or about April 2013. At that point, Renna characterized herself as the only other senior person in IGA aside from Kelly, and shortly thereafter, Renna defaulted into the role of unofficially being in charge of the non-Sandy regional staff. Renna was responsible for approving the Regional Directors' travel schedules making sure they showed up on time and did their jobs. Renna, however, had no involvement in hiring or termination decisions.

1. Regional Staff

IGA Regional Directors are collectively referred to as regional staff. Renna described the regional staff as "kids," in that many are recent college graduates and former interns with an interest in politics.

Renna described IGA's operations as constituent relations for local elected officials. In order to carry out IGA's goal of effecting "good government" practices, Renna said that she is responsible for overseeing the Regional Directors via a system of "checks and balances," wherein Renna reviews with whom the regional staff are meeting, as well as the timing and purpose of such meetings.

B. IGA Office Layout

When Stepien was IGA Deputy Chief of Staff, all IGA staff was located on the 4th floor of the State House. According to Renna, Stepien had a "bullpen" mentality; for approximately Renna's first 3 years in IGA, everyone had an office on the 4th floor.

Renna sat in a cubicle until Kelly was promoted to Stepien's position in April 2013. When Stepien left, Renna moved into Kelly's former office on the 2nd floor of the State House. Renna assumed Kelly's former title of Director of IGA, but Kelly did not transfer to Renna the same responsibilities. Renna recalled there was confusion among the office as to whether Renna would be overseeing all IGA staff. Renna sat in Kelly's old office until she was moved to the 4th floor IGA cubbyhole by Kelly around September 2013, because as Kelly explained at the time, the Chief Counsel's Office needed additional space. Based on the entirety of Renna's relationship with Kelly, Renna speculated that the real reason behind

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the move was Kelly was intimidated by Renna, and furthermore, Renna perceived that Kelly consistently kept Renna at arm's length from anyone of importance in the Administration. Renna stayed in the IGA cubbyhole, and consequently, Renna sensed that a lot of people in the Governor's Office did not know Renna, due to the physically remote location of Renna's office.

C. Relationship with Bridget Kelly

Renna did not know Kelly until Renna's second year in IGA, when Gasparino left the office and Kelly became Renna's boss in 2011. Early on Renna and Kelly were as friendly as Kelly was with anybody in the office. Renna noted that Kelly was not close with anyone in the office except Stepien.

At first, Renna and Kelly would occasionally grab a drink after work, although they did not socialize outside of work on the weekends. But after Renna got married in July 2012, Renna noticed that their personal friendship diminished.

Renna explained that Kelly did not interact with many people in the office on a personal level, so she considered Kelly's behavioral change to be geared towards Renna specifically, and not reflective of a general behavioral change in Kelly. Renna noted that when Stepien was in IGA, he also only interacted with Kelly, and Kelly and Stepien's management style mirrored each other.

When Kelly moved downstairs, she set up the IGA flow chart differently. In addition to Renna, Vincent Napolitano and Kieran Tintle reported directly to Kelly. Renna considered Napolitano and Tintle to be her contemporaries in IGA. As Director of Constituencies, Napolitano oversaw the constituencies operation, serving as the liaison between the Governor's Office and the Jewish and Hispanic communities. Tintle took over Renna's role as Director of Legislative and Departmental Relations, which included proactive letter writing.

As Kelly got closer to filling Stepien's role as IGA Deputy Chief of Staff, Kelly became more distant from IGA staff. Based on speculation, Renna believed that if Stepien were to leave, Kelly would get his job.

D. IGA Culture and Management Style

Renna described Stepien as antisocial, but added that Stepien could be very pleasant when he wanted to be. Renna further characterized Stepien as brilliant but intimidating. Renna said that it was her perception that Kelly wanted to be like Stepien, but in Renna's opinion, Kelly was not nearly as intelligent as Stepien. Renna believed that Kelly emulated Stepien's management style and fell in line with whatever he wanted without question.

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Renna described Kelly's demeanor as tough with an occasional bad temper. However, by the time Kelly headed the IGA office, the staff had experienced three years of a culture where people knew better than to ask questions or come close to overstepping—so in Renna's opinion, there were less reasons for Kelly to be angry because everyone already knew how IGA operated.

E. Additional IGA Staff

Renna said that Matt Mowers preceded Evan Ridley as Regional Director for the northern region of New Jersey, which includes Fort Lee. During this time, Renna was not overseeing the regional operations, so Mowers never worked for Renna. Renna opined that Mowers was young and ambitious, with a sharp political mind.

Ridley took over Mowers' position as Regional Director for the northern region when Mowers left IGA to work for Governor Christie's reelection campaign in 2013. Renna explained that Ridley currently oversees a "super region," because Kelly and Stepien were not inclined to hire additional people over the past year and Ridley's region encompasses multiple regions. Renna added that Stepien wanted Mowers on the campaign, so IGA assigned Ridley the super region to get through the campaign.

Professionally, Renna did not consider Ridley to be a strong performer.

Renna also considered Pete Sheridan—the person who got Renna the interview with Stepien in 2010—to be her contemporary within IGA. During the Governor's first term, Sheridan oversaw the geographic operations within IGA.

F. Use of Personal Emails

Renna explained that after she had been with IGA for one year, she recalled realizing that everyone around her was using a personal email account in addition to their government email accounts. Renna did not use a personal email address for work purposes during her first year in the Governor's Office. When Renna realized that everyone else was using a personal email account for work purposes, she created a Gmail account which she used for both work and personal matters. Renna stated that no one in the Governor's Office asked her to create a personal email account for work purposes.

Renna added that staffers in the field were given state Blackberries and able to access state email accounts on the road.

Renna did not recall discussions regarding the use of personal emails with Stepien or Kelly.

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G. Other Interactions within the Governor's Office

In Renna's current role as Director of Intergovernmental Affairs, Renna rarely interacted with Maria Comella, the Deputy Chief of Staff for Communications and Planning. Renna interacted more with Comella when Renna was serving in the interdepartmental role.

In Renna's interdepartmental role, Renna stated that she interacted occasionally with Nicole Crifo in the Authorities Unit.

Renna recalled rarely interacting with David Wildstein—they interacted on no more than five occasions, and all during her second and third year in the Governor's Office when she was working on departmental matters. Renna also interacted with some younger folks who worked under Wildstein at the Port Authority.

Renna stated that Kelly and Wildstein talked all the time and were exceptionally close. Renna personally observed that Wildstein called Kelly frequently, but did not know if they socialized outside the office. Renna did not know why Kelly and Wildstein had such a close friendship. Renna speculated that since Stepien was friendly with Wildstein, and Kelly was Stepien's protégée, that could be the connection that bound Kelly and Wildstein.

Renna had absolutely no direct interactions with the Governor. Renna said that she did not directly interact with the Governor by phone, email or in person. At most, Renna would see the Governor at a town hall event or Drumthwacket, where the Governor might give Renna a hug and ask how her husband was doing.

H. Interactions with the Governor's Campaign

Beginning in July 2013, the IGA team went to go to campaign headquarters one evening a week and made volunteer calls on behalf of the Governor's reelection campaign. Kelly designated Wednesdays as "Bridgewater Wednesdays," on which IGA staff would leave the State House at 5:00 p.m. and spend a few hours making "get out the vote" calls on behalf of the Governor's reelection campaign. Renna participated each Wednesday. Kelly and Stepien also scheduled weekly conference calls on Saturday mornings between IGA staff and campaign staff.

Renna stated that IGA staff did not work on the campaign during normal business hours. It was well known from Stepien and Kelly that IGA staff could only work on the Governor's re-election campaign on vacation or spare time outside normal business hours.

1. Stepien's "Top 100 Towns" List

Renna explained that the focus of the regional team for four years was "good government across the board," which was implemented by managing constituent relations

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with every elected official at both the local and county level. The "T-100" towns list was Stepien's brainchild. Renna did not know how Stepien came up with the list—she specifically stated that the list was not based on town size—but she recalled being told anecdotally that Stepien was a brilliant mastermind of voting data and had compiled a list of key towns whose support for the Governor could grow. Renna said that following Hurricane Sandy, Stepien added 17 towns to the T-100 list, making it a T-117 list. Renna added that not all of the newly-added towns were added because of Hurricane Sandy. Renna said that the T-100 list was designed to focus on building stronger relationships for the Governor with those towns in particular. Renna used the T-100 list daily during the course of the work day, and considered it a helpful tool to aid IGA's efforts to have the Governor visit a school or organize a town hall in certain towns in order to strengthen the Administration's relationship with those towns.

Renna was not under the impression that the list was structured as a "good/bad" list. Renna emphasized that the T-100 list was reflective of IGA's continuing focus on strengthening its constituent relations.

Renna did not perceive a cognizable pattern in the list of towns. To the contrary, Renna described the list as a "mixed bag of towns" that included urban, suburban and rural towns. The list includes more northern New Jersey towns than southern New Jersey towns, but Renna stated that demographics did not play a factor in compiling the list.

Renna said that within the Governor's Office, IGA did not "drive" the Administration; rather, IGA was designed to be the link between getting on-the-ground information from local towns and counties and communicating that information to the high-level people and senior staff making the decisions.

2. List of Mayors

Renna believed Stepien kept track of mayors who were not in favor with IGA, but Renna was not privy to that process. But IGA staff would receive mandatory directives along the lines of "do not rush to return this mayor's phone call." Renna recalled an IGA staffer asking Renna, "Can we get a list of hands-off mayors?" Renna remembered responding, "You know we won't get it, and it would change daily anyway."

Renna could not think of an example of political retribution that would rise to the level of what is alleged was done with the George Washington Bridge. However, sometimes IGA staff received a directive along the lines of "no need to call to check in" with a local elected official, which was enough to send a message to the local elected official.

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3. Stepien's Color-Coded Maps

Renna described Stepien as having different maps for different years posted on the walls of Stepien's office and multicolored pins strategically placed throughout the maps. Renna said that the multicolored pins represented towns in which the Governor held public events or IGA organized town halls; or, alternatively, mayors who had signed on to support the Governor's various initiatives, such as the Governor's 2.5 percent property tax cap plan from 2010.

4. Kelly's Poster of Names

Renna was shown a poster with a list of names taken from the wall of Kelly's office. Renna did not remember seeing this specific poster but was familiar with the names listed. Renna noted that in practice, she recalled Kelly making lists on whiteboards in her office, but Renna did not recall seeing a large poster in Kelly's office.

Renna speculated that the top names were "constituency guys." Renna then identified the names on the list, and specified to the best of her recollection whether or not the person endorsed the Governor.

- Mullen *[William T. Mullen, President of the New Jersey Building and Trades Council]*: Renna said Mullen is a building trades guy who is not a current friend of the Administration, though he used to be.
- Pocino *[Ray Pocino is on the Port Authority Board of Commissioners]*: Renna recalled Pocino endorsed the Governor and is considered a friend of the Administration.
- Jackson *[Bishop Reggie Jackson]*: Renna described Jackson as an African American community leader who Renna thinks endorsed the Governor.
- Kotler *[Rabbi Malkiel Kotler]*: Renna said Rabbi Kotler oversees the orthodox Jewish community in Lakewood, NJ. She recalled Rabbi Kotler endorsed the Governor. However, it was Renna's understanding that IGA was not working with Rabbi Kotler any longer.
- Stack *[Senator Brian Stack, 33rd Leg. District and Democratic Mayor of Union City]*: Renna recalled that Senator Stack endorsed the Governor.
- Diaz *[Wilda Diaz, Democratic Mayor of Perth Amboy City]*: Renna recalled that Mayor Diaz endorsed Barbara Buono.

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- Gerbounka *[Richard Gerbounka, Mayor of Linden City]*: Renna recalled that Mayor Gerbounka endorsed the Governor.

- Stahl *[David Stahl, Mayor of East Brunswick Township]*: Renna recalled Mayor Stahl, a former Democrat, switched parties to run for State Senate as a Republican. Renna did not think Mayor Stahl ultimately endorsed the Governor but said that he could have been listed as a potential endorser when he was still a Democrat.

- McCormac *[John McCormac, Democratic Mayor of Woodbridge Township]*: Renna recalled Mayor McCormac endorsed the Governor in 2009 but not in 2013, but Renna described Mayor McCormac as a friend of the Administration.

- DelVecchio *[David DelVecchio, Democratic Mayor of Lambertville City]*: Renna recalled Mayor DelVecchio did not endorse the Governor.

- Sokolich *[Mark Sokolich, Democratic Mayor of Fort Lee]: had no recollection.*

- Kelly *[Albert Kelly, Mayor of Bridgeton City]*: Renna recalled that Mayor Kelly did not endorse the Governor.

- Hameeduddin *[Muhamad Hameeduddin, Mayor of Teaneck]*: Renna recalled Mayor Hameeduddin did not endorse the Governor.

- LaBarbiera *[Richard LaBarbiera, Democratic Mayor of Paramus]*: Renna did not recall whether Mayor LaBarbiera endorsed the Governor.

- Roque *[Felix Roque, Democratic Mayor of West New York]*: Renna recalled that Mayor Roque was a mayor who was indicted. She recalled the Administration had a working relationship with Mayor Roque before his indictment.

- Fulop *[Steven Fulop, Democratic Mayor of Jersey City]*: Renna did not know if Mayor Fulop was on the list of potential Governor endorsements.

I. Endorsement Efforts: Mayor Dawn Zimmer

Renna stated that Hoboken Mayor Zimmer was always on the list for potential Democrat endorsements, and then Renna recalled Mayor Zimmer's name came off the list. Renna recalled that IGA always had a "phenomenal working relationship" with Mayor Zimmer, even though Mayor Zimmer had made it clear that she was not going to endorse the Governor. Renna recalled the Governor was fine with Mayor Zimmer's non-endorsement. Renna added that she had a document indicating Stepien directed IGA to take Mayor Zimmer

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off the list of potential endorsements in January 2013. Following that directive, the IGA office had a great working relationship with Mayor Zimmer.

Renna said that the Governor rarely solicited endorsements directly from mayors. It was Renna's understanding that the Governor personally requested Mayor Zimmer's endorsement, but Renna did not know this factually; rather, Renna's understanding is based on a conversation she had with Kelly, who thought that the Governor personally asked Mayor Zimmer to consider endorsing him during a meeting with Mayor Zimmer.

Even though Renna recalled that Stepien directed IGA to take Mayor Zimmer off the list of potential Democrat endorsements in January 2013, Renna said that the conversation with Kelly (about the Governor asking Mayor Zimmer to consider endorsing) happened in February 2013.

J. IGA Communications re: Mayor Mark Sokolich

Renna specifically recalled that Mayor Sokolich was on the list of potential Democrat endorsements "for a long time," but remembered Mayor Sokolich came off the list in April 2013. Ridley told Renna that Mayor Sokolich was not planning to endorse the Governor. At the time, Renna was not involved in obtaining Mayor Sokolich's endorsement, and had no specific knowledge about such efforts. Renna recalled Mowers asked Mayor Sokolich for his endorsement, but was not aware that Mowers was planning to ask Mayor Sokolich prior to Mowers' request for the Mayor's endorsement.

Renna said that IGA knew by April 2013 that Mayor Sokolich did not intend to endorse the Governor, and Renna's perception was that was fine. She recalled Mowers and Ridley continued to have an excellent relationship with Mayor Sokolich, even after IGA knew the mayor was not endorsing the Governor, at least up until August 2013, when Kelly communicated to Renna that she was upset about Ridley meeting with Mayor Sokolich.

1. June 5, 2013: Renna-Ridley Email re: Mayor Sokolich

Southwell questioned Renna about a June 5, 2013, email from Ridley to Renna, in which Ridley wrote, "meeting with the mayor of Fort Lee was one of the more interesting things I've witnessed in this job." Renna explained that Ridley routinely sent Renna emails to update her on his daily meetings. Renna did not recall having a substantive follow-up conversation with Ridley about that Mayor Sokolich meeting. Renna never met Mayor Sokolich, but she generally recalled that Mayor Sokolich was known to be a quirky, jubilant guy. Based on Renna's professional relationship with Ridley, Renna surmised that Ridley's characterization of that Mayor Sokolich meeting suggested that Ridley found Mayor Sokolich to be jovial and funny.

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2. August 16, 2013: Ridley Meeting With Mayor Sokolich

Renna was questioned about an August 16-17, 2013 email exchange between Renna and Kelly wherein Kelly not happy that Ridley met with Mayor Sokolich. Relevant portions of the email exchange are below.

> Kelly (8/16/13 at 10:54 p.m.): And why did [Ridley] think it was ok to meet with Sokolich?
>
> Kelly (8/17/13 at 7:43 a.m.): [Ridley] should not have met with Fort Lee without approval. I'm really upset with him.
>
> Renna (8/17/13 at 7:47 a.m.): I'm checking with Chris [Stark, IGA Regional Director] to see if [Ridley] asked him or not. I doubt he did…Chris would have flagged it with me, I'm sure. Will let you know.

Renna stated that she did not know why Kelly was angry with Ridley for meeting with Mayor Sokolich on August 16, 2013, and found Kelly's reaction "inexplicable." Renna recalled following up with another IGA staffer to see if Ridley had flagged the Mayor Sokolich meeting with him; the other IGA staffer did not know Ridley was taking the meeting with Mayor Sokolich. Renna said that she had no idea there was an issue with Mayor Sokolich at the time.

Renna stated that she did not ask Kelly why she was angry with Ridley for meeting with Mayor Sokolich, because the information flowed on a need-to-know-basis: if Kelly considered it important that Renna know why Kelly was upset with Ridley, Kelly would have shared that information with Renna. Renna stated that it would have been overstepping for her to ask for that information. Renna did not recall ever talking about it with other staff or learning from other sources why Kelly reacted angrily, but Renna explained that Kelly's reaction was not out of the ordinary, as it was normal for IGA management to be mad at a mayor without Renna knowing why.

Renna added that the August 16, 2013 meeting was the last meeting Ridley had with Mayor Sokolich. According to Renna, IGA did not engage in any outreach with Mayor Sokolich between Ridley's August 16, 2013 meeting with Mayor Sokolich and the Fort Lee traffic issue.

Renna explained that the full picture of the Renna-Kelly email chain was more convoluted than it seemed, because Renna recalled having performance issues with Ridley prior to August 16, 2013. For example, Renna was frustrated with Ridley for not sending her his schedule of meetings; and in addition, she had heard rumors that Ridley may have been faking having certain meetings (and subsequent recaps of the meetings) with local officials and instead taking time off from work. Renna even suspected that the August 16, 2013 "meeting" with Mayor Sokolich might have been fake, given Ridley's rote description of it.

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Renna said that she did not want to throw Ridley under the bus in her conversation with Kelly, so she simply tried to placate Kelly.

Renna added that she had a follow up conversation with Ridley regarding his performance issues. Renna did not know if Kelly met with Ridley about either his lack of performance or Ridley's August 16, 2013 meeting with Mayor Sokolich.

Renna did not have any subsequent conversations on this subject with Kelly following the August 16-17, 2013 email exchange.

3. August 22, 2013: Email re: Fort Lee Regional Chamber of Commerce Breakfast

[*On August 22, 2013, Renna received an email from Margaret Maclay, Director of the Fort Lee Regional Chamber of Commerce, inviting Lieutenant Governor Guadagno to address the Fort Lee constituency at an upcoming October 2013 luncheon. Renna forwarded the email to Kelly, who replied, "Should we do this in light of the Mayor?" Renna responded, "I guess not. It's a good Chamber, though." Kelly then said, "I assume the Mayor would go, no?" Renna answered," Not necessarily if we don't tell him. He works, right?" Kelly responded, "Correct. Good call."*]

During this timeframe, Renna recalled being in the process of lining up speaking engagements with various Chambers of Commerce. When asked why Renna responded to Kelly, "I guess not," Renna said it was in response to the immediate interchange with Kelly, wherein Renna inferred that Kelly had something against Mayor Sokolich and went along with it in her response to Kelly. Renna did not recall having any subsequent discussions with Kelly about the Fort Lee Regional Chamber of Commerce invitation.

II. Chronology of the George Washington Bridge Events

A. August 2013

Renna had no recollection of interactions between Kelly and Wildstein during August 2013. Furthermore, Renna said she had no knowledge of the August 13, 2013 email communications between Kelly and Wildstein.

B. September 9-13, 2013 – George Washington Bridge Lane Realignment

Renna stated she had no knowledge of the Fort Lee lane realignment at the time it started. Renna did not have any knowledge of inquiries about the traffic issues on September 9, 2013.

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Regarding Kelly's September 9, 2013 email to Ridley ("Have you spoken to the Fort Lee Mayor?"), Renna was copied on the email, which Renna recalled was sent on their official Governor's Office email accounts.

1. **September 12, 2013 – Renna's Email to Kelly About Mayor Sokolich**

Renna recalled the events of September 12, 2013. Renna recounted that Ridley came to Renna's office and said he needed to talk to Renna about a call she had just taken from Mayor Sokolich. Renna recalled pulling out a notebook and taking notes as Ridley reiterated the conversation with the Mayor. Renna recalled Ridley saying that he had never heard Mayor Sokolich so angry; he said Mayor Sokolich used a lot of foul language and told Ridley that he needed to figure out what was going on.[1]

Renna explained that it was her job to report the phone call to Kelly. Renna recalled hoping to speak to Kelly in person on September 12, 2013, but due to extenuating circumstances (the boardwalk fire in Seaside happened that day and Kelly was in a meeting). Renna sent Kelly an email outlining the conversation Ridley recounted with Mayor Sokolich. Renna added that her practice was normally to reach Kelly in person but otherwise she would email Kelly. Renna recalled thinking it was not important enough to call Kelly's cell.

Renna sent the email to Kelly recounting Ridley's angry call from Mayor Sokolich at 3:36 p.m. on September 12, 2013. Kelly did not respond to Renna's email about the Sokolich call until 11:44 p.m. that night. Renna recalled that between 3:36 p.m. and when Kelly responded at 11:44 p.m., Renna had been in communication with Kelly about the boardwalk fire, but not about Fort Lee. At the time, Renna was not aware that Kelly had forwarded Renna's email about Mayor Sokolich's angry call to Wildstein.

Renna woke up the next morning and saw Kelly's response from 11:44 p.m. In contrast to Renna's lengthy, 5-paragraph email to Kelly recounting Mayor Sokolich's call, Kelly responded with a single word: "Good." Renna recalled thinking it was a typical, cryptic response. Renna described Kelly's cryptic response as Kelly trying to act like Stepien.

Until December 12, 2013, Renna did not recall any later discussions with Kelly about the September 12, 2013 email or Mayor Sokolich's phone call.

Renna said that because she lives in south Jersey (Fort Lee is north New Jersey), she was not fully aware of the extent to which the traffic issue had been reported in the news

[1] In Renna's handwritten notes of Ridley's recounting the Mayor Sokolich call, Renna wrote "minutes from the council meeting," but Renna stated that she did not recall what that note refers to.

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cycle until Ridley put the September 17, 2013 *Wall Street Journal* article about Fort Lee in the daily report. Renna recalled this was the first media report she saw on the Fort Lee traffic issue.

2. September 13, 2013 – IGA Staff Meeting and Patrick Foye's Email

Renna did not recall the September 13, 2013, IGA staff meeting Kelly assembled via email. Renna commented that typically, Kelly would not use email to gather all staff for a meeting. However, weekly IGA staff meetings usually occurred on Fridays (September 13, 2013 was a Friday). Renna said Kelly's email could be about anything.

Renna had no independent recollection of Patrick Foye's September 13, 2013 email or the Wall Street Journal article on the George Washington Bridge traffic issues. Renna did not recall having a conversation with Kelly about either Foye's email or the traffic issues.

C. October - December 2013

Renna stated she likely had brief conversations with her colleagues about the Port Authority board meetings and legislative hearings on the lane realignment, but she did not recall having any notable or substantive conversations about Fort Lee. Renna stated that she did not take note or pay attention to the Fort Lee issues until Wildstein was subpoenaed.

Renna recalled Wildstein's resignation in early December 2013. Renna did not recall having any conversations with Kelly about the Fort Lee events until December 12. Renna added that at this point in time, Kelly had kept Renna at arm's length. Renna recalled it was not unusual to go a full day without seeing or talking to Kelly.

D. December 12, 2013 – Kelly's Phone Calls to Renna

On the night of December 12, 2013, Kelly called Renna's cell phone while Renna was on the way home from dinner with her husband and three stepchildren. Renna noted that it was normal for Kelly to call Renna's cell if Kelly needed to get a hold of Renna, but by that point in time, Renna and Kelly did not speak frequently, so Renna suspected something had to be wrong for Kelly to call Renna at 9:00 p.m. Renna added that Kelly had not been in the office that day because Kelly had accompanied her oldest daughter to a medical appointment in Manhattan.

The following is Renna's recounting of the basic substance of the first telephone conversation with Kelly on the night of December 12, 2013:

Kelly: Do you have a minute to talk? I need you to walk me through the timeline as it relates to Fort Lee.

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Renna: What does that mean?

Kelly: When did Mowers ask for the endorsement?

Renna: I don't recall. I wasn't involved or overseeing the [regional] team then...off the top of my head, April or May.

Kelly: Do you remember how he asked [for the endorsement]?

Renna: I wasn't involved; I remember hearing he just felt out the mayor, and he wasn't interested – that's all I can tell you.

Kelly: But it was spring?

Renna: Yes, I believe it was.

Kelly: Right. So this doesn't make any sense at all as it relates to the Bridge.

Renna: Right. Well if the Mayor is saying political retribution, Evan had had a great relationship with Mayor Sokolich, so it doesn't make sense.

Kelly: I know, that's what I told Kevin [O'Dowd]. I just wanted to make sure I had it right as far as timing goes, because you know, I didn't know anything about this.

Renna: Right. But, you know that the Mayor called Evan about it at some point – remember, he was F-bombing, etc.

[At this point, Renna indicated that Kelly immediately changed her tune.]

Kelly: Oh right, the email you sent me that I responded to with "good." Do me a favor and get rid of that.

Renna recalled thinking to herself that she had never been asked to do anything like delete an email before in the four years she had been with IGA. Renna said that the call dropped, and both Renna and Kelly tried to call each other back, and Kelly reached Renna first. Renna claimed that the two calls were like "Version 1" and "Version 2," in that Kelly's entire attitude and demeanor during the second call was completely different than the first call; in contrast to the first call, Kelly was nervous and talking fast. Renna recalled Kelly was not making sense. Here is Renna's recounting of the basic substance of the second telephone conversation with Kelly that same night:

Kelly: Well you know, Kevin called me today, and he really grilled me about this.

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Renna: Okay, but you didn't know anything, you just knew from this [September 12] email right?

Kelly: Right, but he's asking me lots of questions about David [Wildstein], and it's just nerve racking, and I'm at the hospital with the kids…

Renna recalled Kelly then paused.

Kelly: You know Christina, if someone tells me something is okay, who am I to question them?

Renna: Right, if Bill or David say something—

Kelly: I don't need your vindication, Christina.

Renna recalled Kelly then cut her off, and Renna just let Kelly talk. Renna reiterated two additional things of note that she recalled hearing Kelly say.

First, Kelly commented that she felt okay about things because Senator Loretta Weinberg did not believe the Governor's Office was involved in the Fort Lee traffic issues.

Second, Kelly concluded the call by saying, "All I know is that if David [Wildstein] said there was a traffic study, I have no doubt there was a traffic study. Renna recalled answering, "Well right, it was a traffic study."

Shortly before the end of the second call, Renna recalled Kelly thanked Renna for letting Kelly vent. Renna finished the call sitting in the car parked in her driveway. Her husband and children went inside while Renna finished the call. After she hung up, Renna went inside and told her husband she had had an "unnerving" conversation with Kelly about the Fort Lee issue, but she did not recall sharing specifics of the conversation with her husband at that time.

Renna did not recall having a subsequent discussion with Kelly about the phone calls. Renna did not talk to anyone else about Kelly's request that Renna delete the September 12, 2013, email or about the December 12, 2013, calls with Kelly.

Renna told herself to sleep on Kelly's request to delete the September 12 email. The next morning, she complied with Kelly's request because Renna always did what Kelly asked her to do. However, Renna was so upset about Kelly's request that she decided to preserve a copy of the email by forwarding it to another personal Comcast email account before she deleted the original email from her Gmail account.

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Renna thought she deleted the email from her Gmail account halfway through the day on December 13, 2013.

B. December 13, 2013

Renna recalled listening to the Governor's December 13, 2013, press conference but she was doing other things and was not watching closely.

E. January 7, 2014 – Renna's Conversation with Kelly About Fort Lee

On January 7, 2014, the day before Kelly's emails were released in *The Bergen Record*, Renna had a conversation with Kelly in Kelly's office to discuss personnel issues within IGA. Renna recalled Kelly saying, in sum or substance, "You know, I've been hiding under my desk nervous anytime someone walked in here with questions about Fort Lee, and I'm just happy it's dying down."

F. January 8, 2014

On the morning of January 8, 2014, Kieran Tintle called Renna in her office and told her to go to NJ.com. After Renna saw the headline, she told Tintle to come up to her office and further instructed him not to say anything to the rest of the staff. Renna said she then read the article and was shocked.

At some point after *The Bergen Record* story broke on January 8, 2014, Renna said Kelly called Renna's office line. Kelly was hysterically crying and said that she was sorry. Renna asked Kelly if she was going to come into the office, and Kelly said no. Kelly hung up and called Renna back at some point later in the day to ask Renna to log into Kelly's Twitter and delete Kelly's account, because people were tweeting "mean things" about Kelly. Renna said that she was unable to log on with the login information Kelly gave her. Kelly said that Kelly's mom had also been trying to log onto Kelly's Twitter and was similarly unsuccessful. Renna recalled that Kelly's Twitter account ended up being taken down, but Renna was not sure how it was deleted.

Later that day, on January 8, 2014, Kelly called Renna again. Renna recalled Kelly seemed calmer than during the previous two calls earlier that day. Renna said Kelly asked her about the State of the State RSVP's, and asked Renna to email the State of the State updates to a new email address. Kelly gave Renna the new email address and specifically asked Renna not to share the email address with anyone in IGA. Throughout the rest of the day, Renna sensed that Kelly was trying to just work normally.

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G. **January 9, 2014**

Within the first hour of the day on January 9, 2014, Renna printed the September 12, 2013, email exchange with Kelly about Mayor Sokolich's call to Ridley and brought the email to Regina Egea. Renna explained to Egea why the email timestamp reflected December 12, 2013, and recounted Kelly's request that Renna delete the email. Renna recalled telling Egea that she was willing to talk to Chief Counsel Chris Porrino about the email, but she wanted Egea to also have it. Renna did not discuss the email with anyone in the Counsel's Office at that time.

Before the Governor's January 9 press conference announcing Kelly's termination, Kelly called Renna crying to say that she had been fired. Renna conveyed that she was also upset, as the whole situation was overwhelming. Renna recalled Kelly said," I don't know what I'm going to do. You can't trust anyone, Christina."

Renna noted that this was the last time she spoke with Kelly on the phone. Shortly after they hung up the phone, Renna received a text from Kelly that said, "Sorry to tarnish IGA." Renna said that she responded to Kelly with something comforting, and Kelly answered that she was sorry. Renna said that this was the last time she communicated with Kelly.

Later that day, Renna asked the Regional Directors (Ridley, Chris Stark and Dominick Fiorilli) to come to Renna's office. During Renna's earlier meeting with Egea, Egea told Renna she would be asked to talk to someone in the Chief Counsel's Office about the September 12, 2013 email. Renna relayed to the Regional Directors that she would be talking to the Counsel's Office about certain things, and she wanted to ask the Regional Directors if they were aware of other related stories, in the event there might be other mayors coming out of the woodwork. Renna said she wanted to get the insight of the regionals before she spoke with the Counsel's Office.

Renna spoke to Porrino for two hours later that night about the Fort Lee events of which she was personally aware.

III. Superstorm Sandy Aid Allegations

Renna did not have a personal relationship with Mayor Dawn Zimmer. Within IGA, Ridley had a relationship with Mayor Zimmer. In contrast, Renna and Mayor Zimmer only met in passing. Renna recalled organizing a town hall event that Mayor Zimmer attended.

Renna's involvement in Hoboken was limited to hazard mitigation funding, not economic development projects. To Renna's knowledge, there was never a discussion within IGA about tying Sandy relief funding to development projects, or tying Sandy relief aid to a

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local elected's support. Renna had no knowledge of Sandy relief aid being based on anything other than the merits.

A. February 2013: Dawn Zimmer's Meeting with the Governor

Renna recalled emailing David Glass (DEP Deputy Chief of Staff & Legislative Liaison) to set up the meeting between DEP and Mayor Zimmer, but after reviewing the email exchange to that effect, Renna surmised that the meeting referenced in Renna's email to Glass (wherein Renna says, "Late last week, Governor Christie met with Mayor Zimmer of Hoboken to discuss a whole host of issues") was probably the February 2013 meeting in which the Governor specifically asked Mayor Zimmer to consider endorsing. Renna said that she did not attend the meeting.

B. March 5, 2013: DEP Meeting with Dawn Zimmer

Renna recalled Mayor Zimmer sent a letter to IGA about flooding, but noted that a lot of towns reached out to IGA with flood mitigation proposals and plans. Renna said that she knew Mayor Zimmer had a large scale flood mitigation project that required the involvement of the Army Corps of Engineers. Renna recalled that Mayor Zimmer was throwing out enormous dollar figures for the project in an effort to get increased funding. Renna emphasized that the project sticks out in her memory as a flood mitigation project – not a development project.

Renna believed that Kelly asked Renna to set up the meeting between DEP Commissioner Martin, Department of Community Affairs Commissioner Constable, and Mayor Zimmer. Mowers also attended the meeting. Renna explained that this fell within her area of responsibility because she was overseeing both the Sandy operation and interdepartmental relations at that time. Renna did not recall discussing the meeting with Commissioner Martin or Commissioner Constable. Renna did not attend the meeting on March 5.

Prior to the meeting on March 5, 2013, Mowers sent an email to Renna asking if it was ok for the Rockefeller Group to be part of the meeting with Mayor Zimmer and the Commissioners. Renna recalled that she did not know who the Rockefeller Group was, and the only reason she remembers the Rockefeller Group now is because Renna went to Kelly to ask who the Rockefeller Group was. Renna recalled Kelly said that Lori Grifa represented the Rockefeller Group. Renna cannot recall if Kelly said whether it was or was not a problem for the Rockefeller Group to attend the meeting, but Renna said that she would not have made the decision for the Rockefeller Group to participate in the March 5, 2013 meeting without clearing it through Kelly. Renna's understanding was that the Rockefeller Group's participation had to do with the flood mitigation project and was therefore appropriate.

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IV. Renna's Final IGA Observations

Renna described IGA as "amazingly non-partisan," in that party affiliation was not a consideration within the Governor's Office. Renna said that the IGA operation "needs to go back to its purest form" – focusing on building relationships and good government – and that, in her opinion, despite what may have happened during the reelection period in 2013, IGA is still 99% pure good government.

Renna characterized IGA as a department within a Governor's Office that accomplished "truly amazing things" that the Governor could be proud of, and that the level of IGA's communication to both Democrats and Republicans alike was unprecedented, and Renna heard this over and over from municipal governments across the state. Renna described the IGA operation as Bill Stepien's brilliant brainchild that represented "fantastic government 99% of the time." Renna added that the Sandy team in particular highlights IGA's strengths as a completely non-partisan operation coordinating a broad outreach to elected officials across party lines, day in and day out.

V. Document Retention Notices

Renna received the document retention notices and is in compliance with them.

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The New York Times | http://nyti.ms/Tq2Hvn



2nd Bridge Inquiry Said to Be Linked to Christie

By MATT FLEGENHEIMER, WILLIAM K. RASHBAUM and KATE ZERNIKE JUNE 23, 2014

Investigations into the Christie administration and the Port Authority of New York and New Jersey have zeroed in on possible securities law violations stemming from a $1.8 billion road repair agreement in 2011, according to people briefed on the matter.

While the inquiries were prompted by the apparently politically motivated lane closings at the George Washington Bridge last year, these investigations center on another crossing: the Pulaski Skyway, the crumbling elevated roadway connecting Newark and Jersey City. They are being conducted by the Manhattan district attorney and the Securities and Exchange Commission.

The inquiries into securities law violations focus on a period of 2010 and 2011 when Gov. Chris Christie's administration pressed the Port Authority to pay for extensive repairs to the Skyway and related road projects, diverting money that was to be used on a new Hudson River rail tunnel that Mr. Christie canceled in October 2010.

Again and again, Port Authority lawyers warned against the move: The Pulaski Skyway, they noted, is owned and operated by the state, putting it outside the agency's purview, according to dozens of memos and emails reviewed by investigators and obtained by The New York Times.

But the Christie administration relentlessly lobbied to use the money for the Skyway, with Mr. Christie announcing publicly that the state planned to rely on Port Authority funds even before an agreement was reached. Eventually, the authority justified the Skyway repairs by casting

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the bridge as an access road to the Lincoln Tunnel, even though they are not directly connected.

In bond documents describing the Skyway reconstruction and other repairs, the Port Authority has called the projects "Lincoln Tunnel Access Infrastructure Improvements."

The accuracy of this characterization is now a major focus of the investigations, according to several people briefed on the matter. Under a New York State law known as the Martin Act, prosecutors can bring felony charges for intentionally deceiving bond holders, without having to prove any intent to defraud or even establish that any fraud occurred.

Two veteran prosecutors in the Manhattan district attorney's office public corruption unit are working with two S.E.C. lawyers who are experts in such bond issues, one person briefed on the matter said, and another noted that while the agencies were each conducting separate parallel inquiries, they were working together.

In addition to criminal charges under the Martin Act, the investigations could result in civil action under the Martin Act or by the S.E.C., under federal securities laws.

The office of the Manhattan district attorney, Cyrus R. Vance Jr., and the S.E.C. declined to comment.

Since the lane closing scandal widened this year, Mr. Christie's office has been the subject of investigations by the United States attorney in Newark, Paul J. Fishman, and the New Jersey Legislature. Mr. Christie also ordered an internal investigation of his office, an effort that cost millions and which cleared him of any wrongdoing. At a moment when the governor's stewardship of state finances has faced mounting scrutiny, the Skyway investigations — and potential disclosures — could undermine his carefully cultivated image as a responsible spender as he tries to move beyond the political fallout from the lane closings.

In addition to the Pulaski Skyway, the Manhattan district attorney is also in the early stages of investigating repair projects on the Goethals and Bayonne Bridges, among others. While prosecutors have issued dozens of

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subpoenas, no formal accusations have been made and the precise targets of the inquiry, whether individuals or agencies, remain unclear.

The lane closings at the George Washington Bridge are still the subject of a federal investigation.

Among those who have received subpoenas from Mr. Vance's office is Jeffrey Chiesa, a close friend of Mr. Christie's for more than two decades who has served as New Jersey's attorney general and as a United States senator. He was the governor's chief counsel in 2011 when the authority's lawyers amended the funding resolution with what critics have said was a questionable legal justification. A person familiar with that subpoena said Mr. Chiesa was not a target of the investigation.

One person briefed on the matter said the funds had been used to fill a hole in the New Jersey state budget, noting that the inquiries seek to determine whether the fiscal contortions were creative politics or criminal maneuvers.

The Christie administration said it wanted to pay for the Pulaski Skyway repairs soon after the trans-Hudson tunnel was canceled. At the time, the state had limited money for major transportation projects, and Mr. Christie, a Republican, resisted increasing the gas tax to raise more. The justification for using the tunnel money for the Skyway was first reported by The Record, a North Jersey newspaper.

In November 2010, Port Authority lawyers prepared a memo saying that the agency could not help with the Skyway. Bill Baroni, the deputy executive director and Mr. Christie's top staff appointee at the agency, sent the memo to Deborah Gramiccioni, then the director of the governor's authorities unit, on Nov. 2. (Mr. Baroni resigned amid the George Washington Bridge scandal; Mr. Christie chose Ms. Gramiccioni to replace him.)

Mr. Christie's office had also sent specific questions to the Port Authority, asking whether the money from the tunnel project could be used to pay for road and bridge projects. Neither was possible, they were told.

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Bondholder covenants, the lawyers explained, limited the kinds of projects the agency could spend money on, and previous court decisions had found that the Port Authority had "no authority" to build roads that were not on the property of airports or marine terminals controlled by the agency.

The memo sent to Ms. Gramiccioni recommended other projects on which the money could be spent. Mr. Christie was undeterred. At a news conference in January 2011, he announced his intention to use the Port Authority money to pay for the Skyway repairs, trumpeting the span's relationship to the Holland Tunnel — a move that took some Port Authority administrators by surprise, according to former agency officials.

Agency lawyers warned that any connection to the Holland Tunnel would not legally justify the expense. Because that tunnel predated the Port Authority, lawyers concluded, the agency was not authorized to pay for access roads to it.

In meetings, emails and letters between November 2010 and February 2011, administration officials including James Simpson, the New Jersey transportation commissioner, and Richard Bagger, the governor's chief of staff, continued to press the Port Authority for funding.

Mr. Baroni wrote that Port Authority lawyers could find "absolutely no support" for repairing the Skyway.

But in March, state transportation officials announced they intended to spend the Port Authority money on the Skyway anyway. Christopher Hartwyk, then a deputy counsel at the authority, emailed Mr. Baroni, quoting a popular children's book about the nature of endless demand: "If you give a mouse a cookie, he is going to want a glass of milk."

Days later, though, Mr. Baroni made clear to colleagues at the agency that he had been given no choice. "It's evident to say, but we gotta figure this out," he emailed Mr. Hartwyk on March 24.

Later that day, Mr. Christie held another news conference announcing his plans to use the Port Authority money, arguing that it would allow the state to reduce its reliance on borrowing for state road projects. Overnight,

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lawyers for the Port Authority refined a resolution to justify the spending.

By the afternoon of March 25, they had removed language from a memo arguing that the agency lacked the authority to finance the projects.

"We are now saying we have legislative authority," the revised document read.

It was around this time that lawyers first raised the possibility of identifying the projects as roads that "approach and feed into the Lincoln Tunnel." The rationale hinged in part on a previous finding that the Lincoln and Holland Tunnels were interdependent: If the projects improved access to the Holland Tunnel, the thinking went, then the Lincoln Tunnel would be affected, too.

On March 29, the Port Authority unanimously approved a resolution authorizing the projects, which were referred to as, simply, "access infrastructure enhancement."

Mr. Christie and his allies have played down questions about the funding model. Ms. Gramiccioni noted that the plan was "thoroughly vetted" by lawyers at the New Jersey attorney general's office.

Asked about the projects at a news conference in April, the governor went a step further.

"Dozens and dozens of lawyers from both sides of the river reviewed that financing plan and approved it," he said, "as did the commissioners of the Port Authority."

In interviews for the case, the S.E.C. has asked whether the Port Authority sought or received outside legal or bond counsel to help determine whether the agency could legally justify paying for the projects. It did not, the Port Authority said on Monday.

Christie allies have said the justification for using the money for the Pulaski Skyway grew out of a healthy dialogue, which featured administration aides, the Port Authority, New Jersey's Transportation Department and the attorney general's office. According to emails, the discussion extended well past March 2011, when the Port Authority board approved the projects.

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Ms. Gramiccioni said on Monday that the administration "did everything in our power" to avoid placing pressure on the Port Authority by asking the attorney general's office to work directly with agency lawyers.

Asked if the agency had ever previously referred to the Pulaski Skyway as an access road to the Lincoln Tunnel, a spokesman for the Port Authority declined to comment, citing the continuing investigations.

A version of this article appears in print on June 24, 2014, on page A1 of the New York edition with the headline: 2nd Bridge Inquiry Said to Be Linked to Christie.

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EXECUTION ORIGINAL

PROGRAM MANAGEMENT AGREEMENT

BETWEEN

THE NEW JERSEY DEPARTMENT OF TRANSPORTATION

AND

THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY

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THIS PROGRAM MANAGEMENT AGREEMENT (this "Agreement") is entered into as of ~~August~~ June 29th 2011, (the "Effective Date") by and between and THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY, a body corporate and politic created by a Compact between the States of New York and New Jersey with consent of Congress of the United States of America and having an office at 225 Park Avenue South, New York, NY 10003 (the "PORT AUTHORITY"), and the NEW JERSEY DEPARTMENT OF TRANSPORTATION established under the laws of the State of New Jersey (the "NJDOT") and having offices at 1035 Parkway Drive, P.O. Box 600, Ewing, NJ 08625-0600 (the Port Authority and the NJDOT are each individually a "Party" and collectively the "Parties").

WHEREAS, the infrastructure in the State of New Jersey that provides access to the Lincoln Tunnel is unable to support the current level of economic activity due to the deteriorated and overburdened roadways and access routes, as use is beyond their capacity;

WHEREAS, improvements to the roadways and approaches will enhance and strengthen access to and between the Lincoln Tunnel and the Holland Tunnel;

WHEREAS, the State of New Jersey is the owner of roadways and approaches to the Lincoln Tunnel;

WHEREAS, in order to alleviate traffic congestion in the region and facilitate movement of people and goods, the PORT AUTHORITY and the NJDOT have agreed to work together to improve the infrastructure in the State of New Jersey related to the approaches to the Lincoln Tunnel; and

WHEREAS, subject to the terms and conditions set forth in this Agreement, the PORT AUTHORITY has elected to provide funding through and in the amount authorized under the Port Authority's Capital Infrastructure Fund provided for in the Port Authority's Annual Budget

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and Capital Plan in an aggregate amount not to exceed one billion eight hundred million dollars and no cents ($1,800,000,000.00) to the NJDOT to complete certain improvements.

NOW, THEREFORE, in consideration of the mutual covenants, terms, conditions, promises and obligations contained herein, which the Parties acknowledge to be good and sufficient consideration to support this Agreement and bind and obligate the Parties hereto, the Parties hereto agree as follows:

I. PROGRAM DESCRIPTION/ DEFINITIONS:

A. PROGRAM DESCRIPTION

New Jersey infrastructure that provides access to Port Authority facilities in New York and New Jersey is hard-pressed to support the current level of economic activity. Roadways and other access routes have deteriorated and are overburdened, as use is beyond their capacity. Improvements to the main routes in the area of Port Authority facilities will improve and strengthen access to and between the Hudson River crossings. In order to move people and goods throughout the New York/New Jersey metropolitan region, and to ensure successful industrial and commercial operations, approaches and connections to the Lincoln Tunnel must be improved to facilitate the movement of this traffic to the Lincoln Tunnel.

The Port Authority and the NJDOT have therefore agreed to work together to make improvements to the Lincoln Tunnel approaches. The improvements have been identified as three separate projects, which are described below in subsection B of this Section I. The completion of these projects will mitigate

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transportation costs for freight and people and address traffic congestion and issues that hamper economic competitiveness for the New York/New Jersey metropolitan region.

B. **PROJECT DESCRIPTIONS:**

1. **Pulaski Skyway Project ("Pulaski Skyway")**: This project shall consist of the design and construction of improvements to the existing bridge structures and its approaches, including but not limited to, (1) replacing the entire concrete deck of the bridge and all ramp structures, (2) repairing/replacing all deteriorated structural steel members and connections, (3) repainting after the existing lead paint is removed, (4) rehabilitating/replacing the substructure and other elements of the bridge such as safety, security, aesthetics, lighting and intelligent transportation systems as needed; and (5) performing seismic retrofit.

2. **Route 1 and 9T New Road Project ("New Road")**: This project shall consist of the design and construction of an extension of Route 1 & 9T from St. Pauls Avenue to Secaucus Road in Jersey City, New Jersey.

3. **Route 7 Wittpenn Bridge Project ("Wittpenn Bridge")**: This project shall consist of the replacement of the Route 7 Wittpenn Bridge over the Hackensack River and the realignment of Fish House Road on the west side of the river. The new bridge will be located north of the existing bridge. The existing Wittpenn Bridge is a vertical lift bridge with 35 feet of clearance in the closed position. The new Wittpenn Bridge will be a

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vertical lift bridge with a minimum vertical clearance of 70 feet above Mean High Water in the closed position.

Pulaski Skyway, New Road and Wittpenn are sometimes hereinafter collectively referred to as the "Program" and each is individually referred to as a "Project." The term "Project" shall only refer to the design and construction of the particular improvements and structures comprising each particular Project as described above. Upon the written mutual agreement of the Parties, and subject to the approval of the Board of Commissioners of the PORT AUTHORITY (the "PORT AUTHORITY Board"), the Parties may revise the list of the particular Projects as described above to remove a Project from the list, or to include alternate and/or additional projects. The Program in no way includes any obligation on the part of the PORT AUTHORITY for the repair or maintenance of said improvements or structures or the construction of any additional improvements in the future.

C. **DEFINITIONS:**

1. **CATASTROPHIC EVENT:** "Catastrophic Event" shall mean: All events which significantly impact, impair, damage or destroy any significant element of a Project resulting in the inability to operate or occupy those facilities or systems or a significant portion thereof for a prolonged period of time without major monetary expenditures over and above generally anticipated routine maintenance and replacement costs, whether or not such event is natural or man-made, or caused by criminal or terrorist activity.

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2. **CATASTROPHIC LOSS:** "Catastrophic Loss" shall mean: A loss which results in expenditures significantly above normal or routine maintenance costs which results from a "Catastrophic Event"; it being understood that it is the monetary value of the loss resulting directly from the occurrence of such an event, whether a particular Project is lost in part or in whole; the loss can be the value of the lost Project itself or the cost of replacing or reconstructing and/or repairing it to such a degree that it can again function as intended.

3. **NJDOT:** "NJDOT" shall mean: the New Jersey Department of Transportation, its successors and assigns, a principal department established in the Executive Branch of the State Government, pursuant to N.J.S.A. 27:1A-2.

4. **PORT AUTHORITY:** "PORT AUTHORITY" shall mean: The Port Authority of New York and New Jersey, its successors and assigns, a bi-state agency, established in 1921 (as the *Port of New York Authority*) through an interstate compact that operates certain regional transportation infrastructure, including the bridges, tunnels, airports, and marine terminals, within a statutorily-defined New York–New Jersey Port District.

II. TERM

The term of this Agreement shall commence on the Effective Date and shall expire on the earlier to occur of (i) the date the NJDOT has issued a certificate of final completion ("Final

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Certificate") for each of the Projects comprising the Program; or (ii) the date the PORT AUTHORITY has expended the PORT AUTHORITY Program Funds (as hereinafter defined).

III. COOPERATIVE RELATIONSHIP OF NJDOT and PORT AUTHORITY:

A. **GOALS:** The NJDOT and the PORT AUTHORITY agree that the goals to be accomplished pursuant to this Agreement include the efficient and effective oversight of each Project and the Program, while simultaneously minimizing risk and costs.

B. **LEAD AGENCY:** The NJDOT and the PORT AUTHORITY shall jointly serve as co-lead agencies responsible for each Project, except as otherwise provided in this Agreement. While it is anticipated that the Program funds, including the funds expended by the PORT AUTHORITY, may be allocated to the costs of real property interest acquisitions, the NJDOT shall be responsible for handling the acquisitions of the real property interests necessary for each Project, if any.

C. **PROJECT TEAM:** The Parties will establish an integrated Project Team ("Project Team") for each Project, which will act as a unified body united in a concerted effort to perform each Project. Each Project Team shall consist of staff from each the NJDOT and the PORT AUTHORITY assigned to work together in carrying out a particular Project's administration and oversight; it is not a separate legal entity but refers to the group of employees further referenced and described under this Agreement. Each Project Team shall meet on a weekly basis, or as the Project Team may otherwise agree, at the PORT AUTHORITY offices located at 2 Montgomery Street, Jersey City, New Jersey, or at any other

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mutually agreeable location, including, without limitation, offices located in Newark, New Jersey or Trenton, New Jersey. Both Parties will staff the Project Teams to ensure that the common goals are met. In furtherance of this goal, the following management system will be established for the purpose of ensuring success while simultaneously minimizing risk and cost.

D. **EXECUTIVE STEERING COMMITTEE:** During the term of this Agreement, an Executive Steering Committee (the "Steering Committee") shall be created to provide leadership and oversight for the Program in order to achieve the common goals. The Steering Committee will meet quarterly, or on an as-needed basis as determined by the Commissioner of the NJDOT and the Chairman (the "PORT AUTHORITY Chairman") of the Port Authority Board. Any disagreements that may arise shall be resolved cooperatively by the Commissioner of the NJDOT and the PORT AUTHORITY Chairman. As of the date hereof, the members of the Steering Committee shall be those individuals holding the positions listed below:

NJDOT	PORT AUTHORITY
Commissioner of the NJDOT	PORT AUTHORITY Chairman
Deputy Commissioner	Executive Director
Asst. Commr. of Capital Program Management	Deputy Executive Director
Chief Financial Officer	Chief Financial Officer

Each Party may substitute one of its members of the Steering Committee, from time to time, in consultation with the PORT AUTHORITY Chairman or the

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Commissioner of the NJDOT, as applicable, of the other Party, provided that the position held by the replacement member with his or her respective agency is comparable to that of the position held by the member being replaced.

E. **PROGRAM MANAGEMENT COMMITTEE:** During the term of this Agreement, a Program Management Committee shall be created for the purpose of making recommendations to the Steering Committee. A NJDOT employee and a PORT AUTHORITY employee will co-chair the Program Management Committee, which will meet monthly, or on an as needed basis. As of the date hereof, the members shall include a Director of Communications (as discussed in subsection A of Section VIII below) and the following individuals holding the following positions (a Program Management Committee member may hold more than one position on the Program Management Committee for the Party it represents):

NJ DOT	PORT AUTHORITY
Co-Program Director	Co-Program Director
State Transportation Engineer	Chief of Capital Planning
Director of Project Management	Chief Engineer
Director of Construction/Right of Way	Chief of Real Estate and Development
Financial Representative	Financial Representative

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Each Party may substitute one of its members of the Program Management Committee, from time to time, in consultation with the Co-Program Director of the other Party.

F. **PROGRAM MANAGEMENT PLAN:** The Program Management Committee will create and develop a Program Management Plan ("PMP"), which will be updated from time to time to provide for strict guidance of the Program schedule. The PMP shall provide for, among other things, the monitoring by the Project Team of the costs being expended in connection with the Program in order to address potential cost overruns in the costs of designing, constructing, operating, or maintaining the Program.

IV. DESIGN, CONSTRUCTION, RIGHT OF WAY:

A. DESIGN/CONSTRUCTION ACTIVITIES:

1. **DESIGN AND CONSTRUCTION STANDARDS:** The Program shall be carried out, designed, and constructed in accordance with NJDOT and PORT AUTHORITY standards and design criteria; it being understood that the NJDOT's design and construction standards shall be the minimum standards utilized for the Program.

2. **DESIGN AND CONSTRUCTION MANAGEMENT:** All design and construction management contracts for each Project will be jointly procured and administered by the NJDOT and the PORT AUTHORITY and managed by the applicable Project Team. The NJDOT and the

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PORT AUTHORITY will also provide technical resources for design reviews and other technical assistance that may be required from time to time during the course of each particular Project, at levels sufficient to enable successful design, construction, and implementation of each Project. These resources may be from the NJDOT's or the PORT AUTHORITY'S full time employee rosters and/or from consultants retained by the PORT AUTHORITY or the NJDOT as they each deem necessary.

3. **ENGINEER OF RECORD:**

(a) There shall be an Engineer of Record ("EOR") for each Project in order to ensure that the specifications, plans and drawings issued for the construction and implementation of each Project is in conformity with NJDOT and PORT AUTHORITY standards and design criteria. The EOR shall be the New Jersey State Transportation Engineer. Prior to the commencement of construction, the EOR, or his or her designee, must approve the design of each Project.

(b) Completion and Acceptance of Construction Projects. Upon completion of each Project, the NJDOT shall issue a Final Certificate. The NJDOT Policy/Procedure for the Completion and Acceptance of Construction Projects is attached hereto as "Exhibit A", and hereby made a part hereof, for guidance to the extent

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consistent with the respective roles of the NJDOT and the PORT AUTHORITY as set forth herein.

B. BIDDING AND CONTRACT ADMINISTRATION

1. **CONSTRUCTION DELIVERY METHODOLOGY:** For each Project, construction contracts will be bid as Design/Bid/Build or Design/Build projects, in accordance with both the NJDOT's and the PORT AUTHORITY's authority to award the applicable contract to the lowest responsible bidder; as agreed upon by each Project Team in consultation with the Program Management Committee. All construction contracts will be held jointly, notwithstanding actual title ownership of the improvements, roadways, bridges and structures that comprise each Project as set forth below.

2. **RESPONSIBILITIES FOR VARIOUS ASPECTS OF PROCUREMENT AND BIDDING OF CONSTRUCTION WORK:** For each Project, the NJDOT and the PORT AUTHORITY will be responsible for solicitation of bids, awards of construction contracts and equipment procurement contracts, as well as the selection and award of contracts for various consultants, in addition to the administration of all contracts of all types.

3. **DBE/SBE ADMINISTRATION:** If any federal funds are used for the Program, the NJDOT and the PORT AUTHORITY shall determine at that time which agency will be the lead agency responsible for compliance

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with 49 C.F.R. Part 26 procedures If no federal funds are used for the Program, then all applicable laws and policies governing the Parties' contracting and procurement activities will govern the administration and contract compliance regarding the Small Business Enterprise participation ("SBE") program and the Parties shall jointly oversee and manage SBE administration and contract compliance.

4. **SPECIFICATIONS:** Specifications for the various construction contracts (including, by way of example, how a project must be set up into packages, insurance requirements, indemnifications, and claims and construction order procedures) will be established by each Project Team in accordance with the NJDOT Standard Specifications for Road and Bridge Construction ("NJDOT Standard Specifications") and PORT AUTHORITY policies and procedures. Applicable NJDOT Standard Specifications shall be the minimum specifications utilized for the Program; it being understood that the PORT AUTHORITY specifications must equal or exceed the NJDOT Standard Specifications to be utilized by the Project Teams for use on a Project. Each Project Team will also set the scope of work for each contract, as well as the schedule and the engineer's estimate of costs. The contracts shall be governed by the laws of the State of New Jersey, including but not limited to the New Jersey Contractual Liability Act, N.J.S.A. 59:13-1 et seq., where the contracts are to be bid and awarded.

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5. **CHANGES TO THE CONTRACTS FOR THE PROJECTS:** The NJDOT and the PORT AUTHORITY shall require the consultants and contractors for the Program to comply, as applicable, with all contractual requirements regarding changes to the contracts and the Contractual Claims Resolution Process provided in the NJDOT's standard consultant agreements and the NJDOT Standard Specifications current as of the date of procurement of contractors; provided, however, the NJDOT's Contractual Claim Resolution Process shall be modified to provide for the NJDOT and the PORT AUTHORITY to jointly review claims at each of the four steps of said process.

C. **REAL ESTATE MATTERS**

1. **REAL PROPERTY ACQUISITIONS:** The PORT AUTHORITY and the NJDOT shall jointly consult on matters involving acquisitions of real property interests related to the Program, however, the NJDOT shall be responsible for the acquisition of all real property interests needed to construct and operate each Project. The PORT AUTHORITY, at any time during the duration of this Agreement, may audit the NJDOT's records regarding the acquisition of any real property interest related to the Program. The NJDOT shall obtain an appraisal of any real property it intends to acquire under the Program. Any purchase price for the acquisition of a real property interest that is in excess of ten percent (10%) of the appraised amount shall require the prior written consent of the PORT AUTHORITY, which consent shall not be unreasonably

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delayed or withheld. Acquisition of the same will be pursuant to, and in accordance with the Eminent Domain Act of 1971, N.J.S.A. 20:3-1 et seq., the Transportation Replacement Housing and Relocation Act, N.J.S.A. 27:7-72 et seq. and regulations pursuant to N.J.A.C. 16:6-1.2 et seq. The NJDOT also will be responsible for acquiring all necessary real property rights, grants, easements, and permits from applicable governmental entities or utilities. The NJDOT will provide to all affected occupants relocation benefits and services in accordance with applicable law, and where necessary, power of condemnation is exercised in accordance with applicable law. The NJDOT will ensure that all real property interests to be acquired shall be investigated, to the extent customarily required, as to existence of contamination, hazardous material or solid or hazardous waste within the confines of the property, and appropriate action shall be taken to recover costs to be incurred by each Project from the owner and/or responsible party in accordance with applicable New Jersey law. Use of real property acquired shall be subject to applicable New Jersey rules and regulations.

2. **OPERATIONS SOLELY BY NJDOT:** The NJDOT shall be solely responsible for the operation and maintenance of all improvements, structures, roadways and bridges comprising each Project. Upon the issuance of a Final Certificate for a Project, or the earlier termination or expiration of this Agreement, the PORT AUTHORITY shall have no further obligation or responsibility with respect to such Project and in all

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events the PORT AUTHORITY shall have no further obligations or responsibilities for the improvements, structures, roadways and bridges comprising each Project.

3. **ACCESS DURING CONSTRUCTION:** Each Party hereby grants to the other Party permission to enter upon any property owned by it as may be necessary in connection with the performance of the Program.

4. **OWNERSHIP:** Title to all of the improvements, roadways, bridges and structures that comprise each Project shall be and remain in the NJDOT.

5. **ACQUSITIONS OF ADDITIONAL PROPERTY:** The NJDOT may acquire whatever additional property rights it deems necessary for other uses at the same time it acquires needed Project property rights. The NJDOT also may acquire by lot lines as opposed to by the neat lines of the construction or Right of Way (ROW) drawings, but it must acquire at least the real property interests required as provided under the ROW Plans and descriptions approved by the Project Team. The costs for additional acquisitions beyond those needed for each Project will not be considered Program costs and PORT AUTHORITY Program Funds will not be used for said acquisitions. All necessary environmental reviews required for additional property rights as well as for any property rights acquired for each Project shall be performed by the NJDOT.

6. **USE AND SALE OF EXCESS PROPERTY:** The sale, other disposition, or use of property by the NJDOT, or any other state agency,

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that was originally acquired specifically for the Program with PORT AUTHORITY Program Funds, but which is subsequently determined to be in excess of that needed for the Program, shall be subject to the applicable laws of the State of New Jersey as appropriate. The PORT AUTHORITY shall be reimbursed for the costs and expenses associated with the purchase of any property determined to be in excess of that needed for the Program within ten (10) years of the issuance of the Final Certificate for the Project for which the property was purchased. Any such reimbursement shall be made only from the proceeds of the applicable sale, less any costs and expenses associated with the sale. All proceeds received from a sale or other disposition shall either be paid directly to the PORT AUTHORITY or reimbursed by the NJDOT to the PORT AUTHORITY within thirty (30) days of the closing on such sale or disposition. This provision shall survive the expiration or earlier termination of this Agreement.

7. **REVENUES FROM TRANSMISSION AND OTHER LINES:** All revenues received for transmission of data over lines or utilities or any other form of communication or transmission by any means through the roadways, bridges and structures of each Project shall accrue to the NJDOT.

8. **NJDOT PARTY FOR UTILITY AGREEMENTS:** The NJDOT shall be the Party to all utility agreements necessary to construct, implement, operate and maintain each Project wherever the utility is located, whether

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it be for relocation, for services or for other reasons, on a temporary or permanent basis, in its capacity as owner and the principal contracting entity for each Project. All costs arising from or related to such utility agreements shall be paid for from PORT AUTHORITY Program Funds.

9. **PARTICIPATION AS PROJECT PARTNER IN PERMITS:**

The PORT AUTHORITY and the NJDOT will participate in and negotiate as project partners memoranda of understanding, agreements, or permits from all agencies (e.g. NJDEP) when necessary for Program purposes, except as to those permits already obtained by the NJDOT or regarding those permits to be issued by the NJDOT. The NJDOT and the PORT AUTHORITY will both be parties to all such memoranda of understanding, permits, or agreements with state or local agencies of New Jersey. The NJDOT will be a party to those memoranda, agreements and permits for real property interests acquired for each Project. The PORT AUTHORITY will not be a signatory to such memoranda and agreements for real property interests acquired for each Project.

10. **MAINTENANCE IN STATE OF GOOD ORDER/REPAIR:**

(a) **NJDOT Obligation:** Upon NJDOT's issuance of a Certificate of Final Completion for each Project, the NJDOT shall have the sole obligation, as between the Parties, at its sole cost and expense, to maintain in a state of good order/repair, pursuant to N.J.S.A. 27:7-11, the components of such Project, subject to appropriations. Such

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obligation shall extend to all elements of each Project, including any applicable national or local building or fire codes and standards governing each Project.

(b) **Obligation to Replace Due to Catastrophic Events:**

Notwithstanding any statement or provision to the contrary, neither the NJDOT nor the PORT AUTHORITY shall not be contractually responsible or obligated to replace, reconstruct or repair or contractually responsible for the cost of replacing, reconstructing or repairing components of each Project as a result of a Catastrophic Event, which event will include, but not be limited to, acts or force of nature, acts of terrorism or other criminality or for any other similar reason. However, in such an event, the NJDOT shall utilize the amount of the insurance proceeds actually received by reason of the occurrence of such an insured event, as well as any other funds that may be made available to the NJDOT for the replacement, reconstruction or repair of the components of each Project in whole or part, but only to the extent the aforementioned funds permit. In no event shall the NJDOT be obligated to replace, reconstruct or repair the components of each Project due to a Catastrophic Event beyond the extent to which the amount of funds (insurance proceeds and other sources designated for such use) actually received will permit, whether or not such funds are

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sufficient to complete said work necessary to allow each Project to be fully operational.

V. FUNDING AND ACCOUNTING

A. **PORT AUTHORITY COMMITMENT:** The PORT AUTHORITY shall provide funding through and in the amount authorized under the Port Authority's Capital Infrastructure Fund provided for in the Port Authority's Annual Budget and Capital Plan in an aggregate amount not to exceed one billion eight hundred million dollars and no cents ($1,800,000,000.00) (the "PORT AUTHORITY Program Funds") for the Program. The PORT AUTHORITY Program Funds shall be provided on a quarterly basis for the duration of the Program as described in subsection B of this Section. Both Parties recognize that the availability of the PORT AUTHORITY Program Funds are subject to and conditioned upon the approval by the Port Authority Board.

1. **FUNDS DRAWDOWN:** The NJDOT staff, in consultation with the PORT AUTHORITY Director for Budget and Finance, will work in good faith throughout the course of the Program to ensure a fair and reasonable drawdown of funding.

2. **ADDITIONAL FUNDS:**

(a) It is understood and agreed by the Parties that the PORT AUTHORITY has not agreed to provide any further financial assistance above and beyond the PORT AUTHORITY Program

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Funds for the design, construction, operation or maintenance of the Program, and nothing contained in this Agreement shall obligate the PORT AUTHORITY, or constitute any agreement, promise, guaranty, or commitment by the PORT AUTHORITY, to provide any such additional financial assistance. The PORT AUTHORITY shall have no obligation to provide any funds in excess of the PORT AUTHORITY Program Funds for any costs or expenses relating to or arising out of, in whole or in part, the planning, design, construction, operation or maintenance of the Program, and the infrastructure improvements resulting from or the work in connection with each Project in the Program. It is understood and agreed by the Parties that the NJDOT shall be responsible for all costs, expenses, and funding requirements over and above the PORT AUTHORITY Program Funds resulting from or arising out of the planning, design, construction, operation or maintenance of the Program, and the infrastructure improvements resulting from or the work in connection with each Project in the Program. This provision shall survive the termination or earlier expiration of this Agreement.

(b) The NJDOT may contribute additional funding to the Program at the NJDOT's discretion, or seek additional funding from sources other than the PORT AUTHORITY.

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B. FUNDING OF EXPENDITURES:

1. **PORT AUTHORITY PAYMENTS:** The PORT AUTHORITY Program Funds may include payments for, among other items, in-kind services provided by the PORT AUTHORITY to advance each Project, payments for property acquisition, payments for project design, construction, and construction management services and for a fraud prevention program, provided the property acquisition and project design, construction, and construction management services are performed in accordance with the applicable provisions of this Agreement.

(a) **PORT AUTHORITY Funding by Quarter:** The PORT AUTHORITY shall make available for each Project by year the amounts listed on the PORT AUTHORITY Annual Cash Flow Allocation Schedule (Exhibit "B") subject to and conditioned upon the approval by the PORT AUTHORITY Board for such amounts to be made available by the PORT AUTHORITY. Payment of funds by the PORT AUTHORITY in connection with each Project shall take place as follows:

(i) Within twenty (20) business days of the end of each quarter, the PORT AUTHORITY will provide the NJDOT with a detailed accounting of the amount expended for the Program by the PORT AUTHORITY from the annual allocation of the quarter just ended, indicating that the

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remainder shall be made available by the PORT AUTHORITY to the NJDOT for the payment of Program expenses for which certified invoices have been received.

(ii) After receipt of the detailed accounting referenced in the preceding subsection, the NJDOT shall submit to the PORT AUTHORITY an invoice certified by a fiscal officer of the NJDOT for the Program invoiced expenses up to the remaining amount available from the annual allocation in the PORT AUTHORITY Annual Cash Flow Allocation Schedule. Upon receipt of a certified invoice from the NJDOT stating that the invoice accurately reflects the value of work performed in connection with the Program, the PORT AUTHORITY will make every effort to pay the invoice amount within fifteen (15) business days of the PORT AUTHORITY's receipt of each certified invoice from the NJDOT, after reviewing the invoice and approving the payment. In the event that the PORT AUTHORITY determines that the invoice should not be paid in full or in part, within the fifteen (15) business days after receipt of the invoice from the NJDOT, the PORT AUTHORITY shall inform the NJDOT of its objections(s) to said invoice and request a "corrected invoice" from the NJDOT. Upon receipt of such corrected invoice or having

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been satisfied that its objection(s) have been answered, the PORT AUTHORITY shall approve and pay the invoice or corrected invoice within fifteen (15) business days. The Parties will establish an agreed upon payment mechanism that may include electronic wire transfer. In the event a late payment penalty or interest is due by reason of PORT AUTHORITY tendering payment of the approved invoice beyond fifteen (15) business days from receipt of an approved invoice, such interest or penalty shall be borne directly by the PORT AUTHORITY from funds other than the PORT AUTHORITY Program Funds, provided that the payment request is received by the PORT AUTHORITY at least fifteen (15) business days before any contractual payment due dates, and that there are no objections to the invoice by the PORT AUTHORITY which arise within those fifteen (15) business days.

(b) **Amendments to the PORT AUTHORITY Annual Cash Flow Schedule:** The PORT AUTHORITY Annual Cash Flow Allocation Schedule will be monitored by the Port Authority Director for Budget and Finance, who may from time to time recommend amendments to the Schedule to the Co-Program Directors for approval by the Steering Committee.

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(c) **Disputed Charges:** Payment of an invoice or corrected invoice will not operate as a waiver of the PORT AUTHORITY's right to audit any invoice or corrected invoice. If the PORT AUTHORITY questions or disputes a charge or charges on an invoice for which payment was made, and it is determined through the dispute resolution procedures provided for in this Agreement under "Resolution of Disputes" in subsection G of Section VIII that the NJDOT is required to reimburse the PORT AUTHORITY for the disputed charge(s), the NJDOT will reimburse the PORT AUTHORITY within thirty (30) days of the NJDOT's receipt of notification of the resolution of the dispute.

(d) **Final True up:** The Program Management Committee will maintain sufficient records and take appropriate steps to ensure that the total of invoices and corrected invoices paid by the PORT AUTHORITY along with other PORT AUTHORITY contributions to the Program do not exceed the PORT AUTHORITY Program Funds. Such steps may include making a final "true-up" payment between the Parties at Program completion.

C. **DIGITAL COST AND EXPENSE LEDGER:** The Program Management Committee will maintain a digital cost and expense ledger or other accepted form of tracking and maintaining financial records for each Project with respect to all capital expenditures and costs for design and construction work, materials and

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services incurred during the course of each Project. All financial records and contracts will be available to each Party and its auditors, including any other public agency having jurisdiction.

D. **DEVELOPMENT OF BUDGET:** The Program Management Committee will develop a budget with respect to costs and other financial information for the Program, to be approved by the Steering Committee, which will include a cash flow plan. The NJDOT and PORT AUTHORITY will also provide ongoing financial reviews for the Program as required from time to time.

E. **AUDIT:** The Program Management Committee will create an acceptable internal control system and an acceptable fraud prevention program, with which to manage payments, expenses and audit expenses of contractors and consultants, which shall be approved by the Inspector General of the NJDOT and the Inspector General for the PORT AUTHORITY.

VI. INSURANCE

A. **Insurance:** The NJDOT shall procure and maintain policies of insurance and pay the corresponding premium(s) using the PORT AUTHORITY Program Funds to sufficiently cover the construction program(s) for the entire period of construction before project completion provided such coverage is deemed by the NJDOT and the PORT AUTHORITY to be necessary and actually obtainable and commercially available at commercially reasonable rates given the amount and condition of coverage. The NJDOT shall have the right, as part of its overall risk management program, to provide for the insurance coverages required by this

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Section with such deductible or retained amounts as the NJDOT may determine appropriate from time to time, except, however, all claims and damages which fall within such deductible or retained amounts shall be paid for from the PORT AUTHORITY Program Funds and not from NJDOT funds. Moreover, the NJDOT, in consultation with the PORT AUTHORITY, shall work together to develop an owner controlled insurance program ("OCIP"), including the structure, applicable coverage and limits for such insurance program. Insurance carriers furnishing the aforementioned coverage under this Agreement shall maintain an A.M. Best rating of "A-" or better (or successor equivalent). The NJDOT shall provide the PORT AUTHORITY with thirty (30) days written notice of cancellation of any such insurance policy(ies) as well as its plan to provide replacement coverage for the policy(ies) so canceled. The NJDOT retains, however, the right to utilize a Captive Insurance Company to provide the aforementioned coverage in combination with a commercial insurance carrier, it being understood that the NJDOT shall periodically, at the request of the PORT AUTHORITY, allow the PORT AUTHORITY to review all financial information related to its Captive Insurance Policy. The Commissioner of the NJDOT and the Executive Director of the PORT AUTHORITY, or their designees, will jointly review and approve the final OCIP(s) that will be implemented by the NJDOT or any insurance coverage to be provided in lieu of OCIP(s). The NJDOT shall give the PORT AUTHORITY prompt notice of any claims or loss notices filed by the NJDOT under such policies. Any such insurance policies procured by the NJDOT shall provide that the PORT AUTHORITY will be an additional named

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insured, as appropriate, and shall have the ability to assert a claim (and pursue collection of insurance proceeds) by submitting any third party or direct claims arising from the Program by the PORT AUTHORITY (or any of its wholly-owned subsidiaries) to the NJDOT, which will in turn cause them to be filed, where and when necessary, with the appropriate broker. The NJDOT shall confirm in writing that it filed any claim the PORT AUTHORITY directed it to file within thirty (30) business days of direction being given. In the event the NJDOT declines or fails to file any directed claim within forty-five (45) business days of written direction, or within the term dictated by the applicable policy(ies) if less than forty-five (45) business days, the PORT AUTHORITY shall have the right to file a claim directly with the applicable broker. Alternatively, if an OCIP is not utilized for the Program, the NJDOT and the PORT AUTHORITY shall require the contractors and consultants to provide sufficient insurance coverage, consistent with the coverages that would have been afforded under an OCIP, to protect the interests of the NJDOT and the PORT AUTHORITY throughout the term of design and construction, with the PORT AUTHORITY, the State of New Jersey, the NJDOT, and their officers, employees and agents being additional insureds under any coverage so procured.

VII. SECURITY OF RECORDS:

A. **RECORDS SECURITY:** Security of the Program records shall be administered by the Program Management Committee under guidelines to be established by the Program Management Committee. The Parties' agreement as to the handling of Program records is set forth below.

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B. **EXCHANGE OF SENSITIVE PROJECT INFORMATION:** In order to undertake their respective duties and/or responsibilities with regard to the Program, the Parties may provide and/or exchange certain information in their possession that may contain or include confidential, privileged, classified, proprietary or sensitive information. Such information, documents, drawings, etc. may relate to the security, safety and protection of the Program and may include information regarding the design, physical construction, and the current and future operations of each Project (hereinafter collectively referred to as "Sensitive Project Information"). Sensitive Project Information may also include guidelines, techniques and procedures implemented for the protection against terrorist acts or for law enforcement, investigation and prosecutorial purposes, as well as the work product and conclusions of any assessments and evaluations or any recommendations relating thereto.

1. The Parties recognize that unauthorized disclosure of such information could result in a significant compromise of public safety and security, as well as financial and other damage to the Parties, the Program, the users of the applicable roadways, bridges and other Project components, the surrounding communities and the general public. It is also recognized that there is the need for providing the respective employees of the Parties as well as related parties with access to certain information, which may contain or include Sensitive Project Information, on a need to know and/or on an as-needed basis. Every person having access to Sensitive Project

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Information has the obligation and the responsibility to properly safeguard such information and prevent its unauthorized disclosure or release.

2. The NJDOT and the PORT AUTHORITY shall only provide Sensitive Project Information directly to the other Party's employees. However, the NJDOT and PORT AUTHORITY employees may provide Sensitive Project Information to their respective related third parties (such as consultants, contractors and subcontractors, fire safety, police and other governmental employees and officials etc.) on a need to know or as-needed basis, provided the third party executes a Non-Disclosure Agreement approved by the Party disclosing the Sensitive Project Information, all in accordance with the applicable requirements provided for below, except that in the case of police and fire safety officials, officers and employees, access to Sensitive Project Information shall comply with the requirements set forth in subsection D of this Section.

3. The NJDOT and the PORT AUTHORITY do hereby agree that each Party may so designate Sensitive Project Information in its possession in accordance with each Party's respective policies and procedures in effect at the time.

4. The disclosing Party is responsible for clearly identifying to the receiving Party the sensitive nature of the transmitted material.

5. The receiving Party and its related third parties (such as consultants, contractors and subcontractors) agrees to handle all Sensitive Project Information in accordance with the disclosing Party's requirements.

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C. **DURATION AND SURVIVAL OF CONFIDENTIALITY OBLIGATIONS:** The obligations under this Agreement shall be perpetual (unless otherwise provided in this Agreement) or until Sensitive Project Information is no longer considered sensitive, confidential and/or privileged by the Parties.

D. **BACKGROUND SCREENING:** With the exception of police and fire safety officials, officers and employees, all individuals will be subject to the background screening criteria of the applicable Project with respect to receiving access to Sensitive Project Information and shall be required to sign an Acknowledgment or a Non-Disclosure Agreement as required by the employing Party.

VIII. OTHER PROGRAM MATTERS:

A. **PUBLIC AFFAIRS AND PUBLIC INFORMATION:** The Commissioner of the NJDOT and the PORT AUTHORITY Chairman will jointly select a person to be designated as the Director of Communications for the Program. The Director of Communications will serve on the Program Management Committee and will report to such person to be designated by the NJDOT and to the Chief of Public Affairs of the PORT AUTHORITY. All work performed by the Director of Communications shall be coordinated with the communications offices of the NJDOT and the public affairs department of the PORT AUTHORITY.

B. **COOPERATION AMONG THE PARTIES:** Each Party to this Agreement will work cooperatively and devote all reasonably available resources to the overall success of the Program. Each Party will act in good faith and reasonably to carry out the terms and intent of this Agreement.

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C. **SECURITY OF CONSTRUCTION SITES:** Security of the construction sites shall be maintained by all contractors in accordance with all applicable contract documents. The security specifications and procedures set forth in the contract documents shall be established by the Program Management Committee.

D. **COMMON INTEREST; JOINT DEFENSE:** It is recognized that it will be in both Parties' interests to share communication and information amongst each other for the common good of the Program. While each Party may retain separate legal counsel it is agreed that communications between the Parties, including oral or written communications or provision of documents, maps, plans, sketches or any other such documents shall not be deemed to be a waiver of any privilege, including but not limited to "attorney/client" or "attorney work product" privileges. Both Parties jointly and severally will defend any demand for a document which is jointly agreed to be protected by an applicable privilege and will maintain such a position to the extent permitted by applicable law and policies subject to approval of the Attorney General of the State of New Jersey or designee and the General Counsel of the PORT AUTHORITY or designee. The Parties will work together in the defense of any claim that may arise or be claimed to arise out of the Program and enter into a joint defense agreement where appropriate, subject to approval of each Party to this Agreement and the approval of the Attorney General of New Jersey or his or her designee and the General Counsel of the PORT AUTHORITY or his or her designee, without waiving any applicable immunity, claim of sovereign immunity or defense.

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E. **OPRA AND FOI POLICY:** Notwithstanding Section VII above, the NJDOT is subject to the Open Public Records Act ("OPRA") and common law. The NJDOT is obligated under law to respond to requests by members of the public for documents subject to applicable law. When received, a copy of such a request will be provided to the PORT AUTHORITY, which may take such action as it deems necessary to protect its position independent of the NJDOT, where it is determined by the NJDOT that information related to the Program must be released under applicable law. Likewise, notwithstanding Section VII above, the PORT AUTHORITY is subject to a Freedom of Information Policy ("FOI Policy") under which it has agreed to respond to requests by members of the public for information. When PORT AUTHORITY receives a request related to the Program, a copy of such request will be provided to the NJDOT, which may take such action as it deems necessary to protect its position independent of the PORT AUTHORITY, where it is determined by the PORT AUTHORITY that information related to the Program must be released under its FOI Policy or applicable law.

F. **NOTICES AND COMMUNICATIONS:** Notices and communications under this Agreement shall be in writing and sent by either (a) certified or registered mail, return receipt requested, postage prepaid, or (b) express delivery (e.g., Federal Express), or (c) personal delivery, and shall be directed as follows or to such other address as either Party has previously directed by notice or to the successors of each respective position with each respective agency:

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If to the NJDOT:

Commissioner
NJ Department of Transportation
P.O. Box 600
1035 Parkway Avenue
Ewing, NJ 08625-0600

With a copy to:

Assistant Commissioner, Capital Program Management
New Jersey Department of Transportation
P.O. Box 600
1035 Parkway Avenue
E&O 2nd Floor
Ewing, NJ 08625-0600

If to the PORT AUTHORITY:

The Port Authority of New York and New Jersey
225 Park Avenue South, 15th Floor
New York, New York 10003
Attn: Executive Director

With a copy to:

The Port Authority of New York and New Jersey
225 Park Avenue South, 15th Floor
New York, New York 10003
Attn: General Counsel

Any notice, communication, or delivery will be deemed given or made (a) on the third business day after it is mailed by registered or certified mail (b) one business day after having been deposited for overnight delivery with any nationally recognized overnight delivery service, or (c) on the date of delivery if delivered in person (or upon the date of attempted delivery where delivery is refused).

G. **RESOLUTION OF DISPUTES:** When any dispute arises amongst the Parties as to the interpretation of this Agreement, or other matters set forth herein, Project Team members will confer with one another in a good faith attempt to resolve any

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such disputes. In the event they are unable to resolve any differences of interpretation or any other issue in dispute between them, the Program Management Committee will address the issue and attempt to develop a resolution. If the Program Management Committee is unable to resolve the matter within a reasonable period of time, the issue will be referred to the Steering Committee

H. **SEVERABILITY:** In the event any provision of this Agreement is found unenforceable or invalid by a court of competent jurisdiction, such a determination will not in any manner invalidate the remaining provisions of this Agreement or otherwise adversely affect or impact the enforceability of the remaining provisions.

I. **AMBIGUITY RULE AS TO PUBLIC CONTRACT SHALL NOT APPLY:** The legal doctrine that where an ambiguity exists in a government contract, the writing is to be strictly construed against the draftsman shall not apply to the interpretation of this Agreement, it being understood that this Agreement was freely negotiated between both governmental Parties.

J. **COUNTERPARTS:** This Agreement may be signed in any number of counterparts; each of which shall be deemed to be an original, but all such counterparts together shall constitute one and the same instrument.

K. **INDIVIDUALS NOT LIABLE:** No elected or appointed official, commissioner, member, trustee, member of the Board, officer or employee of the NJDOT or the PORT AUTHORITY will be personally liable under, or by reason

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of, this Agreement, or any of its articles, covenants or provisions; nor shall any such person be personally liable, or be sued individually, for damages on account of any breach of this Agreement, no matter what their involvement may be.

L. **BINDING EFFECT ON THE PARTIES:** This Agreement shall bind and inure to the benefit of the Parties hereto and their respective successors and permitted assigns. Each signatory warrants that they are authorized to represent and bind the Party they purport to represent and have secured the necessary and required approval and authority to do so. It is further represented that each Party had an opportunity to confer with legal counsel of their own choosing and discussed the terms and obligations of this Agreement with legal counsel. This Agreement was freely entered into without duress or coercion by any entity and with full knowledge of its intent and meaning as well as the nature and extent of obligations undertaken.

M. **LIMIT OF MONETARY OBLIGATION:** The PORT AUTHORITY is not obligated to the support of the Program beyond the specific monetary commitment stated in this Agreement. This Agreement shall not be interpreted to create any greater obligation. No Party shall claim any credit for expenses incurred in carrying out this Agreement or for non-monetary obligations, except as to those specifically provided herein.

N. **NO TERMINATION:** This Agreement shall not be terminated for any reason except with the mutual written consent of both Parties.

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O. **BREACH:** A breach by either Party, whether or not material, shall not serve as a basis for termination. Failure to enforce a provision shall not be construed to constitute waiver of the enforceability or applicability of the provision or any other provision of this Agreement. Notice or the lack of notice by a Party of a failure to abide by the terms of this Agreement shall not create a right to notice on a subsequent occasion, nor shall it relieve the notifying party of the obligation to provide notice on subsequent occasions. Breach by one Party, no matter how significant or substantial, shall not in turn serve as a basis or allow the other Party to refuse to abide by the terms of this Agreement, or for the PORT AUTHORITY to refuse to make a monetary payment, supply a required resource or to otherwise cooperate and act in good faith towards completion of the Program.

P. **NO THIRD PARTY BENEFICIARY CREATED:** This Agreement will not in any manner benefit a third party, directly or indirectly; nor will it bind any third party. Each Party agrees to affirmatively oppose any position asserted by a third party that this Agreement in any manner benefits that third party or another third party. This Agreement shall only bind the signatories thereto and the corresponding Parties that they represent.

Q. **NO NEW LEGAL ENTITY IS CREATED:** The Parties do not intend to create any partnership, joint venture, subsidiary or any individual or new independent legal entity under the laws of any state or under common law. This Agreement is for the purpose of outlining a joint effort among two separate and distinct public agencies, which will continue to operate as separate entities. This Agreement is also intended to outline the various obligations and roles that the Parties are to

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undertake for each Project through the design, construction, and operational phases.

R. **APPLICABLE LAW AND JURISDICTION.** This Agreement shall be governed by and construed in accordance with the applicable laws of the State of New Jersey without regard to conflicts of law principles and, subject to Port Authority Legislation (as hereinafter defined), shall be enforceable in a state court of competent jurisdiction located within the Port District in the State of New Jersey and will be considered a legal obligation of the Parties, including the terms related to the respective monetary obligations of the Parties. As used herein, the term "Port Authority Legislation" shall mean the concurrent legislation of the State of New York and State of New Jersey set forth at Chapter 301 of the Laws of New York of 1950, as amended by Chapter 938 of the Laws of New York of 1974 (McKinney's Unconsolidated Laws §§7101-7112) and Chapter 204 of the Laws of New Jersey of 1951 (N.J.S.A. 32:1-157 to 32:1-168).

S. **HEADINGS.** The Section headings in this Agreement are inserted only as a matter of convenience and for reference, and they in no way define or limit, or describe the scope or intent of any provision of this Agreement.

T. **ENTIRE AGREEMENT.** This Agreement constitutes the entire agreement between the Parties on the subject matter herein, and may not be changed, modified, discharged or extended except by an instrument in writing duly executed on behalf of all of the Parties.

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IN WITNESS WHEREOF, the NJDOT has caused this instrument to be signed by its Commissioner or designee, and the PORT AUTHORITY has caused this instrument to be signed by its Executive Director, or a designee of and witnessed by the Secretary of PORT AUTHORITY, on the day, month and year first written above.

WITNESS:

JACQUELINE TRAUSI
SECRETARY
NEW JERSEY
DEPARTMENT OF TRANSPORTATION

WITNESS: July 29, 2011

SECRETARY, PORT AUTHORITY

NEW JERSEY DEPARTMENT OF TRANSPORTATION

By: _____
JAMES S. SIMPSON, NJDOT
COMMISSIONER

THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY

By: _____
CHRISTOPHER O. WARD
EXECUTIVE DIRECTOR

For Port Authority Use Only:	
Approval as to Terms:	Approval as to Form:
	CJM

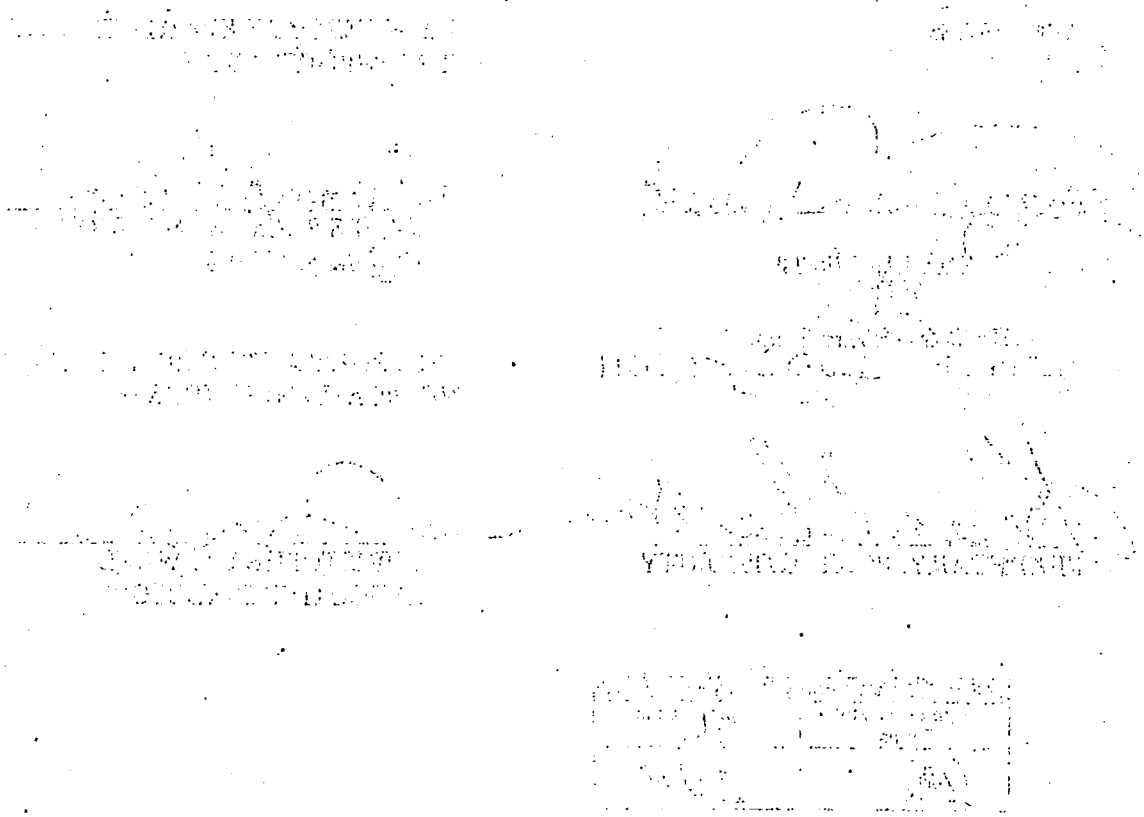
This Agreement has been reviewed and approved as to form for NJ DOT.

PAULA T. DOW
ATTORNEY GENERAL OF NEW JERSEY

By: _____
Deputy Attorney General

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EXHIBIT A



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DEPARTMENT OF TRANSPORTATION POLICY/PROCEDURE

SUBJECT: Substantial Completion, Interim Completion, Partial Acceptance, Completion and Final Acceptance, and Final Payment for Construction Projects	Effective Date: 09-18-06	Commissioner Approval: Sponsor Approval: Richard Hammer Contact Telephone #: (609) 530-5704

I. PURPOSE

To outline the procedures for determining Substantial Completion, Partial Acceptance, Completion and Final Acceptance, and Final Payment for Construction Contracts.

II. DEFINITIONS

The following words and terms, when used in this Procedure, shall have the following meanings, unless the context clearly indicates otherwise:

ACES – the Department's construction management software used by construction field personnel used

Alternate Procedure – a procedure authorized by 23CFR 106(b), 23 USC 117(a) and 23 DCF 640 for administrating Federal Aid projects with Department oversight in lieu of oversight in lieu of FHWA oversight in accordance with the FHWA – NJCOT Stewardship Agreement.

Corrective Action Inspection – an inspection scheduled by the Resident Engineer to determine if the work is complete and that the project ready for Acceptance by the Department. Usually, the Resident Engineer will inspect the project and have any construction deficiencies corrected before scheduling a formal Corrective Action Inspection. If the Corrective Action Inspection identifies any corrective action, additional Corrective Action Inspections are conducted until all deficiencies are satisfactorily addressed.

FHWA Area Engineer– the FHWA's representative responsible for federal oversight of the project.

Field Manager – means the immediate supervisor of a Resident Engineer

Final Acceptance Inspection – means the final formal step taken to determine that the project is complete and ready for Acceptance. The Final Acceptance Inspection is the last Corrective Action Inspection.

Final Acceptance package – means the collection of memos and forms used to obtain and certify Acceptance. The package consists of a Status memo, which provides all relevant dates and all information related to liquidated damages and claims, Form AD-12, Department Action Slip, and form DC-20, Certificate of Completion.

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Interim Completion – any separate completion requirement other than completion of the entire project, as specified in Subsection 108.10 of the Contract.

Program Manager – is the manager in charge of Capital Projects (delivery) for an assigned area and the immediate supervisor of the assigned Project Manager.

Project Manager – is the individual responsible for an assigned project's progress from Scope Development through to completion of construction. For projects administered by a unit other than Construction (usually Operations) the responsible unit manager will designate an individual to act as the Project Manager.

Regional Construction Engineer – means the Manager of a Construction Region and the immediate supervisor of the Field Manager. For projects that are administered by a unit other than Construction (usually Operations), the responsible unit manager will act as the Regional Construction Engineer.

Resident Engineer – is the designated individual directly responsible for supervising a construction project.

III. POLICY (None)

IV. PROCEDURE

A. Substantial Completion

Resident Engineer

1. When the Contractor has notified the Resident Engineer in that the project is substantially complete in accordance with Subsection 105.22 of the Contract Specifications, the following procedure will be followed:

NOTE: If Substantial Completion is an interim completion requirement of Subsection 108.10 of the Contract Specifications, also refer to Interim Completion, Section B.

Resident Engineer & Field Manager

2. Upon receipt of the Contractor's written notice that the project is substantially complete (a notice of completion may be accepted as a notice of substantial completion), the Resident Engineer, and the Field Manager will review and inspect the project. On Federal full oversight projects, the FHWA Area Engineer shall be notified by the Resident Engineer of this review and inspection.

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Resident Engineer

3. If the Resident Engineer determines that the project is not substantially complete, the Resident Engineer will notify the Contractor within five (5) working days. The Resident Engineer's letter will note what work remains to be completed in order for the project to be considered substantially complete. The Contractor is required to re-notify the Resident Engineer in writing upon completion of the work.

Resident Engineer, Field Manager & Project Manager

4. If the Resident Engineer with the verbal concurrence of the Field Manager determines that the project is substantially complete, the Resident Engineer will prepare a Substantial Completion Memorandum recommending that the project be found substantially complete. The memorandum will fix the date of Substantial Completion as the date of the Contractor's last acceptable notice of substantial completion.

Resident Engineer, Project Manager & Regional Construction Engineer

5. The Resident Engineer will submit the Substantial Completion Memorandum to the Regional Construction Engineer for approval. If the Regional Construction Engineer concurs, the Regional Construction Engineer shall sign the memorandum and return it to the Resident Engineer. The Resident Engineer will send the Project Manager a copy of the approved Substantial Completion Memorandum.

   Following approval of the Substantial Completion memorandum, the Resident Engineer will process the next monthly estimate as a substantial completion estimate. The Resident Engineer will notify the Regional Construction Engineer when the substantial completion estimate has been processed via ACES, and is awaiting approval.

   If the project has been approved as substantially complete, the Regional Construction Engineer will electronically approve the substantial completion estimate.

Manager, Accounting Operations

6. Reduce the retainage withheld for the Substantial Completion estimate and subsequent estimates in accordance with Subsection 109.07.

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Resident Engineer, Field Manager & Project Manager

7. Declaring a project substantially complete triggers the start of many closeout functions in anticipation of Completion. Some of these can be initiated prior to actual completion, but others will require Completion.

   a) Finalizing the as-built quantities.
   b) Processing of the Final Construction Order.
   c) Sending a list of missing documents to the Contractor. (e.g., payrolls, certifications, forms, etc.)
   d) Conducting a closeout meeting with the Contractor to discuss unresolved issues.
   e) Setting up and conducting the Corrective Action Inspection

B. Interim Completion

Resident Engineer, Field Manager, Project Manager

Failure to meet an interim completion date or substantial completion date:

1. The Resident Engineer will notify the Contractor in writing, that the project is behind schedule and that the appropriate liquidated damages will be assessed.

NOTE: If an extension of time, that would affect the interim completion date, is under consideration, the matter should be discussed with the Field Manager and Project Manager. Whereupon the Field Manager will evaluate the relative merits of the extension of time being considered and determine if the delay notice should be sent to the Contractor.

Resident Engineer

2. When the Contractor completes a portion of the project that has an interim completion date, the Contractor is required to notify the Resident Engineer in writing. Upon receipt of the Contractor's notice of interim completion, the Resident Engineer will review and inspect that portion of the project.

   If the Resident Engineer determines that the portion of the project is not complete, the Resident Engineer will notify the Contractor in writing within five (5) working days. The Resident Engineer's letter will note what work remains to be completed in order for the portion of the project to be considered complete. The Contractor is required to re-notify the Resident Engineer upon completion of the work.

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Resident Engineer & Field Manager

3. If the Resident Engineer with the concurrence of the Field Manager determines that the portion of the project appears complete, the Resident Engineer will notify the Contractor of the actual interim completion date. The date of the Contractor's last required notice of interim completion shall be the actual interim completion date.

C. Partial Acceptance

Note: Partial Acceptance of an area or portion of the project is generally not performed for areas under the maintenance jurisdiction other than the Department. Additionally, Partial Acceptance is not performed where the maintenance of an area is in any way hindered by the remaining work. The decision to allow Partial Acceptance rests with Operations. The one area for which Partial Acceptance is routinely performed is the acceptance of Traffic Signals.

Resident Engineer

1. Upon receipt of the Contractor's written request for partial acceptance, the Resident Engineer will review and inspect the area(s) to be considered. The Contractor's written request shall clearly define the limits of the area to be considered. In order for an area to be accepted under the provisions of partial acceptance, the following criteria should be met:

   - All work within the area under consideration must be complete.
   - The area must be opened for the safe, convenient use by the public.
   - The area must not be required by the Contractor for the completion of the remaining areas of the project.

   If the Resident Engineer determines that the area(s) should not be considered for partial acceptance, the Resident Engineer will notify the Contractor of the decision.

Resident Engineer, Field Manager & Project Manager

2. If the Resident Engineer with the concurrence of the Field Manager and Project Manager determines that the area is suitable for partial acceptance, the Resident Engineer shall set a date for a Partial Acceptance Inspection. The date of the Partial Acceptance Inspection shall be sent to the Interested Parties to allow a minimum of ten (10) working days from the receipt of the notification to review and inspect the area(s) under consideration.

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Interested Parties

3. The Interested Parties indicated in Completion (Section D - Number 5) will inspect the area under consideration for partial acceptance, and provide the Resident Engineer with a corrective action list on or before the date of the Partial Acceptance Inspection. Copies are not to be sent to the Contractor.

NOTE: On full oversight projects the FHWA shall be invited to the partial acceptance inspection; however, it does not relieve the NJDOT from correcting any deficiencies that may be noted by the FHWA in their final inspection of the entire project.

Resident Engineer

4. The Resident Engineer will prepare a Memorandum of Record, compiling all identified deficiencies noted by any of the Interested Parties. If the Resident Engineer identifies a particular deficiency as a design deficiency, the Resident Engineer will contact the Initiator of the noted deficiency in question and the Project Manager to seek mutual agreement as to classifying the item as either a design deficiency or as a construction deficiency.

   The Resident Engineer will prepare a memorandum to the Project Manager, listing all design deficiencies and any disputed deficiencies.

Project Manager, Executive Director of Regional Operations

5. The Project Manager will review the list and attempt to resolve disputed items with the Initiator of the noted deficiency. The Project Manager will decide if any design deficiencies should be corrected under the contract. For Capital Program projects, the Project Manager will also notify the Program Manager of any remaining disputed deficiencies or design deficiencies. For projects initiated by Operations, the Project Manager will also notify the Director of Operations Support of any remaining disputed deficiencies or design deficiencies. The Project Manager shall communicate the recommended disposition of any deficiency directly with the Executive Director of Regional Operations and gain his written concurrence for the recommendation. The Project Manager will confirm the agreement via written document to the Executive Director of Regional Operations prior to taking formal action.

Program Manager or Director of Operations Support, & Project Manager

6. For Capital Program projects, the Program Manager shall decide the disposition of any remaining disputed deficiencies and/or decide if any other design deficiency shall be corrected under the contract. For Operations initiated projects, the Director of Operations Support shall decide the

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disposition of any remaining disputed deficiencies and/or decide if any other design deficiency shall be corrected under the contract. The Project Manager will inform the Resident Engineer of these findings and the appropriate Design unit of the uncorrected deficiencies.

Resident Engineer & Project Manager

7. The Resident Engineer will within thirty calendar days from the date of the Contractor's notice of partial completion, notify the Contractor that the area is not complete and inform him of the required corrective action. With the concurrence of the Project Manager, a Construction Order will be issued for any extra work or any additional work necessary to address any design deficiencies, which are required to be addressed under the contract with a time extension to complete the work. The Contractor is required to re-notify the Resident Engineer in writing upon completion of the work. If any additional or extra work is required, the Resident Engineer will notify all Interested Parties in writing. The Interested Parties will have the ability to review this additional or extra work in the subsequent Final Acceptance Inspection.

Interested Parties, Regional Construction Engineer & Resident Engineer

8. If any of the Interested Parties other than FHWA, objects to the partial acceptance under consideration, the Contractor's request for partial acceptance and the objection will be referred to the Project Manager prior to any decision. The Project Manager will advise the Resident Engineer whether the Contractor's request is to be denied or to over-rule the objection and to proceed with the partial acceptance. If the decision is to deny the Contractor's partial acceptance request, the Resident Engineer will notify the Contractor in writing that the request has been denied. If the decision is to overrule the objection, the Resident Engineer will proceed with partial acceptance. In the memorandum of partial acceptance, the Resident Engineer will note the objection and the Project Manager's decision to proceed with partial acceptance. A copy of this memorandum will be sent to the party who initially objected to the partial acceptance.

Resident Engineer

9. If there is no corrective action required and there are no objections to partial acceptance, the Resident Engineer shall prepare and sign a Memorandum of Partial Completion. Signatures recommending partial acceptance will be secured as required. The Resident Engineer will forward the Memorandum to the Regional Construction Engineer.

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Regional Construction Engineer, Executive Director of Regional Operations, Project Manager & Resident Engineer

10. If the Regional Construction Engineer concurs, the Regional Construction Engineer shall sign the Memorandum recommending partial acceptance and secure the signature of Executive Director of Regional Operations recommending partial acceptance except for Local Aid projects. The Regional Construction Engineer will forward the memorandum to the Project Manager for approval. If the Project Manager concurs, he or she will sign the memorandum. The Project Manager will send a copy of the approved memorandum to the Regional Maintenance Engineer, and the Resident Engineer. Upon receipt of the approved memorandum, the Resident Engineer will notify the Contractor of the partial acceptance in writing.

Resident Engineer

11. If any additional work is required for an area of the project, which has already received partial acceptance, the Resident Engineer will notify all of the Interested Parties.

D. Completion and Acceptance

Resident Engineer & Field Manager

1. If the Contractor fails to meet the requirements for the contract substantial completion or completion date the Resident Engineer will notify the Contractor in writing, that the Contractor is behind schedule and that the appropriate liquidated damages will be assessed.

NOTE: If an extension of time that would affect the contract substantial completion and/or completion date is under consideration, the matter should be discussed with the Field Manager and the Project Manager. Whereupon the Field Manager will evaluate the relative merits of the extension of time being considered and determine if the delay notice should be sent to the contractor.

When the Contractor is complete with all physical work on the project, the Contractor is required to notify the Resident Engineer in writing. [The letter should specify the name of the project and state that all work under the contract has been completed. It can be the same letter sent in compliance with Subsection 105.22.]

2. Upon receipt of the Contractor's written notice that the project is complete, the Resident Engineer will review and inspect the project to evaluate the notice of completion. In order for the contract to be considered finally complete and ready for acceptance, all work must be completed. This includes:

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a) Landscaping work (except the requirements for replacement planting in accordance with Subsection 813.05 of the Contract Specifications)
b) Final cleanup
c) Repairs of any unacceptable work
d) Submission of all documents required

Note: The Resident Engineer must review all materials testing results prior to Completion and Acceptance. The specifications concerning material acceptance has provisions, which may require removal or replacement of material or allow for removal and replacement of material in lieu of the application of penalties and reductions.

3. If applicable, the Resident Engineer shall obtain a Memorandum of Acceptance for Turf and/or Plantings from the Bureau of Landscape and Urban Design. If a growing season is needed to develop a stand of grass, the Resident Engineer will proceed with the directions for Completion and Acceptance except that a retainage amount equal to the value of the stand of grass will not be released until the turf is accepted. The Department Action, Form AD-12, for Final Acceptance and Final Payment will note that retainage will be held pending turf acceptance. Full retainage will be released upon notification from the Project Manager to the Director, Bureau of Accounting and Auditing after the turf has been accepted.

4. If the Resident Engineer determines that the project is not complete, he/she will notify the Contractor in writing within five (5) working days. The Resident Engineer's letter will note what work remains to be completed in order for the project to be considered complete. The Contractor is required to re-notify the Resident Engineer upon completion of the work.

5. When the Resident Engineer, with the concurrence of the Field Manager, and Regional Construction Engineer, determines that the project appears complete, the Resident Engineer shall set a date for a Corrective Action Inspection. The date of the Corrective Action Inspection shall be set to allow interested parties a minimum of ten (10) working days from the receipt of the notification to review and inspect the area(s) under consideration.

The following parties will be notified:
Project Manager
Field Manager
Regional Construction Engineer
Executive Director of Regional Operations
Regional Maintenance Engineer (all Regions with jurisdiction)*
Regional Electrical Engineer*
Regional Traffic Engineer
Manager, Maintenance Engineering (Bridge Painting contracts only)*

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Manager, Landscape and Urban Design*
FHWA*
Supervisor of Sign Shop, Maintenance Support (projects with GO signs)*
Third Party Participating Agencies (e.g. NJTPK, NJHA, Port Authority, ...)*
All County or Municipal Engineer with acceptance jurisdiction*
Utility companies (projects with work to be accepted by the utility company)*
Any other organization involved in the project

* If applicable – to be determined by the Resident Engineer and Project Manager.

Note: For projects administered by units other than Construction, the list of parties will be adjusted by the unit manager responsible for administration).

6. The Resident Engineer will confirm the date and time of the Corrective Action Inspection with the FHWA Area Engineer on all Full Oversight and Alternate Procedures projects. Furthermore, the Resident Engineer will notify the Project Manager that Form FHWA 1446-C must be submitted for Alternate Procedures project only.

Project Manager

7. The Project Manager will complete, sign, and submit the Form FHWA 1446-C to the FHWA Area Engineer. The form will include a statement noting the date, time and location of the Corrective Action /Acceptance Inspection.

Interested Parties

8. Interested Parties indicated in Number 5 (above) will inspect the area under consideration for acceptance, and provide the Resident. Engineer with a corrective action list on or before the Corrective Action Inspection date. No copies are to be sent to the Contractor.

Resident Engineer

9. The Resident Engineer will prepare a Memorandum of Record, compiling all identified deficiencies noted by any of the Interested Parties. If the Resident Engineer identifies a particular deficiency as a design deficiency, the Resident Engineer will contact the initiator of the noted deficiency in question and the Project Manager to seek mutual agreement as to classifying the item as either a design deficiency or as a construction deficiency.

   The Resident Engineer will prepare a memorandum to the Project Manager, with copies to the Field Manager and Regional Construction Engineer, listing all design deficiencies and any disputed deficiencies.

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Project Manager, Program Manager, Executive Director of Regional Operations (or initiator of deficiency comment)

10. The Project Manager will review the compiled list of deficiencies and attempt to resolve disputed items with the initiator of the noted deficiency. The Project Manager will decide if any design deficiencies should be corrected under the contract. For Capital Program projects, the Project Manager will also notify the Program Manager of any remaining disputed deficiencies or design deficiencies. For projects initiated by Operations, the Project Manager will also notify the Director of Operations Support of any remaining disputed deficiencies or design deficiencies. The Project Manager shall communicate the recommended disposition of any deficiency directly with the Executive Director of Regional Operations and gain his written concurrence for the recommendation. The Project Manager will confirm the agreement via written document to the Executive Director of Regional Operations prior to taking formal action.

Program Manager or Director of Operations Support & Project Manager

11. For Capital Program projects, the Program Manager shall decide the disposition of any remaining disputed deficiencies and/or decide if any other design deficiency shall be corrected under the contract. For Operations initiated projects, the Director of Operations Support shall decide the disposition of any remaining disputed deficiencies and/or decide if any other design deficiency shall be corrected under the contract. The Project Manager will inform the Resident Engineer of these findings and the appropriate Design unit of the uncorrected deficiencies.

Resident Engineer & Project Manager

10. The Resident Engineer will within thirty (30) calendar days from the date of the Contractor's notice of completion, notify the Contractor that the area is not complete and inform him of the required corrective action. With the concurrence of the Project Manager, a Construction Order will be issued for any extra work or any additional work necessary to address any design deficiencies, which are required to be addressed under the contract including a time extension to complete the work. The Contractor is required to re-notify the Resident Engineer in writing upon completion of the work. If any additional or extra work is required, the Resident Engineer will notify all the interested parties in writing. The interested parties will have the ability to review this additional or extra work in the subsequent Corrective Action/Acceptance Inspection.

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11. If there was corrective work, the Resident Engineer, upon re-notification from the contractor that all work is complete, the Resident Engineer will arrange another Corrective Action/Acceptance Inspection.

    On all Federal Aid projects with full oversight, if the FHWA Area Engineer noted any corrective action on their Final Report, the Resident Engineer will write a letter to the FHWA certifying that any identified deficiencies were corrected.

12. If there is no corrective action required, the last Corrective Action Inspection is defined as the Final Acceptance Inspection. The Resident Engineer will prepare a memorandum of record noting that the Final Acceptance Inspection was held and noting that either no corrective work was required or all previously identified corrective action was satisfactorily completed. A copy of this memorandum will be sent to the Regional Construction Engineer, Field Manager and Project Manager.

    After the Final Acceptance Inspection has been held and all submissions have been received, the project is deemed to be Complete and the project is ready for Final Acceptance.

13. The Resident Engineer will obtain a Letter of Acceptance for projects with areas, which are under the jurisdiction of an outside agency. The Resident Engineer will contact the representative of the agency and request an Acceptance Letter. In the event that the Resident Engineer cannot obtain a Letter of Acceptance, the following procedure will be followed:

    If no deficiencies have been noted by the agency or the agency is unresponsive to the Resident Engineer's verbal request for a Letter of Acceptance, the Resident Engineer with the concurrence of the Field Manager will write a letter to the agency within two working days following the Corrective Action/Acceptance Inspection. The letter will note that the agency did not request any corrective action and request of Letter of Acceptance.

Resident Engineer & Field Manager

14. If the agency again fails to respond, the Resident Engineer, with the concurrence of the Field Manager, will write a memorandum to the Project Manager requesting acceptance without having received written acceptance by the outside agency. The memorandum will note that there were no unresolved deficiencies, but that the agency was non-responsive.

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If the agency refuses to write a Letter of Acceptance because a Design deficiency was not addressed under the contract (as per the decision of the Program Manager), the Resident Engineer will write a memorandum to the Project Manager. The memorandum will request acceptance without having received acceptance by the outside agency. The memorandum will note the reason for the agency's refusal to write a Letter of Acceptance.

Regional Construction Engineer & Resident Engineer

15. Concurrent with the Completion and Corrective Action Inspection process, the Resident Engineer will work to complete all asbuilts, resolve disputes with the Contractor, and process the final Construction Order.

16. Upon Completion, at the request of the Resident Engineer, the Regional Construction Engineer will prepare the Certificate of Completion, Form DC-20. The Resident Engineer will sign the Form DC-20 (5 copies) certifying Completion and recommending Acceptance. The Form DC-20 will then be submitted to the Regional Construction office for the Regional Construction Engineer's signature.

Regional Construction Engineer, Field Manager & Executive Director for Regional Operations

17. The Regional Construction Engineer will secure the following signatures on the five (5) Certificate of Completion; Form DC-20's as required:
    Field Manager
    Regional Construction Engineer
    Executive Director for Regional Operations (for projects with State Maintenance jurisdiction)

Regional Construction Engineer

18. The Regional Construction Engineer will prepare a Status Memorandum (with all relevant dates, liquidated damage information, and information related to outstanding claims) and will forward it with the signed DC-20's, to the Project Manager.

NOTE: If the Contractor has submitted a Form DC-161 "Contractual Notice Form" in accordance with Specifications Subsection 107.02, and it remains unresolved, the Project Manager will proceed with the Completion and Acceptance process, except that the Department Action and Status Memorandum will note that a dispute is pending. If after Final Payment has been made, the resolution of the dispute results in a settlement for additional completion time, or a decrease in the amount of Liquidated Damages

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assessed, or additional compensation, a Department Action, Form AD-12 will be prepared and processed

Project Manager & Program Manager or Manager of Maintenance Engineering

19. The Project Manager will review the documents and if found acceptable will sign the Certificate of Completion, Form DC-20, and prepare and sign a Department Action, Form AD-12, for Final Acceptance and Final Payment. For Capital Program projects, the Project Manager will forward the DC-20, Department Action, Form AD-12, and Status Memorandum to the Program Manager. For projects initiated by Operations, the Project Manager will forward the DC-20, Department Action Form, AD-12, and Status Memorandum to the Manager of Maintenance Engineering Support.

20. For Capital Program projects, the Program Manager will review the documents and if found acceptable will sign the Certificate of Completion, Form DC-20, and the Department Action Form AD-12, and forward the documents to the Manager, Agreement Accounting. For projects initiated by Operations, the Manager of Maintenance Engineering Support will review the documents and if found acceptable will sign the Certificate of Completion Form DC-20, and the Department Action Form AD-12, and forward the documents to the Manager, Agreement Accounting.

Manager, Agreement Accounting

21. Ascertain the current conditions of funds for this project and if acceptable, certify the funds by signing the Department Action, Form AD-12. Return the Department Action to the Project Manager.

Project Manager

22. For Capital Program projects, the Project Manager will forward the DC-20, Department Action, Form AD-12 and Status Memorandum, originals and copies, to the Director of Project Management. For projects initiated by Operations, the Project Manager will forward the DC-20, Department Action Form AD-12 and Status Memorandum, originals and copies, to the Director of Operations Support.

Director of Project Management or Director of Operations Support

23. For Capital Program projects, the Director of Project Manager will review the documents; and if found acceptable, will sign the Certificate of Completion, Form DC-20, and the Department Action, Form AD-12 for Final Acceptance

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and Final Payment, and forward the documents to the Assistant Commissioner for Capital Program Management. For projects initiated by Operations, the Director of Operations Support will review the documents, and if found acceptable, will sign the Certificate of Completion, Form DC-20, and the Department Action, Form AD-12 for Final Acceptance and Final Payment, and forward the documents to the Assistant Commissioner for Operations.

Assistant Commissioner & the State Transportation Engineer

24. The Assistant Commissioner, will review the documents and if found acceptable, will sign the Certificate of Completion, Form DC-20 and the Department Action, Form AD-12 for Final Acceptance and Final Payment, and forward the documents to the State Transportation Engineer.

25. The State Transportation Engineer will sign the Certificate of Completion, Form DC-20 and the Department Action, Form AD-12 for Final Acceptance and Final Payment, and forward the documents to the Department Secretary.

Department Secretary

The Department Secretary will:

26. Sign and Date the Certificate of Completion, Form DC-20.

27. Prepare a "Letter of Acceptance" with ten (10) copies and forward as follows: Original "Letter of Acceptance" The letter to the Bonding Company and the Contractor instructs the bond company to release the Performance and Payment bond) to the Contractor and Copies to: the Bonding Company, Assistant Commissioner, Capital Project Management, Program Manager, Project Manager, Regional Construction Engineer, Regional Maintenance Engineer; Bureau of Accounting Operations/Agreement Accounting, Bureau of Construction Engineering, Bureau of Maintenance Engineering, and Bureau of Construction Services. An original of the Certificate of completion and copies will be distributed to the Project Manager upon completion of the final audit by Accounting Operations.

28. Sign and certify Department Action, Form AD-12, and assign Schedule of Approval number as per NJDOT Procedure No. 401.

29. Forward Original Schedule of Approval and attachments to E&O Copy Center for printing. When the Schedule of Approval is returned distribute in accordance with the list approved by the Commissioner, Department of

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Transportation and retain one (1) official copy to be maintained by the Department Secretary.

30. Schedule Microfilming of original certified Department Action (100), Form AD-12 and RE-27and attachments. When the Department Action, Form AD-12 and attachments are returned from Microfilming distribute in accordance with the approved distribution list.

Manager, Accounting Operations/Agreement Accounting

31. Log in the Department Action, Form AD-12 as executed by the Department's Secretary and send Form AD-12 to the Bureau of Accounting Operation, (BAO).

32. Accouting Operations will record the date the Department Action Form AD-12, for Final Acceptance and Payment, was approved by the Department's Secretary, and will file it with an original Certificate of Completion, Form DC-20, and Status Memorandum.

Project Manager

32. The Project Manager will distribute copies of the Department Action, Form AD-12 and the Certificate of Completion, Form DC-20 in accordance with the approved distribution list. The Project Manager will distribute an original signature version of the Form DC-20 to the Contractor and, if applicable, copies to the Bureau of Structural Evaluation and Bridge Management (if the project involved work on structures), Manager, Bureau of Traffic Signals and Safety Engineering, Manager, Bureau of Landscape and Urban Design; and Manager, Bureau of Maintenance Engineer (Bridge Painting Contracts only).

33. On all projects, copies of the Form DC-20 and Form AD-12 will be sent to the Regional Construction Engineer. On Federal Aid projects receipt of The Form DC-20 and Form AD-12 by the Regional Construction Engineer will initiate the preparation and processing of the Federal Certification and Closeout documents.

E. Final Payment

After Acceptance (approval of the Department Action, Form AD-12) the Final Payment process may be initiated.

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Resident Engineer and Regional Construction Engineer

1. The Resident Engineer will prepare a Final Engineer's Monthly Estimate, via ACES upon finalization of As-Builts, and approval of the Final Construction Order. If the Department Action form AD-12, for Final Acceptance and Final Payment, has been approved, the Regional Construction Engineer will electronically approve the monthly estimate.

Manager, Bureau of Accounting Operations

2. Accounting Operations staff enters the data on the Contractor Payment System (CPS) to produce a Proposed Final Certificate, and forwards the Proposed Final Certificate is to the Regional Construction Engineer.

Regional Construction Engineer and Resident Engineer

3. The Resident Engineer will review the Proposed Final Certificate to ensure it conforms to the Resident Engineer's records. If it is acceptable, the Resident Engineer will return it to the Regional Construction Engineer. If there is a discrepancy, the Resident Engineer will work to correct the error.

4. The Regional Construction Engineer will forward the Proposed Final Certificate to the Contractor with a Payment Voucher and a Form DL-72. The transmittal letter will request the Contractor's written acceptance of the Proposed Final Certificate. The acceptance is to be noted as an unconditional release on the Payment Voucher or as a conditional release if there are unresolved claims, as specified in Subsection 109.11 of the Specifications. The request will also note that if the Contractor does not respond within 30 days the failure to respond will be construed as acceptance of the Proposed Final Certificate.

5. The Regional Construction Engineer will track the Contractor's response and forward the response to Accounting, or if the Contractor fails to respond, forward a Payment Voucher with the statement noting the Contractor's failure to respond within the required time. The Contractor must certify on the Form DL-72 that all subcontractors have been paid any amounts due in previous progress payments and shall pay any amount due from the current payment, or has a valid basis to withhold payment. The payment process cannot proceed without a signed DL-72.

NOTE: Notification of claims must have been previously submitted in accordance with contract provisions on Form DC-161, "New Jersey Department of Transportation Contractual Notice Form".

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Manager, Bureau of Accounting Operations

1. When the executed payment voucher, and Form DL-72 is received from the Regional Construction Engineer, payment is made including cash retainage, if applicable. If the Department held bonds in lieu of retainage, then a memorandum is sent to the Bureau of Construction Services for release of bonds.

Manager Bureau of Construction Services, Procurement

7. Authorize the bank holding the escrow account to release bonds held to the proper amount.

NOTE: Release of bonds or payment of cash retainages should not occur until it is determined that all retainages may be released with this estimate.

Appropriate Claim Manager or Secretary, Department Claims Committee

NOTE: When final payment has been made and claims remain unresolved, the Administrative Process for the Review of Contract Disputes in the project specifications will be followed.

This process is terminated when either, the Contractor accepts the decision of an administrative review step or, the Contractor chooses to pursue resolution of the claims through litigation or, the final administrative review step has been held and the Contractor rejects the decision or, does not respond within the required time frame. If the Contractor accepts the decision of an administrative review step for the settlement of the unresolved claim(s), the disposition of any claim including any claim settlement payment and adjustment to contract time and Liquidated Damages will be accomplished by Department Action, Form AD-12 in accordance with Procedure 401 and by Payment Voucher (Vendor Invoice).

On all FHWA funded projects, at each step of the administrative process for the review of contract disputes, the FHWA is to be kept informed of the following: the scheduled administrative review of the unresolved claims(s), the decision of the particular administrative review body along with a request for federal participation if a financial settlement of the claim(s) is indication and, the contractor's acceptance or rejection of the decision.

VI. AUTHORITY

N.J.S.A. Title 27
Current NJDOT Specifications for Road and Bridge Construction

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EXHIBIT B

Port Authority Annual Cash Flow Allocation Schedule

Pulaski Skyway

Year	Annual Allocation
2012	$150,000,000
2013	$200,000,000
2014	$210,000,000
2015	$260,000,000
2016	$280,000,000

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Route 7, Hackensack River (Witpenn) Bridge

Year	Annual Allocation
2012	$175,000,000
2013	$135,000,000
2014	$135,000,000
2015	$90,000,000
2016	$90,000,000

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Route 1 & 9T, Extension

Year	Annual Allocation
2012	$5,000,000
2013	$18,000,000
2014	$0
2015	$25,000,000
2016	$28,000,000

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Tab 58

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AMENDED PROGRAM MANAGEMENT AGREEMENT

BETWEEN

THE NEW JERSEY DEPARTMENT OF TRANSPORTATION

AND

THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY

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THIS AMENDED PROGRAM MANAGEMENT AGREEMENT (this "Agreement") is entered into as May 17th, 2012 (the "Effective Date") by and between and THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY, a body corporate and politic created by a Compact between the States of New York and New Jersey with consent of Congress of the United States of America and having an office at 225 Park Avenue South, New York, New York 10003 (the "PORT AUTHORITY"), and the NEW JERSEY DEPARTMENT OF TRANSPORTATION established under the laws of the State of New Jersey (the "NJDOT") and having offices at 1035 Parkway Drive, P.O. Box 600, Ewing, New Jersey 08625-0600 (the Port Authority and the NJDOT are each individually a "Party" and collectively the "Parties").

WHEREAS, the infrastructure in the State of New Jersey that provides access to the Lincoln Tunnel is unable to support the current level of economic activity due to the deteriorated and overburdened roadways and access routes, as use is beyond their capacity; and

WHEREAS, improvements to the roadways and approaches will enhance and strengthen access to and between the Lincoln Tunnel and the Holland Tunnel; and

WHEREAS, the State of New Jersey is the owner of roadways and approaches to the Lincoln Tunnel; and

WHEREAS, in order to alleviate traffic congestion in the region and facilitate movement of people and goods, the PORT AUTHORITY and the NJDOT have agreed to work together to improve the infrastructure in the State of New Jersey related to the approaches to the Lincoln Tunnel; and

WHEREAS, subject to the terms and conditions of this Agreement, the PORT AUTHORITY elected to provide funding through and in the amount authorized under the Port Authority's Capital Infrastructure Fund provided for in the Port Authority's Annual Budget and Capital Plan in an aggregate amount not to exceed One Billion Eight Hundred Million Dollars and No Cents ($1,800,000,000.00) to complete certain improvements; and

WHEREAS, the Parties entered into a Program Management Agreement by and between the NJDOT and the PORT AUTHORITY dated July 29, 2011 (the "Program Management Agreement"); and

WHEREAS, the Parties wish to amend the Program Management Agreement by entering into this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants, terms, conditions, promises and obligations contained herein, which the Parties acknowledge to be good and sufficient consideration to support this Agreement and bind and obligate the Parties hereto, the Parties hereto agree as follows:

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I. PROGRAM DESCRIPTION/ DEFINITIONS:

Section I of the Program Management Agreement, entitled "PROGRAM DESCRIPTION/DEFINITIONS," is fully incorporated by reference into the terms of this Agreement as if fully stated at length in this Agreement.

II. TERM:

Section II of the Program Management Agreement, entitled "TERM," deleted in its entirety and is replaced by the following provision:

> "The term of this Agreement shall commence on the Effective Date of this Agreement and shall expire on the earlier to occur of (i) the date the NJDOT has issued a certificate of final completion ("Certificate of Final Completion") for each of the Projects comprising the Program; or (ii) the date the PORT AUTHORITY has expended the PORT AUTHORITY Program Funds (as hereinafter defined)."

III. COOPERATIVE RELATIONSHIP OF NJDOT AND PORT AUTHORITY:

Section III of the Program Management Agreement, entitled "COOPERATIVE RELATIONSHIP OF NJDOT and PORT AUTHORITY," is deleted in its entirety and has no further force and effect.

IV. DESIGN, CONSTRUCTION, RIGHT OF WAY:

Section IV, Subsection A of the Program Management Agreement, entitled "DESIGN/ CONSTRUCTION ACTIVITIES," is deleted in its entirety and is replaced by the following provision:

> "A. **DESIGN/CONSTRUCTION ACTIVITIES:** The NJDOT is solely responsible for the design, procurement, acquisition of real property and all construction related services of each Project and the ongoing operation and maintenance of the improvements, structures, roadways, and bridges comprising each Project. The PORT AUTHORITY'S sole responsibility with respect to the Program is to allocate and make available to the NJDOT the funding set forth in Section V of this Agreement. The PORT AUTHORITY will have no responsibility of any kind under or in connection with any agreement or contract utilizing the PORT AUTHORITY Program Funds."

Section IV, Subsection B of the Program Management Agreement, entitled "BIDDING AND CONTRACT ADMINISTRATION," is deleted in its entirety and has no further force and effect.

Section IV, Subsection C, Sub-subsections 1 and 2 of the Program Management Agreement, entitled "REAL ESTATE PROPERTY ACQUISITIONS" and "OPERATIONS

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SOLELY BY NJDOT," respectively, are deleted in their entirety and have no further force and effect.

Section IV, Subsection C, Sub-subsection 3 of the Program Management Agreement, entitled "ACCESS DURING CONSTRUCTION," is deleted in its entirety and is replaced by the following provision:

> "3. **ACCESS DURING CONSTRUCTION:** The PORT AUTHORITY, upon reasonable notice to the NJDOT's field manager, may access any of the Project sites for observation in order to verify the completion of work invoiced."

Section IV, Subsection C, Sub-subsections 4 though 9 of the Program Management Agreement, entitled "OWNERSHIP," "ACQUISITIONS OF ADDITIONAL PROPERTY," "USE AND SALE OF EXCESS PROPERTY," "REVENUES FROM TRANSMISSION AND OTHER LINES," "NJDOT PARTY FOR UTILITY AGREEMENTS," "PARTICIPATION AS PROJECT PARTNER IN PERMITS," respectively, are deleted in their entirety and have no further force and effect.

Section IV, Subsection C, Sub-subsection 10 of the Program Management Agreement, entitled "MAINTENANCE IN STATE OF GOOD ORDER/REPAIR," is fully incorporated by reference into the terms of this Agreement as if fully stated at length in this Agreement.

V. FUNDING AND ACCOUNTING:

Section V of the Program Management Agreement, entitled "FUNDING AND ACCOUNTING," is fully incorporated by reference into the terms of this Agreement as if fully stated in this Agreement, except as follows:

Section V, Subsection A1: Section V, Subsection A1, entitled "FUNDS DRAWDOWN," is deleted in its entirety and is replaced by the following provision:

> "1. **FUNDS DRAWDOWN:** The NJDOT staff, in consultation with the PORT AUTHORITY staff, will work in good faith throughout the course of the Program to ensure a fair and reasonable drawdown of funding. Any PORT AUTHORITY Program Funds allocated for a given year under Exhibit B that are not invoiced for that year will be made available in future years through and in the amount authorized under the Port Authority's Annual Budget and Capital Plan."

Section V, Subsection B1: Section V, Subsection B1, entitled "PORT AUTHORITY PAYMENTS," is deleted in its entirety and is replaced by the following provision:

> "1. **PORT AUTHORITY PAYMENTS:** The PORT AUTHORITY Program Funds will include payments for, among other items, the NJDOT's property acquisitions, project design, construction, and construction management services, and a fraud prevention program, including the NJDOT's procurement and

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management of an integrity monitor. The PORT AUTHORITY Program Funds will also include payments for:

(i) the PORT AUTHORITY's direct and indirect in-house costs arising from the Program in an amount not to exceed Five Hundred Thousand Dollars and No Cents ($500,000.00) per year; provided, however, if the in-house costs in any given year are less than Five Hundred Thousand Dollars and No Cents ($500,000.00) then the difference between Five Hundred Thousand Dollars and No Cents ($500,000.00) and the amount expended will be available for payment in future years, but the PORT AUTHORITY's total direct and indirect in-house costs for the Program may not exceed Two Million Five Hundred Thousand Dollars and No Cents ($2,500,000.00); and

(ii) the NJDOT's direct and indirect in-house costs arising from the Program, which indirect costs shall be in accordance with the federally approved indirect costs allocation plan, in an amount not to exceed Twelve Million Dollars and No Cents ($12,000,000.00) per year; provided, however, if the in-house costs invoiced by the NJDOT in any given year are less than Twelve Million Dollars and No Cents ($12,000,000.00) then the difference between Twelve Million Dollars and No Cents ($12,000,000.00) and the amount invoiced will be available for payment in future years, but the NJDOT shall in no event invoice more than a total amount of Sixty Million Dollars and No Cents ($60,000,000.00) for the Program during the term of this Agreement.

The PORT AUTHORITY shall reimburse the NJDOT with the PORT AUTHORITY Program Funds for the type of payments covered under this Agreement for work performed by the NJDOT, or its consultants and contractors, on the Program during the period commencing on July 29, 2011 through the expiration or earlier termination of this Agreement. The PORT AUTHORITY Program Funds shall not include payments for any interest expenses incurred by the PORT AUTHORITY to finance the Program during the term of this Agreement.

(a) **PORT AUTHORITY FUNDING by Quarter:** The PORT AUTHORITY shall make available for each Project by year the amounts listed on the PORT AUTHORITY Annual Cash Flow Allocation Schedule (Exhibit "B") subject to and conditioned upon the approval by the PORT AUTHORITY Board for such amounts to be made available by the PORT AUTHORITY. Payment of funds by the PORT AUTHORITY in connection with each Project shall take place as follows:

(i) Within twenty (20) business days of the end of each quarter, the PORT AUTHORITY will provide the NJDOT with a

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documentation in accordance with this Section V.B1 for the period commencing on July 29, 2011 through June 30, 2012.

(b) **Amendments to the PORT AUTHORITY Annual Cash Flow Schedule:** The PORT AUTHORITY Annual Cash Flow Allocation Schedule will be monitored by PORT AUTHORITY staff. The NJDOT shall provide to the PORT AUTHORITY an updated schedule of planned construction and annual spending in June of each year for incorporation into the Port Authority's following year's budget.

(c) **Disputed Charges:** Payment of an invoice or corrected invoice will not operate as a waiver of the PORT AUTHORITY's right to audit any invoice or corrected invoice. If the PORT AUTHORITY questions or disputes a charge or charges on an invoice for which payment was made, and it is determined through the dispute resolution procedures provided for in this Agreement under "Resolution of Disputes" in subsection G of Section VIII that the NJDOT is required to reimburse the PORT AUTHORITY for the disputed charge(s), the NJDOT will reimburse the PORT AUTHORITY within thirty (30) days of the NJDOT's receipt of notification of the resolution of the dispute

(d) **Record Keeping and Final True-Up:** At the request of the PORT AUTHORITY, the NJDOT shall provide reports, schedules, agreements, contracts etc. with respect to utilization of the PORT AUTHORITY Program Funds provided by the PORT AUTHORITY and any other related information that the PORT AUTHORITY may reasonably request. The PORT AUTHORITY may, upon reasonable notice, during regular business hours, examine all records of the NJDOT relating to the Program or any contracts financed pursuant to the terms and conditions of this Agreement. The Parties will each maintain sufficient records and take appropriate steps to ensure that the total of invoices and corrected invoices paid by the PORT AUTHORITY along with other PORT AUTHORITY contributions to the Program do not exceed the PORT AUTHORITY Program Funds. Such steps may include making a final "true-up" payment between the Parties at Program completion."

Section V, Subsection C: Section V, Subsection C, entitled "DIGITAL COST AND EXPENSE LEDGER,") is deleted in its entirety and has no further force and effect.

Section V, Subsection D: Section V, Subsection D, entitled "DEVELOPMENT OF BUDGET," is deleted in its entirety and has no further force and effect.

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Section V, Subsection E: Section V, Subsection E, entitled "AUDIT," is deleted in its entirety and is replaced by the following:

> **"E. AUDIT:** The NJDOT shall utilize its internal control system to manage and audit payments and expenses of contractors and consultants, and the NJDOT shall advise the PORT AUTHORITY of any reports or findings resulting from the internal control system, including the results of any audits conducted pertaining to the Program. In addition, the Inspector General of the NJDOT and the Inspector General of the PORT AUTHORITY shall jointly manage a fraud prevention program, which shall be comprised of integrity awareness presentations to contractors, a fraud hotline, contractor vetting, and the procurement of an integrity monitor, which shall be procured within six months of the Effective Date through the Division of Purchase and Property within New Jersey's Department of the Treasury. The NJDOT and the PORT AUTHORITY will jointly prepare the scope of services for the integrity monitor. The PORT AUTHORITY shall participate in the selection committee and shall have one vote in the selection process. The NJDOT and the PORT AUTHORITY shall promptly advise each other of any issues that arise from the fraud prevention program and both Parties will jointly handle any investigations arising out of the program. The NJDOT's Inspector General and the PORT AUTHORITY's Inspector General will meet monthly to review the fraud prevention program and to address any issues that may arise regarding such program. The PORT AUTHORITY Program Funds shall include payment for the integrity monitor's services. The PORT AUTHORITY Program Funds shall not include payment for the costs of the PORT AUTHORITY's Inspector General regarding work concerning the fraud prevention program."

VI. INSURANCE:

Section VI of the Program Management Agreement, entitled "INSURANCE" is deleted in its entirety and has no further force and effect.

VII. SECURITY OF RECORDS:

Section VII of the Program Management Agreement, entitled "SECURITY OF RECORDS," is deleted in its entirety and has no further force and effect.

VIII. OTHER PROGRAM MATTERS:

Section VIII of the Program Management Agreement, entitled "OTHER PROGRAM MATTERS," is fully incorporated by reference into the terms of this Agreement as if fully stated in this Agreement, except as follows:

Section VIII, Subsection A: Section VIII, Subsection A, entitled "PUBLIC AFFAIRS AND PUBLIC INFORMATION," is deleted in its entirety and has no further force and effect.

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Section VIII, Subsection B: Section VIII, Subsection B, entitled "COOPERATION AMONG THE PARTIES," is deleted in its entirety and has no further force and effect.

Section VIII, Subsection C: Section VIII, Subsection C, entitled "SECURITY OF CONSTRUCTION SITES," is deleted in its entirety and has no further force and effect.

Section VIII, Subsection G: Section VIII, Subsection G, entitled "RESOLUTION OF DISPUTES," is deleted in its entirety and is replaced by the following provision:

> "G. **RESOLUTION OF DISPUTES:** All disagreements under this Agreement shall be submitted to the Deputy Executive Director of the Port Authority and the Commissioner of the NJDOT for their review and decision, which decision shall be binding upon the Parties. In the event that the Deputy Executive Director of the Port Authority and the Commissioner of the NJDOT shall disagree, then either Party may seek all available legal or equitable remedies to the extent permitted by law."

IX. **COMPLETION OF PROGRAM.** The NJDOT hereby acknowledges that the PORT AUTHORITY Program Funds may not cover the costs to complete the Program in its entirety and it further acknowledges that it may need to seek additional funding to complete the Program. The NJDOT represents that it shall complete each of the Projects and shall seek additional funding from sources other than the PORT AUTHORITY in order to do so.

X. **TERMS OF PROGRAM MANAGEMENT AGREEMENT:** Except as stated herein, all other terms and provisions of the Program Management Agreement are incorporated by reference into this Agreement as if fully stated in this Agreement and shall have full force and effect.

[Signatures on Following Page]

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IN WITNESS WHEREOF, the NJDOT has caused this instrument to be signed by its Commissioner or designee, and witnessed by the Secretary of the NJDOT, and the PORT AUTHORITY has caused this instrument to be signed by its Executive Director or designee and witnessed by the Secretary of the PORT AUTHORITY, on the day, month and year first written above.

WITNESS:

JACQUELINE TRAUSI
SECRETARY
May 17, 2012

NEW JERSEY DEPARTMENT OF TRANSPORTATION

By: _____
JAMES S. SIMPSON
COMMISSIONER

WITNESS:

KAREN E. EASTMAN
SECRETARY

THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY

By: _____
PATRICK J. FOYE
EXECUTIVE DIRECTOR

Port Authority Use Only:	
Approval as to Terms:	Approval as to Form:

This Agreement has been reviewed and approved as to form for the NJDOT.

JEFFREY S. CHIESA
ATTORNEY GENERAL OF NEW JERSEY

By: _____
Philip J. Espinosa
Deputy Attorney General

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Tab 59

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ARLEO & DONOHUE, L.L.C.
ATTORNEYS AT LAW

Frank P. Arleo
Timothy M. Donohue

Of Counsel:
Jo Ann K. Dobransky

622 Eagle Rock Avenue
West Orange, NJ 07052
Telephone: (973) 736-8660
Fax: (973) 736-1712

June 9, 2014

Reid J. Schar
Jenner & Block LLP
353 N. Clark Street
Chicago, IL 60654-3456

Re: Mayor Mark Sokolich

Dear Mr. Schar:

I am including minutes from a meeting of a closed session of the Fort Lee Town Council on September 12, 2013. I am sending the same in order to supplement the response of Fort Lee to the subpoena previously served by your office. Please note that these minutes have never been approved and finalized by the Town Council. Nevertheless, I believe they are responsive to your earlier request. I have redacted the same in order to omit any non-responsive portions.

Please feel free to call me should you have any questions in regard to the same.

Very truly yours,

Timothy M. Donohue

TMD/lmj
Encl.

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Tab 60

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MAYOR AND COUNCIL

CLOSED SESSION

September 12, 2013 @7:00 p.m.

PRESENT: Mayor Sokolich, Council Members Pohan, Sohmer, Goldberg, Sargenti, Kasofsky, Cervieri

ALSO PRESENT: Peggy Thomas, Borough Administrator
Sharon Scheiner, Assistant Borough Clerk
J. Sheldon Cohen, Borough Attorney

On motion by Councilman Cervieri, seconded by Councilman Sohmer and approved **unanimously**, the meeting moved into closed session:

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Mayor Sokolich spoke about David Wildenstein, the Mayor of Livingston, who is friends with Governor Christie. Mr. Wildenstein was observing on Tuesday morning which Chief Bendul told the Mayor to tell the governing body only. He asked Mr. Cohen to make inroads into situation.

Mr. Cohen said he will try to make a call tomorrow.

Mayor Sokolich stated that with regard to the letter he sent to Mr. Baroni, that The Record reporter wanted to know about that the Mayor would not disclose his name at this point, but will later in a week or so if there is no response from the Port Authority.

There being no further discussion the closed portion of the meeting was adjourned **on motion by Councilman Sargenti, seconded by Councilman Pohan**, at 7:47 p.m. and the meeting moved into the open portion of the meeting at 8:02 p.m.

_____
Neil Grant
Borough Clerk

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Supplemental Exhibit

Reallocation of Toll Lanes at the GWB

An EARLY assessment of the benefits of the trial

September 12, 2013

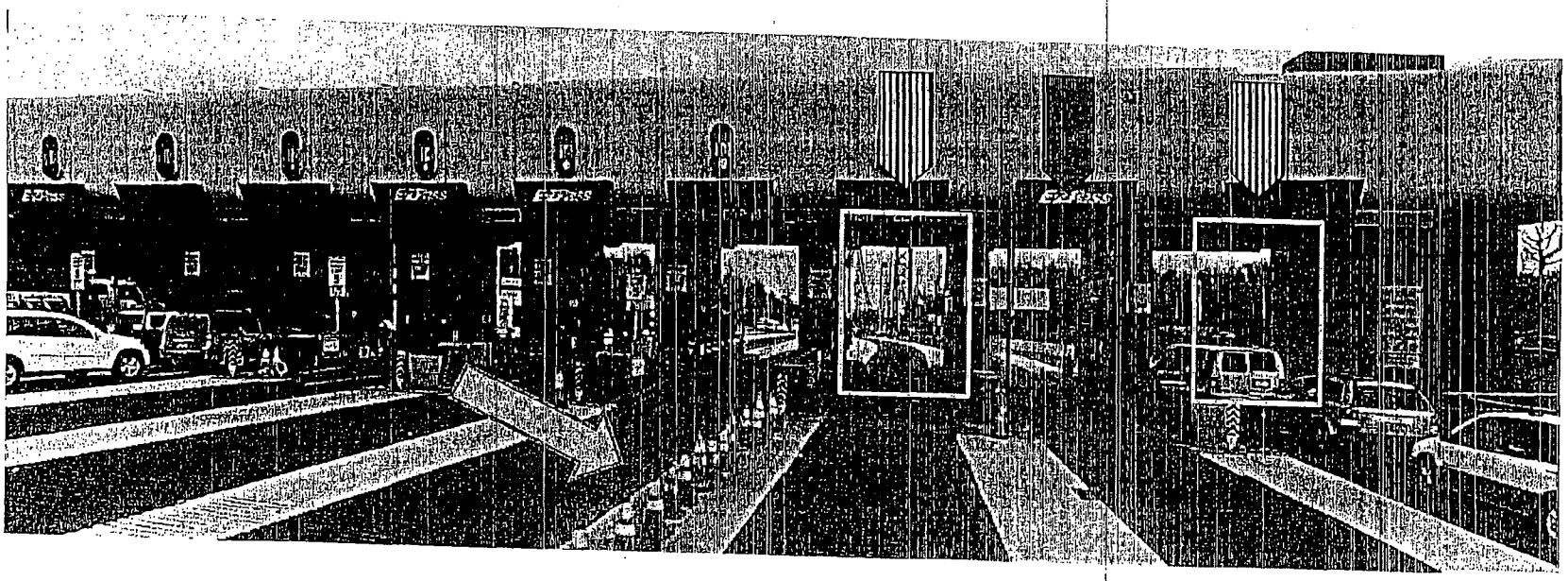
THE PORT AUTHORITY OF NY & NJ

BARONI000707

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Trial: Reallocate Toll Lanes Presently Dedicated to Ft. Lee Traffic During the AM Peak

Lanes 20, 22, and 24 were dedicated to "local" traffic during the AM peak using a cone line.



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Local Traffic Throughput

By eliminating two of the toll lanes dedicated to "local" traffic from Ft. Lee, this traffic was forced to queue on local streets:

- An analysis of traffic prior to implementation assumed that unprocessed demand could reach over 600 vehicles
  - This analysis was based on the assumption that only traffic originating in Ft. Lee would use the local ramp after trial implementation
- Validation: Two separate queues set up in Ft. Lee each stretch for over 0.5 miles (equivalent to over 260 vehicles)
- Validation: Queues were predicted to continue until around noon,
  - This matches actual performance observed by GWB management
- "Local" E-ZPass traffic lost its dedicated E-ZPass lane, requiring this traffic to join the CASH queues
  - Prior to the trial, "local" traffic had an E-ZPass market share of around 87% during the AM peak period . . .

BARONI000709

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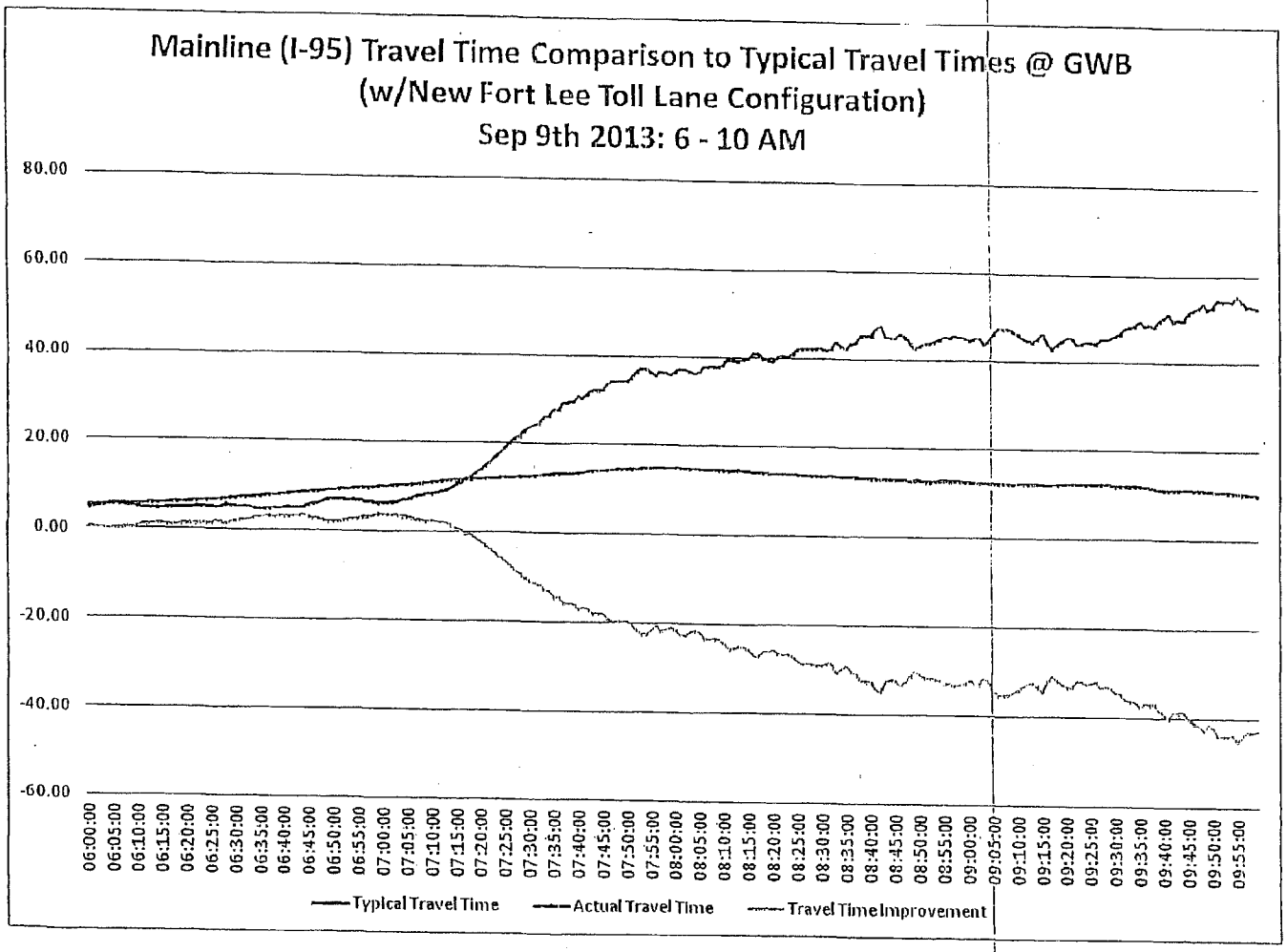
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Route B: Local Queues in Fort Lee (PAPD Detour)

THE PORT AUTHORITY OF NY & NJ

BARONI000710

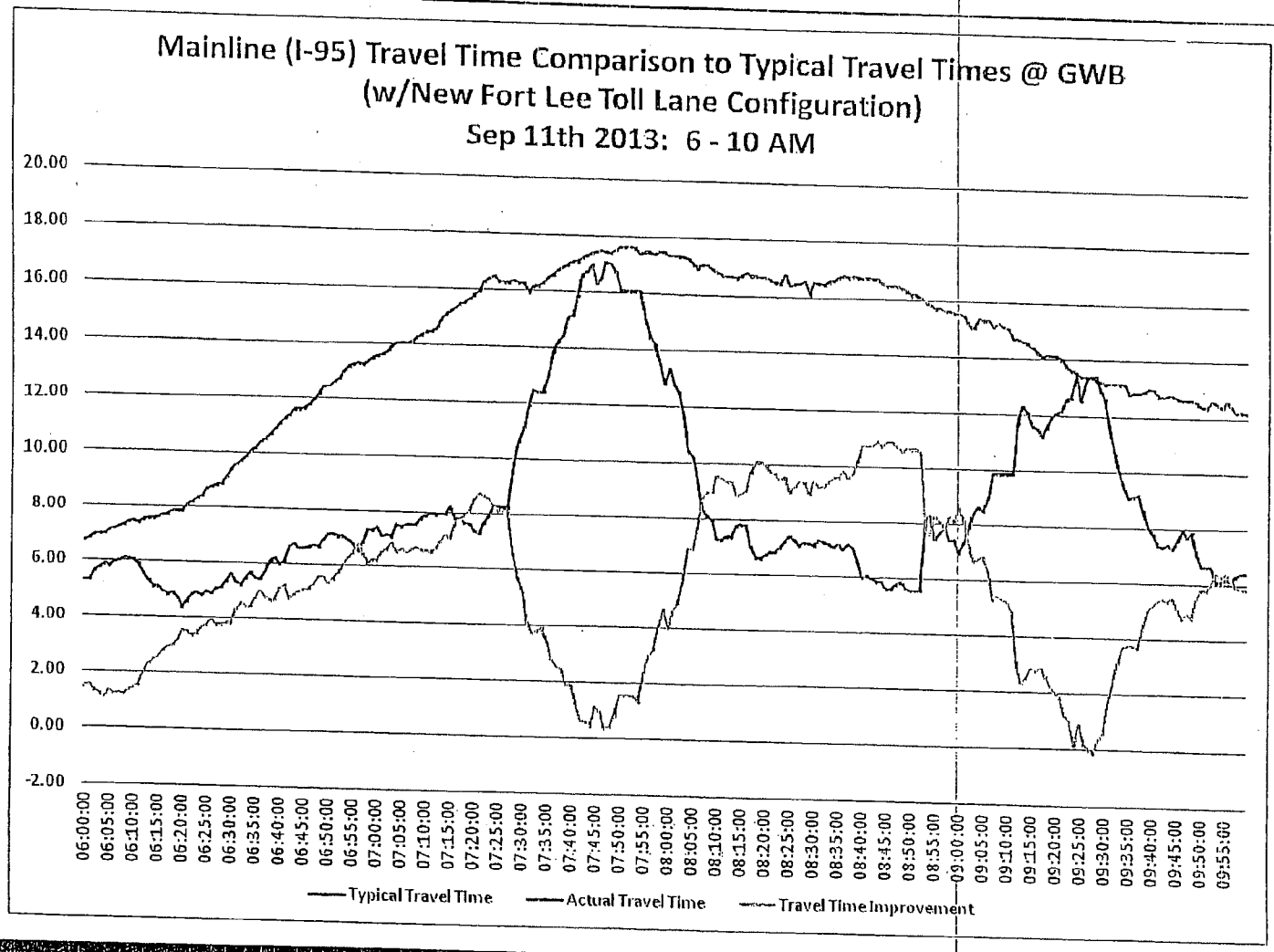
AM Peak Highway Approach Travel Times on 9/9/2013



BARONI000711

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AM Peak Highway Approach Travel Times on 9/11/2013



BARONI000712

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Vehicle Hours of Delay

The trial results in a trade-off between travel time savings for highway approach traffic and delays for "local" traffic:

- Assuming the 11,592 vehicles using the mainline toll lanes after implementation of the trial each saved 5 minutes, the total savings would be approximately 966 vehicle hours of reduced delay.

- Based on estimated Fort Lee queues of approximately 600 vehicles over the course of four hours, local traffic is experiencing an additional 2,800 vehicle hours of delay.
  - Even if queues are half those originally estimated, the additional delay would still far exceed the savings of mainline traffic . . .

- Based on estimated Fort Lee queues of approximately 550 vehicles at 10 AM, many of these vehicles will pay the off-peak toll
  - At an E-ZPass market share of 84% during the 9 o'clock hour, this works out to a revenue loss of around $1000 per day or $250k per year.

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Conclusions

- TBD