

# **PORT AUTHORITY TRANS-HUDSON CORPORATION**

## **MINUTES**

**Wednesday, February 25, 2004**

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**MINUTES of the Meeting of Port Authority Trans-Hudson Corporation held Wednesday, February 25, 2004, at 225 Park Avenue South, City, County and State of New York.**

**PRESENT:**

**NEW JERSEY**

Hon. Anthony R. Coscia, Chairman  
 Hon. Anthony J. Sartor  
 Hon. David S. Steiner

Joseph J. Seymour, President  
 Ernesto L. Butcher, Vice-President  
 Jeffrey S. Green, Counsel

Gwendolyn Archie  
 Paul H. Bea, Jr.  
 Catherine M. Bergamini  
 Bruce D. Bohlen  
 John D. Brill  
 Gregory G. Burnham  
 Timothy Castano  
 Anthony B. Ciavolella  
 Arthur J. Cifelli  
 Steven J. Coleman  
 William R. DeCota  
 John C. Denise  
 Pasquale DiFulco  
 Karen E. Eastman  
 Michael G. Fabiano  
 Linda C. Handel  
 L. Jay Hector  
 Edward L. Jackson  
 George Johansen  
 Howard G. Kadin  
 Kirby King  
 Richard M. Larrabee  
 Francis J. Lombardi  
 Robert R. Lurie  
 Daniel S. Maynard  
 Stephen Marinko  
 Charles F. McClafferty  
 James E. McCoy  
 Lynn A. Nerney  
 Catherine F. Pavelec  
 Michael A. Petralia  
 Kenneth P. Philmus  
 John A. Riccardi  
 Myron D. Ronis  
 Edmond F. Schorno  
 Gerald B. Stoughton  
 Tiffany A. Townsend

**NEW YORK**

Hon. Bruce A. Blakeman  
 Hon. Michael J. Chasanoff  
 Hon. David S. Mack  
 Hon. Henry R. Silverman

Ralph Tragale  
Gregory J. Trevor  
Emery J. Ungrady  
Thomas H. Wakeman III

The public session was called to order by Chairman Coscia at 3:00 p.m. and ended at 3:15 p.m. The Board met in executive session prior to the public session. Vice-Chairman Gargano was present for a portion of the executive session.

### **Action on Minutes**

The Vice-President submitted for approval Minutes of the meeting of December 11, 2003. He reported that copies of these Minutes were sent to all of the Directors and to the Governors of New York and New Jersey. He reported further that the time for action by the Governors of New York and New Jersey has expired.

Whereupon, the Board of Directors unanimously approved the Minutes.

### **Report of Committee on Construction**

The Committee on Construction reported, for information, and the report was received and is included with these minutes.

### **Moment of Silence**

In observance of the eleventh anniversary of the first terrorist attack on The World Trade Center, the Chairman requested a moment of silence in memory of the six victims, including four Port Authority employees, who perished on February 26, 1993.

**SETTLEMENT OF CLAIM – MARTIN MURRAY v. PORT AUTHORITY TRANS-HUDSON CORPORATION**

It was recommended that the Board authorize Counsel to enter into an agreement with plaintiff Martin Murray to provide for the settlement of a claim for personal injuries sustained by paying plaintiff the sum of \$146,639, paying a Railroad Retirement Board lien of \$3,361, and waiving medical and wage liens totaling \$87,911.06, for a total settlement value of \$237,911.06. In exchange, Port Authority Trans-Hudson Corporation (PATH) and The Port Authority of New York and New Jersey (Port Authority) would receive from plaintiff a general release from liability and a stipulation of dismissal of the action, with prejudice.

On November 4, 1997, plaintiff Martin Murray, an electrician employed by PATH, was injured at PATH's Hoboken Station while in the process of pulling electrical wires through an overhead conduit. The rope he was using snapped during the course of his pulling the wires, causing him to fall onto the concrete concourse floor. Plaintiff reported to Port Authority medical staff and was treated conservatively. Subsequently, he underwent two surgical procedures to repair an injury to his left elbow, wrist and hand, and he has experienced a reduced range of motion and loss of sensation. Plaintiff missed a total of 12½ months from work as a result of this injury and has since returned to duty on a restricted basis. During settlement negotiations, the trial judge recommended that the matter be settled via a payment to plaintiff in the amount of \$150,000.

Pursuant to the foregoing report, the following resolution was adopted in executive session with Directors Blakeman, Chasanoff, Coscia, Mack, Sartor, Silverman and Steiner voting in favor; none against:

**RESOLVED**, that Counsel be and he hereby is authorized, for and on behalf of Port Authority Trans-Hudson Corporation, to enter into an agreement with plaintiff Martin Murray to provide for the settlement of a lawsuit for personal injuries sustained by paying plaintiff a sum of \$146,639, paying a Railroad Retirement Board lien of \$3,361 and waiving wage and medical liens totaling \$87,911.06.

**SETTLEMENT OF CLAIM – PHILIP LAWRENCE V. PORT AUTHORITY TRANS-HUDSON CORPORATION**

It was recommended that the Board authorize Counsel to enter into a settlement of a personal injury claim entitled Philip Lawrence v. Port Authority Trans-Hudson Corporation brought pursuant to the Federal Employer's Liability Act in the total sum of \$161,197.73. Out of this amount, \$109,760 would be paid to plaintiff and his attorneys for pain and suffering and out-of-pocket wage loss; \$6,620.80 represents a lien held by Port Authority Trans-Hudson Corporation (PATH) for wage benefits paid to plaintiff; \$38,576.93 represents a lien for medical bills paid by PATH on plaintiff's behalf; and \$6,240 represents the Railroad Retirement Board lien on this claim. In return, plaintiff would provide a General Release and Stipulation of Discontinuance with Prejudice.

Philip Lawrence (Plaintiff), a PATH trackman, was part of a crew replacing an approximately 550-foot-long trail rail on an elevated portion of the Hackensack Bridge at approximately 4 a.m. on July 28, 2000. The rail, weighing approximately 60,000 pounds, had been attached to a "rail puller" and dragged to the spot. Plaintiff was in the process of releasing the rail from the puller; however, somewhere down the track, the rail was not flush with the ballast, and when plaintiff dislodged a wedge which secured a clamp to the rail, the rail suddenly rolled over onto his left foot. Plaintiff's foot was crushed and he suffered compound fractures of all the bones in his foot. An independent expert was retained who opined that it is likely that the action of dragging a long string of rail would cause it to twist, unless measures are taken to prevent it. Such measures had not been taken prior to plaintiff's accident.

Plaintiff was hospitalized for six days immediately following the incident and missed 43 weeks of work, with a wage loss of \$35,586.80; lost overtime is estimated at approximately \$10,000. Plaintiff is required to wear orthotic shoes and has permanent swelling and pain upon extended use of his foot. Plaintiff initially demanded \$275,000 to settle this action.

In view of the unfavorable liability prospects for PATH, Plaintiff's permanent injuries and the substantial loss of income claimed, staff recommended that the proposed settlement be authorized. If this matter were tried before a jury, the verdict, in all likelihood, would be in excess of the settlement amount.

Pursuant to the foregoing report, the following resolution was adopted in executive session with Directors Blakeman, Chasanoff, Coscia, Mack, Sartor, Silverman and Steiner voting in favor; none against:

**RESOLVED**, that Counsel be and he hereby is authorized, for and on behalf of Port Authority Trans-Hudson Corporation, to enter into an agreement with plaintiff Philip Lawrence to provide for the settlement of a lawsuit for personal injuries entitled Philip Lawrence v. Port Authority Trans-Hudson Corporation in a total amount of \$161,197.73, of which \$109,760 will be paid to plaintiff and his attorneys and \$6,240 will be paid to the Railroad Retirement Board to settle its lien.

**FINAL CONTRACT PAYMENTS**

The Comptroller's Department reported, for information only, that the contracts set forth hereafter have been completed satisfactorily by the contractors. Final payments have been made in the period of October 1, 2003 to October 31, 2003.

<b>CONTRACT NUMBER</b>	<b>CONTRACT TITLE FACILITY AND CONTRACTOR</b>	<b>TOTAL AUTHORIZED</b>	<b>TOTAL PAYMENTS</b>
PAT565	SIP AVENUE APPROACH, ROADWAY REHABILITATION PORT AUTHORITY TRANS-HUDSON CORPORATION RAEBECK CONSTRUCTION CORPORATION	305,000 (A) 18,000 (B) 323,000	305,000 (A) 2,500 (B) 307,500

- (A) Lump Sum.
- (B) Extra Work.

Whereupon, the meeting was adjourned.

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Vice-President