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United States Senate

COMMITTEE ON COMMERCE, SCIENCE,
AND TRANSPORTATION

WASHINGTON, DC 20510-6125

WEB SITE: <http://commerce.senate.gov>

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December 16, 2013

David Samson
Chairman
Port Authority of New York and New Jersey
225 Park Avenue South
New York, NY 10003

Scott H. Rechler
Vice Chairman
Port Authority of New York and New Jersey
225 Park Avenue South
New York, NY 10003

Dear Mr. Samson and Mr. Rechler:

Since the compact that created the Port Authority of New York and New Jersey was ratified by Congress in 1921, the U.S. Senate Commerce, Science, and Transportation Committee has exercised oversight of the Port Authority and its impact on interstate commerce. Pursuant to this jurisdiction, I write to express my concern about the events that led to the Port Authority's unannounced lane closures on the George Washington Bridge in September 2013. While this type of decision tends to be local in nature, I am concerned about the larger federal implications of what appears to be political appointees abusing their power to hamper interstate commerce and safety without public notice. It also exacerbates ongoing concerns with the governance and oversight of the Port Authority.

According to media reports, three access lanes leading from Fort Lee, New Jersey to the George Washington Bridge were unexpectedly shut down in September 2013, which led to several days of major traffic delays in New Jersey. The closure caused four hour commutes, brought traffic and commerce to a stop on these roads, and impaired the safe and efficient use of the transportation network in this region. There has been considerable public discussion about whether a traffic study was being conducted by the Port Authority, but it appears from recent testimony that no study was underway. While the Inspector General is currently conducting an investigation, it also appears that the public was not made aware of the closings nor were the relevant departments at the agency.

As the nation's busiest bridge in one of the most complex and congested areas of the country, planning for traffic disruptions of this magnitude would and should require significant involvement from all levels of government with substantial public notice to avoid unnecessary delays and a potentially dangerous safety threat to the public. Perhaps most concerning are unanswered questions about why no systems were in place to prevent and immediately correct what appears to be a significant abuse of power by a few appointees.

This latest incident adds to my Committee's existing concerns about the management of the Port Authority. As you recall, in April 2012, the Committee held a hearing to gather information on the Authority's implementation of toll hikes. The Port Authority witness, former

Deputy Executive Director Bill Baroni, was argumentative and unresponsive to legitimate questions raised at the hearing. Only after several inquiries and letters was the Committee able to attain any relevant information from the Port Authority. Further, in an August 2013 report, the U.S. Government Accountability Office reported that the Port Authority had insufficient public notification processes and has limited external oversight.

Unwarranted lane closures with no public notice can have serious ramifications on interstate commerce and safety in the region, and as the Committee with oversight responsibility of the Port Authority, I continue to have serious concerns about the actions of this agency. The gravity of this situation demands a comprehensive investigation. Please provide the Committee responses to the enclosed list of questions by January 15, 2014.

Sincerely,



John D. Rockefeller IV
Chairman

cc:

Senator John Thune, Ranking Member
Richard H. Bagger, Board Member
Kenneth Lipper, Board Member
Jeffrey H. Lynford, Board Member
Jeffrey A. Moerdler, Board Member
Basil A. Paterson, Board Member
Raymond M. Pocino, Board Member
Rossana Rosado, Board Member
Anthony J. Sartor, Board Member
William Schuber, Board Member
David S. Steiner, Board Member

U.S. Senate Commerce, Science, and Transportation Committee
Questions on the George Washington Bridge (GWB) Lane Closures

1. What is the standard process for lane closures and/or a traffic study at the Port Authority of New York and New Jersey? Please include details on the internal approval process, the agencies that must be notified, public notification requirements, and the types of actions that are taken to minimize traffic disruptions. How long does this planning process typically take? How far in advance is the public typically notified?
2. As a bi-state agency, what is the standard process for coordinating operational decisions, like the lane closures, between the two states? How is each state made aware of these decisions and how long does it typically take to ensure that all parties are coordinated?
3. What process was followed for the lane closures from September 9th through 13th? How was this closure communicated between the two states?
4. At recent New Jersey State Assembly hearings, the Port Authority gave conflicting testimony about the purpose of the lane closures. What prompted the closure of the access lanes from September 9th through September 13th? Was a traffic study ever planned for this area or was this reason fabricated?
5. Who approved former Deputy Executive Director Baroni's testimony for the State Assembly hearing? Did the Board review or approve the testimony? What investigation was conducted by the Board prior to his testimony? At what point was the Board made aware that most of the Authority had no knowledge of a traffic study?
6. It is my understanding that TRANSCOM was created to coordinate construction activities between the New York-New Jersey region and that the Port Authority is a member agency. Their systems help public safety officials and emergency responders to make real-time, informed safety decisions, such as rerouting emergency vehicles around incidents and minimizing traffic delays. Did the Port Authority coordinate the lane closures with the public safety and emergency responders? If not, what steps were taken to ensure that safety would not be impeded?
7. Prior to the closure, who at the Port Authority knew about the decision? What concerns were raised?
8. At the State Assembly hearing, it was insinuated that some employees may have feared retribution, if they raised concerns about the closing. Are there processes in place for employees to anonymously raise concerns? If so, were these processes used and why did they not work in this instance? What steps are you taking to address concerns of retribution and ensure that employees can raise valid concerns?
9. Did anyone conduct research into the potential impacts of closing access lanes to the busiest bridge in the nation? What were the ultimate impacts of these lane closures on congestion, commerce, and safety?