

# PORT AUTHORITY TRANS-HUDSON CORPORATION

## MINUTES

Thursday, October 23, 2003

Action on Minutes	48
Report of Committee on Construction	48
Port Authority Trans-Hudson Corporation – Extension of Agreement with New Jersey Transit Corporation to Sell PATH QuickCards Through Ticket Vending Machines and Monthly Mail-Tik Program	49
Port Authority Trans-Hudson Corporation – Agreement with New York State's Metropolitan Transportation Authority and the New York City Transit Authority for the Use of Value-Based MetroCard Fare Medium at the Temporary World Trade Center PATH Station	50
Journal Square Transportation Center – Akbar and Associates, Inc. d/b/a Deli Plus – Lease L-RR-115 – Lease Renewal	52
Final Contract Payments	53

**MINUTES of the Meeting of Port Authority Trans-Hudson Corporation held Thursday, October 23, 2003, 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. Jack G. Sinagra  
 Hon. David S. Steiner

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

Gwendolyn Archie  
 Paul Bea  
 Catherine M. Bergamini  
 A. Paul Blanco  
 Bruce D. Bohlen  
 John D. Brill  
 Anthony B. Ciavolella  
 Steven J. Coleman  
 Anthony G. Cracchiolo  
 William R. DeCota  
 Pasquale DiFulco  
 Michael P. Dombrowski  
 Karen E. Eastman  
 Michael G. Fabiano  
 Linda C. Handel  
 Paul Higgins  
 Edward L. Jackson  
 George Johansen  
 Howard G. Kadin  
 Kirby King  
 Louis J. LaCapra  
 Richard M. Larrabee  
 Robert R. Lurie  
 Stephen Marinko  
 Charles F. McClafferty  
 James E. McCoy  
 Mark F. Muriello  
 Lynn A. Nerney  
 Achille A. Niro  
 Joann S. Papageorgis  
 Catherine F. Pavelec  
 Michael A. Petralia  
 Kenneth P. Philmus  
 Edmond F. Schorno  
 Douglas L. Smith  
 Tiffany A. Townsend  
 Ralph Tragale  
 Gregory J. Trevor  
 Emery J. Ungrady  
 Sean P. Walsh

**NEW YORK**

Hon. Charles A. Gargano, Vice-Chairman  
 Hon. Bruce A. Blakeman  
 Hon. Michael J. Chasanoff  
 Hon. David S. Mack  
 Hon. Henry R. Silverman

The public session was called to order by Chairman Coscia at 3:07 p.m. and ended at 3:16 p.m. The Board met in executive session prior to the public session. Vice-Chairman Gargano was present for executive session.

**Action on Minutes**

The Vice-President submitted for approval Minutes of the meeting of September 10, 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.

**PORT AUTHORITY TRANS-HUDSON CORPORATION – EXTENSION OF AGREEMENT WITH NEW JERSEY TRANSIT CORPORATION TO SELL PATH QUICKCARDS THROUGH TICKET VENDING MACHINES AND MONTHLY MAIL-TIK PROGRAM**

It was recommended that the Board authorize the President to enter into an agreement with New Jersey Transit Corporation (NJT) to extend the sale of Port Authority Trans-Hudson Corporation (PATH) QuickCards through NJT's ticket vending machines (TVMs) and Mail-Tik Program. The extension would be in effect for a one-year period from January 1, 2004 through December 31, 2004 at an estimated cost of \$525,000. The agreement would also provide for two additional one-year extension options at a total estimated cost of \$1,212,750.

The joint program with NJT began in January 1991 and covered sales through NJT's Mail-Tik Program. The Board subsequently approved extensions to that program effective from January 1, 1996 through December 31, 2000 and January 1, 2001 through December 31, 2003.

In 1996, the agreement was modified to include sale of tickets through NJT's TVMs. In 2001, the agreement was further modified to excuse NJT from paying PATH for a Mail-Tik purchase if the customer's check was not subsequently honored by the customer's bank. Effective January 1, 2004, the agreement will be further modified to increase NJT's credit card transaction fee to 2.35 percent, an increase from the previous level of 1.96 percent. Also, NJT will not be required to pay PATH for QuickCards sold to customers who drop out of the Mail-Tik Program without paying for those QuickCards if NJT's efforts to collect the monies due are unsuccessful.

The Mail-Tik Program reduces the time required for commuters to obtain PATH tickets and offers convenient choices regarding the method of fare payment. The program permits customers to pay by check, credit card or TransitChek voucher. The TVMs accept cash as well as credit and debit cards.

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

**RESOLVED**, that the President be and he hereby is authorized, for and on behalf of Port Authority Trans-Hudson Corporation (PATH), to enter into an agreement with New Jersey Transit Corporation (NJT) to continue the sale of PATH QuickCards through NJT's ticket vending machines and Mail-Tik Program for a one-year period at an estimated cost of \$525,000; and it is further

**RESOLVED**, that the President be and he hereby is authorized, for and on behalf of PATH, to exercise two one-year options to extend the above-referenced agreement at a total estimated cost of \$1,212,750; and it is further

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

**PORT AUTHORITY TRANS-HUDSON CORPORATION – AGREEMENT WITH NEW YORK STATE'S METROPOLITAN TRANSPORTATION AUTHORITY AND THE NEW YORK CITY TRANSIT AUTHORITY FOR THE USE OF VALUE-BASED METROCARD FARE MEDIUM AT THE TEMPORARY WORLD TRADE CENTER PATH STATION**

It was recommended that the Board authorize the President to enter into an agreement with New York State's Metropolitan Transportation Authority (MTA) and its subsidiary, the New York City Transit Authority (NYCT), to allow for the use of the value-based MetroCard fare medium at the temporary World Trade Center (WTC) Port Authority Trans-Hudson system (PATH) Station, for service on the PATH system, at an estimated cost of \$175,000.

On December 13, 2001, the Board authorized the Regional Fare Collection System Project (Regional Fare Project) in the amount of \$51 million. The Regional Fare Project includes the replacement and upgrade of the current PATH fare collection equipment to accept both the NYCT value-based MetroCard and a new interoperable smart card that could be used by other transit agencies in the region.

On March 20, 2003, the Board authorized an additional \$16.9 million in funding for the Regional Fare Project, for a total estimated Project cost of \$67.9 million. The Board also authorized the President of PATH to enter into an agreement with Cubic Transportation Systems, Inc. (Cubic) for the design, manufacture, delivery and installation of fare collection equipment and software at a negotiated price of \$37.1 million.

To ensure that the fare collection system is installed and operable in support of the re-opening of the temporary WTC PATH Station in November 2003, Cubic was instructed to proceed with an accelerated installation plan for that station. The fare collection capabilities for the accelerated temporary WTC PATH Station component of the project will be limited to the PATH QuickCard and the NYCT value-based MetroCard. Regional smart card functionality will continue to be developed for implementation at a later date with the installation of fare collection equipment at the other PATH stations. The cost of this agreement will come from the existing Regional Fare Project.

This agreement will allow for the use of the NYCT value-based MetroCard for entry into the PATH system at the temporary WTC PATH Station. A more comprehensive agreement is under development to allow for the sale of value-based MetroCards at PATH stations and additional services to be provided by NYCT in supporting the value-based MetroCard and regional smart card operation on the PATH system.

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

**RESOLVED**, that the President be and he hereby is authorized, for and on behalf of Port Authority Trans-Hudson Corporation (PATH), to enter into an agreement with New York State's Metropolitan Transportation Authority and the New York City Transit Authority to allow the use of the value-based MetroCard fare medium on the PATH rail system at the temporary World Trade Center PATH Station; and it is further

**RESOLVED**, that the form of the agreement shall be subject to the approval of Counsel or his authorized representative.

**JOURNAL SQUARE TRANSPORTATION CENTER – AKBAR AND ASSOCIATES, INC. d/b/a DELI PLUS – LEASE L-RR-115 – LEASE RENEWAL**

It was recommended that the Board authorize the President to enter into a supplemental lease agreement with Akbar and Associates, Inc. d/b/a Deli Plus (Akbar) to extend the term of the letting of retail space and a small storage area under its lease for the operation of a gourmet deli restaurant at the Journal Square Transportation Center for an approximate ten-year, two-month period commencing on January 1, 2004.

Akbar will pay an aggregate basic rental over the extended term of approximately \$1,074,400, including a two-month rent concession, and will also pay a percentage rental based on gross sales. Akbar will spend approximately \$300,000 on the renovation of its space. Port Authority Trans-Hudson Corporation will continue to have the right to terminate the letting on 30 days' notice, without cause, in which case it will be obligated to reimburse Akbar for its unamortized capital investment in the premises up to \$300,000, calculated on a straight-line basis over the extended lease term.

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

**RESOLVED**, that the President be and he hereby is authorized, for and on behalf of Port Authority Trans-Hudson Corporation, to enter into a supplemental lease agreement with Akbar and Associates, Inc. extending the term of the letting of retail space at the Journal Square Transportation Center, substantially in accordance with the terms and conditions outlined to the Board, or on such other terms and conditions as the President deems appropriate, subject to the conditions set forth in the following paragraph; and it is further

**RESOLVED**, that the Committee on Operations be and it hereby is authorized to approve the final terms and conditions of the foregoing agreement in the event the rental payment terms and/or the term of the letting are not substantially in accordance with the terms outlined to the Board; and it is further

**RESOLVED**, that the form of the agreement shall be subject to the approval of Counsel or his authorized representative.

**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 July 1, 2003 to July 31, 2003.

<b>CONTRACT NUMBER</b>	<b>CONTRACT TITLE FACILITY AND CONTRACTOR</b>	<b>TOTAL AUTHORIZED</b>	<b>TOTAL PAYMENTS</b>
PAT544	ROCK SLOPE STABILIZATION	224,009 (A)	224,009 (A)
	PORT AUTHORITY TRANS-HUDSON	568,000 (B)	299,277 (B)
	CORPORATION	400,000 (C)	220,815 (C)
	MARBELL, INC.	47,521 (D)	--0-- (D)
		5,782 (E)	5,782 (E)
		--0-- (F)	3,140 (F)
		1,245,312	753,023

(A) Lump Sum.

(B) Classified Work.

(C) Net Cost - amount in the "Total Authorized" column represents the authorized estimated net cost amount. However, the amount in the "Total Payments" column is the actual net cost amount paid.

(D) Extra Work.

(E) Premium for furnishing performance and payment bond as provided for in the contract.

(F) Increase in compensation pursuant to "Emergency Delays" clause, as provided for in the contract.

Whereupon, the meeting was adjourned.

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Vice-President