

# **PORT AUTHORITY TRANS-HUDSON CORPORATION**

## **MINUTES**

**Thursday, June 27, 2019**

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**MINUTES of the Meeting of Port Authority Trans-Hudson Corporation held Thursday, June 27, 2019 at 2 Montgomery Street, City of Jersey City, County of Hudson, State of New Jersey**

**PRESENT:**

**NEW JERSEY**

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

Richard Cotton, President  
 Michael E. Farbiarz, Counsel

James K. Allen Jr.  
 Brian Babb  
 Adam L. Barsky  
 Justin E. Bernbach  
 John Bilich  
 Benjamin M. Branham  
 Michael Brown  
 Ana Carvajalino  
 Rebecca L. Cassidy  
 Edward T. Cetnar  
 Steven J. Coleman  
 Brian Cooney  
 Jennifer S. Davis  
 Clarelle D. DeGraffe  
 Michael P. Dombrowski  
 Diannae C. Ehler  
 Benjamin Feldman  
 Christopher Figaro  
 Amy H. Fisher  
 Kevin Frick  
 Robert E. Galvin  
 Ann M. Georgas  
 Erik George  
 Glen Guzi  
 Mercedes Guzman  
 Linda Handel  
 Natasha G. Jean Philipp-Cumberbatch  
 Norma Juarez  
 Howard G. Kadin  
 Milena Kosc  
 Alexandra Koscove  
 Abigail Krusemark  
 Lindsey M. Kryzak  
 Cristina M. Lado  
 Aaron Lasker

**NEW YORK**

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

Huntley A. Lawrence  
 Christopher Lyons  
 Michael G. Massiah  
 Sara Mazurek  
 Daniel G. McCarron  
 Elizabeth M. McCarthy  
 James E. McCoy  
 David McKinley  
 Mark Muriello  
 Alec Nadeau  
 Michael Nestor  
 Maria Oliveri  
 Alan L. Reiss  
 Sam Ruda  
 Peter D. Simon  
 Mark B. Spector  
 James A. Starace  
 Patrick Sun  
 Derek H. Utter  
 Lillian D. Valenti  
 Kathryn Winfree  
 Christine Xu  
 Ben Zang

Guests:

Edmund Caulfield, Associate Counsel, Authorities Unit, Office of the Governor of New Jersey  
 Mrs. Robert Jones  
 Kathleen Leahy  
 William Leahy  
 Michael Wojnar, Assistant Secretary for Transportation, Office of the Governor of New York

Speakers:

Murray Bodin, Member of the Public  
 Jeff Canton, NJ State Veterans Chambers of Commerce  
 Karenina Capa Cortes, Unite Here Local 100  
 Jenny Carpio, Unite Here Local 100  
 Bhairavi Desai, NY Taxi Workers Alliance  
 Brian Diego, PATH Labor Coalition  
 Felice Farber, The General Contractors Association of NY  
  
 Daniel Lacey, PATH Labor Coalition  
 Thomas Malone, PATH Labor Coalition  
 Aliyu Mouhammadu, NY Taxi Workers Alliance  
 Victor H. Salazar, NY Taxi Workers Alliance  
 Nadia Small, Unite Here Local 100  
 Charlene Talarico  
 Uppkar Thind, NY Taxi Workers Alliance  
 Mohammad Tipu Sultan, NY Taxi Workers Alliance  
 Carol Walter, Unite Here Local 100  
 Neile Weissman, Complete George

Topic:

Transportation Issues  
 Diversity & Inclusion  
 Airport Workers Healthcare Issues  
 Airport Workers Healthcare Issues  
 Increase Charges for Yellow Cab  
 PATH Contracts  
 Proposed Changes to the 2017  
   2026 Capital Plan  
 PATH Contracts  
 PATH Contracts  
 Increase Charges for Yellow Cab  
 Increase Charges for Yellow Cab  
 Airport Workers Healthcare Issues  
 Human Resources Policies  
 Increase Charges for Yellow Cab  
 Increase Charges for Yellow Cab  
 Airport Workers Healthcare Issues  
 Widening Paths on GWB

The public meeting was called to order by Chairman O'Toole at 12:20 p.m. and ended at 2:20 p.m. The Board also met in executive session prior to the public session.

### **Report on Prior Meeting's Minutes**

Copies of the Minutes of the meeting of April 25, 2019 were delivered to the Governors of New York (in electronic form) and New Jersey (in paper form) on April 26, 2019. The time for action by the Governors of New York and New Jersey expired at midnight on May 10, 2019.

### **Moment of Silence**

The Chairman requested a moment of silence to honor the recent passing of two distinguished members of the Port Authority Police Department, Police Officer William J. Leahy and Lieutenant Robert Jones.

**PATH – REPLACEMENT OF SUBSTATION NO. 8 – PROJECT REAUTHORIZATION  
AND AWARD OF CONTRACT PAT-774.216**

It was recommended that the Board: (1) reauthorize the project to replace Port Authority Trans-Hudson Corporation (PATH) Substation No. 8, at an estimated total project cost of \$72 million, an increase of \$18.1 million over the previously authorized amount; and (2) authorize the President of PATH to award Contract PAT-774.216 to Yonkers Contracting Co., Inc., the low bidder, to construct the new 27-kilovolt fully enclosed substation, which would include flood resilience upgrades, at an estimated total construction cost of \$45.2 million, inclusive of allowances for field-ordered work and extra work.

At its meeting of April 25, 2007, the Board authorized planning work, at a total estimated cost of \$4.5 million, for, among other things, the replacement and upgrading of PATH Substations Nos. 7, 8 and 9. At its meeting of November 19, 2009, the Board authorized additional planning work, in an amount of \$2 million, for conceptual design, design development and support of property acquisition for the replacement of Substation No. 8 at an adjacent location.

At its meeting of April 27, 2017, the Board authorized: (1) the project to replace Substation No. 8, at an estimated total project cost of \$53.9 million; and (2) the President of PATH to: (a) retain architectural and engineering services to support the design and implementation of the project, at an estimated amount of \$5 million; and (b) enter into agreements to acquire interests in real property necessary to effectuate the construction of the project.

Reauthorization of the project is required due to: (1) increases in the construction costs based on the actual low bid received, which was substantially higher than the originally estimated contract amount; (2) additional facility force costs to cover PATH support for flagging, track outages and possible equipment deliveries via rail; (3) engineering staff and consultant costs related to the consideration of multiple alternatives for the project; and (4) related agency costs for items such as allocated overheads and insurance.

Replacing Substation No. 8 would provide reliable and efficient power to the PATH rail system and enhance customer service. Building the substation at a higher elevation and placing the equipment indoors would enhance resiliency, reliability and security, and ease maintenance.

It is anticipated that up to 90 percent of the eligible costs (exclusive of planning costs incurred prior to Superstorm Sandy and the property acquisition costs) of the project would be recoverable through a grant from the Federal Transit Administration.

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

**RESOLVED**, that a project to replace Substation No. 8 of the Port Authority Trans-Hudson Corporation (PATH) rail system, at an estimated total project cost of \$72 million (an increase of \$18.1 million over the previously authorized amount), be and it hereby is reauthorized; and it is further

**RESOLVED**, that the President be and he hereby is authorized, for and on behalf of PATH, to award Contract PAT-774.216 to Yonkers Contracting Co., Inc., the low bidder, to construct the new 27-kilovolt fully enclosed substation, which will include flood resilience upgrades, at an estimated total construction cost of \$45.2 million, inclusive of allowances for field-ordered work and extra work; and it is further

**RESOLVED**, that the President be and he hereby is authorized, for and on behalf of PATH, to take action with respect to other construction contracts, contracts for professional and advisory services and such other contracts and agreements as may be necessary to effectuate the foregoing project, pursuant to authority granted in the By-Laws or other resolution adopted by the Board; and it is further

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

**PATH – REPLACEMENT OF SUBSTATION NO. 14 - PROJECT REAUTHORIZATION AND AWARD OF CONTRACT PAT-774.217**

It was recommended that the Board: (1) reauthorize the project to expand the existing Port Authority Trans-Hudson Corporation (PATH) Substation No. 14 building and replace the substation equipment, at an estimated total project cost of \$87.5 million, an increase of \$16.9 million over the previously authorized amount; and (2) authorize the President of PATH to award Contract PAT-774.217 to Yonkers Contracting Co., Inc., the low bidder, for the construction of a two-story extension to the existing substation building and replacement of the substation equipment, including traction power rectifier/transformer units, switchgear, supervisory control and data acquisition, and other protection systems, at an estimated total construction cost of \$54.4 million, inclusive of allowances for field-ordered work and extra work.

At its meeting of December 7, 2017, the Board authorized: (1) a project to expand Substation No. 14, at an estimated total project cost of \$70.6 million, to construct a new two-story extension to the existing two-story substation building and replace PATH's Substation No. 14 equipment, which sustained significant flood damage as a result of Superstorm Sandy; and (2) the President to retain architectural and engineering services to support the design and implementation of the project, at an estimated amount of \$5 million.

Reauthorization of the project is required due to increases in the construction costs based on the actual low bid received for Contract PAT-774.217, which exceeded PATH's 2017 construction cost estimate and reflects the current construction market for this type of work, and to provide for an increase in project contingency. Prior to bidding earlier this year, the cost estimate for Contract PAT-774.217 was increased, based on the current market conditions, and taking into account recent bid results for similar work for PATH's Substations No. 7 and No. 9.

It is anticipated that up to 90 percent of the eligible costs of the project would be recoverable through a grant from the Federal Transit Administration.

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

**RESOLVED**, that a project to expand the existing Substation No. 14 of the Port Authority Trans-Hudson Corporation (PATH) rail system, and replace the substation equipment, at an estimated total project cost of \$87.5 million, an increase of \$16.9 million over the previously authorized amount, be and it hereby is reauthorized; and it is further

**RESOLVED**, that the President be and he hereby is authorized, for and on behalf of PATH, to award Contract PAT-774.217 to Yonkers Contracting Co., Inc., the low bidder, to construct a two-story extension to the existing Substation No. 14 building and replace existing substation equipment, including traction power rectifier/transformer units, switchgear, supervisory control and data acquisition, and other protection systems, at an estimated total construction cost of \$54.4 million, inclusive of allowances for field-ordered work and extra work; and it is further

**RESOLVED**, that the President be and he hereby is authorized, for and on behalf of PATH, to take action with respect to other construction contracts, contracts for professional and advisory services and such other contracts and agreements as may be necessary to effectuate the foregoing project, pursuant to authority granted in the By-Laws or other resolution adopted by the Board; and it is further

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



Whereupon, the meeting was adjourned.

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Counsel