SUMMARY STATEMENT

ITEM NO.    SUBJECT: T-Mobile Northeast, LLC Long Term License to Use DRPA Property for the Purpose of Installing and Operating Telecommunication Antennas on the BRB

COMMITTEE: New Business

COMMITTEE MEETING DATE: N/A

BOARD ACTION DATE: November 19, 2008

PROPOSAL: That the Board authorize staff to negotiate a license and other necessary agreements that would permit T-Mobile Northeast, LLC (“T-Mobile”) to install, operate, and maintain three (3) telecommunication antennas on the New Jersey side of the Betsy Ross Bridge (“BRB”), and to locate radio equipment on property adjacent to the New Jersey approach to the WWB.

PURPOSE: The purpose of the proposed license is to permit T-Mobile to install, operate, and maintain three (3) telecommunication antennas that would serve the residents of New Jersey and Pennsylvania.

BACKGROUND: On or about May 28, 2008, T-Mobile requested access to the Betsy Ross Bridge for the purpose of installing, operating, and maintaining telecommunication antennas on the BRB and radio equipment adjacent to the New Jersey approach of the BRB. The installation and operation of the telecommunication antennas will enable T-Mobile to enhance its telecommunication services to customers in New Jersey and Pennsylvania. Specifically, T-Mobile has requested that the DRPA grant T-Mobile a fee based telecommunications license to enter upon the BRB and its properties in New Jersey to install, operate, and maintain the three (3) telecommunication antennas on the BRB and the radio equipment on property adjacent to the BRB facility. The license will not be exclusive, and, therefore, will not preclude the DRPA from entering into license agreements with other public entities or telecommunication service providers to allow access to the BRB.

T-Mobile seeks access to those areas of the BRB premises identified in the plans entitled “Betsy Ross Bridge Site #1CA7844A Adams Avenue & Engard Avenue, Pennsauken, NJ 08110, Camden County” (prepared by Damiano Long), attached hereto and made a part of this Resolution as Exhibit “A” (referred to hereafter as “Work Plan”).

T-Mobile proposes to install, operate and maintain the telecommunication antennas and corresponding radio equipment at its own cost and expense, and by utilizing its own labor and materials.
As consideration for DRPA's grant of a license to install, operate, and maintain the telecommunication antennas and corresponding radio equipment, T-Mobile proposes the following license terms:

1. **License Term:** initial term of 5 years with three (3) five year options;

2. **License Fee:** Annual license fee of $20,000 to be paid in equal monthly installments of $1,666.67. The annual license fee will be increased by 3% per year starting in year two (2) of the lease.

Engineering and Bridge Operations staff have reviewed the proposal and determined that granting T-Mobile access to the areas identified on the Work Plans will not be detrimental to the interests of the DRPA and will not adversely impact the operations of the DRPA. Staff has also evaluated the proposed license fee and the license fee is consistent with the license fee currently charged by local and state governmental entities in both New Jersey and Pennsylvania. The proposed license fee therefore appears to be market rate. Based upon the prevailing market rates, Staff believes the license fee to be reasonable consideration to grant the license to T-Mobile.

**SUMMARY:**

- **Amount:** Annual fee of $20,000
- **Source of Funds:** N/A
- **Capital Project #:** N/A
- **Operating Budget:** N/A
- **Master Plan Status:** N/A
- **Other Fund Sources:** N/A
- **Duration of Contract:** 5 years, 4 five year options and 1 four year option
- **Other Parties Involved:** T-Mobile
RESOLVED: That the Board of Commissioners of the Delaware River Port Authority hereby accepts the proposal of T-Mobile Northeast LLC set forth in this summary statement and resolution and approves a long term telecommunications license in favor of T-Mobile Northeast LLC to use the areas of the Betsy Ross Bridge facility as identified on the Work Plan attached hereto as Exhibit “A” in connection with the installation, operation and maintenance of telecommunication antennas and radio equipment; and be it further

RESOLVED: That the Board of Commissioners authorizes the proper officer of the Authority to negotiate a long term license agreement and any other documents required to complete the project and consistent with the intent of this resolution; and be it further

RESOLVED: That the Chairman, Vice Chairman and the Chief Executive Officer must approve and are hereby authorized to approve and execute all necessary agreements, contracts, or other documents on behalf of the DRPA. If such agreements, contracts, or other documents have been approved by the Chairman, Vice Chairman and Chief Executive Officer and if thereafter either the Chairman or Vice Chairman is absent or unavailable, the remaining Officer may execute the said document(s) on behalf of DRPA along with the Chief Executive Officer. If both the Chairman and Vice Chairman are absent or unavailable, and if it is necessary to execute the said document(s) while they are absent or unavailable, then the Chief Executive Officer shall execute such documents on behalf of DRPA.

SUMMARY:  

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