

Democrats Expand the Scope of Port Authority Investigations

Mark J. Magyar | December 17, 2013

Weinberg, Wisniewski want structural overhaul of Port Authority; U.S. Senate panel launches inquiry; criminal probe may be next



Senate Democratic Majority Leader Loretta Weinberg. As they wait for Port Authority officials to comply with their most recent wave of subpoenas, key Democratic lawmakers are debating how to reform a powerful bi-state agency they regard as dysfunctional, unresponsive, and out of control. They also must decide whether to seek a criminal investigation against those responsible for the [Bridge-gate lane closures](#).

Senate Majority Leader Loretta Weinberg (D-Bergen) said yesterday she will introduce a Senate resolution Thursday calling for a congressional review of the structure and operations of the Port Authority. Weinberg's legislative district was directly affected by four days of traffic tie-ups caused by a rogue Port Authority official's secret closure of two Fort Lee access lanes leading onto the George Washington Bridge

Assembly Transportation Committee Chairman John Wisniewski (D-Middlesex), whose panel hauled in senior Port Authority officials under subpoena last week, said legal staff at the nonpartisan Office of Legislative Services is reviewing whether any federal or state laws were broken by the lane closures, which impeded interstate commerce from New Jersey to New York.

And U.S. Sen. John D. Rockefeller IV (D-WV), who chairs the Senate Commerce, Science and Transportation Committee, yesterday launched his own inquiry into the Bridge-gate scandal. He has requested documents from the Port Authority and has sent a letter urging the U.S. Secretary of Transportation to conduct a full investigation.

Weinberg and Wisniewski said their concerns with the Port Authority go far beyond the current scandal that has already forced the resignations of Gov. Chris Christie's "eyes and ears" at the agency, Deputy Executive Director Bill Baroni and Interstate Projects Director James Wildstein, a high school friend of Christie's who ordered the lane closures.

Both Wisniewski and Weinberg complained about a lack of transparency and responsiveness in the hefty toll increases pushed through last fall. They also cited a recent study commissioned by Christie and New York Gov. Andrew Cuomo that found the Port Authority's management to be "dysfunctional."

Asking Congress to Take a Look

“We are preparing a resolution asking Congress to take a broad look at the structure and governance of the Port Authority. Because it is a bistate agency, it was Congress that had to authorize it and create it, and it will probably take congressional action to change the compact,” said Weinberg. She added that she hoped that the resolution would win final passage before the current legislative session ends on January 13.

Wisniewski’s Assembly Transportation Committee also is facing a January 13 deadline when its subpoena powers would expire. He is awaiting responses by the end of the week to the subpoenas he issued to seven Port Authority officials for all emails and correspondence related to the Bridge-gate scandal, including any correspondence with Christie or members of his administration, before issuing further subpoenas for witnesses to appear before his panel in early January. The Democratic-controlled Assembly is likely to quickly renew the Wisniewski committee’s subpoena powers.

Wisniewski, the Legislature’s leading transportation expert, said he is concerned not only about what his committee now knows about abuses of power at the Port Authority, but even more by what it doesn’t know.

“The long-term decline in quality at the Port Authority has been exacerbated by the rise in an anything-goes political mentality,” Wisniewski said. “When you think about what the publicly stated rationale was for the lane diversion -- that it was done to punish the mayor of Fort Lee for refusing to endorse a governor who was already going to win reelection in a walk -- you have to ask what these guys would have done in a case that did matter.”

Wisniewski emphasized that it is still too early in his committee’s investigation to assess the full scope of the problems at the Port Authority, which runs bridges, tunnels, airports, ports, the PATH light rail system, and the World Trade Center with an annual budget larger than those of 26 states.

“We do know that we have an agency whose executive director, Patrick Foye, admits under oath he is powerless to do anything to control excesses. We have an agency whose career employees are in fear for their jobs if they don’t do what the political people tell them to do. We have a report last year that says the agency is dysfunctional, and the governors on both sides of the river promise they will fix it -- and this is how they fix it!” Wisniewski said dismissively, referring to the Bridge-gate revelations.

“In theory, what we’ve been told is that Baroni and Foye are appointed by the Port Authority’s Board of Commissioners and are answerable to those commissioners,” he said. “But the practical reality of the two states is that they are appointed by the governors. When half of the agency is responsible to one side of river and half to the other, you have in effect two agencies that more often than not have different agendas. It’s as if an iron curtain exists between the two sides, and they can only watch with horror what the other side is doing and not do anything about it.”

Wisniewski said he has started to wonder whether the best way to fix the Port Authority is “to abolish it and start from scratch.”

“I understand the need to have a government agency involved in building bridges and tunnels between the two states,” Wisniewski said. “What I raise questions about is the real estate empire. The private sector is pretty good at doing that.”

By the Book

Jameson W. Doig, the Princeton University professor who wrote *Empire on the Hudson*, an authoritative history of the first 75 years of the Port Authority, said the enormous sums that the authority poured into rebuilding the World Trade Center over the past decade not only severely taxed the resources of the agency, but also “made it very difficult for Cuomo to challenge any of the actions that Christie took.”

“The Port Authority taking over Atlantic City airport is a big favor to Christie, but it has nothing to do with the interest of the region the Port Authority is supposed to operate in under its charter,” Doig said.

Wisniewski said the reason that the Port Authority is taking over operation of Atlantic City’s airport is because the Port Authority previously took over Newburgh Airport in New York.

Newburgh is just outside the 25-mile circumference of Lower Manhattan that makes up the Port Authority zone, while Atlantic City is more than 60 miles outside it, “but in the fine tradition of the Port Authority, almost like a baseball trade, we got the right to name an airport to take over later,” he said

“This agency, because of its byzantine management structure, just seems to grow by accretion and there is no effective check on its growth,” Wisniewski said.

Weinberg said her resolution asking Congress to analyze the structure and management of the Port Authority is based in part on the agency’s lack of transparency and responsiveness both to complaints about the massive toll hikes approved last year and to her own inquiries about the Fort Lee lane closures.

“I went to four Port Authority Commission meetings -- one work session and the three scheduled meetings in October, November and December -- and I could not get an answer from the executive director or the commissioners on what happened,” Weinberg complained. “I voted for the confirmation of the New Jersey commissioners when they came before the Senate Judiciary Committee, yet I could not get a response. It took subpoenas from Assemblyman Wisniewski’s committee for us to get any answers at all.”

Doig said he was not surprised by the lack of response.

“The Port Authority commissioners are supposed to be independent, but when I met with David Samson, the Port Authority chairman, in November 2011, he said his job was to do whatever Gov. Christie wanted him to do, not to worry about the needs of the region,” Doig said. “It was clearly an example of loyalty to the state taking precedence over loyalty to the region. He was thinking of himself like a department head who could be replaced at will, not as an independent appointee with a six-year term.”

When the 12 commissioners are unwilling to exercise a proper oversight role, excesses like the Bridge-gate scandal are the result, Doig said. Weinberg noted that Foye, the executive director appointed by Cuomo, told the Wisniewski committee that he believes the lane closures may have violated federal or state law. Further, the emails showing Baroni rushing to Foye’s office to make sure there was no public disclosure of Wildstein’s actions demonstrated that Baroni was aware of the lane closures, Wisniewski noted.

“I’m not a lawyer,” Weinberg said. “We should leave it to the criminal justice authorities to decide. But I think the U.S. Attorney’s Office should be the agency to look at it.” “We’re still at the beginning of our inquiry,” Wisniewski said. “Legal counsel at the OLS is looking at that very issue. If we uncover any indication that laws were broken and criminal activity took place, we will turn it over to the appropriate authorities. Because it is an interstate bridge, both federal and state laws could apply. We will turn it over to whoever would have jurisdiction.”