

Retired Police Win Back Free E-Z Pass Benefit

Ben Bedell, *New York Law Journal*

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Rafal Pytel

The Port Authority of New York and New Jersey lost its effort to terminate free E-Z Pass privileges for its retired police officers. The Appellate Division, First Department, upheld three lower courts that had confirmed arbitrator rulings that the 2011 termination violated union contracts.

Both the 1,700 active duty police force and retirees have been able to avoid tolls on bridges and tunnels connecting New York and New Jersey since 1973. They also have free parking at the region's major airports.

The Port Authority claimed that a memorandum of understanding providing for the retiree benefit had expired. The court on Thursday unanimously rejected Port Authority claims in three cases concerning retired police sergeants and lieutenants.

The unsigned decisions employed nearly identical language in affirming the lower court rulings that the Port Authority had agreed to vest the retirees with "a lifetime interest in the E-Z Pass privileges they enjoyed while employed."

The cases were *In re Port Authority of New York and New Jersey v. Port Authority Police Lieutenants Benevolent Association*, 451813/12, *In re Port Authority of New York and New Jersey v. Port Authority Police Sergeants Benevolent Association*, 451612/12, and *In re Port Authority of New York and New Jersey v. Port Authority Police Sergeants Benevolent Association*, 450825/13.

The panel included Justices Angela Mazzarelli (See Profile), John Sweeny, Jr. (See Profile), Richard Andrias (See Profile), Karla Moskowitz (See Profile) and Rosalyn Richter (See Profile).

Michael Detzky, a partner at Detzky & Hunter, represented the sergeants union. "They will have to give them the E-Z Pass going forward, and compensation for the period they took it away," he said.

Craig Kozan of Witham & Kozan represented the lieutenants union.

Toby Russell of the Port Authority General Counsel's office represented the Port Authority, which declined to comment.