
Committee Meeting

of

ASSEMBLY TRANSPORTATION, PUBLIC WORKS, AND INDEPENDENT AUTHORITIES

“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; and testimony concerning the safety hazards and economic losses resulting from that closure”

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

DATE: November 25, 2013
10:00 a.m.

MEMBERS OF COMMITTEE PRESENT:

Assemblyman John S. Wisniewski, Chair
Assemblywoman Linda D. Stender, Vice Chair
Assemblywoman Marlene Caride
Assemblyman Upendra J. Chivukula
Assemblyman Thomas P. Giblin
Assemblyman Charles Mainor
Assemblyman Ruben J. Ramos Jr.
Assemblywoman Celeste M. Riley
Assemblyman John F. Amodeo
Assemblyman Scott Rudder
Assemblyman Brian E. Rumpf
Assemblyman David W. Wolfe



ALSO PRESENT:

Charles A. Buono Jr.
Patrick Brennan
Office of Legislative Services
Committee Aides

Jillian Dempsey
Assembly Majority
Committee Aide

Glen Beebe
Assembly Republican
Committee Aide

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

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ASSEMBLYMAN JOHN S. WISNIEWSKI (Chair):

Good morning, everyone. I'd like to call this meeting of the Assembly Transportation and Independent Authorities Committee meeting to order.

Our meetings are broadcast on the Internet, and so I just want to remind everyone who is very close to a microphone that what you say will be broadcast to more than just the folks in this meeting room. I would ask as a courtesy of members and those testifying that if you have a cell phone or pager that you switch it to vibrate or off.

And with that we'll we will take a roll.

MR. BUONO (Committee Aide): Assemblyman Rumpf.

ASSEMBLYMAN RUMPF: Here.

MR. BUONO: Assemblyman Amodeo.

ASSEMBLYMAN AMODEO: Here.

MR. BUONO: Assemblyman Rudder.

ASSEMBLYMAN RUDDER: Here.

MR. BUONO: Assemblyman Wolfe.

ASSEMBLYMAN WOLFE: Here.

MR. BUONO: Assemblyman Riley. (no response)

Assemblyman Ramos.

ASSEMBLYMAN RAMOS: Here.

MR. BUONO: Assemblyman Mainor. (no response)

Assemblyman Giblin.

ASSEMBLYMAN GIBLIN: Here.

MR. BUONO: Assemblyman Chivukula.

ASSEMBLYMAN CHIVUKULA: Here.

MR. BUONO: Assemblywoman Caride.

ASSEMBLYWOMAN CARIDE: Here.

MR. BUONO: Vice Chair Stender.

ASSEMBLYWOMAN STENDER: Here.

MR. BUONO: Chairman Wisniewski.

ASSEMBLYMAN WISNIEWSKI: Present. And we have a quorum.

We have an agenda of bills that we will consider and vote upon. The only change to that agenda is that Assembly Bill 2757 by Assemblywoman Quijano, concerning autonomous vehicles, will be for discussion only. The Committee will not take action on that bill today. So if you're here for that -- and that makes a difference -- I just wanted to let you know that up front.

The first order of business that we have for this morning is we've invited individuals from the Port Authority -- Executive Director Foye, Deputy Executive Director Baroni, and others -- to appear before this Committee to discuss the *lane closure* at the George Washington Bridge, as it's become known. It's an issue that has concerned not only me, but my colleagues in the State Senate and legislators from Bergen County -- about how those lanes could be closed, under what circumstances they were closed, the lack of notice to local officials, the process that was used, and so on.

The point of this Committee -- as I've said before when we discussed Port Authority issues -- is to try to understand how that issue came to pass and what we need to do legislatively to correct policy in the future so that those mistakes don't happen again in the future.

With that, I would like to-- We have invited Deputy Executive Director Bill Baroni; he is here. I would just like to note, prior to having him come up, Executive Director Foye had responded in correspondence and indicated that because of a scheduling conflict he would not be available to testify.

With that, Deputy Executive Director, would you like to come forward? I understand you have a few opening remarks.

If there is anyone else you would like to bring up with you--

WILLIAM E. BARONI, Jr.: (off mike) No, but Mr. Chairman, if you would just give me one second to say something.

ASSEMBLYMAN WISNIEWSKI: Sure.

MR. BARONI: Thank you, Mr. Chairman. Thank you for the opportunity to be here. Thank you to my colleagues, and my apologies to the people behind me on the left who are behind the chart. And I'm grateful for the opportunity, Chairman, to come here this morning and address the Committee and answer all of your questions.

In 2012, more than 102 million vehicles crossed the George Washington Bridge -- which connects Fort Lee, New Jersey and New York City. And it is the busiest bridge in the world. And more importantly, the George Washington Bridge is a vital lifeline for commuters, for visitors, and for regional commerce.

Due to the George Washington Bridge's heavy volume, drivers from more than 200 New Jersey municipalities who commute across the George Washington Bridge endure traffic delays nearly every day. This congestion not only wastes time for drivers, but also exacerbates air

pollution in Fort Lee, in Bergen County, in New York City, and undercuts the economic competitiveness of our region.

There are 12 lanes on the upper level of the George Washington Bridge -- toll lanes. However, beginning a number of years ago 3 of the 12 upper level lanes have been set aside every morning, from 6:00 a.m. to 10:00 a.m., for the exclusive use of Fort Lee local traffic. And, if I might show you what I'm talking about.

So this is the upper level here. (indicating)

ASSEMBLYMAN WISNIEWSKI: (off mike) Mr. Baroni, just turn on the microphone.

MR. BARONI: Yes, got it.

So this is the upper level of the Bridge; this is eastbound into New York. Upper level of the Bridge; this photo taken not during any sort of rush hour period. Fort Lee, George Washington Bridge Administration Building, eastbound.

On a weekday, this happens.

ASSEMBLYMAN WISNIEWSKI: When you say *this*--

MR. BARONI: I'll explain in a second.

ASSEMBLYMAN WISNIEWSKI: Okay.

MR. BARONI: I promise.

So these 12 lanes become 9 lanes and 3 lanes. So when we discuss the Fort Lee lanes -- I thought the visual would be helpful -- these are the 3 Fort Lee lanes. So Fort Lee local traffic enters the special entrance to the Bridge here. That arrangement enables Fort Lee residents to skip the general traffic backup at the George Washington Bridge. To create these special lanes, the Fort Lee lanes, the residents of Fort Lee --

which make up 4.5 percent of the average daily crossings of the George Washington Bridge measured by E-ZPass -- 4.5 percent -- Port Authority Police officers place traffic cones each morning where the red line is to segregate those 3 right-hand lanes from all other approaches.

The result: Twelve lanes; a quarter of those lanes are available to Fort Lee local traffic, and that local traffic-- And 75 percent of the lanes are for everybody else.

Well, the Port Authority is very sensitive to the effect traffic has on our host municipalities and, in Fort Lee's case, has provided more than \$15 million in relief over the last decade to mitigate these traffic impacts. None of the other Port Authority crossings -- the Lincoln Tunnel in Weehawken, the Holland Tunnel in Jersey City, the Bayonne Bridge in Bayonne, the Goethals in Elizabeth, and the Outerbridge Crossing in Perth Amboy -- provide segregated lanes for local traffic.

Of greater concern is, whenever these lanes were first created, there's no one able, who I could find, to identify any traffic study or analysis done at that time before creating these segregated lanes prior to their implementation; nor were any other municipalities in Bergen County or anywhere else consulted that anybody can find.

In August 2013, following multiple conversations with members of the Port Authority Police regarding traffic conditions at the George Washington Bridge, Port Authority Director of Interstate Capital Projects David Wildstein met with Port Authority staff in Engineering, Traffic Engineering, and the Department of Tunnels, Bridges, and Terminals to review the situation. Following those meetings, Mr. Wildstein asked the Office of the Chief Engineer to formulate options to determine

whether the Fort Lee lanes were causing a clear and marked increase in Bridge traffic for the 95 percent of drivers who live in other areas of Bergen and Passaic counties, and across the state. Based on the options presented by the Port Authority's Chief Engineer, on September 5, Mr. Wildstein requested that a one-week study be conducted beginning on Monday, September 9.

On September 6, the Director of TB&T and the General Manager of the Bridge were informed of the study and instructed to coordinate their respective traffic staffs' efforts to analyze the resultant traffic flow. It was also determined that signs would need to be changed for the duration of the study -- one at Bruce Reynolds Boulevard and Hoyt Avenue; one at the Hudson Street median just north of the Bruce Reynolds; and one at Martha Washington Way. These signs, which depict lane usage approaching the upper level toll plaza, were to be covered by facility maintenance. George Washington Bridge staff also notified the Port Authority Police Department, whose officers moved the traffic cones on the morning of September 9.

At all times during the week of the study, the Port Authority Police Department monitored traffic on the George Washington Bridge. They were alert for emergency vehicles in the area, and prepared to further alter traffic patterns in the event of an emergency.

While the impact of the Fort Lee lanes on eastbound traffic of the George Washington Bridge is a critically important issue that deserves review and analysis, the Port Authority recognizes the need to conduct that review in a more open and transparent manner. The Port Authority's ability to fulfill its mission of meeting the region's

transportation infrastructure needs depends on the close cooperation of agency leadership internally, and with our community stakeholders externally.

In this instance, the Port Authority did not provide timely notice of the lane closure to the Fort Lee Police Department, nor secure the complete buy-in from the entire agency before proceeding. These communications breakdowns are not consistent with the Port Authority's commitment to transparency, and we must -- and we will -- do better.

Accordingly, I am proposing the following policies, which would require the Executive Director and the Deputy Executive Director to affirmatively approve any nonemergency permanent change or study of a permanent change of a lane configuration. Those changes-- A monthly report of any approved changes would be forwarded to the Operations Committee of the Board. And with the obvious exception of emergency situations, the Port Authority would provide two weeks notice to local municipalities.

During the course of the week -- and obviously the week-long review was shortened first on Monday by an accident on the Cross Bronx Expressway and then on Friday by the Executive Director stopping the project -- we only have two days of data in which to look at the effects of the changing of the special lanes. The General Manager of the Bridge noticed on Tuesday, September 10, that the I-95 approaches -- the non-special lane approaches -- had cleared by 8:30 a.m. On Tuesday, September 10, for traffic originating on the I-95 express lanes, there was an average reduction of travel time within the last mile-and-a-half of about 4 minutes and a reduction of 47 percent; for traffic originating on the local lanes, an

average of close to 3 minutes and a reduction of 40 percent within the last mile. And that doesn't include the entire backup; that's just the last mile-and-a-half. And on Wednesday, September 11, similar numbers: 52 percent and 43 percent.

That being said, Mr. Chairman, there is no doubt -- and you know and I know; we've both done transportation in our careers -- two days of data is not enough to make any conclusions. But generally speaking it is fair to say that the analysis that took place -- is for the 95 percent of the people who don't come from Fort Lee, their commute was reduced; while at the same time one must also say that for the people who do use the special Fort Lee lanes, their commute was extended.

This study of these preliminary findings of reducing the Fort Lee lanes from three to one and expanding the lanes for everyone else did result in a reduction for 95 percent -- approximately -- of the morning traffic. This issue is clearly an issue of regional significance. It is clearly an issue that people need to discuss, and there are policy reasons on either side.

And I'm here to answer your questions about those policy questions. We must include this Legislature, and we must include members in that discussion.

The Port Authority has learned a valuable lesson from the events of September 2013. We will do everything in our power to be more open, inclusive, and transparent as we go forward.

Mr. Chairman, I know the real reason for my appearance here. I'm here to answer your questions.

ASSEMBLYMAN WISNIEWSKI: Thank you, Mr. Baroni. Thank you for appearing here today and offering that opening statement and the presentation you did.

Just going back to the graphic you presented.

MR. BARONI: Yes, sir.

ASSEMBLYMAN WISNIEWSKI: So your testimony is that under normal circumstances, where the red lines are, there are cones. Under normal circumstances there are three lanes that allow that roadway at the bottom of that photograph to enter into the bridge traffic, correct?

MR. BARONI: Yes. If I might, Chairman, I'll stand up again.

So just during the week, there has been a request -- but just during the week is when this happens. Every weekday morning Port Authority Police officers leave their roles doing police work and they come and they put cones here. They put cones on this line creating a wall, essentially, of cones here that forces -- that allows Fort Lee local traffic to have special access to the Bridge here. Everybody else who is using the upper level -- and that is people coming from 95, from 80, local and express, 46 and 4 -- they are forced to squeeze in. So they're forced to squeeze in.

Now also you have buses -- and this picture, of course, is not taken at the time of rush hour -- but they have buses. Now, 100 percent of trucks -- 100 percent -- have to squeeze into the nine lanes. So they are forced closer together.

ASSEMBLYMAN WISNIEWSKI: I got that part.

MR. BARONI: Right. And now buses also-- And then every vehicle that's coming from any other place than the local lanes -- the

special lanes -- are forced from this and they're forced, they're pinched into here. So by way of statistics, there's about 105,000 -- and I can give you the exact number in a second -- there's about 105,000 regular, E-ZPass tag holders that on a regular basis use the George Washington Bridge; about 105,000. About 4,800 -- so about 4.5 percent of drivers -- go in this way and 95 percent of drivers go in that way. So essentially the math is not hard--

ASSEMBLYMAN WISNIEWSKI: Bill, I got that, and you said that already.

MR. BARONI: Okay.

ASSEMBLYMAN WISNIEWSKI: I just want to make sure I understand. So the distinction is, is that the so-called *special lanes* for Fort Lee--

MR. BARONI: They are.

ASSEMBLYMAN WISNIEWSKI: --are where that line goes.

MR. BARONI: Yes, sir.

ASSEMBLYMAN WISNIEWSKI: There are three lanes that are segregated off.

MR. BARONI: Right, correct.

ASSEMBLYMAN WISNIEWSKI: If the cones aren't there, just from what I can see here, it looks like if you're turning onto that highway from Fort Lee -- it looks like the striped area, right above where your hand is now, extends out about a lane-and-a-half.

MR. BARONI: Well, actually, because the stripe is there to sort of facilitate the lanes, right? So if you had cones here, and didn't have special lanes, this traffic here would flow into the Bridge.

ASSEMBLYMAN WISNIEWSKI: I understand.

That's not my question, though. My question is just if that road that comes out of Fort Lee--

MR. BARONI: Yes, that special road.

ASSEMBLYMAN WISNIEWSKI: --where it Ts and makes the right -- there's a crosshatching right there.

MR. BARONI: It's been put there now, yes.

ASSEMBLYMAN WISNIEWSKI: All right, well--

MR. BARONI: It's not-- I mean, it's paint.

ASSEMBLYMAN WISNIEWSKI: Right, I understand that. It's paint. But to the left of that there's a lane that comes on.

MR. BARONI: Correct. Oh, excellent point.

ASSEMBLYMAN WISNIEWSKI: That lane is coming from where?

MR. BARONI: Forgive me-- It's either coming from 46 or 4. I know Assemblyman Johnson is here and maybe he could help us. But it's another great example, Chairman; this is actually very helpful. You have traffic here, right? So you have traffic coming in this way. As opposed to going straight, they have to go like that. So this traffic is also pinching, right? Part of this is buses in the morning--

ASSEMBLYMAN WISNIEWSKI: I guess my observation, at least from the photograph you have there, is that traffic is already being diverted to the left.

MR. BARONI: Because it has to be.

ASSEMBLYMAN WISNIEWSKI: Well, because--

MR. BARONI: This exists because of the special lane. If it exists--

ASSEMBLYMAN WISNIEWSKI: With or without the cones, my understanding of traffic rules is you're not supposed to drive across that crosshatching.

MR. BARONI: Yes, but if didn't have this special lane for Fort Lee, you wouldn't have to do it.

ASSEMBLYMAN WISNIEWSKI: So my question-- My simple question is -- because that's-- I don't have benefit--

MR. BARONI: But you have the map; I didn't make the map.

ASSEMBLYMAN WISNIEWSKI: I know you didn't; it's a photograph, and I don't have benefit of up close, so I'm just looking at it from a distance. It looks as though that crosshatching goes out about a lane to a lane-and-a-half.

MR. BARONI: Yes, vaguely like that. But if you didn't have the three lanes-- And look, the fact of the matter is that part of the review is to analyze these very questions -- which (indiscernible).

ASSEMBLYMAN WISNIEWSKI: I just want to understand the geography. So currently, from what I can see, is if you didn't put cones up and drivers observed the lane markings--

MR. BARONI: Well, again, if you didn't have to put cones up you'd have to change the lane markings -- but, okay; I get it.

ASSEMBLYMAN WISNIEWSKI: Well, the lane markings are the lane markings. Somebody painted them on the pavement at some point in time.

MR. BARONI: They didn't come down from Sinai; they were painted on the street.

ASSEMBLYMAN WISNIEWSKI: Right. But that's not-- We're not talking about those being painted as part of this review.

MR. BARONI: Oh, no, that's correct.

ASSEMBLYMAN WISNIEWSKI: They preexist whatever traffic study we did.

And so those were there, and if people are supposed to follow traffic, they're already diverting to the left -- at least the lane width, maybe a lane-and-a-half width.

MR. BARONI: Right. And then again, I take your point. But again, all of that gets exacerbated by this.

ASSEMBLYMAN WISNIEWSKI: So are you proposing that if-- I guess the argument that's being made -- at least, as I understand your testimony -- that these three lanes benefit a very small number of people, and the majority of people are inconvenienced by it.

MR. BARONI: Well, if I may sit down.

Again, I think you hit it right on the nose, is that-- But I'm not -- I'm (indiscernible) proposing, but just looking at the numbers for a second. I know there are policy questions, but just looking at the numbers, if I might. So approximately -- give me one second, I'll give you exact numbers--

ASSEMBLYMAN WISNIEWSKI: Well, the percentages are fine, and I understand--

MR. BARONI: No, the numbers-- So 4,800 eastbound vehicles from Fort Lee; 45,000 eastbound from the rest of Bergen County.

ASSEMBLYMAN WISNIEWSKI: And I know you made the point, and you certainly wouldn't have provided those numbers if you weren't trying to make a point. And I want to make sure I understand your point, if your point is that this three-lane, two-lane, one-lane turn on from Fort Lee services a smaller number of vehicles than the remaining lanes. That's a point you made in your testimony, correct?

MR. BARONI: Purely mathematical -- without any editorializing.

ASSEMBLYMAN WISNIEWSKI: I just want to make sure I understand the point you made.

MR. BARONI: Sure. If you're asking me--

ASSEMBLYMAN WISNIEWSKI: So my question for you, based on that, is because you're saying that these vehicles have to be diverted to the left--

MR. BARONI: Oh, you're talking everybody else.

ASSEMBLYMAN WISNIEWSKI: Right.

MR. BARONI: Trucks, buses, and everybody else.

ASSEMBLYMAN WISNIEWSKI: Everybody else has to be diverted to the left.

MR. BARONI: Correct.

ASSEMBLYMAN WISNIEWSKI: So is the thought that you're going to remove that crosshatching and lane striping that diverts traffic to the left?

MR. BARONI: Again, because we only-- This was only a preliminary review. And it took the Fort Lee special lanes from three to one. It didn't eliminate them; it took it from three to one. And, therefore, the result for the rest of the traffic was a reduction. But, at the time -- if we're being honest with each other -- it also resulted in an increase in traffic in Fort Lee. And that points to the basic question, right? It points to the question of: Is it fair that one community with 4.5 percent of the users has direct lanes in the Bridge; where every other community, with the exception -- Assemblyman Amodeo, forgive me -- every one of you on this Committee has people in your communities who sit in longer traffic every day because of the special lanes for Fort Lee.

Now, that is a policy question. It may be something this Committee thinks is a good idea. But I have to tell you, I wouldn't be doing my job with the Port Authority if we didn't, at least, ask the question. And yes, it's been there for a long time. But how do you not ask the question: Is it fair that 95 percent of users have to sit in longer traffic? We don't do it anywhere else. Assemblyman Ramos, we don't have special lanes into the Lincoln Tunnel for people from Hoboken. And Mr. Chairman, there are no special lanes from your town of Perth Amboy into the Outerbridge.

Now, I have to tell you--

ASSEMBLYMAN WISNIEWSKI: There are only two lanes on the Outerbridge; there are not 12.

MR. BARONI: Right. And in this case, that would be taking 50 percent; this is taking a quarter.

ASSEMBLYMAN WISNIEWSKI: I don't think you can make the analogy from--

MR. BARONI: What's fair to say is that you can't make this analogy to any other bridge in New Jersey. You can't.

ASSEMBLYMAN WISNIEWSKI: I understand. You've amply made your point.

MR. BARONI: Good.

ASSEMBLYMAN WISNIEWSKI: You've amply made your point -- not that I agree with your point, but you've amply made your point.

MR. BARONI: I understand.

ASSEMBLYMAN WISNIEWSKI: But I still want to go back--

MR. BARONI: But do you agree with the point? Do you agree with the point -- this is fair? Is it fair or not?

ASSEMBLYMAN WISNIEWSKI: Can you tell me for certain -- because you keep saying that 4.5-- I think your number is 4.5 percent of the users are from Fort Lee.

MR. BARONI: No, that's not what I said. Oh, yes, I'm sorry. That is what I said -- 4,839. The last count -- I mean, the numbers obviously -- people have E-ZPass--

ASSEMBLYMAN WISNIEWSKI: Can we agree, Bill, that it's about 4.5 percent?

MR. BARONI: Yes.

ASSEMBLYMAN WISNIEWSKI: Okay. So my question is, is how do you know they are all from Fort Lee?

MR. BARONI: Because that's where their addresses-- There's E-ZPass. We know exactly where they're from.

ASSEMBLYMAN WISNIEWSKI: So everybody going on that roadway, through that entrance, is using E-ZPass and only E-ZPass?

MR. BARONI: No, actually there are more people going through there; but the only ones we know for certain where they come from are E-ZPass. So if somebody comes through with cash we don't say, "Where's this money coming from?"

ASSEMBLYMAN WISNIEWSKI: Why not?

MR. BARONI: Listen, if you want us to start asking cash people about-- You want to talk about distracted driving--

ASSEMBLYMAN WISNIEWSKI: My point is -- so that your 4.5 percent is based on E-ZPass use, not based on total use.

MR. BARONI: Oh, no, but the numbers would get-- I mean, if you did non-E-ZPass-- First of all, you don't have geography--

ASSEMBLYMAN WISNIEWSKI: So how many vehicles -- if you could do a percentage -- how many vehicles of the total throughput are using those lanes, as opposed to just E-ZPass customers?

MR. BARONI: I believe it's two and one -- cash and E-ZPass -- of the three lanes we're talking about. But cash--

ASSEMBLYMAN WISNIEWSKI: When you say two and one--

MR. BARONI: Two E-ZPass and one cash.

ASSEMBLYMAN WISNIEWSKI: So there could be a third more cash going through those lanes that you don't have any origin for.

MR. BARONI: We do know their origin because they're coming from the special lanes. So if you're making-- And there have been times--

ASSEMBLYMAN WISNIEWSKI: I'm not sure that everybody getting on those Fort Lee lanes is coming from Fort Lee. I would venture a guess that people engage in traffic arbitrage every day and they figure out the shortest way to get where they're going.

MR. BARONI: There actually are times where you can make (indiscernible); it's not every day. But there are times the Fort Lee Police Department actually closes parts of the Borough. So if you're coming off of Route 46, for example -- Assemblywoman Caride's people coming from south Bergen who are coming across 46 -- there are times they can't get into Fort Lee and they actually close the lanes off. So that's true. You can make the same point about the other percentage, right? You can make the same point about-- There could be more numbers going into those three lanes, but the same thing is-- The count here--

ASSEMBLYMAN WISNIEWSKI: You haven't provided those numbers--

MR. BARONI: I did.

Well, I provided you the E-ZPass numbers.

ASSEMBLYMAN WISNIEWSKI: Right. No, you haven't provided the non-E-ZPass numbers.

MR. BARONI: Oh, let's do that. I'd be happy to do that.

ASSEMBLYMAN WISNIEWSKI: So-- Hold on, you still haven't answered the question.

MR. BARONI: So--

ASSEMBLYMAN WISNIEWSKI: No, that wasn't my question.

MR. BARONI: Well, look, you can't get the address of somebody who uses cash. But about 80 -- high-80 percent -- 87 percent or so of the George Washington Bridge users use E-ZPass. So it's a statistically overwhelming number. And statistically--

ASSEMBLYMAN WISNIEWSKI: My question wasn't can you get the address of people who are paying cash. My question simply was: The numbers that you're using are based on E-ZPass transactions and not on cash transactions.

MR. BARONI: Correct -- E-ZPass users.

ASSEMBLYMAN WISNIEWSKI: Exactly. I mean, you're not measuring people who aren't going through the Bridge -- so they're transactions.

MR. BARONI: Chairman, it's fair to say that-- Let's say it's not 4.5; let's say it's double that. Let's say my numbers are off by double and it's 9 percent. So it's 9 percent who are from Fort Lee. Are you arguing that that's fair? Is anybody going to argue this is fair?

ASSEMBLYMAN WISNIEWSKI: What percentage of the footprint of the George Washington Bridge is in Fort Lee?

MR. BARONI: Well, theoretically half, because half is in New York.

ASSEMBLYMAN WISNIEWSKI: But the only town in New Jersey that is home to the half that is in New Jersey--

MR. BARONI: Yes, it is exactly the same, as you know, as Perth Amboy at the Outerbridge, Elizabeth at the Goethals, Bayonne with the Bayonne, Jersey City with the Holland, Weehawken with the Lincoln. Each of our six facilities -- each of our six crossings has a host municipality. Now, the other side of it is New York City, obviously; because that's where we are, but -- correct. And the only one of those six that has the special lanes is Fort Lee.

Now, again, let me be very clear. This is a fair discussion. And I think it's an important discussion about whether or not people-- Mr. Chairman, to be honest with you, your hometown -- 42 of your neighbors in Sayreville are in the pool that's in the -- they're waiting in longer lines. Maybe that's okay, but-- And let me tell you--

ASSEMBLYMAN WISNIEWSKI: I understand your point.

MR. BARONI: I wouldn't go-- When I was in the Senate I wouldn't have gone back to my constituents and say that was fair.

ASSEMBLYMAN WISNIEWSKI: Bill, I understand your point.

MR. BARONI: Good.

ASSEMBLYMAN WISNIEWSKI: The question that we are trying to get to the bottom of is: I'm looking at a letter from Mayor Sokolich -- how he was not notified.

MR. BARONI: Yes, and I--

ASSEMBLYMAN WISNIEWSKI: And a mayor of a community-- I mean, the relations between the Port Authority and Fort Lee are not brand new. The Bridge has been there as long as Fort Lee has been there.

MR. BARONI: Well, I think Fort Lee has been there physically longer than the Bridge

ASSEMBLYMAN WISNIEWSKI: And so my question is that how-- Is this the first time that the Port Authority has decided to make traffic changes on the roadway and not notify the local officials?

MR. BARONI: Well, again, I don't know the causation of the original special lane creation. I'm not sure anybody -- certainly, nobody can remember it. But you raised a point about communications, Chairman. And I've said I want to be as clear as possible. Communication with the Fort Lee Police Department and communication within the Port Authority was lacking. And it should not have happened and it will be fixed.

However -- I'm not finished -- you raise a great point about Fort Lee, and you're right. It is the host municipality for the George Washington Bridge. And over the years -- many, including the years I've been at the Port Authority -- we have built a good relationship with Mayor Sokolich. I personally built a good relationship with Mark. In the preceding years, as I said before, the Port Authority has spent \$15 million to help Fort Lee pave local roads. We've paid \$700,000 for snow plowing. We've paid \$160,000 for shuttle buses. I've personally delivered first responder checks, vehicles for the town to do striping. It's similar to what

we do for all of our host municipalities, in different ways. This communication didn't work, Mr. Chairman. You're absolutely right.

ASSEMBLYMAN WISNIEWSKI: So how did it not work? Who was responsible for making-- Somebody at some point in time made a phone call and said, "Close those lanes." Who was it?

MR. BARONI: Well, I think, to go back to my opening remarks, at some point in late July members of the Port Authority Police Department approached the Director of Capital Interstate Projects, David Wildstein, and--

ASSEMBLYMAN WISNIEWSKI: No, I have your testimony, and I know the chronology.

MR. BARONI: Okay.

ASSEMBLYMAN WISNIEWSKI: And at some point in time this was implemented. There was a day and week--

MR. BARONI: Yes, as I said in my opening remarks, based on the options presented by the Port Authority Chief Engineer--

ASSEMBLYMAN WISNIEWSKI: So who made the decision to put the cones out and tell the police officers--

MR. BARONI: The police officers who put the cones out.

ASSEMBLYMAN WISNIEWSKI: Who told them to put the cones out?

MR. BARONI: On September 5, Mr. Wildstein requested a one-week study be conducted. And then that began-- It was conducted the following week. And that began that Monday morning. And TB&T and the Bridge folks and the Port Authority Police Department

began putting the cones out. And opposed to creating a three-lane special lane for Fort Lee, it was a one-lane special lane for Fort Lee.

ASSEMBLYMAN WISNIEWSKI: We understand that.

MR. BARONI: Okay, so that's what happened.

ASSEMBLYMAN WISNIEWSKI: So it was Mr. Wildstein who made the call?

MR. BARONI: Yes, that's exactly-- As I said before, that is exactly what happened. The Port Authority Police spoke to Mr. Wildstein; he spoke to people in Engineering, Traffic Engineering, TB&T. There were options presented. Mr. Wildstein requested that the study begin on that Monday, and it was begun.

ASSEMBLYMAN WISNIEWSKI: So he has the authority -- or at least, up until now -- had the authority to call the police and have those cones moved?

MR. BARONI: He didn't call the police to have the cones moved.

ASSEMBLYMAN WISNIEWSKI: He called somebody to have them--

MR. BARONI: He discussed it with the Chief Engineer after reviewing a series of options. And yes, Mr. Wildstein requested a test be run.

ASSEMBLYMAN WISNIEWSKI: And so he made the request to whom?

MR. BARONI: He asked-- I read it to you -- the Chief Engineer.

ASSEMBLYMAN WISNIEWSKI: And the Chief Engineer then-- Who called the police to have the cones moved?

MR. BARONI: I don't know specifically which staff person called who. But as I've said before, Mr. Wildstein requested the test begun on that morning.

ASSEMBLYMAN WISNIEWSKI: So it was his call to make that -- to have those cones moved?

MR. BARONI: Again, Mr. Wildstein is not out there moving cones. There were a number of people in traffic--

ASSEMBLYMAN WISNIEWSKI: Bill, look -- I don't want to get into-- The question is really simple. Mr. Wildstein made a decision to do a traffic study. The cones got moved. How do you go from the decision to do a traffic study to actually implementing it? What are the steps between somebody sitting in an office somewhere making the decision and it actually being implemented? And why, in that process on this occasion, was no one else notified on the local level?

MR. BARONI: Well, the discussion--

ASSEMBLYMAN WISNIEWSKI: Walk me through the process.

MR. BARONI: I don't know exactly who called who; when it comes to the specific, who tells what to whom. But as I've said, the communication within the agency, including to the Executive Director, and outside the agency to the Police Chief in Fort Lee, was unacceptable. And it is clearly something that should have been better. And those steps should have been followed. But at the core-- Your question is what and why. What: there was not a level of communication that there should have been.

I will not say otherwise. However, the policy question behind whether or not one community should have three lanes-- When I see my former colleague Assemblyman Rumana, who represents the western part of Bergen County, and a significant number--

ASSEMBLYMAN WISNIEWSKI: Bill, I understand that you would like to make this a question -- or this a discussion about the policy choice between three lanes or one lane for Fort Lee. Understand that you've made that abundantly clear. We want to know how it happened, what's the-- It seems to me that the Port Authority coming here today, represented by yourselves, saying that, "We admit the communications were bad and it's never going to happen again," is, quite frankly from my perspective, a little late and not enough -- because without knowing how this can happen, it certainly can happen again.

And when I ask a specific question about how does it get from Wildstein to implementation, you get into this fog of, "Well, somebody made a call, and something happened." I'm interested in knowing if Mr. Wildstein made the decision to have that implemented, and what are the steps that he or anybody else who occupies that office has to take to actually have some police officer physically go out and move those cones. Can you answer that question?

MR. BARONI: So again, I'm not exactly sure what the whole question was, but I'll answer as best I can.

So once it became abundantly clear that the question of the fairness of these lanes was a relevant question, Mr. Wildstein discussed the issue with Engineering, Traffic Engineering, and TB&T. And then there were options presented and he made the decision, on September 5, to

request that the study be commenced the following Monday. So the Engineering folks -- I don't know exactly who it was -- discussed it with the Operations people at the Bridge -- and I don't know exactly which specific person -- but then that would be implemented that Monday morning. They were implementing a decision that was made, and regardless-- Look, regardless of who told what to whom-- All along I've been asked, "Who made the decision and why?" Well, I've told you. I've told you how the decision was made and now I've told you why it was made.

Now, I understand, Chairman, your point about you think it's not enough. Which is why, in my opening remarks -- going forward, these kinds of changes are going to require a number of things, including dual state sign-off at the Executive level, notification to the board's Operations Committee, and formal notification-- I'm not talking about emergencies and construction (*sic*) and things -- permanent construction -- will be notified in the town.

Mr. Chairman, I am not going to sit here and defend the lack of communication. It did not live up to the standards that it should have. All I can tell you is we have a protocol in place to go forward, but -- and I know you don't want to hear it, Chairman--

ASSEMBLYMAN WISNIEWSKI: I'll hear anything you have to say.

MR. BARONI: --there is a policy question that's presented. And I question you, respectfully, and everyone here--

ASSEMBLYMAN WISNIEWSKI: I understand.

MR. BARONI: --is this fair?

ASSEMBLYMAN WISNIEWSKI: I understand.

MR. BARONI: And if it's not fair, how do you not study it?

ASSEMBLYMAN WISNIEWSKI: I understand your point.

MR. BARONI: And I know you don't agree with it.

ASSEMBLYMAN WISNIEWSKI: No, I haven't taken an opinion on it. I wanted to hear from the Port Authority as to how something like this can happen.

MR. BARONI: And I told you.

ASSEMBLYMAN WISNIEWSKI: The three-lane closure, or the three-lane--

MR. BARONI: It was not a closure.

ASSEMBLYMAN WISNIEWSKI: --or the three-lane access for Fort Lee--

MR. BARONI: The special lanes were reduced.

ASSEMBLYMAN WISNIEWSKI: --started when?

MR. BARONI: Monday morning.

ASSEMBLYMAN WISNIEWSKI: No, no, no, no. The three lanes that are reserved under normal circumstances for Fort Lee; that started in May of this year? That started in--?

MR. BARONI: Oh, goodness, no. It's gone on for some time.

ASSEMBLYMAN WISNIEWSKI: A year?

MR. BARONI: Oh, no -- a number of years. No one can find-- There's no Memorandum of Understanding that anybody could

find; there was no previous traffic study that was done under Mayor Alter or someone prior to him. It's just been there.

ASSEMBLYMAN WISNIEWSKI: So why September? I mean, this has existed for years. Why now, why September, what transpired to have somebody say, "You know, we ought to look at having less lanes for Fort Lee"?

MR. BARONI: Well, as I said in my opening remarks, at some point in late July members of the Port Authority Police spoke to David Wildstein. So it was triggered by a conversation in late July.

You raise a great question, Mr. Chairman -- that is, why did it take so long for someone to raise this question? You know, I sat here for four years with you, and six years in the Legislature -- nobody ever raised the question. Nobody ever said, "Wait a second. People from Sayreville and people from Fanwood are sitting in more traffic." I was not brought to the Port Authority to say, "All right, well, it's always been that way; let's keep it that way."

ASSEMBLYMAN WISNIEWSKI: Well, how long have you been at the Port Authority?

MR. BARONI: About three-and-a-half -- close to four years. I came in relatively soon after Governor Christie was elected.

ASSEMBLYMAN WISNIEWSKI: So it took you three-and-a-half years to get to this conclusion?

MR. BARONI: Well, there's not a conclusion. But, Chairman, I'm with you. I don't understand why this Committee, why the Port Authority, my predecessors, me -- I don't know why anybody didn't question it.

ASSEMBLYMAN WISNIEWSKI: So who were these police officers who raised the issue that, “We ought to look at this?”

MR. BARONI: The leadership of the Port Authority Police.

ASSEMBLYMAN WISNIEWSKI: Names?

MR. BARONI: Paul Nunziato, the President of the Port Authority PBA; Mike DeFilippis, the delegate who worked at the George Washington Bridge.

ASSEMBLYMAN WISNIEWSKI: So the head of the Port Authority PBA raised this as an issue?

MR. BARONI: That’s correct, that’s correct.

ASSEMBLYMAN WISNIEWSKI: And that’s his responsibility to-- I mean, he has a traffic mitigation responsibility? I mean, it just seems like an unusual--

MR. BARONI: I don’t think there’s any way--

ASSEMBLYMAN WISNIEWSKI: --name to raise.

MR. BARONI: Two things: I don’t think there’s anything unusual about people who represent police officers talking about traffic safety; and second, given the fact that one of the two people has actually worked the Bridge, I don’t think it’s unusual at all. But it’s interesting, and I’m sorry that my friend and colleague Assemblyman Giblin had to step out, because at some point earlier this year Assemblyman Giblin raised a question to the leadership of the Port Authority PBA -- the same people -- about the Lincoln Tunnel and the bus terminal. And the leadership came to David Wildstein and raised the issue of traffic there. And because of that, we went out and found bus parking in areas around

Manhattan because of something your colleague, Assemblyman Giblin, went to the same very people who raised this issue. So of course police officers raise traffic concerns.

ASSEMBLYMAN WISNIEWSKI: So this traffic concern that was raised by these officers -- is it reduced to writing? Is there an internal memorandum?

MR. BARONI: No, no.

ASSEMBLYMAN WISNIEWSKI: So just an informal conversation, "Hey, you ought to look at this?"

MR. BARONI: I was not there, but that's what I understand.

ASSEMBLYMAN WISNIEWSKI: Okay, and that's the normal procedure for diverting lanes of traffic? It starts with an informal conversation?

MR. BARONI: I think when-- Here's a question: You get this information from police officers. They say, "You know what? You really--" "This could be -- could be--" "You should come look at this." How do I not? How do I not look at it?

ASSEMBLYMAN WISNIEWSKI: That wasn't my question. I wasn't asking you whether you look at it or not. My question was: How did the information get generated?

MR. BARONI: I've told you--

ASSEMBLYMAN WISNIEWSKI: You told me there's no memo, there's no-- Nothing in writing; it's just a verbal conversation from two police officers.

MR. BARONI: Yes.

ASSEMBLYMAN WISNIEWSKI: And that conversation happened in the summer?

MR. BARONI: At some point, yes.

ASSEMBLYMAN WISNIEWSKI: Some point in the summer. It never happened before; and nobody else has ever raised this issue?

MR. BARONI: Let me tell you, I agree with you, Chairman. The fact that no one ever paid attention to this and no legislator -- including me when I was here -- no one ever raised this question-- And, again, it's a policy question.

ASSEMBLYMAN WISNIEWSKI: I understand the policy question. I understand--

MR. BARONI: It's a fair policy question.

ASSEMBLYMAN WISNIEWSKI: I understand the policy question. We're trying to get into how it could happen--

MR. BARONI: I've told you.

ASSEMBLYMAN WISNIEWSKI: We could get into the policy question after the fact, but we wanted to understand--

MR. BARONI: But the policy question led to--

ASSEMBLYMAN WISNIEWSKI: I was at a Port Authority meeting last week, and your statement to the press was, "The matter is under review." And I'm just a little mystified why you couldn't have said any of this at the Port Authority meeting last week.

MR. BARONI: The opportunity to spend time with you, Chairman, at your Committee was too wonderful to pass up. (laughter)

ASSEMBLYMAN WISNIEWSKI: You're too gracious.

So this was a traffic study. How were the counts conducted?

MR. BARONI: Well, throughout the region, as you know, Chairman, there are -- and I'm not a--

ASSEMBLYMAN WISNIEWSKI: Well, it's just a simple question, Bill. I'm sorry; I don't want to cut you off, but how were the counts conducted?

MR. BARONI: I'll tell you.

ASSEMBLYMAN WISNIEWSKI: Was it an engineering firm that came in and put strips down--

MR. BARONI: It doesn't work that way.

ASSEMBLYMAN WISNIEWSKI: How were they done?

MR. BARONI: There are readers throughout the region -- not just leading up to the George Washington Bridge -- that read the pace of E-ZPass. So it doesn't read John's or Bill's, it just reads the fact that there are tags. And they are throughout the region; in fact, at the next Port Authority Board meeting, the Board is going to be asked to approve 62 more to further expand the network throughout the region. For example, when you drive up the New Jersey Turnpike, and you're right by IKEA in Elizabeth, and you look up -- there's a sign that says "Lincoln Tunnel, *this* long to get there; Holland Tunnel, *this* long to get there." That count -- that number that's on that board -- is done by these readers. So the traffic engineering reads these readers and is able to make determination of how long it takes a particular tag -- again, not one of every human--

ASSEMBLYMAN WISNIEWSKI: Okay.

MR. BARONI: Not Big Brother human, but-- So the measurement of the time, in the limited data that we had, was done based on an analysis of those readers.

ASSEMBLYMAN WISNIEWSKI: So where are the readers on the--

MR. BARONI: I don't know the name of the--

ASSEMBLYMAN WISNIEWSKI: Are there readers on that road leading into the-- What is it? Turn your microphone on, and just--

UNIDENTIFIED MEMBER OF AUDIENCE: I think that road is called Martha Washington Way -- that leads into the George Washington Bridge.

MR. BARONI: Which one?

ASSEMBLYMAN WISNIEWSKI: The road that's coming up--

UNIDENTIFIED MEMBER OF AUDIENCE: The bottom right side of the photograph.

MR. BARONI: Yes, that's Martha Washington -- correct,

ASSEMBLYMAN WISNIEWSKI: Are there readers on Martha Washington?

MR. BARONI: I don't know the answer to that.

ASSEMBLYMAN WISNIEWSKI: Okay. We'd like to know because, obviously, the fundamental underpinning of the whole argument you're making is, how are these counts done?

MR. BARONI: Yes, absolutely.

ASSEMBLYMAN WISNIEWSKI: And so am I correct then in understanding that because this was relied upon using in-house technology -- counters, readers, whatever you may call them -- there was not an outside engineering firm involved in performing this study?

MR. BARONI: Correct.

ASSEMBLYMAN WISNIEWSKI: Okay, so this was done by in-house--

MR. BARONI: We have an entire Traffic Engineering Department.

ASSEMBLYMAN WISNIEWSKI: I'm sure you do, but a lot of times agencies also have outside consultants, and I just wanted to make sure. So there was no outside engineering firm consultant involved in this?

MR. BARONI: Correct.

ASSEMBLYMAN WISNIEWSKI: This was done by your in-house engineering staff?

MR. BARONI: Again, I don't know who the folks are, but yes. The numbers came from them.

ASSEMBLYMAN WISNIEWSKI: There are people at the Port Authority who assemble this data?

MR. BARONI: Yes; just look at the numbers.

ASSEMBLYMAN WISNIEWSKI: So there is a report that exists?

MR. BARONI: No. Because the week was cut short and it was never completed. So that's why I said in my opening remarks these numbers are--

ASSEMBLYMAN WISNIEWSKI: No, no I understand your opening remarks. But my question is: Somebody compiled data to give you, right?

MR. BARONI: Well, the data-- It wasn't created-- It was not created to give to me.

ASSEMBLYMAN WISNIEWSKI: No, not created; compiled.

MR. BARONI: Compiled -- yes.

ASSEMBLYMAN WISNIEWSKI: Somebody printed out something from readers, and assembled the statistics--

MR. BARONI: Mr. Chairman, I'm not sure how that worked.

ASSEMBLYMAN WISNIEWSKI: Neither am I. We're both lawyers, and we don't understand technology.

MR. BARONI: If we were smart we would have gone to med school, Mr. Chairman.

ASSEMBLYMAN WISNIEWSKI: But my question -- just real simple -- is your testimony is that the data you testified about was created by readers that are on light posts, embedded in the roadway -- however the technology works -- there are readers.

MR. BARONI: Yes.

ASSEMBLYMAN WISNIEWSKI: You're not certain as to whether there are readers on Martha Washington; there may or may not be. But you relied on numbers. Those numbers were prepared by somebody to give to you, correct?

MR. BARONI: Well, no. They were not prepared to give to me. They were just prepared for review -- right.

ASSEMBLYMAN WISNIEWSKI: They were prepared, and then somebody gave them to you.

MR. BARONI: As we began to review what happened, yes.

ASSEMBLYMAN WISNIEWSKI: Okay. Those numbers were prepared by your in-house engineering staff?

MR. BARONI: Correct.

ASSEMBLYMAN WISNIEWSKI: Okay. So they did a two-day compilation of data.

MR. BARONI: It was three, but Monday's data was so skewed by an accident on the Cross Bronx.

ASSEMBLYMAN WISNIEWSKI: Okay. We'd like you to make that data available to the Committee.

MR. BARONI: Mr. Chairman, I will have my counsel talk to your counsel, as we have done before, and discuss documents -- no question.

ASSEMBLYMAN WISNIEWSKI: Is there a reason why those documents couldn't be provided?

MR. BARONI: No. Because there are just a lot smarter people, I just want to make sure that my lawyers talk to your lawyers.

ASSEMBLYMAN WISNIEWSKI: There are people smarter than you?

MR. BARONI: Lots.

ASSEMBLYMAN WISNIEWSKI: Okay.

MR. BARONI: Like you, Mr. Chairman.

ASSEMBLYMAN WISNIEWSKI: Hardly. (laughter)

So you're not willing to say whether you could provide us that data?

MR. BARONI: Again, whatever the lawyers tell me--

ASSEMBLYMAN WISNIEWSKI: Okay. So I know where that's going to go.

There was no engineering firm hired; this was done in-house. The numbers you have are three days of numbers. And you're saying that one day of the numbers is skewed because of an accident. So in what you testified to -- are all three days' numbers in there, or just two days?

MR. BARONI: And I only gave you two days, by day.

ASSEMBLYMAN WISNIEWSKI: Okay.

MR. BARONI: I didn't give you a--

ASSEMBLYMAN WISNIEWSKI: We'd like all three days' numbers. We could make that determination for ourselves.

MR. BARONI: Sure, if anything-- Sure. I'll talk to the folks, but I don't think the data is going to-- No problem.

I'll be very clear: I mean, the data is sort of-- Well, first of all, it shows that there are counts going on. But the data shows that clearly the main line -- traffic from everywhere else goes down -- the wait time goes down and traffic from Fort Lee went up. It just is, right? But it still leads back to the policy question of, is it fair?

ASSEMBLYMAN WISNIEWSKI: I understand the policy question.

I have to compliment you on trying to change the topic. And you've done an admirable job in trying to change the topic.

MR. BARONI: I'm not sure how you-- This is about the Bridge. That's not changing the topic.

ASSEMBLYMAN WISNIEWSKI: Doesn't the Holland Tunnel have direct local access from Washington Boulevard?

MR. BARONI: On Marine Boulevard, I believe. They have a cone line, but then they go into the general-- The only dedicated lane at the Holland, to my knowledge, is for fire trucks.

ASSEMBLYMAN WISNIEWSKI: I'm told that there's a direct local access from Washington Boulevard in Jersey City.

MR. BARONI: I don't think that's right.

ASSEMBLYMAN WISNIEWSKI: Assemblyman Ramos.

ASSEMBLYMAN RAMOS: (off mike) (indiscernible)

MR. BARONI: Marine Boulevard -- there's a stacking on Marine Boulevard, but they still go through-- You still go through to the main tolls.

ASSEMBLYMAN WISNIEWSKI: So has anybody looked at the efficacy and fairness of that direct access?

MR. BARONI: Because it's not the same, because you don't have direct access. You don't have a coned-off access to the tolls.

ASSEMBLYMAN WISNIEWSKI: Well, if you haven't done a statistical analysis, how do you know it's not the same?

MR. BARONI: Mr. Chairman, they are different because they are not direct access to the toll booths. But Mr. Chairman, I'm not sure--

ASSEMBLYMAN WISNIEWSKI: It seems to me, I mean if you have direct access from Marine Boulevard--

MR. BARONI: You do.

ASSEMBLYMAN WISNIEWSKI: --that is direct access.

MR. BARONI: But you don't, so you don't.

ASSEMBLYMAN WISNIEWSKI: And it ends-- The Lincoln Tunnel has local access that avoids the Helix for Hoboken traffic.

MR. BARONI: Well, there are multiple ways into the Lincoln Tunnel, but there's no Weehawken entrance.

ASSEMBLYMAN WISNIEWSKI: People from Weehawken use the Weehawken entrance.

MR. BARONI: That's not true.

ASSEMBLYMAN WISNIEWSKI: They don't?

MR. BARONI: You're incorrect.

ASSEMBLYMAN WISNIEWSKI: They don't?

MR. BARONI: You are incorrect. People from Weehawken go down-- If they're living in Weehawken, they go down and they come in the same roadway. It's essentially the same as 46 and 4.

ASSEMBLYMAN WISNIEWSKI: They don't come down the Helix?

MR. BARONI: Well, no, but the Helix for 495. But people in Union City and West New York and Weehawken and Hoboken go in--

ASSEMBLYMAN WISNIEWSKI: I just want to know why you would chose to do local access for one Port Authority crossing and not another Port Authority crossing.

MR. BARONI: But you're wrong, Mr. Chairman. I'm happy to take a field trip with you and show you why you're wrong -- but you are wrong.

ASSEMBLYMAN WISNIEWSKI: A field trip with you?

MR. BARONI: Come on. I'll even pack your lunch.
(laughter)

ASSEMBLYMAN WISNIEWSKI: I would want to get it tested first.

MR. BARONI: Oh, Chairman, come on. You know that's inappropriate, Chairman.

ASSEMBLYMAN WISNIEWSKI: It seems to me that there is a singling out of Fort Lee for this test, when you have other Port Authority access.

MR. BARONI: You're wrong; you're simply incorrect. Your facts are incorrect.

ASSEMBLYMAN WISNIEWSKI: Oh, I would disagree with you.

MR. BARONI: There's nobody--- Look, here's what you have. Nobody in Weehawken has-- Listen, it may be ringing now; I'm sure Rich Turner is going to call me and say, "Hey, there's an idea," all right? But if I did it today and said, "Oh, a special lane just for Weehawken," you all would have me down here saying, "You can't create--" Mr. Chairman,

even you would not ask for a special lane for Perth Amboy, for your own district.

ASSEMBLYMAN WISNIEWSKI: Perth Amboy has two lanes, because the Port Authority has not addressed the Outerbridge Crossing in a very long time.

MR. BARONI: Oh, Mr. Chairman; when was the last time you were at the Outerbridge Crossing?

ASSEMBLYMAN WISNIEWSKI: It still has two lanes.
(laughter)

MR. BARONI: Well, Mr. Chairman, because--

ASSEMBLYMAN WISNIEWSKI: Did you add a lane?

MR. BARONI: Because the bridge was built 80 years ago, Mr. Chairman. If you remember--

ASSEMBLYMAN WISNIEWSKI: Did you add a lane?

MR. BARONI: To the Outerbridge Crossing? It's kind of tough to add a lane to a bridge. You know, it's sort of-- built.

ASSEMBLYMAN WISNIEWSKI: Well, I'm just saying it's been two lanes for 80 years.

MR. BARONI: But to say we haven't addressed the Outerbridge Crossing-- This past year, for the first time -- for governor after governor after governor -- we repaved the Outerbridge Crossing; we rechained the entranceway--

ASSEMBLYMAN WISNIEWSKI: It still has two lanes.

MR. BARONI: Mr. Chairman, again--

ASSEMBLYMAN WISNIEWSKI: Right? It still has two lanes.

MR. BARONI: Listen, if you want to find me the billion dollars to build a new Outerbridge Crossing, bring it. I'd love to have it.

ASSEMBLYMAN WISNIEWSKI: You have billions of dollars to put into the New Jersey Transportation Trust Fund.

MR. BARONI: Well, I think it's interesting that you raise bridges. Because the one new bridge we are building -- the Goethals Bridge in Elizabeth-- For the first time in -- I don't know -- 50 years, the Port Authority is going to finish the missing link with Mayor Bollwage for Linden and Elizabeth.

ASSEMBLYMAN WISNIEWSKI: It's about time.

MR. BARONI: I agree.

ASSEMBLYMAN WISNIEWSKI: Thank you very much.

MR. BARONI: And we've addressed it, and we fixed it, and it was the right thing to do.

ASSEMBLYMAN WISNIEWSKI: Well, I appreciate you being here, Mr. Baroni.

MR. BARONI: Thank you.

ASSEMBLYMAN WISNIEWSKI: I appreciate your valiant attempts to change the topic as to a policy question, as opposed to the poor handling and the lack of transparency at the Port Authority -- which seems to be an ongoing issue, because we're still waiting for complete answers to our subpoenas that the Port Authority has only partially answered. And I'm sure that will be referred back to your attorneys as well.

Other members of the Committee wish to ask Mr. Baroni questions?

Vice Chair Stender.

ASSEMBLYWOMAN STENDER: Thank you, Mr. Chairman.

Good morning, Mr. Baroni.

MR. BARONI: Good morning, Vice Chair.

ASSEMBLYWOMAN STENDER: Thank you so much for being here. You do a good job for the Port Authority.

MR. BARONI: Thank you very much.

ASSEMBLYWOMAN STENDER: You are very welcome. You are very practiced at obfuscating the issue (laughter) which, to me, is that the Port Authority failed miserably in its dealings with the City of Fort Lee in what should have apparently been more of a routine effort in terms of communication. I mean, you must have routine dealings with all the municipalities that interface; and that there must be some kind of a protocol in place for when you are making changes. Is that correct?

MR. BARONI: Well, Vice Chairwoman, I've said a number of times, communication both within my agency and with the Fort Lee Police Department was lacking. There is no question; I agree with you. But it's, as I said before -- we now have new protocols in place. You're right, but it still comes down to--

ASSEMBLYWOMAN STENDER: No, sorry. I'm sorry, Mr. Baroni. I heard you the first three times that you talked about the issue of whether or not there should be lanes. But that's not what this hearing is about. This hearing is about the lack of communication and the poor conduct of the Port Authority. You are here trying to cover that up.

MR. BARONI: There's no-- Now, hold on, Assemblywoman. That's nonsense.

ASSEMBLYWOMAN STENDER: What I would like to know is whether or not you have an e-mail trail. You're trying to tell us that this major-- A study that had a major disruption on your major bridge has no paper trail? That there is not a single e-mail that explains how this was done? That defies all logic and nobody in this room believes that.

MR. BARONI: Assemblywoman, I have sat here and answered the questions. I have told you what happened. What you will not answer are to the 585 people in your district who sit in more traffic because of the special lanes. What do you say to them?

ASSEMBLYWOMAN STENDER: Mr. Baroni, we are here to talk about why it is that those lanes were shut down--

MR. BARONI: I told you.

ASSEMBLYWOMAN STENDER: --and Fort Lee was not told and it created a major havoc.

MR. BARONI: I have told you, and I have told you--

ASSEMBLYWOMAN STENDER: Because that's a major failure on the part of the Port Authority.

MR. BARONI: I have told you repeatedly, Assemblywoman, that there were communications breakdowns with the Borough of Fort Lee; communication breakdowns internally. You have yet answered the question: What do you say to people in Somerset and Union counties?

ASSEMBLYWOMAN STENDER: Your Executive Director-- Did you read the memo that was sent?

ASSEMBLYMAN WISNIEWSKI: I appreciate your attempt to turn the tables. But you here as a witness to testify--

MR. BARONI: I'm answering questions.

ASSEMBLYMAN WISNIEWSKI: Well, you keep saying--

MR. BARONI: You may not like the answer, but I'm answering.

ASSEMBLYMAN WISNIEWSKI: Mr. Baroni, you keep saying, now to Vice Chair Stender and to me, that *we* have not answered the question about whether or not the policy decision is correct. I appreciate, again, your attempt to change this around to your coming in to question the Transportation Committee about an issue of the Port Authority's creation. Bravo to the theater and to the turning of the tables; you'd always been good at that while you were a Senator, and clearly your political skills are what got you your position at the Port Authority. We appreciate that.

But this is really about the lack of transparency and the lack of accountability at the Port Authority. There was a Port Authority meeting last week, and consistently the response to questions that were raised about this was that "the matter is under review." Less than a week later there is now an entire story line about a policy call that was being considered. If it was a policy call that was being considered-- And you were asked a question at the press briefing afterwards: "Do you feel bad about inconveniencing the people of Fort Lee about this?" And your answer was, "The matter is under review." I mean, there was no hint that we were looking at a policy call. "The matter was under review."

MR. BARONI: Do you feel bad? Do the people in your town who sit in extra traffic because of the special lanes?

ASSEMBLYMAN WISNIEWSKI: I feel bad that you are here and you are not able to fully account for the actions of the Port Authority.

MR. BARONI: I've told you what happened.

ASSEMBLYMAN WISNIEWSKI: I think it's really sad that an agency such as the Port Authority, that has a budget larger than 26 U.S. states, cannot be accountable to the New Jersey Legislature.

MR. BARONI: I'm sitting here; I'm answering your questions. How is that not accountable?

ASSEMBLYMAN WISNIEWSKI: No, no.

MR. BARONI: You invited me, I showed up. You don't like the answer, but I am here.

ASSEMBLYMAN WISNIEWSKI: You are a masterful dancer, and we appreciate your dancing skills. But the question still remains on how an agency as big as the Port Authority, that seems to have the ability to communicate with mayors and elected officials when it is in their interest, chose in this case to not communicate with the Mayor and the local officials. An issue that you now say is about the convenience of a small number of people in Fort Lee over the inconvenience of a vast number of people in the state -- your words.

MR. BARONI: That's not what I said, but okay.

ASSEMBLYMAN WISNIEWSKI: You knew at the time that this was being decided that this would certainly come as a surprise and

a frustration to the Mayor, and that's probably why the Mayor wasn't told: because you didn't want to alert him to what your planned policy call is.

But the folks who live in Fort Lee, they have very little alternative in getting across that bridge -- unless they intend to double back a great deal of way to get onto 495 to get across the bridge. And so this is not just simply -- as you'd like to make it -- a hearing for Bill Baroni to question the Transportation Committee. We'd like to get some real answers about what's happening at the Port Authority and you're very good at dodging those questions and turning the tables.

MR. BARONI: I don't know how many other ways I--

ASSEMBLYMAN WISNIEWSKI: Assemblyman
Chivukula.

ASSEMBLYMAN CHIVUKULA: Thank you,
Chairman.

I know this hearing has been going on for quite some time. Bill Baroni is a good friend of ours; he served in the State Legislature.

I remember one time during the summertime -- early part of summer -- I was driving and there was more than a four-mile backup on the entrance to the George Washington Bridge. And my wife was saying, "We have to pick up your mother; we are already delayed." So I took some local roads and I ended up in Fort Lee. And I don't know how I did it, but I cut out a 45-minute delay.

And I think Mr. Baroni's point about it does beg the question of policy. We need to think about why we should inconvenience thousands -- hundreds of thousands of people. And I'm not going to support the way they handled the communications. I think Mr. Baroni is

aware of that. They handled the communications poorly. I think we should, from a public policy point of view, we should see how we can make it better for all the residents, not for one or two towns. I think that's my comments.

ASSEMBLYMAN WISNIEWSKI: Thank you, Assemblyman.

Assemblywoman Riley.

ASEEMBLYWOMAN RILEY: Thank you, Mr. Chairman.

Coming from South Jersey, I rarely have to deal with the traffic that the residents of Fort Lee have to put up with on a daily basis. And so I'm on this Committee basically reading the articles and listening to the testimony. And it is a little bit disheartening.

I understand where you're coming from when you're saying that there was a communication breakdown, but I do have an article in front of me that said one person made a call, and that person reported to you. One person made a call to redirect the traffic; one person, a David Wildstein, in this particular article. And he is the Director of Interstate Capital Projects.

And so I get a little bit nervous that one person can make such a powerful call the night before a change that will disrupt peoples' lives for three days. Would that be a policy that you would change?

MR. BARONI: A couple things, if I can, Assemblywoman Riley.

ASEEMBLYWOMAN RILEY: Please clarify.

MR. BARONI: Just purely factually, it wasn't the night before, as one of the newspaper articles said. Factually, that was not the case. As I said before, that in late July-- The information was provided over a number of weeks in August. And Mr. Wildstein asked that the test -- at some point, the week of Labor Day -- that the test begin the following week. So it wasn't the night before. But that being said, I think you're right that we need to have -- and we're putting in place, where the Executive Director and the Deputy Executive Director, with notification of the Board of Commissioners, with notification of the community-- I agree with you that the system that was in place -- and we have better protocols now. So I'm grateful for that.

But noteworthy, Assemblywoman Riley: I spent a lot of time in Cumberland County in my previous life, my previous career. There are actually 47 people from the 3rd Legislative District -- extraordinarily -- who drive from the 3rd District all the way to the George Washington Bridge. And that's a long trip; I mean, I'm from Hamilton so, I mean, I'm halfway up, right? Then they get to the Bridge and they sit in extra traffic.

Now, again, I understand and I agree with you. The communication was flawed internally, the communication was flawed with our neighbors -- no question. And given the amount of time I spent building a relationship with Mark Sokolich -- this was hugely problematic, personally.

But to the people who come from all of our towns, how do you not at least raise it as a question and at least look at it? And the looking at it didn't work the right way, the communication didn't work the right way. But at its core the question is whether or not the people of

Cumberland County, the people of Mercer County where I'm from, people from all over our state should sit in extra traffic. Because, quite frankly, there's real impact to Fort Lee traffic as we saw; I'm not denying that. What I am saying is, as the Chairman said before, nobody asked, and we should have. And we should ask these questions of Transportation, and we should raise these issues. You're absolutely right.

ASEEMBLYWOMAN RILEY: To your statement, then, you clearly have some thought of how you're going to improve this process.

MR. BARONI: Oh, goodness. Oh, Assemblywoman Riley -- absolutely, absolutely.

ASEEMBLYWOMAN RILEY: And clearly you'll be able to present that process to us, as a legislative body?

MR. BARONI: Oh, I think-- Yes, forgive me, Assemblywoman. Yes, when I first sat down we talked about that. It is-- Yes. The Executive Director and the Deputy Executive Director; notification of the Board of Commissioners, Operations Committee -- with the town -- for long-term construction changes, for long-term traffic study changes, and-- So yes. We're still working out the formalities of it. But, look, there's no doubt that the process would have been improved.

ASEEMBLYWOMAN RILEY: Thank you very much.

ASSEMBLYMAN WISNIEWSKI: Assemblywoman.

ASSEMBLYWOMAN CARIDE: Yes, good morning, Mr. Baroni.

Obviously, you and I have never met before. And I do have to say the pleasure is mine and I've been very entertained this morning with your testimony.

I'm from Ridgefield; so if you're familiar with that area, you know that Palisade Park, Palisade Avenue pretty much empties out into Martha Washington.

So your data is a little bit incorrect when you say that only the Fort Lee residents use that--

MR. BARONI: I didn't say that. I said it's the Fort Lee local entrance.

ASSEMBLYWOMAN CARIDE: You did say that when you did your testing with your data of E-ZPass it was Fort Lee residents.

MR. BARONI: Right. Fort Lee E-ZPass address, yes.

ASSEMBLYWOMAN CARIDE: Right. But--

MR. BARONI: But even if we were to add to that the Ridgefield and Ridgefield Park--

ASSEMBLYMAN WISNIEWSKI: Mr. Baroni, just let her ask the question.

MR. BARONI: I'm just trying to be helpful, Chair.

ASSEMBLYMAN WISNIEWSKI: I understand. But she hasn't finished asking the question.

MR. BARONI: I'm sorry.

ASSEMBLYMAN WISNIEWSKI: You can be helpful when she finishes asking the question.

MR. BARONI: I'm just excited to give the answers.

ASSEMBLYWOMAN CARIDE: Yes, you've been very entertaining; thank you.

My thing is this: You have Cliffside Park, Ridgefield, Palisades Park -- you have a lot of different towns in that area that use the

same road -- that local entrance. So when your Authority decided to do -- I prefer to call it an *impact study* or a *traffic study* -- whatever you want to call it, you didn't just affect Fort Lee; you affected most of Bergen County, at least in that particular area.

MR. BARONI: I would--

ASSEMBLYWOMAN CARIDE: No, no, with all due respect -- go right ahead. If you have data (indiscernible).

MR. BARONI: With respect, with respect.

That as I said before, even if you double the number; I mean, you add folks from the communities immediately around Fort Lee. And no question-- I mean, Mayor Sokolich wrote me a letter back in 2010 that talked about that they have gridlock -- in 2010. Mayor Alter, from 1997, talked about gridlock. So understand that these communities from other -- in the area -- also affected. So I agree. On one side you had traffic that uses the Fort Lee entrance; but at the same time-- Well, pick one town; look at Rutherford -- the great town of Rutherford -- 2,110 people, almost half the number in Fort Lee, from just Rutherford. All those great south Bergen towns like Rutherford, North Arlington -- they sit in more traffic.

ASSEMBLYWOMAN CARIDE: Right; and I represent them all. Sure, I understand your point as far as your policy and wanting to change policy.

MR. BARONI: No, no, I just said it's worth taking a look at.

ASSEMBLYWOMAN CARIDE: We're trying to find a better way. I think it's a little late, it's a little questionable. You did it in

September, not four years ago when you took office. But that's another story.

So in your dilemma of trying to figure out how's the best way to move traffic along, did the question come up as to how the Fort Lee residents are going to get onto the George Washington Bridge without that access road?

MR. BARONI: There is another way over the top, through the center, and then the standard way that everybody else has to go through -- whether it's 46 or 4. I mean, again, I'm not saying--

ASSEMBLYWOMAN CARIDE: It would be a little bit inconvenient, though; you have to go all the way around to get back onto the George Washington Bridge.

MR. BARONI: Again, that's the point of asking the questions. But inconvenient?

ASSEMBLYWOMAN CARIDE: Well, considering that--

MR. BARONI: Ninety-five percent of the people who use it are inconvenienced every day.

ASSEMBLYWOMAN CARIDE: Well, you're saying that 42 percent were using the local?

MR. BARONI: I don't know where that number comes from.

ASSEMBLYWOMAN CARIDE: Four-point-five; I'm sorry.

MR. BARONI: Oh, oh, 4.5 percent of the E-ZPass holders are in Fort Lee.

ASSEMBLYWOMAN CARIDE: Right. So you're also inconveniencing-- When you're taking your numbers, I know you're saying 95 percent use the Turnpike to get into the George Washington Bridge.

MR. BARONI: Right.

ASSEMBLYWOMAN CARIDE: But my residents also use the local roads to get into the Bridge as well. So you're asking my local residents to figure out a way to get back onto the Turnpike to get onto the Bridge, and you're asking--

MR. BARONI: I like to get onto the Turnpike.

ASSEMBLYWOMAN CARIDE: Well, not everyone lives close to the entrance to the Turnpike, so how would the folks who live near Kennedy Boulevard, Bergen Boulevard -- up in that area -- get onto the Turnpike to get to the George Washington Bridge unless they go Palisade?

MR. BARONI: Well, obviously, the Palisade Park -- the PIP -- would be one of them.

ASSEMBLYWOMAN CARIDE: You can't get the PIP from Cliffside Park.

MR. BARONI: Well, the fact of the matter is that you have significant numbers in the 36th Legislative District who are sitting in traffic whether-- No matter which-- That's the hard part, right? Because if you do--

ASSEMBLYWOMAN CARIDE: So did you take that into consideration when you were doing your study? Or was that part of your consideration in that study? Not just, oh, you know, a bunch of guys sitting around saying, "You know, the George Washington Bridge, the

traffic there is really bad; we should do something about it.” Well, did you flesh out the issues before you closed the lanes?

MR. BARONI: The point is you raise questions. And you’re right -- why this didn’t get raised 4 years ago, and 8 years ago, and 12 years ago -- I agree. But when it was raised, you have to look at it.

Now, I’m not saying the outcome, one way or the other, but you have to look at it.

ASSEMBLYWOMAN CARIDE: Listen, I’m not saying you don’t have to look at it, and I’m not saying that these questions shouldn’t be raised -- whether it’s today or tomorrow.

MR. BARONI: I agree.

ASSEMBLYWOMAN CARIDE: It’s the poor planning and the lack of communication. And for you to sit there and say that there was poor communications by the Fort Lee Police Department--

MR. BARONI: No, I didn’t say that.

ASSEMBLYWOMAN CARIDE: You did before.

MR. BARONI: I said there was bad communication by the Port Authority towards the Police Department.

ASSEMBLYWOMAN CARIDE: You didn’t use the word *towards* because I would have remembered that.

MR. BARONI: Oh, yes I did.

ASSEMBLYWOMAN CARIDE: You said the Fort Lee Police--

MR. BARONI: Oh, yes I did. Oh, Assemblywoman, let me clear it up. The Fort Lee Police Department didn’t have bad communications.

ASSEMBLYWOMAN CARIDE: Absolutely; they didn't even know what you were doing.

MR. BARONI: The communication was *towards* the Fort Lee Police Department. If that was mistaken, let me be clear.

ASSEMBLYWOMAN CARIDE: All right. That's what I wanted to hear.

MR. BARONI: Yes, absolutely.

ASSEMBLYWOMAN CARIDE: So did you take into consideration how people were to get onto the George Washington Bridge if you were to close that?

MR. BARONI: Yes. Again, an analysis of this-- That's the point of doing a test.

ASSEMBLYWOMAN CARIDE: I understand. So does the data of two-and-half-days--

MR. BARONI: The data goes one way, or the data goes another. We don't have enough data to say.

ASSEMBLYWOMAN CARIDE: Will we be getting that report soon?

MR. BARONI: Again, there wasn't enough data to do that.

ASSEMBLYWOMAN CARIDE: Oh, I know, I know.

MR. BARONI: But this is clearly an issue that the Legislature is wrestling with so, I mean, if that's what the--

ASSEMBLYWOMAN CARIDE: Actually, with all due respect, I think what the Legislature is wrestling with is that fact that there was no communications on the closing of three lanes.

MR. BARONI: I agree. We needed better communications; no question.

ASSEMBLYWOMAN CARIDE: No further questions.

Thank you, Mr. Chairman.

ASSEMBLYMAN WISNIEWSKI: Mr. Baroni, we have one more follow-up from Assemblywoman Riley, and then we have some additional questions.

ASSEMBLYWOMAN RILEY: Just one more follow-up, Mr. Baroni.

MR. BARONI: Of course, Assemblywoman.

ASSEMBLYWOMAN RILEY: Along with Assemblywoman Caride's questioning about the study, what was the study for, again -- a traffic study? I mean, what was the point of it?

MR. BARONI: Well, to look at whether or not a situation where 95 percent -- and the number is-- Is it 90 percent? It's an overwhelming majority of drivers from 200 communities across the state that go to the George Washington Bridge every day.

ASSEMBLYWOMAN RILEY: Sure.

MR. BARONI: Is the system that exists fair? And does the fairness -- when you take into account the trucks, the buses, the vehicles -- is that a fair system? Is a system that forces drivers from everywhere else into fewer lanes to allow drivers from one place a direct access -- is it fair? And some people would argue -- I would proffer -- that it's not. Now, I would say at the same time that folks from Fort Lee -- the Mayor of Fort Lee, who is a good person -- if Mayor Sokolich-- I'm not sure if he's here; I don't know if he's behind me or not -- but I'm sure he would say,

“Absolutely fair.” And I can tell you, when I was in the Legislature -- Hamilton’s my hometown in Mercer County -- if you could have given me a direct access from Hamilton to the New Jersey Turnpike, I would take it in a second. It’s the most fair thing in the world. But my job at the Port Authority is to look holistically at the fairness of any particular thing.

ASSEMBLYWOMAN RILEY: That’s what you do? You sit down and you say, “This morning, I’m going to look at the fairness of the traffic going into the George Washington Bridge.”

MR. BARONI: Shouldn’t we? Wouldn’t you want us to?

ASSEMBLYWOMAN RILEY: You know, I would want you to. So if that was the case, then, I would think there would be some planning in that fairness.

MR. BARONI: Well, discussions took place with Traffic Engineering and Engineering. But the communication, both within the agency and to our partners in Fort Lee -- and I use that word on purpose -- was lacking.

ASSEMBLYWOMAN RILEY: Okay.

MR. BARONI: I agree with you, Assemblywoman; I do.

ASSEMBLYWOMAN RILEY: You agree-- I love how you agree, because I do this to my husband all the time to win an argument. I always agree with him. (laughter)

MR. BARONI: I’m going to take that as flattery.

ASSEMBLYWOMAN RILEY: But it doesn’t necessarily solve-- It doesn’t give satisfaction to what’s actually really happened, right?

MR. BARONI: Assemblywoman, I agree with you. As I said before, that's when your protocols are in place; that's why I was here to answer questions. But, in the end, at the core, it still remains the fundamental question as to whether or not this structure is fair.

Thank you.

ASSEMBLYMAN WISNIEWSKI: Mr. Baroni, just a couple of brief follow-ups.

MR. BARONI: Sure.

ASSEMBLYMAN WISNIEWSKI: Did you know in advance that these lanes would be closed? Did you honestly know?

MR. BARONI: Not on one particular day, but I certainly-- When the discussion of the policy and fairness of the special lanes -- sure. As soon as it was presented to me -- as I would imagine it's been presented to all of you -- the moment you're presented with the issue of whether or not people -- that it's fair--

ASSEMBLYMAN WISNIEWSKI: I understand fairness.

MR. BARONI: How do you not look at it?

ASSEMBLYMAN WISNIEWSKI: So your testimony was that there was a discussion on September 5—

MR. BARONI: Well, I think the discussion was -- hold on.

ASSEMBLYMAN WISNIEWSKI: The decision was made finally on September 5, the lane closure on September 9.

MR. BARONI: Mr. Wildstein requested the one-week study be conducted starting September 9 -- correct.

ASSEMBLYMAN WISNIEWSKI: So you knew on September 5?

MR. BARONI: No, I think I knew at some point that weekend.

ASSEMBLYMAN WISNIEWSKI: Why didn't you make a call out to the Mayor?

MR. BARONI: Communication failure -- absolutely. (laughter)

ASSEMBLYMAN WISNIEWSKI: You forgot to call?

MR. BARONI: Mr. Chairman, I have said repeatedly, over and over again, that there were multiple levels of communication failure, and this is -- it applies to all of us. It should have been done.

ASSEMBLYMAN WISNIEWSKI: Including yourself?

MR. BARONI: Chairman, yes -- all of us. It was a failure of communication.

ASSEMBLYMAN WISNIEWSKI: You had deferred one question. We had asked for the data.

MR. BARONI: Yes, I said our lawyers will talk to each other.

ASSEMBLYMAN WISNIEWSKI: Your lawyer is here. Can he come up and testify about that?

MR. BARONI: No, he's not going to come up and testify. Our lawyers-- Come on, Chairman; that's cute. But our lawyers--

ASSEMBLYMAN WISNIEWSKI: No, it's not. I mean, maybe he could come up and give us an answer.

MR. BARONI: Mr. Chairman, our lawyers -- as they have done multiple times over multiple issues -- will talk. I'm not going to

do it a public hearing, and you know as well as I do a lawyer is not going to testify at a hearing. Come on, Chairman.

ASSEMBLYMAN WISNIEWSKI: He could just tell us what his legal basis for holding back the data is.

MR. BARONI: Mr. Chairman, just stop. Nobody is saying anything about holding back. I just want to talk to my lawyers afterwards, outside. I know, Chairman, you love hanging out with me, and now that we're going to do our field trip--

ASSEMBLYMAN WISNIEWSKI: I'm looking forward to it.

MR. BARONI: I am, too.

ASSEMBLYMAN WISNIEWSKI: I'm looking forward to it.

MR. BARONI: Turkey sandwiches.

ASSEMBLYMAN WISNIEWSKI: There was an enormous delay in traffic crossing the Bridge that day. Was there any change in revenue to the Port Authority at that crossing?

MR. BARONI: I would have to look at those numbers, but I would imagine there would have been a loss, potentially-- Well, it's interesting, because you'd have some people who go through the special lanes -- would have been delayed and pay the off-peak number. But then you would have had people who are usually delayed from everywhere else pay the on-peak number. I would have to look at the number. I don't know the answer to that.

ASSEMBLYMAN WISNIEWSKI: I would assume that that data exists somewhere.

MR. BARONI: It could be; I don't know.

ASSEMBLYMAN WISNIEWSKI: You keep track of how much you collect?

MR. BARONI: Sure. I just don't know specifically the numbers--

ASSEMBLYMAN WISNIEWSKI: And so you could make a comparison. I'd like to ask for that comparison between the revenue on the days you did this study versus the revenue on the days you did not do the study.

MR. BARONI: I don't have it, but I'll take a look and see what we have.

ASSEMBLYMAN WISNIEWSKI: Your testimony has been abundantly clear: two days of data usable; three days of data taken -- you said *insufficient*. Does that mean that there is a plan to do this again?

MR. BARONI: I think that there's been clearly a lot of discussion about whether it's fair or not. But I can tell you -- and back to Assemblywoman Riley's questions -- that the protocol that's been put into place will ensure that any future decision-- But I have to tell you, Chairman--

ASSEMBLYMAN WISNIEWSKI: Has the decision been made?

MR. BARONI: No, no decision has been made.

ASSEMBLYMAN WISNIEWSKI: Has there been a discussion about "we need to go back and do this the right way"?

MR. BARONI: Well, so far a number of you seem to be saying it.

ASSEMBLYMAN WISNIEWSKI: My question is: I'm not involved in Port Authority internal discussions; you are. You've said that there's not a sufficient amount of data to make a call on this. I think that was your testimony.

MR. BARONI: Correct.

ASSEMBLYMAN WISNIEWSKI: Even though you seem to be offering a policy opinion without that sufficient amount of data. My question is, so to take this to the logical conclusion that you've opined for us: Is there a plan to do additional data collection on these lanes?

MR. BARONI: Well, there's not a specific plan. But the fundamental question is still there.

ASSEMBLYMAN WISNIEWSKI: I understand the fundamental question.

MR. BARONI: Again, the same thing I said before: I don't know how you look at it and at least don't ask the question.

Now, has there been an implementation for a plan? No. Has there been-- But you know what?

ASSEMBLYMAN WISNIEWSKI: So there are no plans, as we speak, to go back and get the rest of the data?

MR. BARONI: There's nothing specific planned.

ASSEMBLYMAN WISNIEWSKI: If there are additional plans, will you inform this Committee?

MR. BARONI: As we go forward, through our new protocol that I discussed with Assemblywoman Riley, I don't think there will any doubt that people will know -- if there was something to take place,

there would be appropriate communication and not have the errors of before.

ASSEMBLYMAN WISNIEWSKI: I am just asking specifically about lane closures that would seek to be done to get additional data to supplement the data that you termed to be *insufficient*.

MR. BARONI: I'll call you.

ASSEMBLYMAN WISNIEWSKI: I appreciate that; thank you.

And then finally, Mr. Wildstein was a prominent figure in making the decision, ultimately. Why is he not here to testify about that?

MR. BARONI: Mr. Chairman, I am Deputy Executive Director of the Port Authority of New York and New Jersey. You wanted me to come down here and answer your questions; I'll sit here all day and answer them. But we're not going to start this back-and-forth game. I've answered the questions. I've told you exactly what happened. Quite frankly, I think the vast majority of people sitting behind me -- and maybe people in front of me, *a*) didn't expect me to show up; *b*) didn't expect me to say what happened. I have done both.

ASSEMBLYMAN WISNIEWSKI: So Mr. Wildstein is not coming?

MR. BARONI: No.

ASSEMBLYMAN WISNIEWSKI: And you're saying that you will suffice for Mr. Wildstein?

MR. BARONI: Oh, I would never say that, but I think I'll suffice to answer the questions.

ASSEMBLYMAN WISNIEWSKI: Okay. But we will not have access to Mr. Wildstein, voluntarily?

MR. BARONI: Mr. Chairman, Mr. Wildstein is not here. I am here. And I'll stay as long as you want to answer your questions.

ASSEMBLYMAN WISNIEWSKI: Assemblyman.

ASSEMBLYMAN RUMPF: Thank you, and good morning, Deputy Executive Director. I appreciate you being here.

It would seem to me that after having come here today, we've heard essentially what amounts to an apology for the lack of communication for the event that took place during that second week in September. But I also appreciate bringing to the Committee the underlying policy issue in terms of the fairness of the dedication of the three lanes. And I think the Chairman was just starting to get to what my colleague Assemblyman Chivukula brought up, and that is this would certainly appear to be an appropriate topic of discussion, going forward.

I, for one, would like to hear that; I don't know if you have the numbers for the residents of the 9th Legislative District?

MR. BARONI: Oh, I do.

ASSEMBLYMAN RUMPF: Go ahead.

MR. BARONI: I do, I do. (laughter)

ASSEMBLYMAN RUMPF: I'd like to hear it.

MR. BARONI: Actually, it's interesting. When I looked at the numbers, Assemblyman Rumpf, in your district 112 people come every day up to the Bridge. And all throughout Burlington and Ocean counties it's 667 people -- every day, I mean, it varies. These are regular users of the Bridge by E-ZPass. So the numbers, as the Chairman pointed

out before, will be bigger than that. But every day they drive all the way up. They come across the Bridge, potentially from the island; they come up the Parkway to the Turnpike; they come up the Turnpike to 80/95, potentially 46; they go all the way and they stop. And they stop. And part of that additional-- Look, it's the busiest bridge in the world. But part of that additional stoppage is *that* – because it's there.

ASSEMBLYMAN RUMPF: And also it invites another question. Some of my colleagues have mentioned that there is a way around that traffic if you know the area and you're able to get on the Martha Washington link. That would appear to me to be something that would be causing a detriment to the residents of Fort Lee -- to have these cars careening through their neighborhoods rather than being on the main traffic thoroughfares everybody else is waiting in.

MR. BARONI: And that has gone on for some time. You know, back in 1997, Mayor Alter -- rest his soul -- I'm reading from the *New York Times*: "The Mayor," meaning Alter, "also noted that the local police have standing orders to set up road blocks at Fort Lee borders when traffic backups on the Bridge create absolute gridlock on local streets and hinder--" They have "standing orders" to close the Borough. So – you're from Surf City; that dog don't hunt.

ASSEMBLYMAN RUMPF: Yes. You wouldn't anticipate that happening anywhere in the 9th District, I would hope.

So I would appreciate hearing more as this moves forward. And I'm sure that the next go-round will involve additional communication, as you've suggested.

Thank you for being here.

MR. BARONI: Thank you, Assemblyman.

ASSEMBLYMAN WISNIEWSKI: Assemblyman Wolfe.

ASSEMBLYMAN WOLFE: Yes, I want to thank you, and I want to thank the Chairman. This has been very entertaining. Not being a lawyer, I thought I was watching TV. It was really, really good.
(laughter)

However, a couple of things; and I think to encapsulate a few things. I'm looking at the notice of our Committee meeting and it said we're going to hear testimony "concerning a decision by the Port Authority to close, without public notice, this access." And I think that has been explained; I think you have apologized. I think you indicated that things will be different in the future, hopefully.

The other issue which you raised -- which was not part of our hearing -- was the issue of fairness, which I think certainly had an impact on most of us, including the Chairman. But coming back to Assemblyman Chivukula and Assemblyman Rumpf, they talked about something which I think also needs to be considered, not just with this facility -- although you did mention the other bridges and tunnels you have -- and that is the impact on the host communities that you have. Certainly, I mean they host the Bridge in Fort Lee, and not representing them I don't travel that Bridge. Although, you know, I'm from the 10th District -- which I'm sure is in that-- What do we have, 6,000 people coming up from my District? How many is that?

MR. BARONI: Well, it's clear, Assemblyman, the people of your district like staying because you're their Assemblyman. But 134 of them are still coming over the Bridge every day.

ASSEMBLYMAN WOLFE: Well, we go through the tunnel.

But anyway, I go through the Botanical Gardens. Did you ever go to the Botanical Gardens? They're very nice.

And, actually, I went to Yankee Stadium once for a 1:00 p.m. game. I left my house in Point Pleasant, Brick, at 9:45 a.m. I got to the game at 2:30 p.m. There was a delay going across the Bridge. So that was my experience with being stuck on the Bridge.

So I can really appreciate the testimony that you talked about, and also for the folks who do that on a regular basis. And hopefully, from what you said and the issues the Chairman has raised, we'll come to some peaceable way to deal with this in the future.

And I want to thank you. I will go back to watching TV drama, lawyer stuff. Very, very interesting

MR. BARONI: That's why the Chairman and I always enjoyed each other on the floor.

ASSEMBLYMAN WOLFE: It's amazing. I mean, you know, we don't like people who lie or don't tell the truth. And I'm not saying that either of you lied, but the way you ask questions, the way you respond to questions, still leaves some questions.

So thanks very much, and I'm looking forward to a continuation of this discussion.

Thank you.

ASSEMBLYMAN WISNIEWSKI: Assemblyman, thank you. And I'll remind you that New Jersey Transit is an easy way to get into New York City as well.

ASSEMBLYMAN WOLFE: I certainly know that.
(laughter)

MR. BARONI: If I might, Mr. Chairman, so is the PATH. It's great, you can go right to Newark Penn Station and you're in lower Manhattan.

ASSEMBLYMAN WISNIEWSKI: But for Assemblyman Wolfe, he still needs to take New Jersey Transit to get to the PATH.

MR. BARONI: That's true, that's right.

ASSEMBLYMAN WOLFE: I have to take the bus.

MR. BARONI: But please take the PATH.

ASSEMBLYMAN WISNIEWSKI: Assemblyman Amodeo.

ASSEMBLYMAN AMODEO: Thank you, sir.

Senator -- always Senator to me -- I want to thank you for your candid honesty throughout this testimony -- this grueling testimony. And the point you bring out is a big picture. And that big picture is fairness and equity for all, not just for a segregated amount.

What you saw here today was everything but fairness and equity. We saw our colleagues -- who I respect -- on the other side of the aisle, other than Assemblyman Chivukula -- whose statement I honor-- The fact is he feels that this policy issue needs to be addressed. I thank you for bringing it to the table, to give us the opportunity to understand -- that we all understand -- that there's always major problems on the north side of our state -- not from the southern part; that you're bringing it to the table to make it equitable for all the people who need to utilize it and get into the state of New York, or New York City particularly.

So with that said, one big lesson learned today: fairness and equity. If things were done fair-- Just like they go around this table here, and it's an hour and 25 minutes later you hear from the other side.

You know, it was stated early: political appointment. Yours was not a political appointment. You were put there, just like everybody in this Administration was put there, to do the job of the people of the State of New Jersey. And I thank you for that.

MR. BARONI: Thank you, Assemblyman.

ASSEMBLYMAN WISNIEWSKI: Assemblyman.

ASSEMBLYMAN RUDDER: Thank you, Chairman.
Thank you, Mr. Baroni.

It was very entertaining. And I have to tell you, as I pick up my *Burlington County Times* every day, I was not aware that this controversy was going on as much as it has been. I'm also reminded -- while listening to the testimony -- how much I enjoy only going through three traffic lights to get from my house to work every day. (laughter)

That being said, I'm just going to ask you: So you've apologized for the lack of communication, or miscommunication; you've put together a correction plan. Did you discuss a timeline for when that's going to be implemented?

MR. BARONI: It's implemented.

ASSEMBLYMAN RUDDER: It's in now -- okay. That's great.

I'm done, thank you.

MR. BARONI: Thank you, Assemblyman Rudder.

ASSEMBLYMAN WISNIEWSKI: Thank you, thank you.

Just two last follow-up questions; and I would ask if you would stay while others testify in case there are any follow-up questions.

MR. BARONI: Sure. I will stay as long as I can.

ASSEMBLYMAN WISNIEWSKI: In his September 13 e-mail, Executive Director Foye said that, "I believe this hasty and ill-advised decision violates Federal law and the laws of both states." Can you tell me what he was talking about in terms of "violation of Federal law and laws of both states"?

MR. BARONI: No.

ASSEMBLYMAN WISNIEWSKI: Did you have a discussion with the Executive Director about what he meant by that?

MR. BARONI: I have said repeatedly, and I-- Communications, both within the agency and to our partners in Fort Lee, did not live up to a standard it should have -- including with the Executive Director. And I wish that was not the case.

ASSEMBLYMAN WISNIEWSKI: Would it be fair to say you don't know what he was talking about in that reference?

MR. BARONI: The laws that were broken? No.

ASSEMBLYMAN WISNIEWSKI: Okay. Do you think he was mistaken?

MR. BARONI: What?

ASSEMBLYMAN WISNIEWSKI: He made a statement that he believes laws were broken on the Federal and state level.

MR. BARONI: Oh, I'm-- Listen, I think Pat, who I-- We get on very, very well; he's our Executive Director. When he wrote that e-mail we had not communicated about it. The agency, as I said before, did not-- So I'm not going to parse my friend Pat's words. And, again, communication failed and it shouldn't have.

ASSEMBLYMAN WISNIEWSKI: I understand that, and I appreciate that. I guess--

MR. BARONI: That's all I can say.

ASSEMBLYMAN WISNIEWSKI: Just-- We had invited Executive Director Foye, but he said because of a scheduling conflict he could not be here. So we have your presence, and we appreciate that very much. I was hoping you could shed some light on what he meant in that e-mail. We'll certainly extend the invitation again to the Executive Director to come down and explain what he meant by that e-mail. We'd be curious to know what laws he thought were being broken by the actions that were taken.

Finally, the protocols that are being discussed or that are in place to prevent this from happening in the future -- does it involve written, published notice of these decisions?

MR. BARONI: Mr. Chairman, let me get back to you on the formalities of it. I know that I will do that -- prior notice, so--

ASSEMBLYMAN WISNIEWSKI: The reason I ask the question is, just in the future, if somebody who is going for a job interview in Manhattan and is thinking that they've got this access onto the George Washington Bridge; and suddenly they're an hour late, and they don't get the job because they showed up late -- it would be good for them to know,

to be able to read in the paper a few days in advance that they should make alternate travel plans. And so I would love to see what those protocols are so that the Committee can consider them as well.

MR. BARONI: Thank you, Chairman.

ASSEMBLYMAN WISNIEWSKI: Seeing no other questions at the moment, if you wouldn't mind remaining with us--

MR. BARONI: As long as I can, Chairman. I have a relatively busy schedule today, but I'll stay as long as I can.

ASSEMBLYMAN WISNIEWSKI: I appreciate it; thank you.

Assemblyman Johnson.

ASSEMBLYMAN GORDON M. JOHNSON: Good morning, Chairman, and members of this esteemed Committee.

It's been quite an experience sitting in the audience listening to this testimony -- testimony pertaining to the upper level of the George Washington Bridge. The George Washington Bridge has two levels -- has two decks. So this fairness issue with percentage of cars that are entering from this special entrance, I am not really-- Just to me -- and I live in the area, I live in Englewood -- I'm just not seeing that as the issue when it comes to fairness.

Now, we had a lot of discussion today about traffic crossing, or the ability to cross the George Washington Bridge. I'd like to bring out the fact that the residents and our first responders in Fort Lee and in Leonia and Englewood Cliffs could not -- well, I guess I shouldn't say *could not* -- whose response times were delayed because of the traffic that was tied up in the community. Police; the volunteer fire departments,

where they tried to knock down some fires -- well, if they had to -- those response times would have increased because of the traffic in Fort Lee because of this access closure.

Fortunately, there were no reports of serious injury or deaths because of police or first responders' or EMS' lack of getting to a call on time. But there are reports that September 9 was the first day of school in Fort Lee, and students got to school two or three hours late because they couldn't get across town to get to their classes.

Now, I find it, I guess I'll say, most unusual that the Port Authority would conduct a study related to Fort Lee's entrance -- ability to enter the George Washington Bridge -- and not tell Fort Lee. This three-lane entrance pertains specifically to the residents of Fort Lee and surrounding communities. Realizing that that's the access that they use, and then not telling them that you're going to do it, it just doesn't make sense to me for the purpose of a study or any other reason.

And then we have no paper trail for the study itself still.

It was a conversation that was brought by police officers in the Port Authority who are officials of the PBA. So my question to the Port Authority is: Well, if the police move these cones -- they're the ones who were directed to move these cones -- who is the Police Captain or the Police Director of the Bridge, and did this request or directive go through the chain of command to the police, down to the individuals who had to move the cones, who were members of the Police Department?

So another point would be the readers that we heard about today -- these readers that are out there. They pick up these signals and determine the duration of time it takes from one point to get to the

Bridge or across the Bridge. If these readers were in place, why not just use the readers to determine what the traffic patterns would be? And the signage on the Turnpike and on Interstate 95 -- did that reflect these delays that people would be expecting as they approached the Bridge? Were they changed to reflect the actual traffic delays as they approached the Bridge?

So I'm not going to take this any further, Chairman, because we've heard a lot of testimony about this today. I just wanted to bring out that our first responders, who are trying to do their job in Fort Lee -- our police, fire, and EMS -- their response times were increased because of the traffic, because of this shut down that no one knew was happening -- effected their quality of a response.

So I'll take any questions if you have questions of me at this time.

ASSEMBLYMAN WISNIEWSKI: Assemblyman, just so I understand. So your question was about the chain of command on the Bridge?

ASSEMBLYMAN JOHNSON: I heard in the testimony, Chairman, that police officers -- Port Authority Police officers actually moved the cones. Well, if that's a fact, then it had to go through a chain of command. And I would think that the commander of the George Washington Bridge would have received this directive to tell his or her people to move the cones. That's my question.

ASSEMBLYMAN WISNIEWSKI: Okay.

Mr. Baroni, I don't know if you'd like to come back up and just respond to that one question.

MR. BARONI: (off mike) I don't know; I can't tell you the chain of command.

ASSEMBLYMAN WISNIEWSKI: Could you just say that so the microphones could pick it up so-- No one can hear you from where you're standing.

MR. BARONI: (off mike) I have to apologize; I'm going to have to step out. It was a fulsome hearing, but I can't tell you who the exact chain of command was. I don't know the answer to that question.

ASSEMBLYMAN WISNIEWSKI: Can you get the answer for us?

MR. BARONI: I can look for it.

ASSEMBLYMAN WISNIEWSKI: Thank you.

ASSEMBLYMAN JOHNSON: But it is protocol, that when a traffic pattern is changed on the Bridge and the police officers have to move these cones, it goes through a chain of command?

ASSEMBLYMAN WISNIEWSKI: Hopefully we'll be able to get some response from the Port Authority on that.

Assemblywoman Vice Chair Stender.

ASSEMBLYWOMAN STENDER: Thank you, Mr. Chairman.

I have a question about the typical communications that goes on. And Mr. Baroni, while you're still here, maybe you can respond to that.

In a situation like Fort Lee, which is so connected, there has to be some regular exchange of information depending on what's going on. What typically-- In the absence of this -- not this issue -- but just on

routine business, is there a liaison or is there a relationship? I don't know whether you know that, Assemblyman, or whether Mr. Baroni knows that.

MR. BARONI: (off mike) I have to get back to you on that.

ASSEMBLYWOMAN STENDER: So you don't know the answer in terms of what the typical communications would be.

MR. BARONI: (off mike) I'll get back to you on that.

ASSEMBLYWOMAN STENDER: Thank you.

ASSEMBLYMAN WISNIEWSKI: Any other questions, either for Assemblyman Johnson or Mr. Baroni? (no response)

Okay.

ASSEMBLYMAN JOHNSON: Thank you.

MR. BARONI: Thank you.

ASSEMBLYMAN WISNIEWSKI: Thank you, Assemblyman; thank you, Mr. Baroni.

We're going to take a very brief recess and reconvene in five minutes to do the rest of our agenda.

(RECESS)