

Gateway Development Commission
Regular Meeting of the Board
In-Person (New York)

July 28, 2025

MINUTES

The following Commissioners were present:

NEW JERSEY

Balpreet Grewal-Virk, Co-Chair
Victor Herlinsky
Amy Rosen

NEW YORK

Alicia Glen, Co-Chair
Marie Therese Dominguez

AMTRAK

Anthony R. Coscia, Vice Chair

I. Call to Order

The public meeting was called to order by Co-Chair Glen at approximately 11:00 A.M.

Co-Chair Glen advised that public comments were being solicited in-person and virtually, and audio of the meeting was being live streamed from the Gateway Program website.

Co-Chair Glen noted that the Commission was continuing to solicit virtual comments, and that a form for soliciting these comments was posted on the Gateway Program website for those who wished to submit a comment for today's meeting.

Acting Secretary Anderson conducted a roll call and confirmed that all Commissioners were present except Commissioner Barbas, and that there was a quorum.

Acting Secretary Anderson stated that adequate notice of today's public meeting of the Board of Commissioners of the Commission had been provided in accordance with the Commission's enabling legislation.

II. Report on Minutes of May 20, 2025, Meeting

Acting Secretary Anderson reported that copies of the Minutes of the meeting of May 20, 2025 were delivered in electronic form to the Governors of New York and New Jersey on May 20, and that the time for action by the Governors of New York and New Jersey expired at midnight on June 4, 2025, at which time the actions recorded in the Minutes went into full force and effect.

III. Public Comments

Co-Chair Glen announced that the Commission had solicited virtual comments from the public in advance of, and during, today's meeting. She indicated that a form for soliciting these comments was posted to the Gateway Program website and was available throughout today's meeting.

There were two (2) written comment(s) received by 5:00 PM on July 27, 2025:

Commenter	Topic
Nathan Kilbert, United Steel Workers International Union	Project Labor Agreements
Joshua Berman, Regional Plan Association	Gateway Program

Co-Chair Glen noted that all written comments received by 5:00 p.m. on July 27, 2025, before the meeting, were distributed to the Board, posted on the Gateway Program website, and would be filed in the Commission’s records after the meeting.

The following individuals provided in-person public comments during the July 28, 2025, Board Meeting:

Commenter	Topic
Rob Harms, George Harms Construction	Resolution 0725-04
Conie B. DeBerry, Fox Rothschild, LLP	Resolution 0725-04
Carlo Casa, New York Building Congress	Hudson Tunnel Project
Eugene Sinigalliano, 251 W. 30 th Street Residential Tenants Association	Penn Station and Block 780
Samuel Turvey, Rethink NYC	Gateway Program Economic Benefits
Liam Blank, City Club of New York	Penn Station
Layla Law Gisio, City Club of New York	Hudson Tunnel Project
Morgan Martine, LIUNA	Project Labor Agreements
Joshua Berman, Regional Plan Association	Hudson Tunnel Project

There were four (4) written comments received on the day of the meeting from the following:

Commenter	Topic
Liam Blank, City Club of New York	Penn Station
Letia Pyle, Channels Business Solutions	Procurement Support Services Contract
Liam Blank, City Club of New York	Hudson Tunnel Project
Chad Purkey, Association for a Better New York	Hudson Tunnel Project

IV. Gateway Program Update

The Commission’s Chief Executive Officer, Thomas Prendergast, provided an update on the projects within the Hudson Tunnel Project under construction. Deputy Chief Administrative Officer - Procurement Anthony Gardner, Chief Financial Officer Patrick J. McCoy and Executive Vice President Catherine Rinaldi presented the action items. Following the presentation, Co-Chair Glen thanked Mr. Prendergast and GDC staff for the update, and there were no questions or comments from the Board.

V. Executive Session

Co-Chair Glen stated that the Board would enter Executive Session to discuss contract negotiations, personnel matters, and matters in which the release of information could impair a right to receive funds from the United States. Co-Chair Glen noted that the Board would reconvene the public meeting for the purpose of the Action Items. Co-Chair Glen motioned to enter into Executive Session, Co-Chair Grewal-Virk seconded the motion, and the motion was unanimously adopted at approximately 11:30 AM.

VI. Reconvening of Public Meeting

The public meeting was reconvened by Co-Chair Glen at approximately 12:30 PM. Acting Secretary Anderson confirmed that there was a quorum of Commissioners present.

VII. Action Items

#0725-01: Authorization of Award of Contract GDC-25-028-OP for Site Security Services to Support the Hudson Tunnel Project.

The Board acted on this referenced action item, enclosed herewith. Commissioners did not have any comments on this Resolution. Commissioner Rosen made a motion, and Co-Chair Grewal-Virk seconded the motion. The Resolution was approved. The roll call vote is referenced in the attached Resolution.

#0725-02: Authorization of Award of Contract GDC-25-030-OP for Procurement Support Services to Support the Hudson Tunnel Project.

The Board acted on this referenced action item, enclosed herewith. Co-Chair Grewal-Virk made a motion, and Commissioner Herlinsky seconded the motion. The Resolution was approved. The roll call vote is referenced in the attached Resolution.

#0725-03: Authorization of Award of Contract GDC-25-032-OP For Auditing Services to Support the Hudson Tunnel Project.

The Board acted on this referenced action item, enclosed herewith. Commissioner Herlinsky made a motion, and Commissioner Rosen seconded the motion. The Resolution was approved. The roll call vote is referenced in the attached Resolution.

#0725-04: Hudson Tunnel Project – NJ Surface Alignment – Delegation of Authority for Labor Agreement.

Co-Chair Glen requested the Resolution be revised to require the Chief Executive Officer to seek Board approval of the Labor Agreement before execution. The Board acted on this referenced action item with the change requested, enclosed herewith. Commissioner Herlinsky made a motion, and Co-Chair Grewal-Virk seconded the motion. The Resolution was approved. The roll call vote is referenced in the attached Resolution.

#0725-05: Hudson Tunnel Project – Hudson River Tunnel – Delegation of Authority to Execute Labor Agreement.

The Board acted on this referenced action item, enclosed herewith. Commissioner Herlinsky made a motion, and Commissioner Rosen seconded the motion. The Resolution was approved. The roll call vote is referenced in the attached Resolution.

VIII. Adjournment

DRAFT – PENDING GUBERNATORIAL REVIEW

Co-Chair Glen noted that there was no further business to conduct and then motioned to adjourn the meeting. Upon the motion being duly made by Co-Chair Glen and seconded by Commissioner Herlinsky the meeting was adjourned at approximately 1:00 PM.

Respectfully submitted,

/s/ Maria C. Anderson
Maria C. Anderson, Acting Secretary

#0725-01: AUTHORIZATION OF AWARD OF CONTRACT GDC-25-028-OP FOR SITE SECURITY SERVICES TO SUPPORT THE HUDSON TUNNEL PROJECT

To help ensure the functionality of intercity and commuter rail infrastructure between the State of New Jersey (“**New Jersey**”) and the State of New York (“**New York**”) and throughout the Northeast Corridor (the “**NEC**”), New Jersey and New York created the Gateway Development Commission (“**GDC**”) through the enactment of parallel legislation by each state codified as the Gateway Development Commission Act (2019 N.Y. Laws, Ch. 108 and N.J.S.A. 32:36-1, et seq.) (collectively, the “**GDC Act**”).

The GDC Act empowers the Commission to "enter into, execute and deliver contracts and agreements and other documents and instruments as may be necessary or appropriate to carry out any power of the Commission under this act and to otherwise accomplish any lawful purpose which the commissioners determine will facilitate the Project, including, without limitation, with the federal government, the state of New Jersey, any local government thereof, the state of New York, with any local government thereof, with any agency, instrumentality, department, commission or authority of any one or more of the foregoing, any bi-state agency, Amtrak, any individual or private firm, entity or corporation, or with any one or more of them." 2019 N.Y. Laws, Ch. 108, Section 2(7)(e); N.J.S.A. 32:36-8(e).

Section 3.06 of the GDC Bylaws provides that “[t]he Board may delegate in whole or in part any power, authority, discretion or obligation to any Officer, in each case to the extent to which the Board deems appropriate.”

In February 2025, GDC issued a federally compliant Request for Proposals (“**RFP**”) No. GDC-25-028-OP soliciting proposals from entities interested in providing site security services (“**Services**”) to support the Hudson Tunnel Project (“**HTP**”). Proposals were received from seven (7) firms. The proposals were reviewed by an evaluation panel consisting of representatives from GDC staff in Safety and Security, Information Technology, and Procurement, the Port Authority of New York and New Jersey, and MPA Delivery Partners (collectively, “**Evaluation Panel**”). The Evaluation Panel recommended that four (4) firms be invited for oral presentations. Thereafter, GDC undertook the negotiation of terms and conditions, insurance, and price with three (3) firms, and the Evaluation Panel recommended one (1) firm for award. The recommended firm was found responsive and responsible. The initial term of Contract GDC-25-028-OP is five (5) years ending in 2030 (“**Term**”), and thereafter, GDC has the option to extend the term for up to two (2) one (1) year extensions which, if elected, will end the term in 2032 (“**Renewal Term**”).

Pursuant to the foregoing report, the following resolution was adopted, with Co-Chair Glen, Co-Chair Grewal-Virk, Vice Chair Coscia, Commissioner Dominguez, Commissioner Rosen, and Commissioner Herlinsky voting in favor:

RESOLVED, that the GDC Chief Executive Officer, Chief Financial Officer, Executive Vice President, or Deputy Chief Administration-Procurement is authorized to enter into and execute Contract GDC-25-028-OP with Mulligan Security LLC in an amount not to exceed \$25,007,271.

RESOLVED, that the GDC Chief Executive Officer or designee is authorized to increase Contract GDC-25-028-OP by an additional amount equal to five percent (5%) for contingencies, in each case subject to the availability of funds, and to take all other steps necessary to comply with the terms and conditions of Contract GDC-25-028-OP.

RESOLVED, that the GDC Chief Executive Officer is authorized, within the total authorized Contract Price and in accordance with the terms of this Resolution, to take all actions necessary to effectuate, enter into authorize, approve, create, amend, manage, and/or terminate any aspect of Contract GDC-25-028-OP, and make, execute, and deliver in the name of and on behalf of GDC other documents or certifications as may be necessary or required in connection therewith.

RESOLVED, that the GDC Chief Executive Officer, is authorized to delegate, in writing, the authority to authorize, approve, create, amend, manage, and/or terminate any aspect of Contract GDC-25-028-OP and execute such documents as may be required to the Chief Financial Officer, Executive Vice President or Deputy Chief Administration-Procurement, or other officers or employees of GDC provided that the Chief Executive Officer provides notice in writing to the Co-Chairs and Vice Chair of the Board of such delegation and any delegations of authority having occurred prior hereto are hereby ratified.

#0725-02: AUTHORIZATION OF AWARD OF CONTRACT GDC-25-030-OP FOR PROCUREMENT SUPPORT SERVICES TO SUPPORT THE HUDSON TUNNEL PROJECT

To help ensure the functionality of intercity and commuter rail infrastructure between the State of New Jersey (“**New Jersey**”) and the State of New York (“**New York**”) and throughout the Northeast Corridor (the “**NEC**”), New Jersey and New York created the Gateway Development Commission (“**GDC**”) through the enactment of parallel legislation by each state codified as the Gateway Development Commission Act (2019 N.Y. Laws, Ch. 108 and N.J.S.A. 32:36-1, et seq.) (collectively, the “**GDC Act**”).

The GDC Act empowers the Commission to "enter into, execute and deliver contracts and agreements and other documents and instruments as may be necessary or appropriate to carry out any power of the Commission under this act and to otherwise accomplish any lawful purpose which the commissioners determine will Facilitate the Project, including, without limitation, with the federal government, the state of New Jersey, any local government thereof, the state of New York, with any local government thereof, with any agency, instrumentality, department, commission or authority of any one or more of the foregoing, any bi-state agency, Amtrak, any individual or private firm, entity or corporation, or with any one or more of them." 2019 N.Y. Laws, Ch. 108, Section 2(7)(e); N.J.S.A. 32:36-8(e).

Section 3.06 of the GDC Bylaws provides that “[t]he Board may delegate in whole or in part any power, authority, discretion or obligation to any Officer, in each case to the extent to which the Board deems appropriate.”

GDC issued a federally compliant Request for Proposals (“**RFP**”) No. GDC-25-030-OP soliciting proposals from entities interested in providing procurement support services (“**Services**”) to support the Hudson Tunnel Project (“**HTP**”). Proposals were received from nine (9) firms. The proposals were reviewed by an evaluation panel consisting of representatives from GDC staff in Procurement, Legal, Program departments and Amtrak and MPA Delivery Partners (collectively, “**Evaluation Panel**”). The Evaluation Panel recommended that three (3) firms be invited for oral presentations. Thereafter GDC undertook the negotiation of terms and conditions, insurance, and price with two (2) firms and the Evaluation Panel recommended one (1) firm for award. The firm recommended for award of the contract was found responsive and responsible. The initial term of Contract GDC-25-030-OP is seven (7) years ending in 2032 (“**Term**”), and thereafter, GDC has the option to extend the term for up to one (1) one (1) year extension which, if elected, will end the term in 2033 (“**Renewal Term**”).

Pursuant to the foregoing report, the following resolution was adopted, with Co-Chair Glen, Co-Chair Grewal-Virk, Vice Chair Coscia, Commissioner Dominguez, Commissioner Rosen, and Commissioner Herlinsky voting in favor:

RESOLVED, that the GDC Chief Executive Officer, Chief Financial Officer, Executive Vice President, or Deputy Chief Administration-Procurement is authorized to enter into and execute Contract GDC-25-030-OP with **WSP USA** in an amount not to exceed \$54,089,446 (“**Contract**

Price”).

RESOLVED, that the GDC Chief Executive Officer or designee is authorized to increase Contract GDC-25-030-OP by an additional amount equal to five percent (5%) for contingencies, in each case subject to the availability of funds, and to take all other steps necessary to comply with the terms and conditions of Contract GDC-25-030-OP.

RESOLVED, that the GDC Chief Executive Officer is authorized, within the total authorized Contract Price and in accordance with the terms of this Resolution, to take all actions necessary to effectuate, enter into authorize, approve, create, amend, manage, and/or terminate any aspect of Contract GDC-25-030-OP, and make, execute, and deliver in the name of and on behalf of GDC other documents or certifications as may be necessary or required in connection therewith.

RESOLVED, that the GDC Chief Executive Officer, is authorized to delegate, in writing, the authority to authorize, approve, create, amend, manage, and/or terminate any aspect of Contract GDC-25-030-OP and execute such documents as may be required to the Chief Financial Officer, Executive Vice President or Deputy Chief Administration-Procurement, or other officers or employees of GDC provided that the Chief Executive Officer provides notice in writing to the Co-Chairs and Vice Chair of the Board of such delegation and any delegations of authority having occurred prior hereto are hereby ratified.

#0725-03: AUTHORIZATION OF AWARD OF CONTRACT GDC-25-032-OP FOR AUDITING SERVICES TO SUPPORT THE HUDSON TUNNEL PROJECT

To help ensure the functionality of intercity and commuter rail infrastructure between the State of New Jersey (“**New Jersey**”) and the State of New York (“**New York**”) and throughout the Northeast Corridor (the “**NEC**”), New Jersey and New York created the Gateway Development Commission (“**GDC**”) through the enactment of parallel legislation by each state codified as the Gateway Development Commission Act (2019 N.Y. Laws, Ch. 108 and N.J.S.A. 32:36-1, et seq.) (collectively, the “**GDC Act**”).

The GDC Act empowers the Commission to "enter into, execute and deliver contracts and agreements and other documents and instruments as may be necessary or appropriate to carry out any power of the Commission under this act and to otherwise accomplish any lawful purpose which the commissioners determine will Facilitate the Project, including, without limitation, with the federal government, the state of New Jersey, any local government thereof, the state of New York, with any local government thereof, with any agency, instrumentality, department, commission or authority of any one or more of the foregoing, any bi-state agency, Amtrak, any individual or private firm, entity or corporation, or with any one or more of them." 2019 N.Y. Laws, Ch. 108, Section 2(7)(e); N.J.S.A. 32:36-8(e).

Section 3.06 of the GDC Bylaws provides that “[t]he Board may delegate in whole or in part any power, authority, discretion or obligation to any Officer, in each case to the extent to which the Board deems appropriate.”

In April, 2025, GDC issued a federally compliant Request for Proposals (“**RFP**”) No. GDC-25-032-OP soliciting proposals from entities interested in providing auditing (“**Services**”) to support the Hudson Tunnel Project (“**HTP**”). Proposals were received from three (3) firms. The proposals were reviewed by an evaluation panel consisting of representatives from GDC staff in Finance and Audit. (collectively, “**Evaluation Panel**”). The Evaluation Panel recommended that the three (3) firms be invited for oral presentations. Thereafter, GDC undertook the negotiation of terms and conditions, insurance, and price with two (2) firms, and the Evaluation Panel recommended one (1) firm for award. The firm recommended for award of the contract was found responsive and responsible. The initial term of Contract GDC-25-032-OP is five (5) years ending in 2030 (“**Term**”), and thereafter, GDC has the option to extend the term for up to two (2) one (1) year extensions which, if elected, will end the term in 2032 (“**Renewal Term**”).

Pursuant to the foregoing report, the following resolution was adopted, with Co-Chair Glen, Co-Chair Grewal-Virk, Vice Chair Coscia, Commissioner Dominguez, Commissioner Rosen, and Commissioner Herlinsky voting in favor:

RESOLVED, that the GDC Chief Executive Officer, Chief Financial Officer, Executive Vice President, or Deputy Chief Administration-Procurement is authorized to enter into and execute Contract GDC-25-032-OP with SC&H Attest Services, P.C. in an amount not to exceed \$1,979,469.

RESOLVED, that the GDC Chief Executive Officer or designee is authorized to increase Contract GDC-25-032-OP by an additional amount equal to five percent (5%) for contingencies, in each case subject to the availability of funds, and to take all other steps necessary to comply with the terms and conditions of Contract GDC-25-032-OP.

RESOLVED, that the GDC Chief Executive Officer is authorized, within the total authorized Contract Price and in accordance with the terms of this Resolution, to take all actions necessary to effectuate, enter into authorize, approve, create, amend, manage, and/or terminate any aspect of Contract GDC-25-032-OP, and make, execute, and deliver in the name of and on behalf of GDC other documents or certifications as may be necessary or required in connection therewith.

RESOLVED, that the GDC Chief Executive Officer, is authorized to delegate, in writing, the authority to authorize, approve, create, amend, manage, and/or terminate any aspect of Contract GDC-25-032-OP and execute such documents as may be required to the Chief Financial Officer, Executive Vice President or Deputy Chief Administration-Procurement, or other officers or employees of GDC provided that the Chief Executive Officer provides notice in writing to the Co-Chairs and Vice Chair of the Board of such delegation and any delegations of authority having occurred prior hereto are hereby ratified.

#0725-04: HUDSON TUNNEL PROJECT – NJ SURFACE ALIGNMENT – DELEGATION OF AUTHORITY TO CHIEF EXECUTIVE OFFICER FOR LABOR AGREEMENT

The Hudson Tunnel Project will improve resiliency, reliability, and redundancy for the busiest section of the Northeast Corridor (“**NEC**”) – the busiest passenger rail line in the United States. The Hudson Tunnel Project (“**HTP**”), for funding and financing purposes, includes the construction of a new Hudson River Tunnel between New York and New Jersey, and the rehabilitation of the existing 112-year-old North River Tunnel under the Hudson River.

The NJ Surface Alignment P3 Project (“**NJSA**”) consists of installation of new trackway adjacent to the existing NEC, from the east side of County Road in Secaucus, NJ extending to the property west of Tonnelle Avenue in North Bergen, New Jersey. NJSA includes the design and construction of retaining walls with fill, a railroad bridge over Secaucus Road, a viaduct over wetlands, access roads with an open-grate trestle section, parking improvements at adjacent properties, two railroad bridges over the New York, Susquehanna and Western Railway (“**NYS&W**”) and Conrail freight railroads, utility relocations, auxiliary substation relocation, culvert extensions, and other miscellaneous structures. A significant portion of the construction will be occurring immediately adjacent to, and in some cases, upon and potentially above, the live railroad tracks of the NEC operated by both Amtrak and NJ TRANSIT, and adjacent to and above live tracks of the Conrail and NYS&W freight railroads.

The Gateway Development Commission (the “Commission”) is a public and government sponsored authority established by bi-state legislation (the “GDC Act”) in July 2019. The Commission is serving as the NEPA Project Sponsor and federal grant recipient for the Hudson Tunnel Project.

The GDC Act empowers the Commission to “enter into, execute and deliver contracts and agreements and other documents and instruments as may be necessary or appropriate to carry out any power of the Commission under this act and to otherwise accomplish any lawful purpose which the commissioners determine will Facilitate the Project, including, without limitation, with the federal government, the state of New Jersey, any local government thereof, the state of New York, with any local government thereof, with any agency, instrumentality, department, commission or authority of any one or more of the foregoing, any bi-state agency, Amtrak, any individual or private firm, entity or corporation, or with any one or more of them.” 2019 N.Y. Laws, Ch. 108, Section 2(7)(e); N.J.S.A. 32:36-8(e).

The GDC Act further empowers the Commission to “utilize the existing labor force in the states and foster labor harmony in allowing for adoption of efficient labor work rules and practices during construction of the Project.” 2019 N.Y. Laws, Ch. 108, Section 7(q); N.J.S.A. § 32:36-8(q).

A project labor agreement is a pre-hire collective bargaining agreement that establishes the terms and conditions of employment for a project.

The Project Development Agreement for the Hudson Tunnel Project (the “PDA”), a foundational agreement between the States of New Jersey and New York, Amtrak, and the Commission regarding delivery of the Hudson Tunnel Project, provides, at Article IV, Section 4.01(b), that the Commission shall “engage with labor constituencies and lead the development and negotiation of applicable project labor agreement(s)” for the Hudson Tunnel Project.

The Commission has engaged, via its outside counsel, a consultant to conduct a study to determine if it is in the Commission’s interest to negotiate and execute a project labor agreement for NJSA based on considerations such as the impact of delay, the possibility of cost savings advantages, and the promotion of labor harmony which are best met by requiring a project labor agreement. The labor study recommends that the Commission negotiate and execute a project labor agreement for NJSA.

Based on the conclusions in this study, the Commission and the unions representing the trades who will perform work on NJSA (the “Parties”) are engaging in negotiations regarding the terms and conditions of employment for NJSA.

The terms and conditions of employment will be memorialized in a Project Labor Agreement between the Commission and relevant labor organizations (the “**Labor Agreement**”).

Pursuant to the foregoing report, the following resolutions were adopted, with Co-Chair Glen, Co-Chair Grewal-Virk, Vice Chair Coscia, Commissioner Dominguez, Commissioner Rosen, and Commissioner Herlinsky voting in favor:

RESOLVED, that the GDC Chief Executive Officer is delegated authority to take any and all actions consistent with this resolution, and to make, negotiate execute and deliver in the name and on behalf of GDC the Labor Agreement and any amendments thereto, including finalizing the terms of the Labor Agreement, any Exhibits or memoranda to the Labor Agreement, and to take all other steps necessary to comply with the terms and conditions of the Labor Agreement, including enforcing the terms of the Labor Agreement as may be required.

RESOLVED, that the GDC Chief Executive Officer, is authorized to delegate, in writing, the authority to authorize, approve, create, amend, manage, and/or execute other documents as may be required in connection with the Labor Agreement to other officers or employees of GDC provided that the Chief Executive Officer provides notice in writing to the Co-Chairs and Vice Chair of the Board of such delegation.

RESOLVED, that the GDC Chief Executive Officer shall request Board approval of the Labor Agreement prior to execution.

#0725-05: HUDSON TUNNEL PROJECT – HUDSON RIVER TUNNEL – DELEGATION OF AUTHORITY TO CHIEF EXECUTIVE OFFICER TO EXECUTE LABOR AGREEMENT

The Hudson Tunnel Project will improve resiliency, reliability, and redundancy for the busiest section of the Northeast Corridor (“**NEC**”) – the busiest passenger rail line in the United States. The Hudson Tunnel Project (“**HTP**”), for funding and financing purposes, includes the construction of a new Hudson River Tunnel between New York and New Jersey, and the rehabilitation of the existing 112-year-old North River Tunnel under the Hudson River.

The Hudson River Tunnel Project (“**HRT**”) consists of two separate tunnels bored eastward from the Hudson County Shaft in Hudson County to the 12th Avenue Shaft in Manhattan. Tunnel boring machines (“**TBM**”) will be assembled and launched at the Hudson County Shaft and retrieved from the 12th Avenue Shaft. There will be nine (9) cross passages, an 18” thick precast segmental tunnel lining with an inside diameter of 252 inches installed, precast inverts installed within the HRT, TBM spoil removed and disposed of via Palisades Tunnel to the Tonawanda Avenue portal, and jet grouting installed adjacent to the Hudson County Shaft. An underpinning system to permanently re-support part of the Willow Avenue Viaduct will also be constructed.

Gateway Development Commission (the “Commission”) is a public and government sponsored authority established by bi-state legislation (the “GDC Act”) in July 2019. The Commission is serving as the NEPA Project Sponsor and federal grant recipient for the Hudson Tunnel Project.

The GDC Act empowers the Commission to “enter into, execute and deliver contracts and agreements and other documents and instruments as may be necessary or appropriate to carry out any power of the Commission under this act and to otherwise accomplish any lawful purpose which the commissioners determine will Facilitate the Project, including, without limitation, with the federal government, the state of New Jersey, any local government thereof, the state of New York, with any local government thereof, with any agency, instrumentality, department, commission or authority of any one or more of the foregoing, any bi-state agency, Amtrak, any individual or private firm, entity or corporation, or with any one or more of them.” 2019 N.Y. Laws, Ch. 108, Section 2(7)(e); N.J.S.A. 32:36-8(e).

The GDC Act further empowers the Commission to “utilize the existing labor force in the states and foster labor harmony in allowing for adoption of efficient labor work rules and practices during construction of the Project.” 2019 N.Y. Laws, Ch. 108, Section 7(q); N.J.S.A. § 32:36-8(q).

A project labor agreement is a pre-hire collective bargaining agreement that establishes the terms and conditions of employment for a project.

The Project Development Agreement for the Hudson Tunnel Project (the “PDA”), a foundational agreement between the States of New Jersey and New York, Amtrak, and the Commission regarding delivery of the Hudson Tunnel Project, provides, at Article IV, Section

4.01(b), that the Commission shall “engage with labor constituencies and lead the development and negotiation of applicable project labor agreement(s)” for the Hudson Tunnel Project.

The Commission has engaged, via its outside counsel, a consultant to conduct a study to determine if it is in the Commission’s interest to negotiate and execute a project labor agreement for HRT based on considerations such as the impact of delay, the possibility of cost savings advantages, and the promotion of labor harmony which are best met by requiring a project labor agreement. The draft labor study recommends that the Commission negotiate and execute a project labor agreement for HRT.

Based on the conclusions in this study, the Commission and the unions representing the trades who will perform work on HRT (the “Parties”) have engaged in negotiations regarding the terms and conditions of employment for HRT.

The terms and conditions of employment will be memorialized in a Project Labor Agreement between the Commission and the Hudson County Building and Construction Trades Council, AFL-CIO (the “BTC”) and the Building and Construction Trade Council of Greater New York on behalf of itself and the signatory local unions, Laborers Local 472, Local 172 and Local 731, Operating Engineers, Local 825, Dockbuilders Local 1556, Masons, Local 780 and Local 4, Teamsters, Local 560 and Local 282, Ironworkers, Local 11, Local 40, Local 46, Carpenters, EASRC and District Council of NY, and Electricians, Local 164 and Local 3, and Memoranda of Understanding with Operating Engineers, Locals 14, 14B, 15, 15A and 15D, and Tunnel Workers, Local 147 (collectively, the “**Labor Agreement**”).

Pursuant to the foregoing report, the following resolutions were adopted, with Co-Chair Glen, Co-Chair Grewal-Virk, Vice Chair Coscia, Commissioner Dominguez, Commissioner Rosen, and Commissioner Herlinsky voting in favor:

RESOLVED, that the GDC Chief Executive Officer is delegated authority to take any and all actions consistent with this resolution, and to make, execute and deliver in the name and on behalf of GDC the Labor Agreement and any amendments thereto, including finalizing the terms of the labor study, the Labor Agreement, any Exhibits to the Labor Agreement, and to take all other steps necessary to comply with the terms and conditions of the Labor Agreement, including enforcing the terms of the Labor Agreement as may be required.

RESOLVED, that the GDC Chief Executive Officer, is authorized to delegate, in writing, the authority to authorize, approve, create, amend, manage, and/or execute other documents as may be required in connection with the Labor Agreement to other officers or employees of GDC provided that the Chief Executive Officer provides notice in writing to the Co-Chairs and Vice Chair of the Board of such delegation.