

3353

2015-2016 Regular Sessions

I N S E N A T E

February 5, 2015

Introduced by Sen. RANZENHOFER -- read twice and ordered printed, and when printed to be committed to the Committee on Corporations, Authorities and Commissions

AN ACT to repeal chapter 154 of the laws of 1921 relating to the port authority of New York and New Jersey; to repeal chapter 43 of the laws of 1922 relating to the development of the port of New York; to repeal chapter 47 of the laws of 1931 relating to bridges and tunnels in New York and New Jersey; to repeal chapter 882 of the laws of 1953 relating to waterfront employment and air freight industry regulation; to repeal chapter 700 of the laws of 1927 relating to the veto power of the governor; to repeal chapter 48 of the laws of 1931 regulating the use of revenues received by the port of New York authority from or in connection with the operation of terminal and transportation facilities relating thereto; to repeal chapter 553 of the laws of 1931 relating to payment of a fair and reasonable sum by the port authority; to repeal chapter 876 of the laws of 1935 relating to the payment of a fair and reasonable sum for a change in grade; to repeal chapter 203 of the laws of 1938 relating to the sale of real property acquired by the port authority; to repeal chapter 163 of the laws of 1945 relating to motor truck terminals; to repeal chapter 352 of the laws of 1946 relating to monies for preliminary studies upon the interstate vehicular bridges known as the Outerbridge crossing, the Goethals bridge and the Bayonne bridge; to repeal chapter 443 of the laws of 1946 relating to the financing and effectuating of a motor bus terminal by the port authority; to repeal chapter 631 of the laws of 1947 relating to the development of marine terminals by the port authority; to repeal chapter 802 of the laws of 1947 relating to the financing of air terminals by the port authority; to repeal chapter 819 of the laws of 1947 relating to the port authority's ability to exercise the right of eminent domain; to repeal chapter 301 of the laws of 1950 relating to suits against the port authority; to repeal chapter 774 of the laws of 1950 relating to the rules and regulations governing traffic on vehicular crossings operated by the port authority; to repeal chapter 206 of the laws of 1951 relating to traffic regulations for air and

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [] is old law to be omitted.

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marine terminals; to repeal chapter 207 of the laws of 1951 relating to penalties for violation of rules and regulations; to repeal chapter 142 of the laws of 1953 relating to smoking regulations for air and marine terminals; to repeal chapter 143 of the laws of 1953 relating to suits on leases at International Airport; to repeal chapter 808 of the laws of 1955, relating to the Narrows bridge; to repeal chapter 444 of the laws of 1956 relating to New Jersey turnpike connections; to repeal chapter 638 of the laws of 1959, relating to the purchase, financing and rental of commuter railroad cars by the port of New York authority and agreeing with the state of New Jersey with respect thereto; to repeal chapter 209 of the laws of 1962, relating to the financing and effectuation by the port of New York authority of a port development project, consisting of the Hudson tubes, the Hudson tubes extensions and a world trade center; to repeal chapter 665 of the laws of 1964, relating to the operation within the state of New York of the Hudson tubes and the Hudson tubes extensions; to repeal chapter 474 of the laws of 1971, relating to the authorization of the port of New York authority to provide access by mass transportation facilities to air terminals; to repeal chapter 651 of the laws of 1978, relating to the further coordination, facilitation, promotion, preservation and protection of trade and commerce in and through the port of New York district through the financing and effectuation of industrial development projects therein by the port authority of New York and New Jersey, and agreeing with the state of New Jersey with respect thereto; to repeal chapter 12 of the laws of 1979, relating to the acquisition, development, financing and transfer of buses and related facilities by the port authority of New York and New Jersey and the utilization thereof; and relating to constituting chapter 40-A of the consolidated laws, in relation to the port authority of New York and New Jersey

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 Section 1. Chapter 154 of the laws of 1921, constituting the Port of
2 New York Authority, is REPEALED.
- 3 S 2. Chapter 43 of the laws of 1922 relating to the development of the
4 port of New York is REPEALED.
- 5 S 3. Chapter 47 of the laws of 1931 relating to bridges and tunnels in
6 New York and New Jersey is REPEALED.
- 7 S 4. Chapter 882 of the laws of 1953 relating to waterfront employment
8 and air freight industry regulation is REPEALED.
- 9 S 5. Chapter 700 of the laws of 1927 relating to the veto power of the
10 governor is REPEALED.
- 11 S 6. Chapter 48 of the laws of 1931 regulating the use of revenues
12 received by the port of New York authority from or in connection with
13 the operation of terminal and transportation facilities is REPEALED.
- 14 S 7. Chapter 553 of the laws of 1931 relating to the payment of a fair
15 and reasonable sum by the port authority is REPEALED.
- 16 S 8. Chapter 876 of the laws of 1935 relating to the payment of a fair
17 and reasonable sum for a change in grade is REPEALED.
- 18 S 9. Chapter 203 of the laws of 1938 relating to the sale of real
19 property acquired by the port authority is REPEALED.
- 20 S 10. Chapter 163 of the laws of 1945 relating to motor truck termi-
21 nals is REPEALED.

1 S 11. Chapter 352 of the laws of 1946 relating to monies for prelimi-
2 nary studies upon the interstate vehicular bridges known as the Outer-
3 bridge crossing, the Goethals bridge and the Bayonne bridge is REPEALED.
4 S 12. Chapter 443 of the laws of 1946 relating to the financing and
5 effectuating of a motor bus terminal by the port authority is REPEALED.
6 S 13. Chapter 631 of the laws of 1947 relating to the development of
7 marine terminals by the port authority is REPEALED.
8 S 14. Chapter 802 of the laws of 1947 relating to the financing of air
9 terminals by the port authority is REPEALED.
10 S 15. Chapter 819 of the laws of 1947 relating to the port authority's
11 ability to exercise the right of eminent domain is REPEALED.
12 S 16. Chapter 301 of the laws of 1950 relating to suits against the
13 port authority is REPEALED.
14 S 17. Chapter 774 of the laws of 1950 relating to the rules and regu-
15 lations governing traffic on vehicular crossings operated by the port
16 authority is REPEALED.
17 S 18. Chapter 206 of the laws of 1951, relating to traffic regulations
18 for air and marine terminals, is REPEALED.
19 S 19. Chapter 207 of the laws of 1951, relating to penalties for
20 violation of rules and regulations, is REPEALED.
21 S 20. Chapter 142 of the laws of 1953, relating to smoking regulations
22 for air and marine terminals, is REPEALED.
23 S 21. Chapter 143 of the laws of 1953, relating to suits on leases at
24 International Airport, is REPEALED.
25 S 22. Chapter 808 of the laws of 1955, relating to the Narrows bridge,
26 is REPEALED.
27 S 23. Chapter 444 of the laws of 1956, relating to New Jersey turnpike
28 connections, is REPEALED.
29 S 24. Chapter 638 of the laws of 1959, relating to the purchase,
30 financing and rental of commuter railroad cars by the port of New York
31 authority and agreeing with the state of New Jersey with respect there-
32 to, is REPEALED.
33 S 25. Chapter 209 of the laws of 1962, relating to the financing and
34 effectuation by the port of New York authority of a port development
35 project, consisting of the Hudson tubes, the Hudson tubes extensions and
36 a world trade center, is REPEALED.
37 S 26. Chapter 665 of the laws of 1964, relating to the operation with-
38 in the state of New York of the Hudson tubes and the Hudson tubes exten-
39 sions, is REPEALED.
40 S 27. Chapter 474 of the laws of 1971, relating to the authorization
41 of the port of New York authority to provide access by mass transpor-
42 tation facilities to air terminals, is REPEALED.
43 S 28. Chapter 651 of the laws of 1978, relating to the further coordi-
44 nation, facilitation, promotion, preservation and protection of trade
45 and commerce in and through the port of New York district through the
46 financing and effectuation of industrial development projects therein by
47 the port authority of New York and New Jersey, and agreeing with the
48 state of New Jersey with respect thereto, is REPEALED.
49 S 29. Chapter 12 of the laws of 1979, relating to the acquisition,
50 development, financing and transfer of buses and related facilities by
51 the port authority of New York and New Jersey and the utilization there-
52 of, is REPEALED.
53 S 30. Chapter 40-A of the consolidated laws is added to read as
54 follows:
55 CHAPTER 40-A OF THE CONSOLIDATED LAWS
56 PORT AUTHORITY OF NEW YORK AND NEW JERSEY

ARTICLE I
GENERAL PROVISIONS

- Section 101. Short title.
102. Legislative intent.
103. Explanation of order of provisions.
104. Definitions.
105. Port authority of New York and New Jersey.
106. Port of New York district.
107. Commissioners.
108. Power of the port authority.
109. Public meetings.
110. Minutes of public meetings.
111. Jurisdiction.
112. Powers of municipalities to develop or improve.
113. Comprehensive development.
114. Recommendations.
115. Expense of operations.
115-a. Records of the port authority.
115-b. Port authority as an agency.
116. Notice of claim.
117. Regulations.

S 101. Short title. This chapter shall be known and may be cited as the "port authority of New York and New Jersey act".

S 102. Legislative intent. William R. Willcox, Eugenius H. Outerbridge and Murray Hulbert, or any two of them, commissioners heretofore appointed under chapter four hundred and twenty-six of the laws of nineteen hundred and seventeen of the state of New York, together with the attorney-general of the state of New York, are hereby authorized as commissioners upon the part of the state of New York to enter into, with the state of New Jersey, by and through the commissioners appointed or who may be appointed under or by virtue of a law of the legislature of the state of New Jersey, an agreement or compact in the form following, that is to say:

Whereas, In the year eighteen hundred and thirty-four the states of New York and New Jersey did enter into an agreement fixing and determining the rights and obligations of the two states in and about the waters between the two states, especially in and about the bay of New York and the Hudson river; and

Whereas, Since that time the commerce of the port of New York has greatly developed and increased and the territory in and around the port has become commercially one center or district; and

Whereas, It is confidently believed that a better co-ordination of the terminal, transportation and other facilities of commerce in, about and through the port of New York, will result in great economies, benefiting the nation, as well as the states of New York and New Jersey; and

Whereas, The future development of such terminal, transportation and other facilities of commerce will require the expenditure of large sums of money and the cordial co-operation of the states of New York and New Jersey in the encouragement of the investment of capital, and in the formulation and execution of the necessary physical plans; and

Whereas, Such result can best be accomplished through the co-operation of the two states by and through a joint or common agency.

Now, therefore, the said states of New Jersey and New York do supplement and amend the existing agreement of eighteen hundred and thirty-four in the following respects.

1 They agree to and pledge, each to the other, faithful co-operation in
2 the future planning and development of the port of New York, holding in
3 high trust for the benefit of the nation the special blessings and
4 natural advantages thereof.

5 S 103. Explanation of order of provisions. In this port authority of
6 New York and New Jersey act, the provisions have been divided in
7 descending order of application, with illustrations, as follows:

8 Article I

9 Section 101

10 Subdivision 1.

11 Paragraph (a)

12 Subparagraph (1)

13 Item (i)

14 Clause A.

15 Subitem (I)

16 S 104. Definitions. The following terms shall have the following
17 meanings unless otherwise provided:

18 1. "Board" means the board of commissioners of the port authority of
19 New York and New Jersey.

20 2. "Consent, approval or recommendation of municipality" means wherev-
21 er the consent, approval or recommendation of a "municipality" is
22 required, the word "municipality" shall be taken to include any city or
23 incorporated village within the port district, and in addition in the
24 state of New Jersey any borough, town, township or any municipality
25 governed by an improvement commission within the district. Such consent,
26 approval or recommendation whenever required in the case of the city of
27 New York shall be deemed to have been given or made whenever the board
28 of estimate and apportionment of said city or any body hereafter
29 succeeding to its duties shall by a majority vote pass a resolution
30 expressing such consent, approval or recommendation; and in the case of
31 any municipality now or hereafter governed by a commission, whenever the
32 commission thereof shall by majority vote pass such a resolution; and in
33 all other cases whenever the body authorized to grant consent to the use
34 of the streets or highways of such municipality shall by a majority vote
35 pass such a resolution.

36 3. "Facility" shall include all works, buildings, structures, appli-
37 ances and appurtenances necessary and convenient for the proper
38 construction, equipment, maintenance and operation of such facility or
39 facilities or any one or more of them.

40 4. "To lease" shall include to rent or to hire.

41 5. "Meeting" means any gathering, whether corporeal or by means of
42 communication equipment, which is attended by, or open to, the board,
43 held with the intent, on the part of the board members present, to
44 discuss or act as a unit upon the specific public business of the
45 authority. "Meeting" does not mean a gathering (a) attended by less than
46 an effective majority of the board, or (b) attended by or open to all
47 the members of three or more similar public bodies at a convention or
48 similar gathering.

49 6. "Personal property" shall include choses in action and all other
50 property now commonly or legally defined as personal property or which
51 may hereafter be so defined.

52 7. "Public business" means matters which relate in any way, directly
53 or indirectly, to the performance of the functions of the port authority
54 of New York and New Jersey or the conduct of its business.

55 8. "Railroads" shall include railways, extensions thereof, tunnels,
56 subways, bridges, elevated structures, tracks, poles, wires, conduits,

1 power houses, substations, lines for the transmission of power, car-
2 barns, shops, yards, sidings, turn-outs, switches, stations and
3 approaches thereto, cars and motive equipment.

4 9. "Real property" shall include land under water, as well as uplands,
5 and all property either now commonly or legally defined as real property
6 or which may hereafter be so defined.

7 10. "Rule or regulation", until and unless otherwise determined by the
8 legislatures of both states, shall mean any rule or regulation not
9 inconsistent with the constitution of the United States or of either
10 state, and, subject to the exercise of the power of congress, for the
11 improvement of the conduct of navigation and commerce within the
12 district, and shall include charges, rates, rentals or tolls fixed or
13 established by the port authority; and until otherwise determined as
14 aforesaid, shall not include matters relating to harbor or river
15 pollution. Wherever action by the legislature of either state is herein
16 referred to, it shall mean an act of the legislature duly adopted in
17 accordance with the provisions of this chapter.

18 11. "Transportation facility" shall include railroads, steam or elec-
19 tric, motor truck or other street or highway vehicles, tunnels, bridges,
20 boats, ferries, car-floats, lighters, tugs, floating elevators, barges,
21 scows or harbor craft of any kind, air craft suitable for harbor
22 service, and every kind of transportation facility now in use or here-
23 after designed for use for the transportation or carriage of persons or
24 property.

25 12. "Terminal facility" shall include wharves, piers, slips, ferries,
26 docks, dry docks, bulkheads, dock-walls, basins, car-floats, float-
27 bridges, grain or other storage elevators, warehouses, cold storage,
28 tracks, yards, sheds, switches, connections, overhead appliances, and
29 every kind of terminal or storage facility now in use or hereafter
30 designed for use for the handling, storage, loading or unloading of
31 freight at steamship, railroad or freight terminals.

32 S 105. Port authority of New York and New Jersey. There is hereby
33 continued "the port authority of New York and New Jersey" ("port author-
34 ity"), which shall be a body corporate and politic, having the powers
35 and jurisdiction hereinafter enumerated, and such other and additional
36 powers as shall be conferred upon it by the legislature of either state
37 concurred in by the legislature of the other, or by act or acts of
38 congress, as hereinafter provided.

39 S 106. Port of New York district. To that end the two states do agree
40 that there shall be created and they do hereby create a district to be
41 known as the "port of New York district" (hereinafter referred to as
42 "the district") which shall embrace the territory bounded and described
43 as follows:

44 The district is included within the boundary lines located by connect-
45 ing points of known latitude and longitude. The approximate courses and
46 distances of the lines enclosing the district are recited in the
47 description, but the district is determined by drawing lines through the
48 points of known latitude and longitude. Beginning at a point A of lati-
49 tude forty-one degrees and four minutes north and longitude seventy-
50 three degrees and fifty-six minutes west, said point being about sixty-
51 five-hundredths of a mile west of the westerly bank of the Hudson river
52 and about two and one-tenth miles northwest of the pier at Piermont, in
53 the county of Rockland, state of New York; thence due south one and
54 fifteen-hundredths miles more or less to a point B of latitude forty-one
55 degrees and three minutes north and longitude seventy-three degrees and
56 fifty-six minutes west; said point being about one and three-tenths

1 miles northwest of the pier at Piermont, in the county of Rockland,
2 state of New York; thence south fifty-six degrees and thirty-four
3 minutes west six and twenty-six-hundredths miles more or less to a point
4 C of latitude forty-one degrees and no minutes north and longitude
5 seventy-four degrees and two minutes west, said point being about
6 seven-tenths of a mile north of the railroad station at Westwood, in the
7 county of Bergen, state of New Jersey; thence south sixty-eight degrees
8 and twenty-four minutes west nine and thirty-seven-hundredths miles more
9 or less to a point D of latitude forty degrees and fifty-seven minutes
10 north and longitude seventy-four degrees and twelve minutes west, said
11 point being about three miles northwest of the business center of the
12 city of Paterson, in the county of Passaic, state of New Jersey; thence
13 south forty-seven degrees and seventeen minutes west eleven and eighty-
14 seven-hundredths miles more or less to a point E of latitude forty
15 degrees and fifty minutes north and longitude seventy-four degrees and
16 twenty-two minutes west, said point being about four and five-tenths
17 miles west of the borough of Caldwell, in the county of Morris, state of
18 New Jersey; thence due south nine and twenty-hundredths miles more or
19 less to a point F of latitude forty degrees and forty-two minutes north
20 and longitude seventy-four degrees and twenty-two minutes west, said
21 point being about one and two-tenths miles southwest of the passenger
22 station of the Delaware, Lackawanna and Western railroad in the city of
23 Summit, in the county of Union, state of New Jersey; thence south
24 forty-two degrees and twenty-four minutes west, seven and seventy-eight-
25 hundredths miles more or less to a point G of latitude forty degrees and
26 thirty-seven minutes north and longitude seventy-four degrees and twen-
27 ty-eight minutes west, said point being about two and two-tenths miles
28 west of the business center of the city of Plainfield, in the county of
29 Somerset, state of New Jersey; thence due south twelve and sixty-five-
30 hundredths miles more or less on a line passing about one mile west of
31 the business center of the city of New Brunswick to a point H of lati-
32 tude forty degrees and twenty-six minutes north and longitude seventy-
33 four degrees and twenty-eight minutes west, said point being about four
34 and five-tenths miles southwest of the city of New Brunswick, in the
35 county of Middlesex, state of New Jersey; thence south seventy-seven
36 degrees and forty-two minutes east ten and seventy-nine-hundredths miles
37 more or less to a point I of latitude forty degrees and twenty-four
38 minutes north and longitude seventy-four degrees and sixteen minutes
39 west, said point being about two miles southwest of the borough of Mata-
40 wan, in the county of Middlesex, state of New Jersey; thence due east
41 twenty-five and forty-eight-hundredths miles more or less, crossing the
42 county of Monmouth, state of New Jersey, and passing about one and four-
43 tenths miles south of the pier of the Central Railroad of New Jersey at
44 Atlantic Highlands to a point J of latitude forty degrees and twenty-
45 four minutes north and longitude seventy-three degrees and forty-seven
46 minutes west, said point being in the Atlantic ocean; thence north elev-
47 en degrees fifty-eight minutes east twenty-one and sixteen-hundredths
48 miles more or less to a point K, said point being about five miles east
49 of the passenger station of the Long Island railroad at Jamaica and
50 about one and three-tenths miles east of the boundary line of the city
51 of New York, in the county of Nassau, state of New York; thence in a
52 northeasterly direction passing about one-half mile west of New Hyde
53 Park and about one and one-tenth miles east of the shore of Manhasset
54 bay at Port Washington, crossing Long Island sound to a point L, said
55 point being the point of intersection of the boundary line between the
56 states of New York and Connecticut and the meridian of seventy-three

1 degrees, thirty-nine minutes and thirty seconds west longitude, said
2 point being also about a mile northeast of the village of Port Chester;
3 thence northwesterly along the boundary line between the states of New
4 York and Connecticut to a point M, said point being the point of inter-
5 section between said boundary line between the states of New York and
6 Connecticut and the parallel of forty-one degrees and four minutes north
7 latitude, said point also being about four and five-tenths miles north-
8 east of the business center of the city of White Plains; thence due west
9 along said parallel, of forty-one degrees and four minutes north lati-
10 tude, the line passing about two and one-half miles north of the busi-
11 ness center of the city of White Plains and crossing the Hudson river to
12 the point A, the place of beginning.

13 The boundaries of said district may be changed from time to time by
14 the action of the legislature of either state concurred in by the legis-
15 lature of the other.

16 S 107. Commissioners. 1. The port authority shall consist of twelve
17 commissioners, six resident voters from the state of New York, at least
18 four of whom shall be resident voters of the city of New York, and six
19 resident voters from the state of New Jersey, at least four of whom
20 shall be resident voters within the New Jersey portion of the district,
21 the New York members to be chosen by the state of New York and the New
22 Jersey members by the state of New Jersey in the manner and for the
23 terms fixed and determined from time to time by the legislature of each
24 state respectively, except as herein provided. Each commissioner may be
25 removed or suspended from office as provided by the law of the state
26 from which he or she shall be appointed.

27 2. The commissioners shall, for the purpose of doing business, consti-
28 tute a board and may adopt suitable by-laws for its management.

29 3. The port authority shall elect a chair, vice-chair, and may appoint
30 such officers and employees as it may require for the performance of its
31 duties, and shall fix and determine their qualifications and duties.

32 4. If by death, resignation or otherwise, a vacancy occurs among those
33 appointed hereunder by the state of New York, the governor is hereby
34 authorized to fill the same.

35 5. The commissioners appointed from the state of New York, together
36 with the commissioners appointed from the state of New Jersey, shall
37 have power to apply to the congress of the United States for its consent
38 and approval of the agreement or compact signed by them; but in the
39 absence of such consent of congress and until the same shall have been
40 secured, the said agreement or compact shall be binding upon the state
41 of New York in all respects permitted by law for the two states of New
42 York and New Jersey without the consent of congress to co-operate, for
43 the purposes enumerated in said agreement or compact, and in the manner
44 provided herein.

45 S 108. Power of the port authority. 1. The port authority shall
46 constitute a body, both corporate and politic, with full power and
47 authority to purchase, construct, lease and/or operate any terminal or
48 transportation facility within said district; and to make charges for
49 the use thereof: and for any of such purposes to own, hold, lease and/or
50 operate real or personal property, to borrow money and secure the same
51 by bonds or by mortgages upon any property held or to be held by it. No
52 property now or hereafter vested in or held by either state, or by any
53 county, city, borough, village, township or other municipality, shall be
54 taken by the port authority, without the authority or consent of such
55 state, county, city, borough, village, township or other municipality,
56 nor shall anything herein impair or invalidate in any way any bonded

1 indebtedness of such state, county, city, borough, village, township or
2 other municipality, nor impair the provisions of law regulating the
3 payment into sinking funds of revenues derived from municipal property,
4 or dedicating the revenues derived from any municipal property to a
5 specific purpose.

6 2. The powers granted in this article shall not be exercised by the
7 port authority until the legislatures of both states shall have approved
8 of a comprehensive plan for the development of the port as hereinafter
9 provided.

10 3. The port authority shall have such additional powers and duties as
11 may hereafter be delegated to or imposed upon it from time to time by
12 the action of the legislature of either state concurred in by the legis-
13 lature of the other. Unless and until otherwise provided, it shall make
14 an annual report to the legislature of both states, setting forth in
15 detail the operations and transactions conducted by it pursuant to this
16 agreement and any legislation thereunder. The port authority shall not
17 pledge the credit of either state except by and with the authority of
18 the legislature thereof.

19 S 109. Public meetings. 1. The legislature finds and declares that
20 the right of the public to be present at meetings of the port authority
21 of New York and New Jersey, and to witness in full detail all phases of
22 the deliberation, policy formulation, and decision making of the author-
23 ity, is vital to the enhancement and proper functioning of the democrat-
24 ic process, and that secrecy in public affairs undermines the faith of
25 the public in government and the public's effectiveness in fulfilling
26 its role in a democratic society; and declares it to be the public poli-
27 cy of this state to insure the right of its citizens to have adequate
28 advance notice of and the right to attend all meetings of the authority
29 at which any business affecting the public is discussed or acted upon in
30 any way except only in those circumstances where otherwise the public
31 interest would be clearly endangered or the personal privacy of guaran-
32 teed rights of individuals would be clearly in danger of unwarranted
33 invasion.

34 2. The board shall adopt and promulgate appropriate rules and regu-
35 lations concerning the right of the public to be present at meetings of
36 the authority. The board may incorporate in its rules and regulations
37 conditions under which it may exclude the public from a meeting or a
38 portion thereof.

39 3. Any rules or regulations adopted hereunder shall become a part of
40 the minutes of the port authority of New York and New Jersey and shall
41 be subject to the approval of the governor of New Jersey and the gover-
42 nor of New York.

43 4. Unless and until otherwise determined by the action of the legisla-
44 tures of the two states, no action of the port authority shall be bind-
45 ing unless taken at a meeting at which at least three of the members
46 from each state are present, and unless a majority of the members from
47 each state present at such meeting but in any event at least three of
48 the members from each state, shall vote in favor thereof. Each state
49 reserves the right to provide by law for the exercise of a veto power by
50 the governor thereof over any action of any commissioner appointed ther-
51 efrom.

52 S 110. Minutes of public meetings. 1. The port authority shall file
53 with the temporary president and minority leader of the senate and the
54 speaker and minority leader of the assembly, the chairman of the assem-
55 bly ways and means committee and the chairman of the senate finance
56 committee of the state of New York and the president, minority leader

1 and secretary of the senate and the speaker, minority leader and clerk
2 of the general assembly of the state of New Jersey a copy of the minutes
3 of any action taken at any public meeting of the port authority. Such
4 filing shall be made on the same day such minutes are transmitted to the
5 governor of each state for review; and notice of such filing shall be
6 provided to the governor of each state at the same time. Failure to
7 effectuate any such filing shall not impair the ability of the authority
8 to act pursuant to a resolution of its board. Such filing shall not
9 apply to any minutes required to be filed pursuant to section twenty of
10 chapter six hundred fifty-one of the laws of nineteen hundred seventy-
11 eight and continued by article XXVIII of this chapter.

12 2. The temporary president and minority leader of the senate, the
13 speaker and minority leader of the assembly, the chairman of the assem-
14 bly ways and means committee and the chairman of the senate finance
15 committee of the state of New York and the speaker and minority leader
16 of the general assembly and the president and the minority leader of the
17 senate of the state of New Jersey, or representatives designated by them
18 in writing for this purpose, may by certificate filed with the secretary
19 of the port authority waive the foregoing filing requirement with
20 respect to any specific minutes.

21 S 111. Jurisdiction. Unless and until otherwise provided, all laws
22 now or hereafter vesting jurisdiction or control in the public service
23 commission, or the public utilities commission, or like body, within
24 each state respectively, shall apply to railroads and to any transporta-
25 tion, terminal or other facility owned, operated, leased or constructed
26 by the port authority, with the same force and effect as if such rail-
27 road, or transportation, terminal or other facility were owned, leased,
28 operated or constructed by a private corporation.

29 S 112. Powers of municipalities to develop or improve. Nothing
30 contained in this agreement shall impair the powers of any municipality
31 to develop or improve port and terminal facilities.

32 S 113. Comprehensive development. 1. The legislatures of the two
33 states, prior to the signing of this agreement, or thereafter as soon as
34 may be practicable, will adopt a plan or plans for the comprehensive
35 development of the port of New York.

36 2. The port authority shall from time to time make plans for the
37 development of the port of New York district, supplementary to or amen-
38 datory of any plan theretofore adopted, and when such plans are duly
39 approved by the legislatures of the two states, they shall be binding
40 upon both states with the same force and effect as if incorporated in
41 this act.

42 3. The port authority may petition any interstate commerce commission
43 (or like body), commissioner of transportation, public utilities commis-
44 sion (or like body), or any other federal, municipal, state or local
45 authority, administrative, judicial or legislative, having jurisdiction
46 in the premises, after the adoption of the comprehensive plan as
47 provided for in subdivision one of this section, for the adoption and
48 execution of any physical improvement, change in method, rate of trans-
49 portation, system of handling freight, warehousing, docking, lightering
50 or transfer of freight, which, in the opinion of the port authority, may
51 be designed to improve or better the handling of commerce in and through
52 the port of New York district, or improve terminal and transportation
53 facilities therein. It may intervene in any proceeding affecting the
54 commerce of the port.

55 S 114. Recommendations. The port authority may from time to time make
56 recommendations to the legislatures of the two states or to the congress

1 of the United States, based upon study and analysis, for the better
2 conduct of the commerce passing in and through the port of New York, the
3 increase and improvement of transportation and terminal facilities ther-
4 ein, and the more economical and expeditious handling of such commerce.

5 S 115. Expense of operations. 1. Unless and until the revenues from
6 operations conducted by the port authority are adequate to meet all
7 expenditures, the legislatures of the two states shall appropriate, in
8 equal amounts, annually, for the salaries, office and other administra-
9 tive expenses, such sum or sums as shall be recommended by the port
10 authority and approved by the governors of the two states, but each
11 state obligates itself hereunder only to the extent of one hundred thou-
12 sand dollars in any one year.

13 2. Unless and until otherwise determined by the action of the legisla-
14 tures of the two states, the port authority shall not incur any obli-
15 gations for salaries, office or other administrative expenses, within
16 the provisions of subdivision one of this section, prior to the making
17 of appropriations adequate to meet the same.

18 S 115-a. Records of the port authority. 1. Notwithstanding any
19 provision to the contrary, the records of the port authority shall be
20 open to the public in accordance with the laws of New York, articles 6
21 and 6-A of the public officers law, and New Jersey, P.L. 1963, c. 73 (C.
22 47:1A-1 et seq.), pertaining to the disclosure of government records.

23 2. When there is an inconsistency between the law of the state of New
24 York and the law of the state of New Jersey, the law of the state that
25 provided the greatest rights of access on the date that the chapter of
26 the laws of 2015 that added this section became a law shall apply.

27 3. The provisions of article 78 of the civil practice law and rules of
28 the state of New York or P.L. 1963, c. 73 (C. 47:1A-1 et seq.), of the
29 laws of New Jersey, as applicable, shall apply to enforce the provisions
30 of this article.

31 S 115-b. Port authority as an agency. Notwithstanding any law to the
32 contrary, the port authority shall be deemed an "agency" and treated as
33 such under the laws of New York, for all purposes under articles six and
34 six-A of the public officers law, and shall be deemed a "public agency"
35 and treated as such under New Jersey, P.L. 1963, c. 73 (C.47:1A-1 et
36 seq.), pertaining to the disclosure of government records.

37 S 116. Notice of claim. Notwithstanding any other provision of law to
38 the contrary, every action against the authority for damages or injuries
39 to real or personal property, or for the destruction thereof, or for
40 personal injuries or wrongful death shall not be commenced unless a
41 notice of claim shall have been served on the authority in the manner
42 provided for in the state where the action is commenced, and in compli-
43 ance with the pertinent statutes of the state relating generally to
44 actions commenced against that state and in compliance with all the
45 requirements of the laws of that state. Where such state's law permits
46 service upon a department of that state in lieu of service upon the
47 public entity, service may be made pursuant to such law. Except in an
48 action for wrongful death against such an entity, an action for damages
49 or for injuries to real or personal property, or for the destruction
50 thereof, or for personal injuries, alleged to have been sustained, shall
51 not be commenced more than one year and ninety days after the cause of
52 action therefor shall have accrued or within the time period otherwise
53 prescribed by any special provision of law of that state, whichever is
54 longer.

55 S 117. Regulations. 1. The port authority is hereby authorized to
56 make suitable rules and regulations not inconsistent with the constitu-

tion of the United States or of either state, and subject to the exercise of the power of congress, for the improvement of the conduct of navigation and commerce, which, when concurred in or authorized by the legislatures of both states, shall be binding and effective upon all persons and corporations affected thereby.

2. The two states shall provide penalties for violations of any order, rule or regulation of the port authority, and for the manner of enforcing the same.

ARTICLE II

DEVELOPMENT OF THE PORT OF NEW YORK

Section 201. Development of the port of New York.

202. Investigations.

203. Hearings.

204. Orders.

205. Terminal stations.

206. Preference.

S 201. Development of the port of New York. 1. Pursuant to subdivision two of section one hundred eight of this chapter the following be and is hereby adopted as the comprehensive plan for the development of the port of New York:

(a) That terminal operations within the port district, so far as economically practicable, should be unified;

(b) That there should be consolidation of shipments at proper classification points so as to eliminate duplication of effort, inefficient loading of equipment and realize reduction in expenses;

(c) That there should be the most direct routing of all commodities so as to avoid centers of congestion, conflicting currents and long truck-hauls;

(d) That terminal stations established under the comprehensive plan should be union stations, so far as practicable;

(e) That the process of coordinating facilities should so far as practicable adapt existing facilities as integral parts of the new system, so as to avoid needless destruction of existing capital investment and reduce so far as may be possible the requirements for new capital; and endeavor should be made to obtain the consent of local municipalities within the port district for the coordination of their present and contemplated port and terminal facilities with the whole plan.

(f) That freight from all railroads must be brought to all parts of the port wherever practicable without cars breaking bulk, and this necessitates tunnel connection between New Jersey and Long Island, and tunnel or bridge connections between other parts of the port;

(g) That there should be urged upon the federal authorities improvement of channels so as to give access for that type of waterborne commerce adapted to the various forms of development which the respective shorefronts and adjacent lands of the port would best lend themselves to;

(h) That highways for motor truck traffic should be laid out so as to permit the most efficient inter-relation between terminals, piers and industrial establishments not equipped with railroad sidings and for the distribution of building materials and many other commodities which must be handled by trucks; these highways to connect with existing or projected bridges, tunnels and ferries.

(i) That definite methods for prompt relief should be devised which can be applied for the better coordination and operation of existing facilities while larger and more comprehensive plans for future development are being carried out.

1 2. The bridges, tunnels and belt lines forming the comprehensive plan
2 are generally and in outline indicated on maps filed by the port of New
3 York authority in the offices of the secretaries of the states of New
4 York and New Jersey and are hereinafter described in outline.

5 3. (a) A tunnel or tunnels connecting the New Jersey shore and the
6 Brooklyn shore of New York to provide through line connection between
7 the transcontinental railroads now having their terminals in New Jersey
8 with the Long Island railroad and the New York connecting railroad on
9 Long Island and with the New York Central and Hudson River railroad and
10 the New York, New Haven and Hartford railroad in the Bronx, and to
11 provide continuous transportation of freight between the Queens, Brook-
12 lyn and Bronx sections of the port to and from all parts of the westerly
13 section of the port, for all of the transcontinental railroads.

14 (b) A bridge and/or tunnel across or under the Arthur kill, and/or the
15 existing bridge enlarged, to provide direct freight carriage between New
16 Jersey and Staten Island.

17 (c) The location of all such tunnels or bridges to be at the shortest,
18 most accessible and most economical points practicable, taking account
19 of existing facilities now located within the port district and provid-
20 ing for and taking account of all reasonably foreseeable future growth
21 in all parts of the district.

22 4. The island of Manhattan to be connected with New Jersey by bridge
23 or tunnel, or both, and freight destined to and from Manhattan to be
24 carried underground, so far as practicable, by such system, automatic
25 electric as hereinafter described or otherwise, as will furnish the most
26 expeditious, economical and practicable transportation of freight, espe-
27 cially meat, produce, milk and other commodities comprising the daily
28 needs of the people. Suitable markets, union inland terminal stations
29 and warehouses to be laid out at points most convenient to the homes and
30 industries upon the island, the said system to be connected with all the
31 trans-continental railroads terminating in New Jersey and by appropriate
32 connection with the New York Central and Hudson River railroad, the New
33 York, New Haven and Hartford and the Long Island railroads.

34 5. The numbers hereinafter used correspond with the numbers which have
35 been placed on the map of the comprehensive plan to identify the various
36 belt lines and marginal railroads.

37 (a) Number 1. Middle belt line. Connects New Jersey and Staten Island
38 and the railroads on the westerly side of the port with Brooklyn,
39 Queens, the Bronx and the railroads on the easterly side of the port.
40 Connects with the New York Central railroad in the Bronx; with the New
41 York, New Haven and Hartford railroad in the Bronx; with the Long Island
42 railroad in Queens and Brooklyn; with the Baltimore and Ohio railroad
43 near Elizabethport and in Staten Island; with the Central Railroad
44 Company of New Jersey at Elizabethport and at points in Newark and
45 Jersey City; with the Pennsylvania railroad in Newark and Jersey City;
46 with the Lehigh Valley railroad in Newark and Jersey City; with the
47 Delaware, Lackawanna and Western railroad in Jersey City and the Secaucus
48 meadows; with the Erie railroad in Jersey City and the Secaucus
49 meadows; with the New York, Susquehanna and Western, the New York,
50 Ontario and Western and the West Shore railroads on the westerly side of
51 the Palisades above the Weehawken tunnel.

52 The route of the middle belt line as shown on said map is in general
53 as follows: Commencing at the Hudson river at Spuyten Duyvil running
54 easterly and southerly generally along the easterly side of the Harlem
55 river, utilizing existing lines so far as practicable and improving and
56 adding where necessary, to a connection with Hell Gate bridge and the

1 New Haven railroad, a distance of approximately seven miles; thence
2 continuing in a general southerly direction, utilizing existing lines
3 and improving and adding where necessary, to a point near Bay Ridge, a
4 distance of approximately eighteen and one-half miles; thence by a new
5 tunnel under New York bay in a northwesterly direction to a portal in
6 Jersey City or Bayonne, a distance of approximately five miles, to a
7 connection with the tracks of the Pennsylvania and Lehigh Valley rail-
8 roads; thence in a generally northerly direction along the easterly side
9 of Newark bay and the Hackensack river at the westerly foot of the Pali-
10 sades, utilizing existing tracks and improving and adding where neces-
11 sary, making connections with the Jersey Central, Pennsylvania, Lehigh
12 Valley, Delaware, Lackawanna and Western, Erie, New York, Susquehanna
13 and Western, New York, Ontario and Western, and West Shore railroads, a
14 distance of approximately ten miles. From the westerly portal of the Bay
15 tunnel and from the line along the easterly side of Newark bay by the
16 bridges of the Central railroad of New Jersey (crossing the Hackensack
17 and Passaic rivers) and of the Pennsylvania and Lehigh Valley railroads
18 (crossing Newark bay) to the line of the central railroad of New Jersey
19 running along the westerly side of Newark bay and thence southerly along
20 this line to a connection with the Baltimore and Ohio railroad south of
21 Elizabethport, utilizing existing lines so far as practicable and
22 improving and adding where necessary, a distance of approximately twelve
23 miles; thence in an easterly direction crossing the Arthur kill, utiliz-
24 ing existing lines so far as practicable and improving and adding where
25 necessary, along the northerly and easterly shores of Staten Island to
26 the new city piers and to a connection, if the city of New York consent
27 thereto, with the tunnel under the Narrows to Brooklyn provided for
28 under chapter seven hundred of the laws of the state of New York for
29 nineteen hundred and twenty-one.

30 (b) Number 2. A marginal railroad to the Bronx extending along the
31 shore of the East river and Westchester creek connecting with the middle
32 belt line (number one), and with the New York, New Haven and Hartford
33 railroad in the vicinity of Westchester.

34 (c) Number 3. A marginal railroad in Queens and Brooklyn extending
35 along Flushing creek, Flushing bay, the East river and the upper New
36 York bay. Connects with the middle belt line (number one), by lines
37 number four, number five, number six and directly at the southerly end
38 at Bay Ridge. Existing lines to be utilized and improved and added to
39 and new lines built where lines do not now exist.

40 (d) Number 4. An existing line to be improved and added to where
41 necessary. Connects the middle belt line (number one), with the marginal
42 railroad number three near its northeasterly end.

43 (e) Number 5. An existing line to be improved and added to where
44 necessary. Connects the middle belt line (number one), with the marginal
45 railroad number three in Long Island City.

46 (f) Number 6. Connects the middle belt line (number one), with the
47 marginal railroad number three in the Greenpoint section of Brooklyn.
48 The existing portion to be improved and added to where necessary.

49 (g) Number 7. A marginal railroad surrounding the northerly and
50 westerly shores of Jamaica bay. A new line. Connects with the middle
51 belt line (number one).

52 (h) Number 8. An existing line, to be improved and added to where
53 necessary. Extends along the southeasterly shore of Staten Island.
54 Connects with middle belt line (number one).

55 (i) Number 9. A marginal railroad extending along the westerly shore
56 of Staten Island and a branch connection with number eight. Connects

1 with the middle belt line (number one), and with a branch from the outer
2 belt line (number fifteen).

3 (j) Number 10. A line made up mainly of existing lines, to be improved
4 and added to where necessary. Connects with the middle belt line (number
5 one) by way of marginal railroad number eleven. Extends along the south-
6 erly shore of Raritan bay and through the territory south of the Raritan
7 river reaching New Brunswick.

8 (k) Number 11. A marginal railroad extending from a connection with
9 the proposed outer belt line (number fifteen) near New Brunswick along
10 the northerly shore of the Raritan river to Perth Amboy, thence norther-
11 ly along the westerly side of the Arthur kill to a connection with the
12 middle belt line (number one) south of Elizabethport. The portion of
13 this line which exists to be improved and added to where necessary.

14 (l) Number 12. A marginal railroad extending along the easterly shore
15 of Newark bay and the Hackensack river and connects with the middle belt
16 line (number one). A new line.

17 (m) Number 13. A marginal railroad extending along the westerly side
18 of the Hudson river and the Upper New York bay. Made up mainly of exist-
19 ing lines----the Erie Terminals, Jersey Junction, Hoboken Shore, and
20 National Docks railroads. To be improved and added to where necessary.
21 To be connected with middle belt line (number one).

22 (n) Number 14. A marginal railroad connecting with the middle belt
23 line (number one), and extending through the Hackensack and Secaucus
24 meadows.

25 (o) Number 15. An outer belt line, extending around the westerly
26 limits of the port district beyond the congested section. Northerly
27 terminus on the Hudson river at Piermont. Connects by marginal railroads
28 at the southerly end with the harbor waters below the congested section.
29 By spurs connects with the middle belt line (number one) on the westerly
30 shore of Newark bay and with the marginal railroad on the westerly shore
31 of Staten Island (number nine).

32 (p) Number 16. The automatic electric system for serving Manhattan
33 Island. Its yards to connect with the middle belt line and with all the
34 railroads of the port district. A standard gauge underground railroad
35 deep enough in Manhattan to permit of two levels of rapid transit
36 subways to pass over it. Standard railroad cars to be brought through to
37 Manhattan terminals for perishables and food products in refrigerator
38 cars. Cars with merchandise freight to be stopped at its yards. Freight
39 from standard cars to be transferred onto wheeled containers, thence to
40 special electrically propelled cars which will bear it to Manhattan.
41 Freight to be kept on wheels between the door of the standard freight
42 car at the transfer point and the tail board of the truck at the Manhat-
43 tan terminal or the store door as may be elected by the shipper or
44 consignee, eliminating extra handling.

45 Union terminal stations to be located on Manhattan in zones as far as
46 practicable of equal trucking distance, as to pickups and deliveries, to
47 be served by this system. Terminals to contain storage space and space
48 for other facilities. The system to bring all the railroads of the port
49 to Manhattan.

50 6. The determination of the exact location, system and character of
51 each of the said tunnels, bridges, belt lines, approaches, classifica-
52 tion yards, warehouses, terminals or other improvements shall be made by
53 the port authority after public hearings and further study, but in
54 general the location thereof shall be as indicated upon said map, and as
55 herein described.

1 7. The right to add to, modify or change any part of the foregoing
2 comprehensive plan is reserved by each state, with the concurrence of
3 the other.

4 8. The port of New York authority is hereby authorized and directed to
5 proceed with the development of the port of New York in accordance with
6 said comprehensive plan as rapidly as may be economically practicable
7 and is hereby vested with all necessary and appropriate powers not
8 inconsistent with the constitution of the United States or of either
9 state, to effectuate the same, except the power to levy taxes or assess-
10 ments. It shall request the congress of the United States to make such
11 appropriations for deepening and widening channels and to make such
12 grants of power as will enable the said plan to be effectuated. It shall
13 have power to apply to all federal agencies, including the interstate
14 commerce commission, the war department, and the United States shipping
15 board, for suitable assistance in carrying out said plan. It shall coop-
16 erate with the state highway commissioners of each state so that trunk
17 line highways as and when laid out by each state shall fit in with said
18 comprehensive plan. It shall render such advice, suggestion and assist-
19 ance to all municipal officials as will permit all local and municipal
20 port and harbor improvements, so far as practicable, to fit in with said
21 plan. All municipalities within the district are hereby authorized and
22 empowered to cooperate in the effectuation of said plan, and are hereby
23 vested with such powers as may be appropriate or necessary so to cooper-
24 ate. The bonds or other securities issued by the port authority shall at
25 all times be free from taxation by either state. The port authority
26 shall be regarded as the municipal corporate instrumentality of the two
27 states for the purpose of developing the port and effectuating the
28 pledge of the states in the said compact, but it shall have no power to
29 pledge the credit of either state or to impose any obligation upon
30 either state, or upon any municipality, except as and when such power is
31 expressly granted by statute, or the consent by any such municipality is
32 given.

33 S 202. Investigations. 1. (a) To facilitate the determination of the
34 economic practicability of any step in the comprehensive plan, or of any
35 other fact or matter which the port authority is authorized and
36 empowered to decide or determine, the port authority may conduct inves-
37 tigations, inquiries or hearings at such place or places and at such
38 times as it shall appoint. Such investigations, inquiries or hearings
39 may be held by or before one or more of the commissioners of the port
40 authority, or by or before any person or persons appointed as its repre-
41 sentative, and when ratified, approved or confirmed by the port authori-
42 ty on its action shall be and be deemed to be the investigation, inquiry
43 or hearing of the port authority.

44 (b) For the purpose of such investigations, inquiries or hearings, and
45 of such other action or powers as the port authority may be authorized
46 or empowered to take or exercise, it shall have jurisdiction of any and
47 all persons, associations, or corporations, residing in, or acting or
48 existing under or by virtue of the laws of, or owning property or coming
49 within this state.

50 2. The port authority shall have the power to compel the attendance of
51 witnesses and the production of any papers, books or other documents,
52 and to administer oaths to all witnesses who may be called before it.
53 Subpoenas issued by the port authority shall be signed by a commissioner
54 or by the secretary of the port authority. No witness subpoenaed at the
55 instance of parties other than the port authority shall be entitled to
56 compensation therefrom for attendance or travel, but the cost thereof

1 shall be borne by the party at whose instance the witness is summoned,
2 unless the port authority otherwise orders. A subpoena issued under this
3 section shall be regulated by the civil practice law and rules.

4 S 203. Hearings. 1. All hearings before the port authority, including
5 the taking of testimony, shall be governed by rules to be adopted and
6 prescribed by it.

7 2. In any investigation, inquiry or hearing before the port authority,
8 a commissioner or an officer conducting the investigation, inquiry or
9 hearing may confer immunity in accordance with the provisions of section
10 50.20 of the criminal procedure law.

11 3. No commissioner or employee of the port authority shall be required
12 to give testimony in any civil suit to which the port authority is not a
13 party with regard to information obtained by him in the discharge of his
14 or her official duty.

15 S 204. Orders. 1. Every order of the port authority shall be served
16 upon every person, association or corporation to be affected thereby,
17 either by personal delivery of a certified copy thereof, or by mailing a
18 certified copy thereof, in a sealed package with postage prepaid, to the
19 person to be affected thereby; or in the case of a corporation to any
20 officer or agent thereof upon whom a summons might be served, either
21 within or without the state, in accordance with law. It shall be the
22 duty of every person, association or corporation, to notify the port
23 authority forthwith, in writing, of the receipt of the certified copy of
24 every order so served, and in the case of a corporation such notifica-
25 tion must be signed and acknowledged by a person or officer duly author-
26 ized by the corporation to admit such service. Within a time specified
27 in the order of the port authority, such person, association or corpo-
28 ration, upon whom it is served, must, if so required in the order, noti-
29 fy the port authority in like manner whether the terms of the order are
30 accepted and will be obeyed. Every order of the port authority shall
31 take effect at a time therein specified and shall continue in force
32 either for a period which may be designated therein, or until changed or
33 abrogated by the port authority, unless such order be unauthorized by
34 law, or be in violation of a provision of the constitution of the state,
35 or of the United States.

36 2. No order staying or suspending an order of the port authority shall
37 be made by any court otherwise than upon notice and after hearing, and
38 if the order of the port authority is suspended, the order suspending
39 the same shall contain a specific finding based upon evidence submitted
40 to the court and identified by reference thereto that great and irrepar-
41 able damage would otherwise result to the petitioner and specifying the
42 nature of the damage.

43 3. (a) Whenever the port authority shall be of the opinion that any
44 person, association or corporation subject to its jurisdiction is fail-
45 ing or omitting, or about to fail or omit to do anything required of it
46 by the laws governing the development and regulation of the port of New
47 York, or by its order, or is doing or is about to do anything, or
48 permitting, or about to permit anything to be done contrary to, or in
49 violation of, such law or orders, it shall direct its legal represen-
50 tative to commence an action or proceeding in the name of the port
51 authority, in an appropriate court having jurisdiction, for the purpose
52 of having such violations, or threatened violations, stopped and
53 prevented either by mandamus or injunction. Such an action or proceeding
54 may be brought in the supreme court of this state, and the said court
55 shall have and is hereby given the necessary and appropriate jurisdic-

tion to grant mandamus or injunction, as the case may require, or any other relief appropriate to the case.

(b) Failure of such person, association or corporation to notify the port authority, as required in the preceding section, of its acceptance of and willingness to obey any order of the port authority shall be and be deemed to be prima facie proof that such person, association or corporation is guilty of such violation, or threatened violation. The legal representative of the port authority shall begin such action or proceeding by a petition to the appropriate court, alleging the violation complained of and praying for appropriate relief by way of mandamus or injunction. If the petition is directed to a court of this state, it shall thereupon be the duty of the court to specify the time, not exceeding twenty days after the service of a copy of the petition, within which the person, association or corporation complained of must answer the petition. In case of default in answer, or after answer, the court shall immediately inquire into the facts and circumstances, in such manner as the court shall direct, without other or formal pleadings and without respect to any technical requirement. Such other persons, associations or corporations as the court shall deem necessary or proper to join as parties, in order to make its order, judgment or writs effective, may be joined as parties upon application of the legal representative of the port authority. The final judgment in any such action or proceeding shall either dismiss the action or proceeding, or direct that a writ of mandamus, or an injunction, or both, issue as prayed for in the petition, or in such modified or other form as the court may determine will afford the appropriate relief.

4. (a) Whenever the port authority, after opportunity to the parties affected or to be affected thereby to be heard, shall determine any fact or matter which it is authorized by any law to hear or determine, or that any step in the effectuation of the comprehensive plan is or in the near future will be economically practicable, it shall make its findings in writing, setting forth its reasons therefor, and such findings shall be and be deemed to be a determination by the port authority, under and pursuant to law. Upon such determination an appropriate order may be entered by the port authority and be made effective and may be enforced as herein provided.

(b) If such findings or determination shall require the use of existing facilities or any part thereof described in the law, owned or operated by any carrier or carriers, then the port authority may order and require the carrier or carriers owning or operating said railroad facilities or part thereof to permit the use of such facilities or part thereof upon the payment of reasonable compensation therefor. If the carrier or carriers affected or to be affected by such order shall not be able, within the time to be specified in its order by the port authority, to agree among themselves upon the compensation to be paid by a user to a proprietor or operator for the use of such existing facilities or part thereof, then the port authority shall make determination of the amount to be paid by the user to the proprietary carrier or carriers, taking all the facts and circumstances into account, including the public use to which such facilities have been put; or, at its option, the port authority may apply to the supreme court of this state, either in a separate proceeding or in proceedings by mandamus or injunction to enforce its order, to fix and determine the fair and reasonable compensation to be paid by the user to the proprietary carrier or carriers for such use. If any carrier shall be dissatisfied with the findings of the port authority in the matter of the compensation to be paid for the use

1 of any existing facility, it shall have the right to review the same in
2 the supreme court of this state by taking appropriate proceedings for
3 such review within sixty days from the service of the order of the port
4 authority, but pending such review the order for the use of such facili-
5 ties shall be operative, the determination of the compensation by the
6 court to relate back to the time of the commencement of such user,
7 unless the court shall for good and proper reasons enjoin the operation
8 of such order.

9 S 205. Terminal stations. If, in the determination of steps to effec-
10 tuate the comprehensive plan, the port authority shall determine that
11 one or more union terminal stations are then, or in the near future,
12 economically practicable, it shall call a conference of all the carriers
13 affected or to be affected by the use of such terminal stations or
14 station and shall submit to them a plan or plans for the construction,
15 maintenance and use thereof. If the carriers or any of them shall fail
16 or refuse to agree upon such plan, the port authority shall make and
17 certify its findings and conclusions to the supreme court of this state,
18 and the said court is vested with appropriate and adequate jurisdiction
19 to determine whether or not such plan or plans for a union station or
20 stations effectuate the comprehensive plan, and to make such conditions
21 and impose such terms as will carry out the same in accordance with the
22 principles embraced in the comprehensive plan and the laws governing the
23 same.

24 S 206. Preference. All actions and proceedings to which the port
25 authority may be a party and in which any question arises under the laws
26 relating to the port authority, or under or concerning any of its orders
27 or actions, shall be preferred over all other civil causes, except
28 election causes, in all courts of this state and shall be heard and
29 determined in preference to all other civil business pending therein,
30 except election causes, irrespective of position on the calendar. The
31 same preference shall be granted upon application of the legal represen-
32 tative of the port authority, in any action or proceeding in which he or
33 she may be allowed to intervene.

34 ARTICLE III

35 BRIDGES AND TUNNELS IN NEW YORK AND NEW JERSEY

36 Section 301. Legislative intent.

37 302. Tunnels.

38 303. Bridges.

39 304. Studies and reporting.

40 305. Inspections.

41 306. Construction, maintenance and operation.

42 307. Rules and regulations relating to tunnels and bridges.

43 308. Bonds.

44 309. Compact.

45 S 301. Legislative intent. The state of New Jersey by appropriate
46 legislation concurring herein, the states of New York and New Jersey
47 hereby declare and agree that the vehicular traffic moving across the
48 interstate waters within the port of New York district, created by the
49 compact of April thirty, nineteen hundred twenty-one, between the said
50 states, which said phrase "interstate waters" as used in this article
51 shall include the portion of the Hudson river within the said port of
52 New York district north of the New Jersey state line, constitutes a
53 general movement of traffic which follows the most accessible and prac-
54 ticable routes, and that the users of each bridge or tunnel over or
55 under the said waters benefit by the existence of every other bridge or
56 tunnel since all such bridges and tunnels as a group facilitate the

1 movement of such traffic and relieve congestion at each of the several
2 bridges and tunnels. Accordingly the two said states, in the interest
3 of the users of such bridges and tunnels and the general public, hereby
4 agree that the construction, maintenance, operation and control of all
5 such bridges and tunnels, heretofore or hereafter authorized by the two
6 said states, shall be unified under the port authority, to the end that
7 the tolls and other revenues therefrom shall be applied so far as prac-
8 ticable to the costs of the construction, maintenance and operation of
9 said bridges and tunnels as a group and economies in operation effected,
10 it being the policy of the two said states that such bridges and tunnels
11 shall as a group be in all respects self-sustaining.

12 S 302. Tunnels. 1. In furtherance of the policy stated in section 201
13 of this article, and in partial effectuation of the comprehensive plan
14 adopted by the two said states for the development of the said port of
15 New York district pursuant to this chapter, the control, operation,
16 tolls and other revenues of the vehicular tunnel, known as the Holland
17 tunnel, under the Hudson river between the city of Jersey City and the
18 city of New York, shall be vested in the port authority as hereinafter
19 provided; and the port authority is hereby authorized and empowered to
20 construct, own, maintain and operate an interstate vehicular crossing
21 under the Hudson river to consist of three tubes (hereinafter called the
22 Midtown Hudson tunnel), together with such approaches thereto and
23 connections with highways as the port authority may deem necessary or
24 desirable.

25 2. The entrances, exits and approaches to the said Midtown Hudson
26 tunnel, on the New York side, shall be between West Thirty-fifth street
27 and West Forty-first street and in the vicinity of Ninth avenue and to
28 the west thereof, in the borough of Manhattan, city of New York. The
29 approaches to the said Midtown Hudson tunnel on the New Jersey side
30 shall be so located and constructed as to permit tunnel traffic to pass
31 over or under the tracks of the New York, Susquehanna and Western Rail-
32 road Company and the Northern Railroad Company of New Jersey, immedi-
33 ately west of the Palisades, without crossing the said tracks at grade, and
34 as to permit connections with New Jersey state highway routes in the
35 vicinity of the said tracks. The said Midtown Hudson tunnel shall have
36 an appropriate entrance and exit in the township of Weehawken, county of
37 Hudson, state of New Jersey.

38 3. The control, operation, tolls and other revenues of the said
39 Holland tunnel and its entrance and exit plazas and of all real and
40 personal property appurtenant thereto or used in connection therewith,
41 shall vest in the port authority upon the making of the following
42 payments by the port authority to each of the said two states:

43 (a) An amount equal to the moneys contributed by such state toward the
44 cost of construction of the said Holland tunnel, with interest thereon
45 at the rate of four and one-quarter per centum per annum from the date
46 or dates on which such moneys were contributed by such state to the date
47 of the payment to such state;

48 (b) Less, however, the share of such state in the net revenues of the
49 said tunnel to the date of the said payment, and less interest on such
50 net revenues at the rate of four and one-quarter per centum per annum
51 from the dates on which the said net revenues were received by such
52 state to the date of the said payment;

53 (c) And in the case of the payment to the state of New York, less an
54 amount equal to the moneys which the said state has agreed to advance to
55 the port authority (but which have not as yet been advanced to the port
56 authority) in aid of bridge construction, during the fiscal years

1 commencing in nineteen hundred thirty-one and nineteen hundred thirty-
2 two, pursuant to chapter seven hundred and sixty-one of the laws of New
3 York of nineteen hundred twenty-six and chapter three hundred of the
4 laws of New York of nineteen hundred twenty-seven and acts amendatory
5 thereof and supplemental thereto, discounted, however, in the case of
6 each advance at the rate of four and one-quarter per centum per annum,
7 from the date of the said payment to the state of New York to the date
8 upon which such advance is to be available pursuant to the aforesaid
9 statutes.

10 In computing interest as aforesaid upon the moneys contributed by each
11 of the said two states toward the cost of construction of the said
12 Holland tunnel, such moneys shall be deemed to have been contributed by
13 such state upon the first day of the month following the month during
14 which there were presented to the comptroller of such state for audit
15 and payment, the schedules and vouchers pursuant to which such moneys
16 were paid. In computing interest as aforesaid upon the net revenues
17 received by each of the said two states, such net revenues shall be
18 deemed to have been received by such state upon the date when such
19 revenues were credited to such state or to the commission of such state
20 pursuant to paragraph eleven of article fourteen of the compact of
21 December thirty, nineteen hundred nineteen, between the two said states.

22 4. If the amount paid by the port authority to the state of New Jersey
23 pursuant to subdivision three of this section shall be less than an
24 amount which, together with the moneys then in the sinking fund estab-
25 lished by chapter three hundred and fifty-two of the laws of New Jersey
26 of nineteen hundred twenty and chapter two hundred and sixty-two of the
27 laws of New Jersey of nineteen hundred twenty-four, hereinafter called
28 the New Jersey Camden bridge-Holland tunnel sinking fund (other than
29 moneys set apart to pay interest for the then current year upon the
30 bonds of the state of New Jersey authorized by the aforesaid acts of the
31 state of New Jersey, hereinafter called New Jersey Camden bridge-Holland
32 tunnel bonds), will be equal to the principal amount of the then
33 outstanding New Jersey Camden bridge-Holland tunnel bonds, then and in
34 such event, the port authority shall in addition pay to the state of New
35 Jersey an amount which, together with the amount paid under and pursuant
36 to the preceding section hereof and the moneys then in said New Jersey
37 Camden bridge-Holland tunnel sinking fund, will be equal to the princi-
38 pal amount of the then outstanding New Jersey Camden bridge-Holland
39 tunnel bonds; and shall, moreover, pay to the state of New York a like
40 amount.

41 5. The amount payable by the port authority to the state of New York
42 pursuant to subdivisions three and four of this section shall be paid by
43 the port authority into the treasury of the state of New York upon the
44 thirtieth day of June, nineteen hundred thirty-one, or at an earlier
45 date at the option of the port authority on five days' notice to the
46 comptroller of the state of New York, upon a voucher signed and audited
47 by the said comptroller, who is hereby authorized to consummate the said
48 transaction.

49 6. The amount payable by the port authority to the state of New Jersey
50 pursuant to subdivisions three and four of this section shall be paid by
51 the port authority to the sinking fund commission created by said chap-
52 ter three hundred and fifty-two of the laws of New Jersey of nineteen
53 hundred twenty and said chapter two hundred and sixty-two of the laws of
54 New Jersey of nineteen hundred twenty-four, hereinafter called the New
55 Jersey Camden bridge-Holland tunnel sinking fund commission upon the
56 thirtieth day of June, nineteen hundred thirty-one, or such other date

1 as may be agreed upon by the said sinking fund commission and the port
2 authority, upon a voucher signed and audited by the said sinking fund
3 commission, which said commission is hereby authorized to consummate
4 said transaction; and the said moneys shall be deposited in the said New
5 Jersey Camden bridge-Holland tunnel sinking fund, and shall for all
6 purposes be deemed to be a part thereof and subject to the appropriation
7 of the moneys in the said sinking fund, made by the aforesaid statutes
8 of the state of New Jersey.

9 7. The income and interest received from or accruing upon the moneys
10 in the aforesaid New Jersey Camden bridge-Holland tunnel sinking fund,
11 and from the investment thereof, shall be set apart and held by the said
12 New Jersey Camden bridge-Holland tunnel sinking fund commission for the
13 payment of interest on New Jersey Camden bridge-Holland tunnel bonds,
14 and shall be subject to the appropriation made of moneys so set apart
15 and held, by the aforesaid statutes of the state of New Jersey, and
16 shall be applied to the payment of such interest.

17 8. Upon the making of the foregoing payments by the port authority to
18 the two said states, the provisions of the compact of December thirty,
19 nineteen hundred nineteen, between the said two states, relating to the
20 construction and operation of the said Holland tunnel, as amended, so
21 far as inconsistent herewith or with the rules, practice and procedure
22 or general authority of the port authority, shall be and shall be deemed
23 to be abrogated; and chapter four hundred and twenty-one of the laws of
24 New York of nineteen hundred thirty, and chapter two hundred and forty-
25 seven of the laws of New Jersey of nineteen hundred thirty, making the
26 port authority the agent of the two states in connection with the opera-
27 tion of the said Holland tunnel shall cease to be effective.

28 S 303. Bridges. 1. Except as may be agreed upon between the port
29 authority and the municipality in which they shall be located, the
30 approaches to the George Washington bridge hereafter constructed on the
31 New York side shall be located as follows: between Amsterdam avenue and
32 Pinehurst avenue, the approaches shall be located between West One
33 hundred seventy-eighth street and West One hundred seventy-ninth street;
34 between Pinehurst avenue and Cabrini boulevard, the approaches shall be
35 between West One hundred seventy-eighth street and West One hundred
36 eightieth street; between Cabrini boulevard and Haven avenue, the
37 approaches shall be between West One hundred seventy-seventh street and
38 the line parallel to the northerly side of West One hundred eightieth
39 street and one hundred twenty-five feet north of the building line on
40 the north side thereof; between Haven avenue and Service street north of
41 the George Washington bridge, the approaches shall be between the bridge
42 and an extension of the building line on the northerly side of West One
43 hundred eightieth street. Except as so limited, the port authority may
44 effectuate such approaches, connections, highway extensions or highway
45 improvements as it shall deem necessary or desirable in relation to the
46 George Washington bridge, located in or extending across the counties in
47 which such bridge is located, and, in its discretion, may do so by
48 agreement with any other public agency; such agreement may provide for
49 the construction, ownership, maintenance or operation of such
50 approaches, connections or highway extensions or highway improvements by
51 such other public agency.

52 2. The port authority is hereby authorized and empowered, in its
53 discretion, to construct, own, maintain and operate in Washington
54 Heights in the borough of Manhattan, New York city, as an addition and
55 improvement to the vehicular bridge over the Hudson river at Fort Lee,
56 known as and hereinafter in this section referred to as the George Wash-

1 ington bridge, a bus passenger facility, by which is meant a facility
2 consisting of one or more buildings, structures, improvements, loading
3 or unloading areas, parking areas or other facilities necessary, conven-
4 ient or desirable in the opinion of the port authority for the accommo-
5 dation of omnibuses and other motor vehicles operated by carriers
6 engaged in the transportation of passengers, or for the loading, unload-
7 ing, interchange or transfer of such passengers or their baggage, or
8 otherwise for the accommodation, use or convenience of such passengers
9 or such carriers or their employees and for purposes incidental thereto.

10 3. Nothing herein contained shall be deemed to prevent the port
11 authority from establishing, levying and collecting tolls and other
12 charges in connection with such bus passenger facility in addition to
13 and other than the tolls or charges established, levied and collected in
14 connection with the George Washington bridge or any other bridge or
15 tunnel.

16 S 304. Studies and reporting. The port authority shall from time to
17 time make studies, surveys and investigations to determine the necessity
18 and practicability of vehicular bridges and tunnels over or under inter-
19 state waters within the port of New York district, in addition to the
20 Midtown Hudson tunnel and Holland tunnel and to the George Washington
21 bridge, Goethals bridge, Outerbridge Crossing and Bayonne bridge, and
22 report to the governors and legislatures of the two states thereon. The
23 port authority shall not proceed with the construction of any such addi-
24 tional vehicular bridges and tunnels over or under said interstate
25 waters until hereafter expressly authorized by the two said states, but
26 the second deck of the George Washington bridge shall be considered an
27 addition and improvement to the said bridge and not such an additional
28 vehicular bridge, and the port authority's power and authorization to
29 construct, own, maintain and operate said second deck for highway vehic-
30 ular or rail rapid transit traffic or both is hereby acknowledged and
31 confirmed.

32 S 305. Inspections. The port authority shall inspect bridges located
33 within the state of New York and under the authority's jurisdiction in
34 accordance with criteria established for other publicly-owned bridges
35 within the state.

36 S 306. Construction, maintenance and operation. 1. The port authority
37 shall, so far as it deems it practicable, treat as a single unified
38 operation the construction, maintenance and operation of the said
39 Midtown Hudson tunnel, the Holland tunnel, the two vehicular bridges
40 over the Arthur Kill, the vehicular bridge over the Kill van Kull, the
41 vehicular bridge over the Hudson river at Fort Lee, and any other vehic-
42 ular bridges or tunnels which it may construct or operate, raising
43 moneys for the construction thereof and for the making of additions and
44 improvements thereto in whole or in part upon its own obligations, and
45 establishing and levying such tolls and other charges as it may deem
46 necessary to secure from all of such bridges and tunnels as a group, at
47 least sufficient revenue to meet the expenses of the construction, main-
48 tenance and operation of such bridges and tunnels as a group, and to
49 provide for the payment of the interest upon and amortization and
50 retirement of and the fulfillment of the terms of all bonds and other
51 securities and obligations which it may have issued or incurred in
52 connection therewith.

53 2. The additions and improvements to bridges and tunnels constructed
54 or operated by it which the port authority is hereby authorized to
55 effectuate shall include but not be limited to parking facilities, by
56 which is meant transportation facilities consisting of one or more

1 areas, buildings, structures, improvements, or other accommodations or
2 appurtenances necessary, convenient or desirable in the opinion of the
3 port authority for the parking or storage of motor vehicles of users of
4 such bridges and tunnels and other members of the general public and for
5 the transfer of the operators and passengers of such motor vehicles to
6 and from omnibuses and other motor vehicles operated by carriers over or
7 through such bridges or tunnels, and for purposes incidental thereto.

8 3. Nothing herein contained shall be deemed to prevent the port
9 authority from establishing, levying and collecting tolls and other
10 charges in connection with any parking facility in addition to and other
11 than the tolls or charges established, levied and collected in
12 connection with the bridge or tunnel to which such parking facility is
13 an addition and improvement or any other bridge or tunnel.

14 4. The port authority shall not proceed with the construction of any
15 parking facility as an addition and improvement to any bridge or tunnel
16 other than a parking facility in the township of North Bergen in the
17 state of New Jersey at or in the vicinity of the Midtown Hudson tunnel
18 and its approaches and connections, except as heretofore or hereafter
19 expressly authorized.

20 5. The plans of the connections with state or municipal highways of
21 any vehicular bridge or tunnel which the port authority may hereafter
22 construct (including the plans of any additional connections of existing
23 bridges or tunnels with state or municipal highways), shall be subject
24 to the approval of the governor of the state in which such connections
25 shall be located. Either state may require by appropriate legislation
26 that such connections shall be subject to the approval of the munici-
27 pality of that state in which they shall be located; and in such event,
28 the approval of such municipality shall be given as provided in article
29 one of this chapter. Except as limited herein, the port authority shall
30 determine all matters pertaining to such bridges and tunnels.

31 6. The construction, maintenance and operation of vehicular bridges
32 and tunnels within the said port of New York district (including the
33 said Holland tunnel and the said Midtown Hudson tunnel), are and will be
34 in all respects for the benefit of the people of the states of New York
35 and New Jersey, for the increase of their commerce and prosperity and
36 for the improvement of their health and living conditions; and the port
37 authority shall be regarded as performing an essential governmental
38 function in undertaking the construction, maintenance and operation
39 thereof and in carrying out the provisions of law relating thereto, and
40 shall be required to pay no taxes or assessments upon any of the proper-
41 ty acquired or used by it for such purposes.

42 7. If for any of the purposes of this act (including temporary
43 construction purposes, and the making of additions or improvements to
44 bridges or tunnels already constructed), the port authority shall find
45 it necessary or convenient to acquire any real property as herein
46 defined, whether for immediate or future use, the port authority may
47 find and determine that such property, whether a fee simple absolute or
48 a lesser interest, is required for a public use, and upon such determi-
49 nation, the said property shall be and shall be deemed to be required
50 for such public use until otherwise determined by the port authority;
51 and with the exceptions hereinafter specifically noted, the said deter-
52 mination shall not be affected by the fact that such property has there-
53 tofore been taken for, or is then devoted to, a public use; but the
54 public use in the hands or under the control of the port authority shall
55 be deemed superior to the public use in the hands of any other person,
56 association or corporation.

1 8. The port authority may acquire and is hereby authorized to acquire
2 such property, whether a fee simple absolute or a lesser interest, by
3 the exercise of the right of eminent domain under and pursuant to the
4 provisions of the eminent domain procedure law of the state of New York,
5 in the case of property located in such state, and revised statutes of
6 New Jersey, Title 20:1-1 et seq., in the case of property located in
7 such state, or at the option of the port authority as provided in
8 section fifteen of chapter forty-three of the laws of New Jersey of
9 nineteen hundred forty-seven, as amended, for the condemnation of real
10 property for air terminal purposes, in the case of property located in
11 such state, or pursuant to such other and alternate procedure as may be
12 provided by law.

13 9. Where a person entitled to an award in the proceedings to acquire
14 any real property for any of the purposes of this article, remains in
15 possession of such property after the time of the vesting of title in
16 the port authority, the reasonable value of his use and occupancy of
17 such property subsequent to such time, as fixed by agreement or by the
18 court in such proceedings or by any court of competent jurisdiction,
19 shall be a lien against such award, subject only to liens of record at
20 the time of the vesting of title in the port authority.

21 10. Nothing herein contained shall be construed to prohibit the port
22 authority from bringing any proceedings to remove a cloud on title or
23 such other proceedings as it may, in its discretion, deem proper and
24 necessary, or from acquiring any such property by negotiation or
25 purchase.

26 11. Anything in this act to the contrary notwithstanding, no property
27 now or hereafter vested in or held by any county, city, borough,
28 village, township or other municipality shall be taken by the port
29 authority, without the authority or consent of such county, city,
30 borough, village, township or other municipality as provided in article
31 one of this chapter, provided that the state in which such county, city,
32 borough, village, township or other municipality is located may author-
33 ize such property to be taken by the port authority by condemnation or
34 the exercise of the right of eminent domain without such authority or
35 consent; nor shall anything herein impair or invalidate in any way any
36 bonded indebtedness of the state, or such county, city, borough,
37 village, township or other municipality, nor impair the provisions of
38 law regulating the payment into sinking funds of revenue derived from
39 municipal property, or dedicating the revenues derived from municipal
40 property, to a specific purpose. The port authority is hereby authorized
41 and empowered to acquire from any such county, city, borough, village,
42 township or other municipality, or from any other public agency or
43 commission having jurisdiction in the premises, by agreement therewith,
44 and such county, city, borough, village, township, municipality, public
45 agency or commission, notwithstanding any contrary provision of law, is
46 hereby authorized and empowered to grant and convey upon reasonable
47 terms and conditions, any real property, which may be necessary for the
48 construction, operation and maintenance of such bridges and tunnels,
49 including such real property as has already been devoted to a public
50 use. Each of the two said states hereby consent to the use and occupa-
51 tion of the real property of such state necessary for the construction,
52 operation and maintenance of bridges and tunnels constructed or operated
53 pursuant to the provisions of this act, including lands of the state
54 lying under water.

55 12. The port authority and its duly authorized agents and employees
56 may enter upon any land in this state for the purpose of making such

1 surveys, maps, or other examinations thereof as it may deem necessary or
2 convenient for the purposes of this article.

3 13. The term "real property" as used in this section is defined to
4 include lands, structures, franchises, and interests in land, including
5 lands under water and riparian rights, and any and all things and rights
6 usually included within the said term, and includes not only fees simple
7 absolute but also any and all lesser interests, such as easements,
8 rights of way, uses, leases, licenses and all other incorporeal heredi-
9 taments and every estate, interest or right, legal or equitable, includ-
10 ing terms of years, and liens thereon by way of judgments, mortgages or
11 otherwise, and also claims for damage to real estate.

12 14. Nothing herein contained shall be construed to authorize or permit
13 the port authority to undertake the construction of any vehicular bridge
14 or tunnel over or under the Arthur Kill, unless or until adequate
15 provision has been made by law for the protection of those advancing
16 money upon the obligations of the port authority for the construction of
17 the bridges mentioned in chapter two hundred and ten of the laws of
18 nineteen hundred twenty-five, or the construction of any vehicular
19 bridge or tunnel over or under the Hudson river, at or north of Sixtieth
20 street in the borough of Manhattan, city of New York, unless or until
21 adequate provision has been made by law for the protection of those
22 advancing money upon the obligations of the port authority for the
23 construction of the bridge mentioned in chapter seven hundred and
24 sixty-one of the laws of nineteen hundred twenty-six, or the
25 construction of any vehicular bridge or tunnel over or under the Kill
26 van Kull unless or until adequate provision has been made by law for the
27 protection of those advancing money upon the obligations of the port
28 authority for the construction of the bridge mentioned in chapter three
29 hundred of the laws of nineteen hundred twenty-seven.

30 S 307. Rules and regulations relating to tunnels and bridges. 1. The
31 port authority is hereby authorized to make and enforce such rules and
32 regulations and to establish, levy and collect such tolls and other
33 charges in connection with any vehicular bridges and tunnels which it
34 may now or hereafter be authorized to own, construct, operate or control
35 (including the said Holland tunnel and the said Midtown Hudson tunnel),
36 as it may deem necessary, proper or desirable, which said tolls and
37 charges shall be at least sufficient to meet the expenses of the
38 construction, operation and maintenance thereof, and to provide for the
39 payment of, with interest upon, and the amortization and retirement of
40 bonds or other securities or obligations issued or incurred for bridge
41 or tunnel purposes. There shall be allocated to the cost of the
42 construction, operation and maintenance of such bridges and tunnels,
43 such proportion of the general expenses of the port authority as it
44 shall deem properly chargeable thereto.

45 2. The moneys in the general reserve fund of the port authority
46 (authorized by chapter five of the laws of New Jersey of nineteen
47 hundred thirty-one, as amended, and chapter forty-eight of the laws of
48 New York of nineteen hundred thirty-one, as amended and contained by
49 article VI of this chapter) may be pledged in whole or in part by the
50 port authority as security for or applied by it to the repayment with
51 interest of any moneys which it may raise upon bonds or other securities
52 or obligations issued or incurred from time to time for any of the
53 purposes of this article or secured in whole or in part by the pledge of
54 the revenues of the port authority from any bridge or tunnel or both so
55 issued or incurred and so secured; and the moneys in said general
56 reserve fund may be applied by the port authority to the fulfillment of

1 any other undertakings which it may assume to or for the benefit of the
2 holders of any such bonds, securities or other obligations.

3 3. Subject to prior liens and pledges (and to the obligation of the
4 port authority to apply revenues to the maintenance of its general
5 reserve fund in the amount prescribed by the said statutes authorizing
6 said fund), the revenues of the port authority from facilities estab-
7 lished, constructed, acquired or effectuated through the issuance or
8 sale of bonds of the port authority secured by a pledge of its general
9 reserve fund may be pledged in whole or in part as security for or
10 applied by it to the repayment with interest of any moneys which it may
11 raise upon bonds or other securities or obligations issued or incurred
12 from time to time for any of the purposes of this article or secured in
13 whole or in part by the pledge of the revenues of the port authority
14 from any bridge or tunnel or both so issued or incurred and so secured,
15 and said revenues may be applied by the port authority to the fulfill-
16 ment of any other undertakings which it may assume to or for the benefit
17 of the holders of such bonds, securities or other obligations.

18 In the event that at any time the balance of moneys theretofore paid
19 into the general reserve fund and not applied therefrom shall exceed an
20 amount equal to one-tenth of the par value of all bonds legal for
21 investment, as defined and limited in the said statutes authorizing said
22 fund, issued by the port authority and currently outstanding at such
23 time, by reason of the retirement of bonds or other securities or obli-
24 gations issued or incurred from time to time for any of the purposes of
25 this article or secured in whole or in part by the pledge of the reven-
26 ues of the port authority from any bridge or tunnel or both so issued or
27 incurred and so secured, the par value of which had theretofore been
28 included in the computation of said one-tenth, then the port authority
29 may pledge or apply such excess for and only for the purposes for which
30 it is authorized by the said statutes authorizing said fund to pledge
31 the moneys in the general reserve fund and such pledge may be made in
32 advance of the time when such excess may occur.

33 S 308. Bonds. 1. The two said states covenant and agree with each
34 other and with the holders of any bonds or other securities or obli-
35 gations of the port authority, issued or incurred for bridge or tunnel
36 purposes and as security for which there may or shall be pledged the
37 tolls and revenues or any part thereof of any vehicular bridge or tunnel
38 (including the said Holland tunnel and the said Midtown Hudson tunnel),
39 that the two said states will not, so long as any of such bonds or other
40 obligations remain outstanding and unpaid, diminish or impair the power
41 of the port authority to establish, levy and collect tolls and other
42 charges in connection therewith; and that the two said states will not,
43 so long as any of such bonds or other obligations remain outstanding and
44 unpaid, authorize the construction of any vehicular bridges or tunnels
45 over or under interstate waters as herein defined within the said port
46 of New York district, by any person or body other than the port authori-
47 ty, in competition with those whose tolls or other revenues are pledged
48 as aforesaid; provided that nothing herein contained shall be deemed to
49 refer to the bridge authorized by the act of congress of July eleven,
50 eighteen hundred ninety, chapter six hundred and sixty-nine, and acts
51 amendatory thereof and supplemental thereto; and provided further that
52 nothing herein contained shall preclude the authorization of the
53 construction of such competitive tunnels or bridges by other persons or
54 bodies if and when adequate provision shall be made by law for the
55 protection of those advancing money upon such obligations.

1 2. The bonds or other securities or obligations which may be issued or
2 incurred by the port authority pursuant to this article, or as security
3 for which there may be pledged the tolls and other revenues or any part
4 thereof of any vehicular bridge or tunnel (including the said Holland
5 tunnel and the said Midtown Hudson tunnel) now or hereafter authorized
6 by the two said states or both so issued or incurred and so secured, are
7 hereby made securities in which all state and municipal officers and
8 bodies, all banks, bankers, trust companies, savings banks, savings and
9 loan associations, investment companies and other persons carrying on a
10 banking business, all insurance companies, insurance associations and
11 other persons carrying on an insurance business, and all administrators,
12 executors, guardians, trustees and other fiduciaries and all other
13 persons whatsoever who are now or may hereafter be authorized to invest
14 in bonds or other obligations of the state, may properly and legally
15 invest any funds, including capital, belonging to them or within their
16 control; and said bonds or other securities or obligations are hereby
17 made securities which may properly and legally be deposited with and
18 shall be received by any state or municipal officer or agency for any
19 purpose for which the deposit of bonds or other obligations of this
20 state is now or may hereafter be authorized.

21 S 309. Compact. 1. This section and the preceding sections of this
22 article, constitute an agreement between the states of New York and New
23 Jersey supplementary to the compact between the two states dated April
24 thirty, nineteen hundred twenty-one, and amendatory thereof, and shall
25 be liberally construed to effectuate the purposes of said compact and of
26 the comprehensive plan heretofore adopted by the two states, and any
27 powers granted to the port authority by this article shall be deemed to
28 be in aid of and supplementary to and in no case a limitation upon the
29 powers heretofore vested in the port authority by the two said states
30 and/or by congress, except as herein otherwise provided.

31 2. Any declarations contained in this article with respect to the
32 governmental nature of bridges and tunnels and to the exemption of
33 bridge and tunnel property from taxation and to the discretion of the
34 port authority with respect to bridge and tunnel operations shall not be
35 construed to imply that other port authority property and operations are
36 not of a governmental nature, or that they are subject to taxation, or
37 that the determinations of the port authority with respect thereto are
38 not conclusive.

39 3. The powers vested in the port authority herein (including but not
40 limited to the powers to acquire real property by condemnation and to
41 make or effectuate additions, improvements, approaches and connections)
42 shall be continuing powers and no exercise thereof shall be deemed to
43 exhaust them or any of them.

44 4. Nothing herein contained shall be construed to affect, diminish or
45 impair the rights and obligations created by, or to repeal any of the
46 provisions of chapter three hundred and fifty-two of the laws of New
47 Jersey of nineteen hundred twenty and chapter two hundred and sixty-two
48 of the laws of New Jersey of nineteen hundred twenty-four.

49 5. If, however, any loss shall be suffered by or accrue to the said
50 sinking fund, and if, after the making of the payment by the port
51 authority to the state of New Jersey as hereinbefore provided, the
52 moneys in the said sinking fund shall at any time be or become less than
53 an amount equal to the principal amount of the then currently outstand-
54 ing New Jersey Camden bridge-Holland tunnel bonds, or if the income and
55 interest currently received from or currently accruing upon the moneys
56 in the said sinking fund shall be or become insufficient to pay the

1 interest currently accruing upon or currently payable in connection with
2 the aforesaid New Jersey Camden bridge-Holland tunnel bonds, the state
3 of New Jersey represents and agrees that it will make good such deficits
4 out of sources other than revenues from the said Holland tunnel.

5 6. The said payment by the port authority to the state of New Jersey
6 constitutes repayment for all moneys contributed by the said state
7 toward the cost of construction of the said Holland tunnel, including
8 the moneys diverted and appropriated by chapter three hundred and nine-
9 teen of the laws of New Jersey of nineteen hundred twenty-six and chap-
10 ter fifty-eight of the laws of New Jersey of nineteen hundred twenty-
11 seven from the road fund, created by chapter fifteen of the laws of New
12 Jersey of nineteen hundred seventeen. The requirement of chapter fifty-
13 eight of the laws of New Jersey of nineteen hundred twenty-seven that
14 the said moneys diverted and appropriated by the said statutes of the
15 state of New Jersey shall be returned and credited to the said road
16 fund, with interest, shall be and shall be deemed to be satisfied and
17 discharged so far as it relates to the revenues arising from the opera-
18 tion of the said Holland tunnel.

19 7. The provisions of this section shall constitute a covenant and
20 agreement by the state of New York with the state of New Jersey, the
21 port authority and the holders of any bonds or other obligations of the
22 port authority, as security for which the tolls and revenues of said
23 Holland tunnel may be pledged.

24 8. Nothing herein contained shall be construed to impair in any way
25 the obligation of the port authority to repay to the two states any or
26 all advances made by them to the port authority in aid of bridge
27 construction.

28 ARTICLE IV

29 THE WATERFRONT AND AIRPORT COMMISSION OF NEW YORK AND 30 NEW JERSEY COMPACT

31 Section 400. Compact.

32 S 400. Compact. The "waterfront and airport commission of New York and
33 New Jersey compact" as first enacted by chapter eight hundred eighty-two
34 of the laws of nineteen hundred fifty-three is hereby continued to read
35 as follows:

36 PART I

37 Section 1. Compact. The state of New York hereby agrees with the
38 state of New Jersey, upon the enactment by the state of New Jersey of
39 legislation having the same effect as this section, to the following
40 compact:

41 ARTICLE I

42 FINDINGS AND DECLARATIONS

43 1. The states of New York and New Jersey hereby find and declare that
44 the conditions under which waterfront labor is employed within the port
45 of New York district are depressing and degrading to such labor, result-
46 ing from the lack of any systematic method of hiring, the lack of
47 adequate information as to the availability of employment, corrupt
48 hiring practices and the fact that persons conducting such hiring are
49 frequently criminals and persons notoriously lacking in moral character
50 and integrity and neither responsive or responsible to the employers nor
51 to the uncoerced will of the majority of the members of the labor organ-
52 izations of the employees; that as a result waterfront laborers suffer
53 from irregularity of employment, fear and insecurity, inadequate earn-

1 ings, an unduly high accident rate, subjection to borrowing at usurious
2 rates of interest, exploitation and extortion as the price of securing
3 employment and a loss of respect for the law; that not only does there
4 result a destruction of the dignity of an important segment of American
5 labor, but a direct encouragement of crime which imposes a levy of
6 greatly increased costs on food, fuel and other necessities handled in
7 and through the port of New York district.

8 2. The states of New York and New Jersey hereby find and declare that
9 many of the evils above described result not only from the causes above
10 described but from the practices of public loaders at piers and other
11 waterfront terminals; that such public loaders serve no valid economic
12 purpose and operate as parasites exacting a high and unwarranted toll on
13 the flow of commerce in and through the port of New York district, and
14 have used force and engaged in discriminatory and coercive practices
15 including extortion against persons not desiring to employ them; and
16 that the function of loading and unloading trucks and other land vehi-
17 cles at piers and other waterfront terminals can and should be
18 performed, as in every other major American port, without the evils and
19 abuses of the public loader system, and by the carriers of freight by
20 water, stevedores and operators of such piers and other waterfront
21 terminals or the operators of such trucks or other land vehicles.

22 3. The states of New York and New Jersey hereby find and declare that
23 many of the evils above described result not only from the causes above
24 described but from the lack of regulation of the occupation of steve-
25 dores; that such stevedores have engaged in corrupt practices to induce
26 their hire by carriers of freight by water and to induce officers and
27 representatives of labor organizations to betray their trust to the
28 members of such labor organizations.

29 4. The states of New York and New Jersey hereby find and declare that
30 the occupations of longshoremen, stevedores, pier superintendents,
31 hiring agents and port watchmen are affected with a public interest
32 requiring their regulation and that such regulation shall be deemed an
33 exercise of the police power of the two states for the protection of the
34 public safety, welfare, prosperity, health, peace and living conditions
35 of the people of the two states.

36 ARTICLE II
37 DEFINITIONS

38 As used in this compact:

39 1. "The port of New York district" shall mean the district created by
40 article II of the compact dated April thirtieth, nineteen hundred twen-
41 ty-one, between the states of New York and New Jersey, authorized by
42 chapter one hundred fifty-four of the laws of New York of nineteen
43 hundred twenty-one and continued by article I of this chapter, and chap-
44 ter one hundred fifty-one of the laws of New Jersey of nineteen hundred
45 twenty-one.

46 2. "Commission" shall mean the waterfront and airport commission of
47 New York and New Jersey established by article III of this compact.

48 3. "Pier" shall include any wharf, pier, dock or quay.

49 4. "Other waterfront terminal" shall include any warehouse, depot or
50 other terminal (other than a pier) which is located within one thousand
51 yards of any pier in the port of New York district and which is used for
52 waterborne freight in whole or substantial part.

53 5. "Person" shall mean not only a natural person but also any partner-
54 ship, joint venture, association, corporation or any other legal entity

1 but shall not include the United States, any state or territory thereof
2 or any department, division, board, commission or authority of one or
3 more of the foregoing.

4 6. "Carrier of freight by water" shall mean any person who may be
5 engaged or who may hold himself out as willing to be engaged, whether as
6 a common carrier, as a contract carrier or otherwise (except for
7 carriage of liquid cargoes in bulk in tank vessels designed for use
8 exclusively in such service or carriage by barge of bulk cargoes
9 consisting of only a single commodity loaded or carried without wrappers
10 or containers and delivered by the carrier without transportation mark
11 or count) in the carriage of freight by water between any point in the
12 port of New York district and a point outside said district.

13 7. "Waterborne freight" shall mean freight carried by or consigned for
14 carriage by carriers of freight by water.

15 8. "Longshoreman" shall mean a natural person, other than a hiring
16 agent, who is employed for work at a pier or other waterfront terminal,
17 either by a carrier of freight by water or by a stevedore:

18 (a) physically to move waterborne freight on vessels berthed at piers,
19 on piers or at other waterfront terminals, or

20 (b) to engage in direct and immediate checking of any such freight or
21 of the custodial accounting therefor or in the recording or tabulation
22 of the hours worked at piers or other waterfront terminals by natural
23 persons employed by carriers of freight by water or stevedores, or

24 (c) to supervise directly and immediately others who are employed as
25 in subdivision (a) of this section.

26 9. "Pier superintendent" shall mean any natural person other than a
27 longshoreman who is employed for work at a pier or other waterfront
28 terminal by a carrier of freight by water or a stevedore and whose work
29 at such pier or other waterfront terminal includes the supervision,
30 directly or indirectly, of the work of longshoremen.

31 10. "Port watchman" shall include any watchman, gateman, roundsman,
32 detective, guard, guardian or protector of property employed by the
33 operator of any pier or other waterfront terminal or by a carrier of
34 freight by water to perform services in such capacity on any pier or
35 other waterfront terminal.

36 11. "Longshoremen's register" shall mean the register of eligible
37 longshoremen compiled and maintained by the commission pursuant to arti-
38 cle VIII of this compact.

39 12. "Stevedore" shall mean a contractor (not including an employee)
40 engaged for compensation pursuant to a contract or arrangement with a
41 carrier of freight by water, in moving waterborne freight carried or
42 consigned for carriage by such carrier on vessels of such carrier
43 berthed at piers, on piers at which such vessels are berthed or at other
44 waterfront terminals.

45 13. "Hiring agent" shall mean any natural person, who on behalf of a
46 carrier of freight by water or a stevedore shall select any longshoreman
47 for employment.

48 14. "Compact" shall mean this compact and rules or regulations
49 lawfully promulgated thereunder.

50 ARTICLE III

51 WATERFRONT AND AIRPORT COMMISSION OF NEW YORK AND NEW JERSEY

52 1. There is hereby created the waterfront and airport commission of
53 New York and New Jersey, which shall be a body corporate and politic, an
54 instrumentality of the states of New York and New Jersey.

1 2. The commission shall consist of four members, two to be chosen by
2 the state of New Jersey and two to be chosen by the state of New York.
3 The members representing each state shall be appointed by the governor
4 of such state with the advice and consent of the senate thereof, without
5 regard to the state of residence of such members, and shall receive
6 compensation to be fixed by the governor of such state. The term of
7 office of each member shall be for four years; provided, however, that
8 the two present members of the commission heretofore appointed shall
9 continue to serve as members until the expiration of the respective
10 terms for which they were appointed, that the term of the two new
11 members shall expire on June thirtieth, nineteen hundred seventy-three,
12 and that the term of the successors to the present members shall expire
13 on June thirtieth, nineteen hundred seventy-five. Each member shall
14 hold office until his successor has been appointed and qualified.
15 Vacancies in office shall be filled for the balance of the unexpired
16 term in the same manner as original appointments.

17 3. Three members of the commission shall constitute a quorum; but the
18 commission shall act only by a majority vote of all its members. Any
19 member may, by written instrument filed in the office of the commission,
20 designate any officer or employee of the commission to act in his place
21 as a member whenever he shall be unable to attend a meeting of the
22 commission. A vacancy in the office of a member shall not impair such
23 designation until the vacancy shall have been filled. The commission
24 shall elect one of its members to serve as chairman for a term of one
25 year; provided, however, that the term of the first chairman shall
26 expire on June thirtieth, nineteen hundred seventy-one. The chairman
27 shall represent a state other than the state represented by the imme-
28 diately preceding chairman.

29 ARTICLE IV
30 GENERAL POWERS OF COMMISSION

31 In addition to the powers and duties elsewhere prescribed in this
32 compact, the commission shall have the power:

33 1. To sue and be sued;

34 2. To have a seal and alter the same at pleasure;

35 3. To acquire, hold and dispose of real and personal property by gift,
36 purchase, lease, license or other similar manner, for its corporate
37 purposes;

38 4. To determine the location, size and suitability of accommodations
39 necessary and desirable for the establishment and maintenance of the
40 employment information centers provided in article XII of this compact
41 and for administrative offices for the commission;

42 5. To appoint such officers, agents and employees as it may deem
43 necessary, prescribe their powers, duties and qualifications and fix
44 their compensation and retain and employ counsel and private consultants
45 on a contract basis or otherwise;

46 6. To administer and enforce the provisions of this compact;

47 7. To make and enforce such rules and regulations as the commission
48 may deem necessary to effectuate the purposes of this compact or to
49 prevent the circumvention or evasion thereof, to be effective upon
50 publication in the manner which the commission shall prescribe and upon
51 filing in the office of the secretary of state of each state. A certi-
52 fied copy of any such rules and regulations, attested as true and
53 correct by the commission, shall be presumptive evidence of the regular
54 making, adoption, approval and publication thereof;

1 8. By its members and its properly designated officers, agents and
2 employees, to administer oaths and issue subpoenas to compel the attend-
3 ance of witnesses and the giving of testimony and the production of
4 other evidence;

5 9. To have for its members and its properly designated officers,
6 agents and employees, full and free access, ingress and egress to and
7 from all vessels, piers and other waterfront terminals or other places
8 in the port of New York district, for the purposes of making inspection
9 or enforcing the provisions of this compact; and no person shall
10 obstruct or in any way interfere with any such member, officer, employee
11 or agent in the making of such inspection, or in the enforcement of the
12 provisions of this compact or in the performance of any other power or
13 duty under this compact;

14 10. To recover possession of any suspended or revoked license issued
15 under this compact;

16 11. To make investigations, collect and compile information concerning
17 waterfront practices generally within the port of New York district and
18 upon all matters relating to the accomplishment of the objectives of
19 this compact;

20 12. To advise and consult with representatives of labor and industry
21 and with public officials and agencies concerned with the effectuation
22 of the purposes of this compact, upon all matters which the commission
23 may desire, including but not limited to the form and substance of rules
24 and regulations, the administration of the compact, maintenance of the
25 longshoremen's register, and issuance and revocation of licenses;

26 13. To make annual and other reports to the governors and legislatures
27 of both states containing recommendations for the improvement of the
28 conditions of waterfront labor within the port of New York district, for
29 the alleviation of the evils described in article I and for the effectua-
30 tion of the purposes of this compact. Such annual reports shall state
31 the commission's finding and determination as to whether the public
32 necessity still exists for (a) the continued registration of longshore-
33 men, (b) the continued licensing of any occupation or employment
34 required to be licensed hereunder and (c) the continued public operation
35 of the employment information centers provided for in article XII of
36 this compact;

37 14. To cooperate with and receive from any department, division,
38 bureau, board, commission, or agency of either or both states, or of any
39 county or municipality thereof, such assistance and data as will enable
40 it properly to carry out its powers and duties hereunder; and to
41 request any such department, division, bureau, board, commission, or
42 agency, with the consent thereof, to execute such of its functions and
43 powers, as the public interest may require.

44 15. The powers and duties of the commission may be exercised by offi-
45 cers, employees and agents designated by them, except the power to make
46 rules and regulations. The commission shall have such additional powers
47 and duties as may hereafter be delegated to or imposed upon it from time
48 to time by the action of the legislature of either state concurred in by
49 the legislature of the other.

ARTICLE V

PIER SUPERINTENDENTS AND HIRING AGENTS

52 1. On or after the first day of December, nineteen hundred fifty-
53 three, no person shall act as a pier superintendent or as a hiring agent
54 within the port of New York district without first having obtained from

1 the commission a license to act as such pier superintendent or hiring
2 agent, as the case may be, and no person shall employ or engage another
3 person to act as a pier superintendent or hiring agent who is not so
4 licensed.

5 2. A license to act as a pier superintendent or hiring agent shall be
6 issued only upon the written application, under oath, of the person
7 proposing to employ or engage another person to act as such pier super-
8 intendent or hiring agent, verified by the prospective licensee as to
9 the matters concerning him, and shall state the following:

10 (a) The full name and business address of the applicant;

11 (b) The full name, residence, business address (if any), place and
12 date of birth and social security number of the prospective licensee;

13 (c) The present and previous occupations of the prospective licensee,
14 including the places where he was employed and the names of his employ-
15 ers;

16 (d) Such further facts and evidence as may be required by the commis-
17 sion to ascertain the character, integrity and identity of the prospec-
18 tive licensee; and

19 (e) That if a license is issued to the prospective licensee, the
20 applicant will employ such licensee as pier superintendent or hiring
21 agent, as the case may be.

22 3. No such license shall be granted

23 (a) Unless the commission shall be satisfied that the prospective
24 licensee possesses good character and integrity;

25 (b) If the prospective licensee has, without subsequent pardon, been
26 convicted by a court of the United States, or any state or territory
27 thereof, of the commission of, or the attempt or conspiracy to commit,
28 treason, murder, manslaughter or any felony or high misdemeanor or any
29 of the following misdemeanors or offenses: illegally using, carrying or
30 possessing a pistol or other dangerous weapon; making or possessing
31 burglar's instruments; buying or receiving stolen property; unlawful
32 entry of a building; aiding an escape from prison; unlawfully possess-
33 ing, possessing with intent to distribute, sale or distribution of a
34 controlled dangerous substance (controlled substance) or, in New Jersey,
35 a controlled dangerous substance analog (controlled substance analog);
36 and violation of this compact. Any such prospective licensee ineligible
37 for a license by reason of any such conviction may submit satisfactory
38 evidence to the commission that he has for a period of not less than
39 five years, measured as hereinafter provided, and up to the time of
40 application, so conducted himself as to warrant the grant of such
41 license, in which event the commission may, in its discretion, issue an
42 order removing such ineligibility. The aforesaid period of five years
43 shall be measured either from the date of payment of any fine imposed
44 upon such person or the suspension of sentence or from the date of his
45 unrevoked release from custody by parole, commutation or termination of
46 his sentence;

47 (c) If the prospective licensee knowingly or wilfully advocates the
48 desirability of overthrowing or destroying the government of the United
49 States by force or violence or shall be a member of a group which advo-
50 cates such desirability, knowing the purposes of such group include such
51 advocacy.

52 4. When the application shall have been examined and such further
53 inquiry and investigation made as the commission shall deem proper and
54 when the commission shall be satisfied therefrom that the prospective
55 licensee possesses the qualifications and requirements prescribed in
56 this article, the commission shall issue and deliver to the prospective

1 licensee a license to act as pier superintendent or hiring agent for the
2 applicant, as the case may be, and shall inform the applicant of his
3 action. The commission may issue a temporary permit to any prospective
4 licensee for a license under the provisions of this article pending
5 final action on an application made for such a license. Any such permit
6 shall be valid for a period not in excess of thirty days.

7 5. No person shall be licensed to act as a pier superintendent or
8 hiring agent for more than one employer, except at a single pier or
9 other waterfront terminal, but nothing in this article shall be
10 construed to limit in any way the number of pier superintendents or
11 hiring agents any employer may employ.

12 6. A license granted pursuant to this article shall continue through
13 the duration of the licensee's employment by the employer who shall have
14 applied for his license.

15 7. Any license issued pursuant to this article may be revoked or
16 suspended for such period as the commission deems in the public interest
17 or the licensee thereunder may be reprimanded for any of the following
18 offenses:

19 (a) Conviction of a crime or act by the licensee or other cause which
20 would require or permit his disqualification from receiving a license
21 upon original application;

22 (b) Fraud, deceit or misrepresentation in securing the license, or in
23 the conduct of the licensed activity;

24 (c) Violation of any of the provisions of this compact;

25 (d) Conviction of a crime involving unlawfully possessing, possession
26 with intent to distribute, sale or distribution of a controlled danger-
27 ous substance (controlled substance) or, in New Jersey, a controlled
28 dangerous substance analog (controlled substance analog);

29 (e) Employing, hiring or procuring any person in violation of this
30 compact or inducing or otherwise aiding or abetting any person to
31 violate the terms of this compact;

32 (f) Paying, giving, causing to be paid or given or offering to pay or
33 give to any person any valuable consideration to induce such other
34 person to violate any provision of this compact or to induce any public
35 officer, agent or employee to fail to perform his duty hereunder;

36 (g) Consorting with known criminals for an unlawful purpose;

37 (h) Transfer or surrender of possession of the license to any person
38 either temporarily or permanently without satisfactory explanation;

39 (i) False impersonation of another licensee under this compact;

40 (j) Receipt or solicitation of anything of value from any person other
41 than the licensee's employer as consideration for the selection or
42 retention for employment of any longshoreman;

43 (k) Coercion of a longshoreman by threat of discrimination or violence
44 or economic reprisal, to make purchases from or to utilize the services
45 of any person;

46 (l) Lending any money to or borrowing any money from a longshoreman
47 for which there is a charge of interest or other consideration; and

48 (m) Membership in a labor organization which represents longshoremen
49 or port watchmen; but nothing in this section shall be deemed to
50 prohibit pier superintendents or hiring agents from being represented by
51 a labor organization or organizations which do not also represent long-
52 shoremen or port watchmen. The American Federation of Labor, the
53 Congress of Industrial Organizations and any other similar federation,
54 congress or other organization of national or international occupational
55 or industrial labor organizations shall not be considered an organiza-
56 tion which represents longshoremen or port watchmen within the meaning

1 of this section although one of the federated or constituent labor
2 organizations thereof may represent longshoremen or port watchmen.

3 ARTICLE VI
4 STEVEDORES

5 1. On or after the first day of December, nineteen hundred fifty-
6 three, no person shall act as a stevedore within the port of New York
7 district without having first obtained a license from the commission,
8 and no person shall employ a stevedore to perform services as such with-
9 in the port of New York district unless the stevedore is so licensed.

10 2. Any person intending to act as a stevedore within the port of New
11 York district shall file in the office of the commission a written
12 application for a license to engage in such occupation, duly signed and
13 verified as follows:

14 (a) If the applicant is a natural person, the application shall be
15 signed and verified by such person and if the applicant is a partner-
16 ship, the application shall be signed and verified by each natural
17 person composing or intending to compose such partnership. The applica-
18 tion shall state the full name, age, residence, business address (if
19 any), present and previous occupations of each natural person so signing
20 the same, and any other facts and evidence as may be required by the
21 commission to ascertain the character, integrity and identity of each
22 natural person so signing such application.

23 (b) If the applicant is a corporation, the application shall be signed
24 and verified by the president, secretary and treasurer thereof, and
25 shall specify the name of the corporation, the date and place of its
26 incorporation, the location of its principal place of business, the
27 names and addresses of, and the amount of the stock held by stockholders
28 owning 5 per cent or more of any of the stock thereof, and of all offi-
29 cers (including all members of the board of directors). The require-
30 ments of subdivision (a) of this section as to a natural person who is a
31 member of a partnership, and such requirements as may be specified in
32 rules and regulations promulgated by the commission, shall apply to each
33 such officer or stockholder and their successors in office or interest
34 as the case may be.

35 (c) In the event of the death, resignation or removal of any officer,
36 and in the event of any change in the list of stockholders who shall own
37 five per cent or more of the stock of the corporation, the secretary of
38 such corporation shall forthwith give notice of that fact in writing to
39 the commission, certified by said secretary.

40 3. No such license shall be granted

41 (a) If any person whose signature or name appears in the application
42 is not the real party in interest required by section two of this arti-
43 cle to sign or to be identified in the application or if the person so
44 signing or named in the application is an undisclosed agent or trustee
45 for any such real party in interest;

46 (b) Unless the commission shall be satisfied that the applicant and
47 all members, officers and stockholders required by section two of this
48 article to sign or be identified in the application for license possess
49 good character and integrity;

50 (c) Unless the applicant is either a natural person, partnership or
51 corporation;

52 (d) Unless the applicant shall be a party to a contract then in force
53 or which will take effect upon the issuance of a license, with a carrier
54 of freight by water for the loading and unloading by the applicant of

1 one or more vessels of such carrier at a pier within the port of New
2 York district;

3 (e) If the applicant or any member, officer or stockholder required by
4 section two of this article to sign or be identified in the application
5 for license has, without subsequent pardon, been convicted by a court of
6 the United States or any state or territory thereof of the commission
7 of, or the attempt or conspiracy to commit, treason, murder, manslaughter-
8 er or any felony or high misdemeanor or any of the misdemeanors or
9 offenses described in subdivision (b) of section three of article V of
10 this compact. Any applicant ineligible for a license by reason of any
11 such conviction may submit satisfactory evidence to the commission that
12 the person whose conviction was the basis of ineligibility has for a
13 period of not less than five years, measured as hereinafter provided and
14 up to the time of application, so conducted himself as to warrant the
15 grant of such license, in which event the commission may, in its
16 discretion issue an order removing such ineligibility. The aforesaid
17 period of five years shall be measured either from the date of payment
18 of any fine imposed upon such person or the suspension of sentence or
19 from the date of his unrevoked release from custody by parole, commu-
20 tation or termination of his sentence;

21 (f) If, on or after July first, nineteen hundred fifty-three, the
22 applicant has paid, given, caused to have been paid or given or offered
23 to pay or give to any officer or employee of any carrier of freight by
24 water any valuable consideration for an improper or unlawful purpose or
25 to induce such person to procure the employment of the applicant by such
26 carrier for the performance of stevedoring services;

27 (g) If, on or after July first, nineteen hundred fifty-three, the
28 applicant has paid, given, caused to be paid or given or offered to pay
29 or give to any officer or representative of a labor organization any
30 valuable consideration for an improper or unlawful purpose or to induce
31 such officer or representative to subordinate the interests of such
32 labor organization or its members in the management of the affairs of
33 such labor organization to the interests of the applicant.

34 4. When the application shall have been examined and such further
35 inquiry and investigation made as the commission shall deem proper and
36 when the commission shall be satisfied therefrom that the applicant
37 possesses the qualifications and requirements prescribed in this arti-
38 cle, the commission shall issue and deliver a license to such applicant.
39 The commission may issue a temporary permit to any applicant for a
40 license under the provisions of this article pending final action on an
41 application made for such a license. Any such permit shall be valid for
42 a period not in excess of thirty days.

43 5. A license granted pursuant to this article shall be for a term of
44 two years or fraction of such two year period, and shall expire on the
45 first day of December of each odd numbered year. In the event of the
46 death of the licensee, if a natural person, or its termination or
47 dissolution by reason of the death of a partner, if a partnership, or if
48 the licensee shall cease to be a party to any contract of the type
49 required by subdivision (d) of section three of this article, the
50 license shall terminate ninety days after such event or upon its expira-
51 tion date, whichever shall be sooner. A license may be renewed by the
52 commission for successive two year periods upon fulfilling the same
53 requirements as are set forth in this article for an original applica-
54 tion.

55 6. Any license issued pursuant to this article may be revoked or
56 suspended for such period as the commission deems in the public interest

1 or the licensee thereunder may be reprimanded for any of the following
2 offenses on the part of the licensee or of any person required by
3 section two of this article to sign or be identified in an original
4 application for a license:
5 (a) Conviction of a crime or other cause which would permit or require
6 disqualification of the licensee from receiving a license upon original
7 application;
8 (b) Fraud, deceit or misrepresentation in securing the license or in
9 the conduct of the licensed activity;
10 (c) Failure by the licensee to maintain a complete set of books and
11 records containing a true and accurate account of the licensee's
12 receipts and disbursements arising out of his activities within the port
13 of New York district;
14 (d) Failure to keep said books and records available during business
15 hours for inspection by the commission and its duly designated represen-
16 tatives until the expiration of the fifth calendar year following the
17 calendar year during which occurred the transactions recorded therein;
18 (e) Any other offense described in subdivisions (c) to (i) inclusive,
19 of section seven of article V of this compact.

20 ARTICLE VII
21 PROHIBITION OF PUBLIC LOADING

22 1. The states of New York and New Jersey hereby find and declare that
23 the transfer of cargo to and from trucks at piers and other waterfront
24 terminals in the port of New York district has resulted in vicious and
25 notorious abuses by persons commonly known as "public loaders." There is
26 compelling evidence that such persons have exacted the payment of exor-
27 bitant charges for their services, real and alleged, and otherwise
28 extorted large sums through force, threats of violence, unauthorized
29 labor disturbances and other coercive activities, and that they had been
30 responsible for and abetted criminal activities on the waterfront.
31 These practices which have developed in the port of New York district
32 impose unjustified costs on the handling of goods in and through the
33 port of New York district, and increase the prices paid by consumers for
34 food, fuel and other necessities, and impair the economic stability of
35 the port of New York district. It is the sense of the legislatures of
36 the states of New York and New Jersey that these practices and condi-
37 tions must be eliminated to prevent grave injury to the welfare of the
38 people.

39 2. It is hereby declared to be against the public policy of the states
40 of New York and New Jersey and to be unlawful for any person to load or
41 unload waterborne freight onto or from vehicles other than railroad cars
42 at piers or at other waterfront terminals within the port of New York
43 district, for a fee or other compensation, other than the following
44 persons and their employees:

45 (a) Carriers of freight by water, but only at piers at which their
46 vessels are berthed;

47 (b) Other carriers of freight (including but not limited to railroads
48 and truckers), but only in connection with freight transported or to be
49 transported by such carriers;

50 (c) Operators of piers or other waterfront terminals (including rail-
51 roads, truck terminal operators, warehousemen and other persons), but
52 only at piers or other waterfront terminals operated by them;

53 (d) Shippers or consignees of freight, but only in connection with
54 freight shipped by such shipper or consigned to such consignee;

(e) Stevedores licensed under article VI of this compact, whether or not such waterborne freight has been or is to be transported by a carrier of freight by water with which such stevedore shall have a contract of the type prescribed by subdivision (d) of section 3 of article VI of this compact.

Nothing herein contained shall be deemed to permit any such loading or unloading of any waterborne freight at any place by any such person by means of any independent contractor, or any other agent other than an employee, unless such independent contractor is a person permitted by this article to load or unload such freight at such place in his own right.

ARTICLE VIII LONGSHOREMEN

1. The commission shall establish a longshoremen's register in which shall be included all qualified longshoremen eligible, as hereinafter provided, for employment as such in the port of New York district. On or after the first day of December, nineteen hundred fifty-three, no person shall act as a longshoreman within the port of New York district unless at the time he is included in the longshoremen's register, and no person shall employ another to work as a longshoreman within the port of New York district unless at the time such other person is included in the longshoremen's register.

2. Any person applying for inclusion in the longshoremen's register shall file at such place and in such manner as the commission shall designate a written statement, signed and verified by such person, setting forth his full name, residence address, social security number, and such further facts and evidence as the commission may prescribe to establish the identity of such person and his criminal record, if any.

3. The commission may in its discretion deny application for inclusion in the longshoremen's register by a person

(a) Who has been convicted by a court of the United States or any state or territory thereof, without subsequent pardon, of treason, murder, manslaughter or of any felony or high misdemeanor or of any of the misdemeanors or offenses described in subdivision (b) of section three of article V of this compact or of attempt or conspiracy to commit any of such crimes;

(b) Who knowingly or willingly advocates the desirability of overthrowing or destroying the government of the United States by force or violence or who shall be a member of a group which advocates such desirability knowing the purposes of such group include such advocacy;

(c) Whose presence at the piers or other waterfront terminals in the port of New York district is found by the commission on the basis of the facts and evidence before it, to constitute a danger to the public peace or safety.

4. Unless the commission shall determine to exclude the applicant from the longshoremen's register on a ground set forth in section three of this article it shall include such person in the longshoremen's register. The commission may permit temporary registration of any applicant under the provisions of this article pending final action on an application made for such registration. Any such temporary registration shall be valid for a period not in excess of thirty days.

5. The commission shall have power to reprimand any longshoreman registered under this article or to remove him from the longshoremen's

1 register for such period of time as it deems in the public interest for
2 any of any following offenses:
3 (a) Conviction of a crime or other cause which would permit disquali-
4 fication of such person from inclusion in the longshoremen's register
5 upon original application;
6 (b) Fraud, deceit or misrepresentation in securing inclusion in the
7 longshoremen's register;
8 (c) Transfer or surrender of possession to any person either temporar-
9 ily or permanently of any card or other means of identification issued
10 by the commission as evidence of inclusion in the longshoremen's regis-
11 ter, without satisfactory explanation;
12 (d) False impersonation of another longshoreman registered under this
13 article or of another person licensed under this compact;
14 (e) Wilful commission of or wilful attempt to commit at or on a water-
15 front terminal or adjacent highway any act of physical injury to any
16 other person or of wilful damage to or misappropriation of any other
17 person's property, unless justified or excused by law; and
18 (f) Any other offense described in subdivisions (c) to (f) inclusive
19 of section seven of article V of this compact.
20 6. The commission shall have the right to recover possession of any
21 card or other means of identification issued as evidence of inclusion in
22 the longshoremen's register in the event that the holder thereof has
23 been removed from the longshoremen's register.
24 7. Nothing contained in this article shall be construed to limit in
25 any way any rights of labor reserved by article XV of this compact.

ARTICLE IX

REGULARIZATION OF LONGSHOREMEN'S EMPLOYMENT

26
27
28 1. On or after the first day of December, nineteen hundred fifty-four,
29 the commission shall, at regular intervals, remove from the
30 longshoremen's register any person who shall have been registered for at
31 least nine months and who shall have failed during the preceding six
32 calendar months either to have worked as a longshoreman in the port of
33 New York district or to have applied for employment as a longshoreman at
34 an employment information center established under article XII of this
35 compact for such minimum number of days as shall have been established
36 by the commission pursuant to section two of this article.
37 2. On or before the first day of June, nineteen hundred fifty-four and
38 on or before each succeeding first day of June or December, the commis-
39 sion shall, for the purposes of section one of this article, establish
40 for the six-month period beginning on each such date a minimum number of
41 days and the distribution of such days during such period.
42 3. In establishing any such minimum number of days or period, the
43 commission shall observe the following standards:
44 (a) To encourage as far as practicable the regularization of the
45 employment of longshoremen;
46 (b) To bring the number of eligible longshoremen more closely into
47 balance with the demand for longshoremen's services within the port of
48 New York district without reducing the number of eligible longshoremen
49 below that necessary to meet the requirements of longshoremen in the
50 port of New York district;
51 (c) To eliminate oppressive and evil hiring practices affecting long-
52 shoremen and waterborne commerce in the port of New York district;
53 (d) To eliminate unlawful practices injurious to waterfront labor;
54 and

(e) To establish hiring practices and conditions which will permit the termination of governmental regulation and intervention at the earliest opportunity.

4. A longshoreman who has been removed from the longshoremen's register pursuant to this article may seek reinstatement upon fulfilling the same requirements as for initial inclusion in the longshoremen's register, but not before the expiration of one year from the date of removal, except that immediate reinstatement shall be made upon proper showing that the registrant's failure to work or apply for work the minimum number of days above described was caused by the fact that the registrant was engaged in the military service of the United States or was incapacitated by ill health, physical injury, or other good cause.

5. Notwithstanding any other provision of this article, the commission shall at any time have the power to register longshoremen on a temporary basis to meet special or emergency needs.

ARTICLE X PORT WATCHMEN

1. On or after the first day of December, nineteen hundred fifty-three, no person shall act as a port watchman within the port of New York district without first having obtained a license from the commission, and no person shall employ a port watchman who is not so licensed.

2. A license to act as a port watchman shall be issued only upon written application, duly verified, which shall state the following:

(a) The full name, residence, business address (if any), place and date of birth and social security number of the applicant;

(b) The present and previous occupations of the applicant, including the places where he was employed and the names of his employers;

(c) The citizenship of the applicant and, if he is a naturalized citizen of the United States, the court and date of his naturalization; and

(d) Such further facts and evidence as may be required by the commission to ascertain the character, integrity and identity of the applicant.

3. No such license shall be granted

(a) Unless the commission shall be satisfied that the applicant possesses good character and integrity;

(b) If the applicant has, without subsequent pardon, been convicted by a court of the United States or of any state or territory thereof of the commission of, or the attempt or conspiracy to commit, treason, murder, manslaughter or any felony or high misdemeanor or any of the misdemeanors or offenses described in subdivision (b) of section three of article V of this compact;

(c) Unless the applicant shall meet such reasonable standards of physical and mental fitness for the discharge of his duties as may from time to time be established by the commission;

(d) If the applicant shall be a member of any labor organization which represents longshoremen or pier superintendents or hiring agents; but nothing in this article shall be deemed to prohibit port watchmen from being represented by a labor organization or organizations which do not also represent longshoremen or pier superintendents or hiring agents. The American Federation of Labor, the Congress of Industrial Organizations and any other similar federation, congress or other organization of national or international occupational or industrial labor organizations shall not be considered an organization which represents longshoremen or pier superintendents or hiring agents within the meaning of

1 this section although one of the federated or constituent labor organ-
2 izations thereof may represent longshoremen or pier superintendents or
3 hiring agents;

4 (e) If the applicant knowingly or wilfully advocates the desirability
5 of overthrowing or destroying the government of the United States by
6 force or violence or shall be a member of a group which advocates such
7 desirability, knowing the purposes of such group include such advocacy.

8 4. When the application shall have been examined and such further
9 inquiry and investigation made as the commission shall deem proper and
10 when the commission shall be satisfied therefrom that the applicant
11 possesses the qualifications and requirements prescribed by this article
12 and regulations issued pursuant thereto, the commission shall issue and
13 deliver a license to the applicant. The commission may issue a tempo-
14 rary permit to any applicant for a license under the provisions of this
15 article pending final action on an application made for such a license.
16 Any such permit shall be valid for a period not in excess of thirty
17 days.

18 5. A license granted pursuant to this article shall continue for a
19 term of three years. A license may be renewed by the commission for
20 successive three-year periods upon fulfilling the same requirements as
21 are set forth in this article for an original application.

22 6. Any license issued pursuant to this article may be revoked or
23 suspended for such period as the commission deems in the public interest
24 or the licensee thereunder may be reprimanded for any of the following
25 offenses:

26 (a) Conviction of a crime or other cause which would permit or require
27 his disqualification from receiving a license upon original application;

28 (b) Fraud, deceit or misrepresentation in securing the license; and

29 (c) Any other offense described in subdivisions (c) to (i), inclusive,
30 of section seven of article V of this compact.

31 ARTICLE XI

32 HEARINGS, DETERMINATIONS AND REVIEW

33 1. The commission shall not deny any application for a license or
34 registration without giving the applicant or prospective licensee
35 reasonable prior notice and an opportunity to be heard.

36 2. Any application for a license or for inclusion in the
37 longshoremen's register, and any license issued or registration made,
38 may be denied, revoked, cancelled, suspended as the case may be, only in
39 the manner prescribed in this article.

40 3. The commission may on its own initiative or on complaint of any
41 person, including any public official or agency, institute proceedings
42 to revoke, cancel or suspend any license or registration after a hearing
43 at which the licensee or registrant and any person making such complaint
44 shall be given an opportunity to be heard, provided that any order of
45 the commission revoking, cancelling or suspending any license or regis-
46 tration shall not become effective until fifteen days subsequent to the
47 serving of notice thereof upon the licensee or registrant unless in the
48 opinion of the commission the continuance of the license or registration
49 for such period would be inimicable to the public peace or safety. Such
50 hearings shall be held in such manner and upon such notice as may be
51 prescribed by the rules of the commission, but such notice shall be of
52 not less than ten days and shall state the nature of the complaint.

53 4. Pending the determination of such hearing pursuant to section three
54 of this article the commission may temporarily suspend a license or

1 registration if in the opinion of the commission the continuance of the
2 license or registration for such period is inimicable to the public
3 peace or safety.

4 5. The commission, or such member, officer, employee or agent of the
5 commission as may be designated by the commission for such purpose,
6 shall have the power to issue subpoenas to compel the attendance of
7 witnesses and the giving of testimony or production of other evidence
8 and to administer oaths in connection with any such hearing. It shall be
9 the duty of the commission or of any such member, officer, employee or
10 agent of the commission designated by the commission for such purpose to
11 issue subpoenas at the request of and upon behalf of the licensee,
12 registrant or applicant. The commission or such person conducting the
13 hearing shall not be bound by common law or statutory rules of evidence
14 or by technical or formal rules of procedure in the conduct of such
15 hearing.

16 6. Upon the conclusion of the hearing, the commission shall take such
17 action upon such findings and determination as it deems proper and shall
18 execute an order carrying such findings into effect. The action in the
19 case of an application for a license or registration shall be the grant-
20 ing or denial thereof. The action in the case of a licensee shall be
21 revocation of the license or suspension thereof for a fixed period or
22 reprimand or a dismissal of the charges. The action in the case of a
23 registered longshoreman shall be dismissal of the charges, reprimand or
24 removal from the longshoremen's register for a fixed period or perma-
25 nently.

26 7. The action of the commission in denying any application for a
27 license or in refusing to include any person in the longshoremen's
28 register under this compact or in suspending or revoking such license or
29 removing any person from the longshoremen's register or in reprimanding
30 a licensee or registrant shall be subject to judicial review by a
31 proceeding instituted in either state at the instance of the applicant,
32 licensee or registrant in the manner provided by the law of such state
33 for review of the final decision or action of administrative agencies of
34 such state, provided, however, that notwithstanding any other provision
35 of law the court shall have power to stay for not more than thirty days
36 an order of the commission suspending or revoking a license or removing
37 a longshoreman from the longshoremen's register.

38 ARTICLE XII

39 EMPLOYMENT INFORMATION CENTERS

40 1. The states of New York and New Jersey hereby find and declare that
41 the method of employment of longshoremen and port watchmen in the port
42 of New York district, commonly known as the "shape-up", has resulted in
43 vicious and notorious abuses, of which such employees have been the
44 principal victims. There is compelling evidence that the "shape-up" has
45 permitted and encouraged extortion from employees as the price of secur-
46 ing or retaining employment and has subjected such employees to threats
47 of violence, unwilling joinder in unauthorized labor disturbances and
48 criminal activities on the waterfront. The "shape-up" has thus resulted
49 in a loss of fundamental rights and liberties of labor, has impaired the
50 economic stability of the port of New York district and weakened law
51 enforcement therein. It is the sense of the legislatures of the states
52 of New York and New Jersey that these practices and conditions must be
53 eliminated to prevent grave injury to the welfare of waterfront laborers
54 and of the people at large and that the elimination of the "shape-up"

1 and the establishment of a system of employment information centers are
2 necessary to a solution of these public problems.

3 2. The commission shall establish and maintain one or more employment
4 information centers in each state within the port of New York district
5 at such locations as it may determine. No person shall, directly or
6 indirectly, hire any person for work as a longshoreman or port watchman
7 within the port of New York district, except through such particular
8 employment information center or centers as may be prescribed by the
9 commission. No person shall accept any employment as a longshoreman or
10 port watchman within the port of New York district, except through such
11 an employment information center. At each such employment information
12 center the commission shall keep and exhibit the longshoremen's register
13 and any other records it shall determine to the end that longshoremen
14 and port watchmen shall have the maximum information as to available
15 employment as such at any time within the port of New York district and
16 to the end that employers shall have an adequate opportunity to fill
17 their requirements of registered longshoremen and port watchmen at all
18 times.

19 3. Every employer of longshoremen or port watchmen within the port of
20 New York district shall furnish such information as may be required by
21 the rules and regulations prescribed by the commission with regard to
22 the name of each person hired as a longshoreman or port watchman, the
23 time and place of hiring, the time, place and hours of work, and the
24 compensation therefor.

25 4. All wage payments to longshoremen or port watchmen for work as such
26 shall be made by check or cash evidenced by a written voucher receipted
27 by the person to whom such cash is paid. The commission may arrange for
28 the provision of facilities for cashing such checks.

29 ARTICLE XIII

30 EXPENSES OF ADMINISTRATION

31 1. By concurrent legislation enacted by their respective legislatures,
32 the two states may provide from time to time for meeting the commis-
33 sion's expenses. Until other provision shall be made, such expense
34 shall be met as authorized in this article.

35 2. The commission shall annually adopt a budget of its expenses for
36 each year. Each budget shall be submitted to the governors of the two
37 states and shall take effect as submitted provided that either governor
38 may within thirty days disapprove or reduce any item or items, and the
39 budget shall be adjusted accordingly.

40 3. After taking into account such funds as may be available to it from
41 reserves, federal grants or otherwise, the balance of the commission's
42 budgeted expenses shall be assessed upon employers of persons registered
43 or licensed under this compact. Each such employer shall pay to the
44 commission as assessment computed upon the gross payroll payments made
45 by such employer to longshoremen, pier superintendents, hiring agents
46 and port watchmen for work or labor performed within the port of New
47 York district, at a rate, not in excess of two per cent, computed by the
48 commission in the following manner; the commission shall annually esti-
49 mate the gross payroll payments to be made by employers subject to
50 assessment and shall compute a rate thereon which will yield revenues
51 sufficient to finance the commission's budget for each year. Such budg-
52 et may include a reasonable amount for a reserve but such amount shall
53 not exceed ten per cent of the total of all other items of expenditure
54 contained therein. Such reserve shall be used for the stabilization of

1 annual assessments, the payment of operating deficits and for the repay-
2 ment of advances made by the two states.

3 4. The amount required to balance the commission's budget, in excess
4 of the estimated yield of the maximum assessment, shall be certified by
5 the commission, with the approval of the respective governors, to the
6 legislatures of the two states, in proportion to the gross annual wage
7 payments made to longshoremen for work in each state within the port of
8 New York district. The legislatures shall annually appropriate to the
9 commission the amount so certified.

10 5. The commission may provide by regulation for the collection and
11 auditing of assessments. Such assessments hereunder shall be payable
12 pursuant to such provisions for administration, collection and enforce-
13 ment as the states may provide by concurrent legislation. In addition
14 to any other sanction provided by law, the commission may revoke or
15 suspend any license held by any person under this compact, or his privi-
16 lege of employing persons registered or licensed hereunder, for non-pay-
17 ment of any assessment when due.

18 6. The assessment hereunder shall be in lieu of any other charge for
19 the issuance of licenses to stevedores, pier superintendents, hiring
20 agents and pier watchmen or for the registration of longshoremen or the
21 use of an employment information center. The commission shall establish
22 reasonable procedures for the consideration of protests by affected
23 employers concerning the estimates and computation of the rate of
24 assessment.

25 ARTICLE XIV

26 GENERAL VIOLATIONS; PROSECUTIONS; PENALTIES

27 1. The failure of any witness, when duly subpoenaed to attend, give
28 testimony or produce other evidence, whether or not at a hearing, shall
29 be punishable by the superior court in New Jersey and the supreme court
30 in New York in the same manner as said failure is punishable by such
31 court in a case therein pending.

32 2. Any person who, having been sworn or affirmed as a witness in any
33 such hearing, shall wilfully give false testimony or who shall wilfully
34 make or file any false or fraudulent report or statement required by
35 this compact to be made or filed under oath, shall be guilty of a misde-
36 meanor, punishable by a fine of not more than one thousand dollars or
37 imprisonment for not more than one year or both.

38 3. Any person who violates or attempts or conspires to violate any
39 other provision of this compact shall be punishable as may be provided
40 by the two states by action of the legislature of either state concurred
41 in by the legislature of the other.

42 4. Any person who interferes with or impedes the orderly registration
43 of longshoremen pursuant to this compact or who conspires to or attempts
44 to interfere with or impede such registration shall be punishable as may
45 be provided by the two states by action of the legislature of either
46 state concurred in by the legislature of the other.

47 5. Any person who directly or indirectly inflicts or threatens to
48 inflict any injury, damage, harm or loss or in any other manner prac-
49 tices intimidation upon or against any person in order to induce or
50 compel such person or any other person to refrain from registering
51 pursuant to this compact shall be punishable as may be provided by the
52 two states by action of the legislature of either state concurred in by
53 the legislature of the other.

1 6. In any prosecution under this compact, it shall be sufficient to
2 prove only a single act (or a single holding out or attempt) prohibited
3 by law, without having to prove a general course of conduct, in order to
4 prove a violation.

5 ARTICLE XV
6 COLLECTIVE BARGAINING SAFEGUARDED

7 1. This compact is not designed and shall not be construed to limit in
8 any way any rights granted or derived from any other statute or any rule
9 of law for employees to organize in labor organizations, to bargain
10 collectively and to act in any other way individually, collectively, and
11 through labor organizations or other representatives of their own choos-
12 ing. Without limiting the generality of the foregoing, nothing
13 contained in this compact shall be construed to limit in any way the
14 right of employees to strike.

15 2. This compact is not designed and shall not be construed to limit in
16 any way any rights of longshoremen, hiring agents, pier superintendents
17 or port watchmen or their employers to bargain collectively and agree
18 upon any method for the selection of such employees by way of seniority,
19 experience, regular gangs or otherwise, provided that such employees
20 shall be licensed or registered hereunder and such longshoremen and port
21 watchmen shall be hired only through the employment information centers
22 established hereunder and that all other provisions of this compact be
23 observed.

24 ARTICLE XVI
25 AMENDMENTS; CONSTRUCTION; SHORT TITLE

26 1. Amendments and supplements to this compact to implement the
27 purposes thereof may be adopted by the action of the legislature of
28 either state concurred in by the legislature of the other.

29 2. If any part or provision of this compact or the application thereof
30 to any person or circumstances be adjudged invalid by any court of
31 competent jurisdiction, such judgment shall be confined in its operation
32 to the part, provision or application directly involved in the contro-
33 versy in which such judgment shall have been rendered and shall not
34 affect or impair the validity of the remainder of this compact or the
35 application thereof to other persons or circumstances and the two states
36 hereby declare that they would have entered into this compact or the
37 remainder thereof had the invalidity of such provision or application
38 thereof been apparent.

39 3. In accordance with the ordinary rules for construction of inter-
40 state compacts this compact shall be liberally construed to eliminate
41 the evils described therein and to effectuate the purposes thereof.

42 4. This compact shall be known and may be cited as the "Waterfront
43 Commission Compact."
44

PART II

45 S 2. Expenses of administration. 1. Every person subject to the
46 payment of any assessment under the provisions of section three of arti-
47 cle XIII of the compact established by part I of this article shall file
48 on or before the fifteenth day of the first month of each calendar quar-
49 ter-year a separate return, together with the payment of the assessment
50 due, for the preceding calendar quarter-year during which any payroll
51 payments were made to longshoremen, pier superintendents, hiring agents

1 or port watchmen for work performed as such within the district.
2 Returns covering the amount of assessment payable shall be filed with
3 the commission on forms to be furnished for such purpose and shall
4 contain such data, information or matter as the commission may require
5 to be included therein. The commission may grant a reasonable extension
6 of time for filing returns, or for the payment of assessment, whenever
7 good cause exists. Every return shall have annexed thereto a certifi-
8 cation to the effect that the statements contained therein are true.

9 2. Every person subject to the payment of assessment hereunder shall
10 keep an accurate record of his employment of longshoremen, pier super-
11 intendants, hiring agents or port watchmen, which shall show the amount
12 of compensation paid and such other information as the commission may
13 require. Such records shall be preserved for a period of three years
14 and be open for inspection at reasonable times. The commission may
15 consent to the destruction of any such records at any time after said
16 period or may require that they be kept longer, but not in excess of six
17 years.

18 3. (a) The commission shall audit and determine the amount of assess-
19 ment due from the return filed and such other information as is avail-
20 able to it. Whenever a deficiency in payment of the assessment is
21 determined the commission shall give notice of any such determination to
22 the person liable therefor. Such determination shall finally and
23 conclusively fix the amount due, unless the person against whom it is
24 assessed shall, within thirty days after the giving of notice of such
25 determination, apply in writing to the commission for a hearing, or
26 unless the commission on its own motion shall reduce the same. After
27 such hearing, the commission shall give notice of its decision to the
28 person liable therefor. A determination of the commission under this
29 section shall be subject to judicial review, if application for such
30 review is made within thirty days after the giving of notice of such
31 decision. Any determination under this section shall be made within
32 five years from the time the return was filed and if no return was filed
33 such determination may be made at any time.

34 (b) Any notice authorized or required under this section may be given
35 by mailing the same to the person for whom it is intended at the last
36 address given by him to the commission, or in the last return filed by
37 him with the commission under this section, or, if no return has been
38 filed then to such address as may be obtainable. The mailing of such
39 notice shall be presumptive evidence of the receipt of same by the
40 person to whom addressed. Any period of time, which is determined
41 according to the provision of this section, for the giving of notice
42 shall commence to run from the date of mailing of such notice.

43 4. Whenever any person shall fail to pay, within the time limited
44 herein, any assessment which he is required to pay to the commission
45 under the provisions of this section the commission may enforce payment
46 of such fee by civil action for the amount of such assessment with
47 interest and penalties.

48 5. The employment by a nonresident of a longshoreman, or a licensed
49 pier superintendent, hiring agent or port watchman in either state or
50 the designation by a nonresident of a longshoreman, pier superintendent,
51 hiring agent or port watchman to perform work in such state shall be
52 deemed equivalent to an appointment by such nonresident of the secretary
53 of state of such state to be his true and lawful attorney upon whom may
54 be served the process in any action or proceeding against him growing
55 out of any liability for assessments, penalties or interest, and a
56 consent that any such process against him which is so served shall be of

1 the same legal force and validity as if served on him personally within
2 such state and within the territorial jurisdiction of the court from
3 which the process issues. Service of process within either state shall
4 be made by either (1) personally delivering to and leaving with the
5 secretary of state or a deputy secretary of state of such state dupli-
6 cate copies thereof at the office of the department of state in the
7 capitol city of such state, in which event such secretary of state shall
8 forthwith send by registered mail one of such copies to the person at
9 the last address designated by him to the commission for any purpose
10 under this section or in the last return filed by him under this section
11 with the commission or as shown on the records of the commission, or if
12 no return has been filed, at his last known office address within or
13 without such state, or (2) personally delivering to and leaving with the
14 secretary of state or a deputy secretary of state of such state a copy
15 thereof at the office of the department of state in the capitol city of
16 such state and by delivering a copy thereof to the person, personally
17 without such state. Proof of such personal service without such state
18 shall be filed with the clerk of the court in which the process is pend-
19 ing within thirty days after such service and such service shall be
20 complete ten days after proof thereof is filed.

21 6. Whenever the commission shall determine that any moneys received as
22 assessments were paid in error, it may cause the same to be refunded,
23 provided an application therefor is filed with the commission within two
24 years from the time the erroneous payment was made.

25 7. In addition to any other powers authorized hereunder, the commis-
26 sion shall have power to make reasonable rules and regulations to effec-
27 tuate the purposes of this section.

28 8. When any person shall wilfully fail to pay any assessment due here-
29 under he shall be assessed interest at a rate of one per cent per month
30 on the amount due and unpaid and penalties of five per cent of the
31 amount due for each thirty days or part thereof that the assessment
32 remains unpaid. The commission, may, for good cause shown, abate all or
33 part of such penalty.

34 9. Any person who shall wilfully furnish false or fraudulent informa-
35 tion or shall wilfully fail to furnish pertinent information, as
36 required, with respect to the amount of assessment due, shall be guilty
37 of a misdemeanor, punishable by a fine of not more than one thousand
38 dollars, or imprisonment for not more than one year, or both.

39 10. All funds of the commission shall be deposited with such responsi-
40 ble banks or trust companies as may be designated by the commission.
41 The commission may require that all such deposits be secured by obli-
42 gations of the United States or of the states of New York or New Jersey
43 of a market value equal at all times to the amount of the deposits, and
44 all banks and trust companies are authorized to give such security for
45 such deposits. The moneys so deposited shall be withdrawn only by check
46 signed by both members of the commission or by such other officers or
47 employees of the commission as it may from time to time designate.

48 11. The accounts, books and records of the commission, including its
49 receipts, disbursements, contracts, leases, investments and any other
50 matters relating to its financial standing shall be examined and audited
51 annually by independent auditors to be retained for such purpose by the
52 commission.

53 S 3. The commission shall reimburse each state for any funds advanced
54 to the commission exclusive of sums appropriated pursuant to section
55 four of article XIII of the compact established by part I of of this
56 article.

1 S 4. Penalties. Any person who shall violate any of the provisions of
2 the compact or of section two of this part for which no other penalty is
3 prescribed shall be guilty of a misdemeanor, punishable by a fine of not
4 more than five hundred dollars or by imprisonment for not more than one
5 year, or both.

6 S 5. Federal funds. 1. The waterfront commission of New York harbor
7 is hereby designated on its own behalf or as agent of the state of New
8 York and the state of New Jersey, as provided by the act of the congress
9 of the United States, effective June sixth, nineteen hundred thirty-
10 three, entitled "An act to provide for the establishment of a national
11 employment system and for cooperating with the states in the promotion
12 of such system and for other purposes" as amended, for the purpose of
13 obtaining such benefits of such act of congress as are necessary or
14 appropriate to the establishment and operation of employment information
15 centers authorized by section one of this article.

16 2. The commission shall have all powers necessary to cooperate with
17 appropriate officers or agencies of either state or the United States,
18 to take such steps, to formulate such plans, and to execute such
19 projects (including but not limited to the establishment and operation
20 of employment information centers) as may be necessary to obtain such
21 benefits for the operations of the commission in accomplishing the
22 purposes of this article.

23 3. The officer or agency heretofore designated by each of the two
24 states pursuant to said act of June sixth, nineteen hundred thirty-
25 three, as amended, is authorized and empowered, upon the request of the
26 commission and subject to its direction, to exercise the powers and
27 duties conferred upon the commission by the provisions of this section.

28 S 5-a. Supplementary definitions. As used in the compact established
29 by part I of this article:

30 1. "Stevedore" shall also include (a) contractors engaged for compen-
31 sation pursuant to a contract or arrangement with the United States, any
32 state or territory thereof, or any department, division, board, commis-
33 sion or authority of one or more of the foregoing, in moving freight
34 carried or consigned for carriage between any point in the port of New
35 York district and a point outside said district on vessels of such a
36 public agency berthed at piers, on piers at which such vessels are
37 berthed or at other waterfront terminals, or

38 (b) contractors (not including employees) engaged for compensation
39 pursuant to a contract or arrangement with any person to perform labor
40 or services incidental to the movement of waterborne freight on vessels
41 berthed at piers, on piers or at other waterfront terminals, including,
42 but not limited to, cargo storage, cargo repairing, cooping, general
43 maintenance, mechanical and miscellaneous work, horse and cattle
44 fitting, grain ceiling, and marine carpentry, or

45 (c) contractors (not including employees) engaged for compensation
46 pursuant to a contract or arrangement with any other person to perform
47 labor or services involving, or incidental to, the movement of freight
48 into or out of containers (which have been or which will be carried by a
49 carrier of freight by water) on vessels berthed at piers, on piers or at
50 other waterfront terminals.

51 2. "Waterborne freight" shall also include freight described in para-
52 graphs (a) and (c) of subdivision one of this section and in subdivision
53 ten of this section and ships' stores, baggage and mail carried by or
54 consigned for carriage by carriers of freight by water.

55 3. "Court of the United States" shall mean all courts enumerated in
56 section four hundred fifty-one of title twenty-eight of the United

1 States code and the courts-martial of the armed forces of the United
2 States.

3 4. "Witness" shall mean any person whose testimony is desired in any
4 investigation, interview or other proceeding conducted by the commission
5 pursuant to the provisions of this article.

6 5. "Checker" shall mean a longshoreman who is employed to engage in
7 direct and immediate checking of waterborne freight or of the custodial
8 accounting therefor or in the recording or tabulation of the hours
9 worked at piers or other waterfront terminals by natural persons
10 employed by carriers of freight by water or stevedores.

11 6. "Longshoreman" shall also include a natural person, other than a
12 hiring agent, who is employed for work at a pier or other waterfront
13 terminal:

14 (a) either by a carrier of freight by water or by a stevedore phys-
15 ically to perform labor or services incidental to the movement of water-
16 borne freight on vessels berthed at piers, on piers or at other water-
17 front terminals, including, but not limited to, cargo repairmen,
18 coopers, general maintenance men, mechanical and miscellaneous workers,
19 horse and cattle fitters, grain ceilers and marine carpenters, or

20 (b) by any person physically to move waterborne freight to or from a
21 barge, lighter or railroad car for transfer to or from a vessel of a
22 carrier of freight by water which is, shall be, or shall have been
23 berthed at the same pier or other waterfront terminal, or

24 (c) by any person to perform labor or services involving, or inci-
25 dental to, the movement of freight at a waterfront terminal as defined
26 in subdivision ten of this section.

27 7. "Compact" shall also include any amendments or supplements to the
28 waterfront commission compact to implement the purposes thereof adopted
29 by the action of the legislature of either the state of New York or the
30 state of New Jersey concurred in by the legislature of the other and as
31 established by part I of this article.

32 8. The term "select any longshoreman for employment" in the definition
33 of a hiring agent in this act shall include selection of a person for
34 the commencement or continuation of employment as a longshoreman, or the
35 denial or termination of employment as a longshoreman.

36 9. "Hiring agent" shall also include any natural person, who on behalf
37 of any other person shall select any longshoreman for employment.

38 10. "Other waterfront terminal" shall also include any warehouse,
39 depot or other terminal (other than a pier), whether enclosed or open,
40 which is located in a marine terminal in the port of New York district
41 and any part of which is used by any person to perform labor or services
42 involving, or incidental to, the movement of waterborne freight or
43 freight.

44 As used in this section, "marine terminal" means an area which
45 includes piers, which is used primarily for the moving, warehousing,
46 distributing or packing of waterborne freight or freight to or from such
47 piers, and which, inclusive of such piers, is under common ownership or
48 control; "freight" means freight which has been, or will be, carried by
49 or consigned for carriage by a carrier of freight by water; and
50 "container" means any receptacle, box, carton or crate which is specif-
51 ically designed and constructed so that it may be repeatedly used for
52 the carriage of freight by a carrier of freight by water.

53 Whenever, as a result of legislative amendments to this article or of
54 a ruling by the commission, registration as a longshoreman is required
55 for any person to continue in his employment, such person shall be
56 registered as a longshoreman without regard to the provisions of section

1 five-p of this part, provided, however, that such person satisfies all
2 the other requirements of this article for registration as a longshore-
3 man.

4 S 5-b. Additional powers of the commission. In addition to the powers
5 and duties elsewhere described in this article, the commission shall
6 have the following powers:

7 1. To issue temporary permits and permit temporary registrations under
8 such terms and conditions as the commission may prescribe which shall be
9 valid for a period to be fixed by the commission not in excess of six
10 months.

11 2. To require any applicant for a license or registration or any
12 prospective licensee to furnish such facts and evidence as the commis-
13 sion may deem appropriate to enable it to ascertain whether the license
14 or registration should be granted.

15 3. In any case in which the commission has the power to revoke, cancel
16 or suspend any stevedore license the commission shall also have the
17 power to impose as an alternative to such revocation, cancellation or
18 suspension, a penalty, which the licensee may elect to pay to the
19 commission in lieu of the revocation, cancellation or suspension. The
20 maximum penalty shall be five thousand dollars for each separate
21 offense. The commission may, for good cause shown, abate all or part of
22 such penalty.

23 4. To designate any officer, agent or employee of the commission to be
24 an investigator who shall be vested with all the powers of a peace or
25 police officer of the state of New York in that state, and of the state
26 of New Jersey in that state.

27 5. To confer immunity, in the following manner: In any investigation,
28 interview or other proceeding conducted under oath by the commission or
29 any duly authorized officer, employee or agent thereof, if a person
30 refuses to answer a question or produce evidence of any other kind on
31 the ground that he may be incriminated thereby, and, notwithstanding
32 such refusal, an order is made upon twenty-four hours prior written
33 notice to the appropriate attorney general of the state of New York or
34 the state of New Jersey, and to the appropriate district attorney or
35 prosecutor having an official interest therein, by the unanimous vote of
36 both members of the commission or their designees appointed pursuant to
37 the provisions of section three of article III of the compact estab-
38 lished by part I of this article, that such person answer the question
39 or produce the evidence, such person shall comply with the order. If
40 such person complies with the order, and if, but for this subdivision,
41 he would have been privileged to withhold the answer given or the
42 evidence produced by him, then immunity shall be conferred upon him, as
43 provided for herein.

44 "Immunity" as used in this subdivision means that such person shall
45 not be prosecuted or subjected to any penalty or forfeiture for or on
46 account of any transaction, matter or thing concerning which, in accord-
47 ance with the order by the unanimous vote of both members of the commis-
48 sion or their designees appointed pursuant to the provisions of section
49 three of article III of the compact established by part I of this arti-
50 cle, he gave answer or produced evidence, and that no such answer given
51 or evidence produced shall be received against him upon any criminal
52 proceeding. But he may nevertheless be prosecuted or subjected to
53 penalty or forfeiture for any perjury or contempt committed in answer-
54 ing, or failing to answer, or in producing or failing to produce
55 evidence, in accordance with the order, and any such answer given or

1 evidence produced shall be admissible against him upon any criminal
2 proceeding concerning such perjury or contempt.

3 Immunity shall not be conferred upon any person except in accordance
4 with the provisions of this subdivision. If, after compliance with the
5 provisions of this subdivision, a person is ordered to answer a question
6 or produce evidence of any other kind and complies with such order, and
7 it is thereafter determined that the appropriate attorney general or
8 district attorney or prosecutor having an official interest therein was
9 not notified, such failure or neglect shall not deprive such person of
10 any immunity otherwise properly conferred upon him.

11 6. To require any applicant for registration as a longshoreman, any
12 applicant for registration as a checker or any applicant for registra-
13 tion as a telecommunications system controller and any person who is
14 sponsored for a license as a pier superintendent or hiring agent, any
15 person who is an individual owner of an applicant stevedore or any
16 persons who are individual partners of an applicant stevedore, or any
17 officers, directors or stockholders owning five percent or more of any
18 of the stock of an applicant corporate stevedore or any applicant for a
19 license as a port watchman or any other category of applicant for regis-
20 tration or licensing by law within the commission's jurisdiction to be
21 fingerprinted by the commission.

22 6-a. To require any applicant for registration as a longshoreman, any
23 applicant for registration as a checker or any applicant for registra-
24 tion as a telecommunications system controller and any person who is
25 sponsored for a license as a pier superintendent or hiring agent, any
26 person who is an individual owner of an applicant stevedore or any
27 persons who are individual partners of an applicant stevedore, or any
28 officers, directors or stockholders owning five percent or more of any
29 of the stock of an applicant corporate stevedore or any applicant for a
30 license as a port watchman or any other category of applicant for regis-
31 tration or licensing by law within the commission's jurisdiction who
32 has: previously applied and had an application denied upon submission;
33 been removed from registration; or, had a license suspended, or revoked
34 and is reapplying for registration or licensing within the commission's
35 jurisdiction to be fingerprinted by the commission.

36 7. To exchange fingerprint data with and receive state criminal histo-
37 ry record information from the division of criminal justice services, as
38 defined in subdivision one of section three thousand thirty-five of the
39 education law, and federal criminal history record information from the
40 federal bureau of investigation for use in making the determinations
41 required by this article.

42 8. Notwithstanding any other provision of law to the contrary, to
43 require any applicant for employment by the commission or person
44 described in subdivision six-a of this section to be fingerprinted and
45 to exchange fingerprint data with and receive state criminal history
46 record information from the division of criminal justice services, as
47 defined in subdivision one of section three thousand thirty-five of the
48 education law, and federal criminal history information from the federal
49 bureau of investigation for the purposes of this subdivision and subdivi-
50 sions six, six-a and seven of this section.

51 S 5-c. Regularization of longshoremen's employment. 1. Notwithstand-
52 ing any other provisions of article IX of the compact established by
53 part I of this article, the commission shall have the power to remove
54 from the longshoremen's register any person (including those persons
55 registered as longshoremen for less than nine months) who shall have
56 failed to have worked as a longshoreman in the port of New York district

1 for such minimum number of days during a period of time as shall have
2 been established by the commission. In administering this section, the
3 commission, in its discretion, may count applications for employment as
4 a longshoreman at an employment information center established under
5 article XII of the compact established by part I of this article as
6 constituting actual work as a longshoreman, provided, however, that the
7 commission shall count as actual work the compensation received by any
8 longshoreman pursuant to the guaranteed wage provisions of any collec-
9 tive bargaining agreement relating to longshoremen. Prior to the
10 commencement of any period of time established by the commission pursu-
11 ant to this section, the commission shall establish for such period the
12 minimum number of days of work required and the distribution of such
13 days during such period and shall also determine whether or not applica-
14 tion for employment as a longshoreman shall be counted as constituting
15 actual work as a longshoreman. The commission may classify longshoremen
16 according to length of service as a longshoreman and such other criteria
17 as may be reasonable and necessary to carry out the provisions of this
18 article. The commission shall have the power to vary the requirements
19 of this section with respect to their application to the various classi-
20 fications of longshoremen. In administering this section, the commission
21 shall observe the standards set forth in section five-p of this part.
22 Nothing in this section shall be construed to modify, limit or restrict
23 in any way any of the rights protected by article XV of the compact
24 established by part I of this article.

25 S 5-d. Additional violations. Any person who, having been duly sworn
26 or affirmed as a witness in any investigation, interview or other
27 proceeding conducted by the commission pursuant to the provisions of
28 this article, shall wilfully give false testimony shall be guilty of a
29 misdemeanor punishable by a fine of not more than one thousand dollars
30 or imprisonment for not more than one year or both.

31 S 5-g. Hearings. 1. At hearings conducted by the commission pursuant
32 to article XI of the compact established by part I of this article,
33 applicants, prospective licensees, licensees and registrants shall have
34 the right to be accompanied and represented by counsel.

35 2. After the conclusion of a hearing but prior to the making of an
36 order by the commission, a hearing may, upon petition and in the
37 discretion of the hearing officer, be reopened for the presentation of
38 additional evidence. Such petition to reopen the hearing shall state in
39 detail the nature of the additional evidence, together with the reasons
40 for the failure to submit such evidence prior to the conclusion of the
41 hearing. The commission may upon its own motion and upon reasonable
42 notice reopen a hearing for the presentation of additional evidence.

43 Upon petition, after the making of an order of the commission, rehear-
44 ing may be granted in the discretion of the commission. Such a petition
45 for rehearing shall state in detail the grounds upon which the petition
46 is based and shall separately set forth each error of law and fact
47 alleged to have been made by the commission in its determination,
48 together with the facts and arguments in support thereof. Such petition
49 shall be filed with the commission not later than thirty days after
50 service of such order, unless the commission for good cause shown shall
51 otherwise direct.

52 The commission may upon its own motion grant a rehearing after the
53 making of an order.

54 S 5-h. Denial of applications. In addition to the grounds elsewhere
55 set forth in this article, the commission may deny an application for a
56 license or registration for any of the following:

1 1. Conviction by a court of the United States or any state or territo-
2 ry thereof of coercion;

3 2. Conviction by any such court, after having been previously
4 convicted by any such court of any crime or of the offenses hereinafter
5 set forth, of a misdemeanor or any of the following offenses: assault,
6 malicious injury to property, malicious mischief, unlawful taking of a
7 motor vehicle, corruption of employees or possession of lottery or
8 number slips; or

9 3. Fraud, deceit or misrepresentation in connection with any applica-
10 tion or petition submitted to, or any interview, hearing or proceeding
11 conducted by the commission.

12 4. Violation of any provision of this article or commission of any
13 offense thereunder.

14 5. Refusal on the part of any applicant, or prospective licensee, or
15 of any member, officer or stockholder required by section two of article
16 VI of the compact established by part I of this article to sign or be
17 identified in an application for a stevedore license, to answer any
18 material question or produce any material evidence in connection with
19 his application or any application made on his behalf for a license or
20 registration pursuant to this article.

21 6. Association with a person who has been identified by a federal,
22 state, or local law enforcement agency as a member or associate of an
23 organized crime group, a terrorist group, or a career offender cartel,
24 or who is a career offender, under circumstances where such association
25 creates a reasonable belief that the participation of the applicant in
26 any activity required to be licensed under this article would be inimi-
27 cal to the policies of this article. For the purpose of this section,
28 (a) a terrorist group shall mean a group associated, affiliated or fund-
29 ed in whole or in part by a terrorist organization designated by the
30 secretary of state in accordance with section 219 of the immigration and
31 nationality act, as amended from time to time, or any other organization
32 which assists, funds or engages in acts of terrorism as defined in the
33 laws of the United States, or of either of the states of New York (such
34 as subdivision one of section 490.05 of the penal law) or New Jersey;
35 and (b) a career offender shall mean a person whose behavior is pursued
36 in an occupational manner or context for the purpose of economic gain
37 utilizing such methods as are deemed criminal violations against the
38 public policy of the states of New York and New Jersey, and a career
39 offender cartel shall mean a number of career offenders acting in
40 concert, and may include what is commonly referred to as an organized
41 crime group.

42 7. Conviction of a racketeering activity or knowing association with a
43 person who has been convicted of a racketeering activity by a court of
44 the United States or any state or territory thereof under circumstances
45 where such association creates a reasonable belief that the partic-
46 ipation of the applicant in any activity required to be licensed under
47 this article would be inimical to the policies of this article.

48 S 5-i. Revocation of licenses and registrations. In addition to the
49 grounds elsewhere set forth in this article, any license or registration
50 issued or made pursuant thereto may be revoked or suspended for such
51 period as the commission deems in the public interest or the licensee or
52 registrant may be reprimanded, for:

53 1. Conviction of any crime or offense in relation to gambling, book-
54 making, pool selling, lotteries or similar crimes or offenses if the
55 crime or offense was committed at or on a pier or other waterfront
56 terminal or within five hundred feet thereof; or

1 2. Wilful commission of, or wilful attempt to commit at or on a water-
2 front terminal or adjacent highway, any act of physical injury to any
3 other person or of wilful damage to or misappropriation of any other
4 person's property, unless justified or excused by law; or

5 3. Receipt or solicitation of anything of value from any person other
6 than a licensee's or registrant's employer as consideration for the
7 selection or retention for employment of such licensee or registrant;
8 or

9 4. Coercion of a licensee or registrant by threat of discrimination or
10 violence or economic reprisal, to make purchases from or to utilize the
11 services of any person; or

12 5. Refusal to answer any material question or produce any evidence
13 lawfully required to be answered or produced at any investigation,
14 interview or other proceeding conducted by the commission pursuant to
15 the provisions of this article, or, if such refusal is accompanied by a
16 valid plea of privilege against self-incrimination, refusal to obey an
17 order to answer such question or produce such evidence made by the
18 commission pursuant to the provisions of subdivision five of section
19 five-b of this part.

20 6. Association with a person who has been identified by a federal,
21 state, or local law enforcement agency as a member or associate of an
22 organized crime group, a terrorist group, or a career offender cartel,
23 or who is a career offender, under circumstances where such association
24 creates a reasonable belief that the participation of the applicant in
25 any activity required to be licensed under this article would be inimi-
26 cal to the policies of this article. For the purpose of this section,
27 (a) a terrorist group shall mean a group associated, affiliated or fund-
28 ed in whole or in part by a terrorist organization designated by the
29 secretary of state in accordance with section 219 of the immigration and
30 nationality act, as amended from time to time, or any other organization
31 which assists, funds or engages in acts of terrorism as defined in the
32 laws of the United States, or of either of the states of New York (such
33 as subdivision one of section 490.05 of the penal law) or New Jersey;
34 and (b) a career offender shall mean a person whose behavior is pursued
35 in an occupational manner or context for the purpose of economic gain
36 utilizing such methods as are deemed criminal violations against the
37 public policy of the states of New York and New Jersey, and a career
38 offender cartel shall mean a number of career offenders acting in
39 concert, and may include what is commonly referred to as an organized
40 crime group.

41 7. Conviction of a racketeering activity or knowing association with a
42 person who has been convicted of a racketeering activity by a court of
43 the United States or any state or territory thereof under circumstances
44 where such association creates a reasonable belief that the partic-
45 ipation of the applicant in any activity required to be licensed under
46 this article would be inimical to the policies of this article.

47 S 5-j. Removal of port watchmen's ineligibility. Any port watchman
48 ineligible for a license by reason of the provisions of subdivision (b)
49 of section three of article X of the compact established by part I of
50 this article may petition for and the commission may issue an order
51 removing the ineligibility in the manner provided in subdivision (b) of
52 section three of article V of the compact established by part I of this
53 article.

54 S 5-k. Petition for order to remove an ineligibility. A petition for
55 an order to remove an ineligibility under subdivision (b) of section
56 three of article V, subdivision (e) of section three of article VI,

1 subdivision (b) of section three of article X of the compact established
2 by part I of this article, or subdivision three (b) of section five-n of
3 this part may be made to the commission before or after the hearing
4 required by article XI of the compact established by part I of this
5 article.

6 S 5-l. Denial of stevedore applications. In addition to the grounds
7 elsewhere set forth in this article the commission shall not grant an
8 application for a license as stevedore

9 1. If on or after July first, nineteen hundred fifty-six, the appli-
10 cant has paid, given, caused to have been paid or given or offered to
11 pay or give to any agent of any carrier of freight by water any valuable
12 consideration for an improper or unlawful purpose or, without the know-
13 ledge and consent of such carrier, to induce such agent to procure the
14 employment of the applicant by such carrier or its agent for the
15 performance of stevedoring services.

16 S 5-n. Checkers. 1. The commission shall establish within the
17 longshoremen's register a list of all qualified longshoremen eligible,
18 as hereinafter provided, for employment as checkers in the port of New
19 York district. No person shall act as a checker within the port of New
20 York district unless at the time he is included in the longshoremen's
21 register as a checker, and no person shall employ another to work as a
22 checker within the port of New York district unless at the time such
23 other person is included in the longshoremen's register as a checker.

24 2. Any person applying for inclusion in the longshoremen's register as
25 a checker shall file at any such place and in such manner as the commis-
26 sion shall designate a written statement, signed and verified by such
27 person, setting forth the following:

28 (a) The full name, residence, place and date of birth and social secu-
29 rity number of the applicant;

30 (b) The present and previous occupations of the applicant, including
31 the places where he was employed and the names of his employers;

32 (c) Such further facts and evidence as may be required by the commis-
33 sion to ascertain the character, integrity and identity of the appli-
34 cant.

35 3. No person shall be included in the longshoremen's register as a
36 checker

37 (a) Unless the commission shall be satisfied that the applicant
38 possesses good character and integrity;

39 (b) If the applicant has, without subsequent pardon, been convicted by
40 a court of the United States or any state or territory thereof, of the
41 commission of, or the attempt or conspiracy to commit treason, murder,
42 manslaughter or any felony or high misdemeanor or any of the following
43 misdemeanors or offenses: illegally using, carrying or possessing a
44 pistol or other dangerous weapon; making or possessing burglar's instru-
45 ments; buying or receiving stolen property; unlawful entry of a build-
46 ing; aiding an escape from prison; unlawfully possessing, possessing
47 with intent to distribute, sale or distribution of a controlled danger-
48 ous substance (controlled substance) or, in New Jersey, a controlled
49 dangerous substance analog (controlled substance analog); petty larceny,
50 where the evidence shows the property was stolen from a vessel, pier or
51 other waterfront terminal; and violation of the compact. Any such
52 applicant ineligible for inclusion in the longshoremen's register as a
53 checker by reason of any such conviction may submit satisfactory
54 evidence to the commission that he has for a period of not less than
55 five years, measured as hereinafter provided, and up to the time of
56 application, so conducted himself as to warrant inclusion in the

1 longshoremen's register as a checker, in which event the commission may,
2 in its discretion, issue an order removing such ineligibility. The afore-
3 said period of five years shall be measured either from the date of
4 payment of any fine imposed upon such person or the suspension of
5 sentence or from the date of his unrevoked release from custody by
6 parole, commutation or termination of his sentence;

7 (c) If the applicant knowingly or wilfully advocates the desirability
8 of overthrowing or destroying the government of the United States by
9 force or violence or shall be a member of a group which advocates such
10 desirability, knowing the purposes of such group include such advocacy.

11 4. When the application shall have been examined and such further
12 inquiry and investigation made as the commission shall deem proper and
13 when the commission shall be satisfied therefrom that the applicant
14 possesses the qualifications and requirements prescribed by this
15 section, the commission shall include the applicant in the
16 longshoremen's register as a checker. The commission may permit tempo-
17 rary registration as a checker to any applicant under this section pend-
18 ing final action on an application made for such registration, under
19 such terms and conditions as the commission may prescribe, which shall
20 be valid for a period to be fixed by the commission, not in excess of
21 six months.

22 5. The commission shall have power to reprimand any checker registered
23 under this section or to remove him from the longshoremen's register as
24 a checker for such period of time as it deems in the public interest for
25 any of the following offenses:

26 (a) Conviction of a crime or other cause which would permit disquali-
27 fication of such person from inclusion in the longshoremen's register as
28 a checker upon original application;

29 (b) Fraud, deceit or misrepresentation in securing inclusion in the
30 longshoremen's register as a checker or in the conduct of the registered
31 activity;

32 (c) Violation of any of the provisions of the compact established by
33 part I of this article;

34 (d) Conviction of a crime involving unlawfully possessing, possession
35 with intent to distribute, sale or distribution of a controlled danger-
36 ous substance (controlled substance) or, in New Jersey, a controlled
37 dangerous substance analog (controlled substance analog);

38 (e) Inducing or otherwise aiding or abetting any person to violate the
39 terms of the compact established by part I of this article;

40 (f) Paying, giving, causing to be paid or given or offering to pay or
41 give to any person any valuable consideration to induce such other
42 person to violate any provision of the compact or to induce any public
43 officer, agent or employee to fail to perform his duty under the
44 compact;

45 (g) Consorting with known criminals for an unlawful purpose;

46 (h) Transfer or surrender of possession to any person either temporar-
47 ily or permanently of any card or other means of identification issued
48 by the commission as evidence of inclusion in the longshoremen's regis-
49 ter without satisfactory explanation;

50 (i) False impersonation of another longshoreman or of another person
51 licensed under the compact.

52 6. The commission shall have the right to recover possession of any
53 card or other means of identification issued as evidence of inclusion in
54 the longshoremen's register as a checker in the event that the holder
55 thereof has been removed from the longshoremen's register as a checker.

1 7. Nothing contained in this section shall be construed to limit in
2 any way any rights of labor reserved by article XV of the compact estab-
3 lished by part I of this article.

4 S 5-o. Supplementary violations. Any person who, without justifica-
5 tion or excuse in law, directly or indirectly intimidates or inflicts
6 any injury, damage, harm, loss or economic reprisal upon any person
7 licensed or registered by the commission, or any other person, or
8 attempts, conspires or threatens so to do, in order to interfere with,
9 impede or influence such licensed or registered person in the perform-
10 ance or discharge of his duties or obligations shall be punishable as
11 provided in section four of this part.

12 S 5-p. Suspension or acceptance of applications for inclusion in
13 longshoremen's register; exceptions. 1. The commission shall have the
14 power to make determinations to suspend the acceptance of application
15 for inclusion in the longshoremen's register for such periods of time as
16 the commission may from time to time establish and, after any such peri-
17 od of suspension, the commission shall have the power to make determi-
18 nations to accept applications for such period of time as the commission
19 may establish or in such number as the commission may determine, or
20 both. Such determinations to suspend or accept applications shall be
21 made by the commission: (a) on its own initiative or (b) upon the joint
22 recommendation in writing of stevedores and other employers of long-
23 shoremen in the port of New York district, acting through their repre-
24 sentative for the purpose of collective bargaining with a labor organ-
25 ization representing such longshoremen in such district and such labor
26 organization or (c) upon the petition in writing of a stevedore or
27 another employer of longshoremen in the port of New York district which
28 does not have a representative for the purpose of collective bargaining
29 with a labor organization representing such longshoremen. The commission
30 shall have the power to accept or reject such joint recommendation or
31 petition.

32 All joint recommendations or petitions filed for the acceptance of
33 applications with the commission for inclusion in the longshoremen's
34 register shall include:

35 (a) the number of employees requested;
36 (b) the category or categories of employees requested;
37 (c) a detailed statement setting forth the reasons for said joint
38 recommendation or petition;

39 (d) in cases where a joint recommendation is made under this section,
40 the collective bargaining representative of stevedores and other employ-
41 ers of longshoremen in the port of New York district and the labor
42 organization representing such longshoremen shall provide the allocation
43 of the number of persons to be sponsored by each employer of longshore-
44 men in the port of New York district; and

45 (e) any other information requested by the commission.

46 2. In administering the provisions of this section, the commission
47 shall observe the following standards:

48 (a) To encourage as far as practicable the regularization of the
49 employment of longshoremen;

50 (b) To bring the number of eligible longshoremen into balance with the
51 demand for longshoremen's services within the port of New York district
52 without reducing the number of eligible longshoremen below that neces-
53 sary to meet the requirements of longshoremen in the port of New York
54 district;

55 (c) To encourage the mobility and full utilization of the existing
56 work force of longshoremen;

1 (d) To protect the job security of the existing work force of long-
2 shoremen by considering the wages and employment benefits of prospective
3 registrants;

4 (e) To eliminate oppressive and evil hiring practices injurious to
5 waterfront labor and waterborne commerce in the port of New York
6 district, including, but not limited to, those oppressive and evil
7 hiring practices that may result from either a surplus or shortage of
8 waterfront labor;

9 (f) To consider the effect of technological change and automation and
10 such other economic data and facts as are relevant to a proper determi-
11 nation;

12 (g) To protect the public interest of the port of New York district.
13 In observing the foregoing standards and before determining to suspend
14 or accept applications for inclusion in the longshoremen's register, the
15 commission shall consult with and consider the views of, including any
16 statistical data or other factual information concerning the size of the
17 longshoremen's register submitted by, carriers of freight by water,
18 stevedores, waterfront terminal owners and operators, any labor organ-
19 ization representing employees registered by the commission, and any
20 other person whose interests may be affected by the size of the
21 longshoremen's register.

22 Any joint recommendation or petition granted hereunder shall be
23 subject to such terms and conditions as the commission may prescribe.

24 3. Any determination by the commission pursuant to this section to
25 suspend or accept applications for inclusion in the longshoremen's
26 register shall be made upon a record, shall not become effective until
27 five days after notice thereof to the collective bargaining represen-
28 tative of stevedores and other employers of longshoremen in the port of
29 New York district and to the labor organization representing such long-
30 shoremen and/or the petitioning stevedore or other employer of long-
31 shoremen in the port of New York district and shall be subject to judi-
32 cial review for being arbitrary, capricious, and an abuse of discretion
33 in a proceeding jointly instituted by such representative and such labor
34 organization and/or by the petitioning stevedore or other employer of
35 longshoremen in the port of New York district. Such judicial review
36 proceeding may be instituted in either state in the manner provided by
37 the law of such state for review of the final decision or action of
38 administrative agencies of such state, provided, however, that such
39 proceeding shall be decided directly by the appellate division as the
40 court of first instance (to which the proceeding shall be transferred by
41 order of transfer by the supreme court in the state of New York or in
42 the state of New Jersey by notice of appeal from the commission's deter-
43 mination) and provided further that notwithstanding any other provision
44 of law in either state no court shall have power to stay the commis-
45 sion's determination prior to final judicial decision for more than
46 fifteen days. In the event that the court enters a final order setting
47 aside the determination by the commission to accept applications for
48 inclusion in the longshoremen's register, the registration of any long-
49 shoremen included in the longshoremen's register as a result of such
50 determination by the commission shall be cancelled.

51 This section shall apply, notwithstanding any other provision of this
52 article, provided however, such section shall not in any way limit or
53 restrict the provisions of section five of article IX of the compact
54 established by part I of this article empowering the commission to
55 register longshoremen on a temporary basis to meet special or emergency
56 needs or the provisions of section four of article IX of the compact

1 established by part I of this article relating to the immediate rein-
2 statement of persons removed from the longshoremen's register pursuant
3 to article IX of the compact established by part I of this article.
4 Nothing in this section shall be construed to modify, limit or restrict
5 in any way any of the rights protected by article XV of the compact
6 established by part I of this article.

7 4. Upon the granting of any joint recommendation or petition under
8 this section for the acceptance of applications for inclusion in the
9 longshoremen's register, the commission shall accept applications upon
10 written sponsorship from the prospective employer of longshoremen. The
11 sponsoring employer shall furnish the commission with the name, address
12 and such other identifying or category information as the commission may
13 prescribe for any person so sponsored. The sponsoring employer shall
14 certify that the selection of the persons so sponsored was made in a
15 fair and non-discriminatory basis in accordance with the requirements of
16 the laws of the United States and the states of New York and New Jersey
17 dealing with equal employment opportunities.

18 Notwithstanding any of the foregoing, where the commission determines
19 to accept applications for inclusion in the longshoremen's register on
20 its own initiative, such acceptance shall be accomplished in such manner
21 deemed appropriate by the commission.

22 5. Notwithstanding any other provision of this article, the commission
23 may include in the longshoremen's register under such terms and condi-
24 tions as the commission may prescribe:

25 (a) a person issued registration on a temporary basis to meet special
26 or emergency needs who is still so registered by the commission;

27 (b) a person defined as a longshoreman in subdivision six of section
28 five-a of this part who is employed by a stevedore defined in paragraph
29 (b) or (c) of subdivision one of said section five-a of this part and
30 whose employment is not subject to the guaranteed annual income
31 provisions of any collective bargaining agreement relating to longshore-
32 men;

33 (c) no more than twenty persons issued registration limited to acting
34 as scalemen pursuant to the provisions of chapter 953 of the laws of
35 1969 and chapter 64 of the laws of 1982 who are still so registered by
36 the commission and who are no longer employed as scalemen on the effec-
37 tive date of this subdivision;

38 (d) a person issued registration on a temporary basis as a checker to
39 meet special or emergency needs who applied for such registration prior
40 to January 15, 1986 and who is still so registered by the commission;

41 (e) a person issued registration on a temporary basis as a checker to
42 meet special or emergency needs in accordance with a waterfront commis-
43 sion resolution of September 4, 1996 and who is still so registered by
44 the commission;

45 (f) a person issued registration on a temporary basis as a container
46 equipment operator to meet special or emergency needs in accordance with
47 a waterfront commission resolution of September 4, 1996 and who is still
48 so registered by the commission; and

49 (g) a person issued registration on a temporary basis as a longshore-
50 man to meet special or emergency needs in accordance with a waterfront
51 commission resolution of September 4, 1996 and who is still so regis-
52 tered by the commission.

53 6. The commission may include in the longshoremen's register, under
54 such terms and conditions as the commission may prescribe, persons
55 issued registration on a temporary basis as a longshoreman or a checker

1 to meet special or emergency needs and who are still so registered by
2 the commission upon the enactment of this section.

3 S 5-q. Temporary suspension of permits, licenses and registrations. 1.
4 The commission may temporarily suspend a temporary permit or a permanent
5 license or a temporary or permanent registration pursuant to the
6 provisions of subdivision four of article XI of the compact established
7 by part I of this article until further order of the commission or final
8 disposition of the underlying case, only where the permittee, licensee
9 or registrant has been indicted for, or otherwise charged with, a crime
10 which is equivalent to a felony in the state of New York or to a crime
11 of the third, second or first degree in the state of New Jersey or only
12 where the permittee or licensee is a port watchman who is charged by the
13 commission pursuant to article XI of the compact established by part I
14 of this article with misappropriating any other person's property at or
15 on a pier or other waterfront terminal.

16 2. In the case of a permittee, licensee or registrant who has been
17 indicted for, or otherwise charged with, a crime, the temporary suspen-
18 sion shall terminate immediately upon acquittal or upon dismissal of the
19 criminal charge. A person whose permit, license or registration has been
20 temporarily suspended may, at any time, demand that the commission
21 conduct a hearing as provided for in article XI of the compact estab-
22 lished by part I of this article. Within sixty days of such demand, the
23 commission shall commence the hearing and, within thirty days of receipt
24 of the administrative judge's report and recommendation, the commission
25 shall render a final determination thereon; provided, however, that
26 these time requirements, shall not apply for any period of delay caused
27 or requested by the permittee, licensee or registrant. Upon failure of
28 the commission to commence a hearing or render a determination within
29 the time limits prescribed herein, the temporary suspension of the
30 licensee or registrant shall immediately terminate. Notwithstanding any
31 other provision of this subdivision, if a federal, state, or local law
32 enforcement agency or prosecutor's office shall request the suspension
33 or deferment of any hearing on the ground that such a hearing would
34 obstruct or prejudice an investigation or prosecution, the commission
35 may in its discretion, postpone or defer such hearing for a time certain
36 or indefinitely. Any action by the commission to postpone a hearing
37 shall be subject to immediate judicial review as provided in subdivision
38 seven of article XI of the compact established by part I of this arti-
39 cle.

40 3. The commission may in addition, within its discretion, bar any
41 permittee, licensee or registrant whose license or registration has been
42 suspended pursuant to the provisions of subdivision one of this section,
43 from any employment by a licensed stevedore or a carrier of freight by
44 water during the period of such suspension, if the alleged crime that
45 forms the basis of such suspension involves the possession with intent
46 to distribute, sale, or distribution of a controlled dangerous substance
47 (controlled substance) or, in New Jersey, controlled dangerous substance
48 analog (controlled substance analog), racketeering or theft from a pier
49 or waterfront terminal.

50 S 5-r. Continuance of port watchmen's licenses. Notwithstanding any
51 provision of section five of article X of the compact established by
52 part I of this article, a license to act as a port watchman shall
53 continue and need not be renewed, provided the licensee shall, as
54 required by the commission:

1 1. Submit to a medical examination and meet the physical and mental
2 fitness standards established by the commission pursuant to section
3 three of article X of the compact established by part I of this article;

4 2. Complete a refresher course of training; and

5 3. Submit supplementary personal history information.

6 S 5-s. Regularization of port watchmen's employment. The commission
7 shall, at regular intervals, cancel the license or temporary permit of a
8 port watchman who shall have failed during the preceding twelve months
9 to have worked as a port watchman in the port of New York district a
10 minimum number of hours as shall have been established by the commis-
11 sion, except that immediate restoration of such license or temporary
12 permit shall be made upon proper showing that the failure to so work was
13 caused by the fact that the licensee or permittee was engaged in the
14 military service of the United States or was incapacitated by ill
15 health, physical injury or other good cause.

16 S 5-t. Duration of stevedore's license. A stevedore's license granted
17 pursuant to article VI of the compact established by part I of this
18 article shall be for a term of five years or fraction of such five year
19 period, and shall expire on the first day of December. In the event of
20 the death of the licensee, if a natural person, or its termination or
21 dissolution by reason of a death of a partner, if a partnership, or if
22 the licensee shall cease to be a party to any contract of the type
23 required by subdivision (d) of section three of article VI of the
24 compact established by part I of this article, the license shall termi-
25 nate ninety days after such event or upon its expiration date, whichever
26 shall be sooner. A license may be renewed by the commission for succes-
27 sive five year periods upon fulfilling the same requirements as are set
28 forth in article VI of the compact established by part I of this article
29 for an original application for a stevedore's license.

30 S 5-u. Implementation of telecommunications hiring system for long-
31 shoremen and checkers and registration of telecommunications system
32 controller. 1. The commission may designate one of the employment
33 information centers it is authorized to establish and maintain under
34 article XII of the compact established by part I of this article for the
35 implementation of a telecommunications hiring system through which long-
36 shoremen and checkers may be hired and accept employment without any
37 personal appearance at said center. Any such telecommunications hiring
38 system shall incorporate hiring and seniority agreements between the
39 employers of longshoremen and checkers and the labor organization
40 representing longshoremen and checkers in the port of New York district,
41 provided said agreements are not in conflict with the provisions of this
42 article.

43 2. The commission shall permit employees of the association represent-
44 ing employers of longshoremen and checkers and of the labor organization
45 representing longshoremen and checkers in the port of New York district,
46 or of a joint board of such association and labor organization, to
47 participate in the operation of said telecommunications hiring system,
48 provided that any such employee is registered by the commission as a
49 "telecommunications system controller" in accordance with the
50 provisions, standards and grounds set forth in this article with respect
51 to the registration of checkers. No person shall act as a "telecommuni-
52 cations system controller" unless he or she is so registered. Any
53 application for such registration and any registration made or issued
54 may be denied, revoked, cancelled or suspended, as the case may be, only
55 in the manner prescribed in article XI of the compact established by
56 part I of this article. Any and all such participation in the operation

1 of said telecommunications hiring system shall be monitored by the
2 commission.

3 3. Any and all records, documents, tapes, discs and other data
4 compiled, collected or maintained by said association of employers,
5 labor organization and joint board of such association and labor organ-
6 ization pertaining to the telecommunications hiring system shall be
7 available for inspection, investigation and duplication by the commis-
8 sion.

9 PART III

10 S 6. Commission established for New York state. Unless and until the
11 provisions of the compact contained in part I of this article shall have
12 been concurred in by the state of New Jersey, the consent of congress
13 given thereto, and the commission, provided for therein, established:

14 1. The provisions of such compact and sections two, three, four and
15 five of part II of this article shall apply to and be in full force and
16 effect within the state of New York, except as limited by this section,
17 and any violation of such compact or section shall be a violation of the
18 laws of the state of New York, provided, however, that (with respect to
19 the definitions contained in such compact):

20 (a) "The port of New York district" shall mean only that portion of
21 the district within the state of New York;

22 (b) The "commission", hereinafter referred to in this section as the
23 "New York commission", shall mean and consist of the member appointed by
24 the governor of this state by and with the advice and consent of the
25 senate, and he shall possess and exercise all the powers and duties of
26 the commission set forth in part I of this article and any other powers
27 and duties conferred herein;

28 (c) The powers and duties of any other officer or agency of this state
29 prescribed by part I of this article or otherwise by this article shall
30 be effective as if the provisions of the compact were effective as a law
31 of this state; and

32 (d) The New York commission shall not be deemed to be a body corporate
33 and politic and shall be in the executive department of this state.

34 2. The New York commission is authorized to cooperate with a similar
35 commission of the state of New Jersey, to exchange information on any
36 matter pertinent to the purposes of this article, and to enter into
37 reciprocal agreements for the accomplishment of such purposes, including
38 but not limited to the following objectives:

39 (a) To provide for the reciprocal recognition of any license issued or
40 registration made by either commission;

41 (b) To give reciprocal effect to any revocation, suspension or reprimand
42 with respect to any licensee, and any reprimand or removal from a
43 longshoremen's register;

44 (c) To provide that any act or omission by a licensee or registrant in
45 either state which would be a basis for disciplinary action against such
46 licensee or registrant if it occurred in the state in which the license
47 was issued or the person registered shall be the basis for disciplinary
48 action in both states;

49 (d) To provide that longshoremen registered in either state, who
50 perform work or who apply for work at an employment information center
51 within the other state shall be deemed to have performed work or to have
52 applied for work in the state in which they are registered.

53 3. Notwithstanding any other provision of law, the officers, employees
54 and agents of the commission established by this section may be
55 appointed or employed without regard to their state of residence. Such

1 commission may appoint or employ the same person to a similar office or
2 employment in this state as he holds in a similar commission or agency
3 of the state of New Jersey.

4 Notwithstanding any other provision of this article, for the purpose
5 of providing for the commission's expenses of administration during the
6 remainder of the calendar year following the effective date of this
7 article, and until June thirtieth, nineteen hundred fifty-four the
8 assessment for such expense shall be at the rate of one and one-half per
9 cent. Such assessment shall be made, collected and enforced in accord-
10 ance with article XIII of the compact established by part I of this
11 article and part II of this article.

12 S 7. Prohibition against loitering. No person shall, without a satis-
13 factory explanation, loiter upon any vessel, dock, wharf, pier, bulk-
14 head, terminal, warehouse, or other waterfront facility or within five
15 hundred feet thereof in that portion of the port of New York district
16 within the state of New York.

17 S 8. Prohibition against unions having officers, agents or employees
18 who have been convicted of certain crimes and offenses. No person shall
19 solicit, collect or receive any dues, assessments, levies, fines or
20 contributions, or other charges within the state for or on behalf of any
21 labor organization which represents employees registered or licensed
22 pursuant to the provisions of this article or which derives its charter
23 from a labor organization representing one hundred or more of such
24 registered or licensed employees, if any officer, agent or employee of
25 such labor organization, or of a welfare fund or trust administered
26 partially or entirely by such labor organization or by trustees or other
27 persons designated by such labor organization, has been convicted by a
28 court of the United States, or any state or territory thereof, of a
29 felony, any misdemeanor involving moral turpitude or any crime or
30 offense enumerated in subdivision three (b) of section five-n of part II
31 of this article, unless he has been subsequently pardoned therefor by
32 the governor or other appropriate authority of the state or jurisdiction
33 in which such conviction was had or has received a certificate of good
34 conduct from the board of parole pursuant to the provisions of the exec-
35 utive law to remove the disability. No person so convicted shall serve
36 as an officer, agent or employee of such labor organization, welfare
37 fund or trust unless such person has been so pardoned or has received a
38 certificate of good conduct. No person, including such labor organiza-
39 tion, welfare fund or trust, shall knowingly permit such convicted
40 person to assume or hold any office, agency, or employment in violation
41 of this section.

42 As used in this section, the term "labor organization" shall mean and
43 include any organization which exists and is constituted for the purpose
44 in whole or in part of collective bargaining, or of dealing with employ-
45 ers concerning grievances, terms and conditions of employment, or of
46 other mutual aid or protection; but it shall not include a federation
47 or congress of labor organizations organized on a national or interna-
48 tional basis even though one of its constituent labor organizations may
49 represent persons so registered or licensed.

50 Any person who shall violate this section shall be guilty of a misde-
51 meanor punishable by a fine of not more than five hundred dollars or
52 imprisonment for not more than one year or both.

53 S 8-a. Exception to section eight for certain employees. If upon
54 application to the commission by an employee who has been convicted of a
55 crime or offense specified in section eight of this part the commission,
56 in its discretion, determines in an order that it would not be contrary

1 to the purposes and objectives of this article for such employee to work
2 in a particular employment for a labor organization, welfare fund or
3 trust within the meaning of section eight of this part, the provisions
4 of section eight of this part shall not apply to the particular employ-
5 ment of such employee with respect to such conviction or convictions as
6 are specified in the commission's order. This section is applicable
7 only to those employees who for wages or salary perform manual, mechan-
8 ical, or physical work of a routine or clerical nature at the premises
9 of the labor organization, welfare fund or trust by which they are
10 employed.

11 PART IV

12 S 10. Compact. The state of New York hereby agrees with the state of
13 New Jersey, upon the enactment by the state of New Jersey of legislation
14 having the same effect as this section, to the following compact:

15 ARTICLE I
16 FINDINGS AND DECLARATIONS

17 1. The states of New York and New Jersey hereby find and declare that
18 the movement of freight through the two states is vital to their econo-
19 mies and prosperity; that ever increasing amounts of such freight are
20 being carried by the air freight industry; that said air freight indus-
21 try in the two states constitutes an inseparable and integral unit of
22 the commerce of the two states; that criminal and racketeer elements
23 have infiltrated the air freight industry; that such criminal infil-
24 tration is threatening the growth of said air freight industry; that
25 one of the means by which such criminal and racketeer elements infil-
26 trate the air freight industry is by posing as labor relations consult-
27 ants and that firms handling air freight are often forced to employ or
28 engage such persons; that the air freight industry is suffering an
29 alarming rise in the amount of pilferage and theft of air freight; and
30 that it is imperative to the continued growth and economic well-being of
31 the states of New York and New Jersey that every possible effective
32 measure be taken to prevent the pilferage and theft of air freight and
33 the criminal infiltration of the air freight industry.

34 2. The states of New York and New Jersey hereby find and declare that
35 many of the evils existing in the air freight industry result not only
36 from the causes above described but from the lack of regulation of the
37 air freight industry in and about the port of New York district; that
38 the air freight industry is affected with a public interest requiring
39 regulation, just as the states of New York and New Jersey have hereto-
40 fore found and declared in respect to the shipping industry; and that
41 such regulation of the air freight industry shall be deemed an exercise
42 of the police power of the two states for the protection of the public
43 safety, welfare, prosperity, health, peace and living conditions of the
44 people of the states.

45 ARTICLE II
46 DEFINITIONS

47 As used in this compact:

48 1. "Commission" shall mean the waterfront and airport commission of
49 New York and New Jersey established by part I, article III, of this
50 compact.

1 2. "Airport" shall mean any area on land, water or building or any
2 other facility located within the states of New York and New Jersey
3 (except a military installation of the United States government) (a)
4 which is located within one hundred miles of any point in the port of
5 New York district, (b) which is used, or intended for use, for the land-
6 ing and take-off of aircraft operated by an air carrier, and any appur-
7 tenant areas which are used or intended for use, for airport buildings
8 or other airport facilities or rights of way, together with all airport
9 buildings, equipment, aircraft, and facilities located thereon, and (c)
10 where the total tonnage of air freight in a calendar year loaded and
11 unloaded on and from aircraft exceeds twenty thousand tons.

12 3. "Air carrier" shall mean any person who may be engaged or who may
13 hold himself out as willing to be engaged, whether as a common carrier,
14 as a contract carrier or otherwise, in the carriage of freight by air.

15 4. "Air freight" shall mean freight (including baggage, aircraft
16 stores and mail) which is, has been, or will be carried by or consigned
17 for carriage by an air carrier.

18 5. "Air freight terminal" shall include any warehouse, depot or other
19 terminal (other than an airport) (a) any part of which is located within
20 an airport and any part of which is used for the storage of air freight,
21 or (b) which is operated by an air carrier or a contractor of an air
22 carrier and any part of which is used for the storage of air freight and
23 any part of which is located within the port of New York district.

24 6. "Air freight terminal operator" shall mean the owner, lessee, or
25 contractor or such other person (other than an employee) who is in
26 direct and immediate charge and control of an air freight terminal, or
27 any portion thereof.

28 7. "Air freight truck carrier" shall mean a contractor (other than an
29 employee) engaged for compensation pursuant to a contract or arrange-
30 ment, directly or indirectly, with an air carrier or air carriers or
31 with an air freight terminal operator or operators in the moving of
32 freight to or from an airport or air freight terminal by a truck or
33 other motor vehicle used primarily for the transportation of property.

34 8. "Air freight security area" shall mean any area located within the
35 airport to which the commission determines that limited ingress and
36 egress is required for the protection and security of any air freight
37 located within the airport.

38 9. "Airfreightman" shall mean a natural person who is employed

39 (a) by any person to physically move or to perform services incidental
40 to the movement of air freight at an airport or in an air freight termi-
41 nal; or

42 (b) by an air carrier or an air freight terminal operator or an air
43 freight truck carrier to transport or to assist in the transportation of
44 air freight to or from an airport or air freight terminal; or

45 (c) by any person to engage in direct and immediate checking of any
46 air freight located in an airport or in an air freight terminal or of
47 the custodial accounting therefor.

48 10. "Airfreightman supervisor" shall mean a natural person who is
49 employed to supervise directly and immediately the work of an airfr-
50 eightman at an airport or at an air freight terminal.

51 11. "Airfreightman labor relations consultant" shall mean any person
52 who, pursuant to any contract or arrangement, advises or represents an
53 air carrier, an air freight terminal operator, or an air freight truck
54 carrier, or an organization of such employers (whether or not incorpo-
55 rated), or a labor organization representing any airfreightmen or airfr-
56 eightman supervisors, concerning the organization or collective bargain-

1 ing activities of airfreightmen or airfreightman supervisors, but shall
2 not include any person designated by any government official or body to
3 so act or any person duly licensed to practice law as an attorney in any
4 jurisdiction. As used in this paragraph, the term "labor organization"
5 shall mean and include any labor organization to which section eleven of
6 part V of this compact is applicable.

7 12. "Person" shall mean not only a natural person but also any part-
8 nership, joint venture, association, corporation or any other legal
9 entity but shall not include the United States, any state or territory
10 thereof or any department, division, board, commission or authority of
11 one or more of the foregoing or any officer or employee thereof while
12 engaged in the performance of his official duties.

13 13. "The port of New York district" shall mean the district created by
14 article II of the compact dated April thirtieth, nineteen hundred twen-
15 ty-one, between the states of New York and New Jersey, authorized by
16 chapter one hundred fifty-four of the laws of New York of nineteen
17 hundred twenty-one and continued by article I of this chapter, and chap-
18 ter one hundred fifty-one of the laws of New Jersey of nineteen hundred
19 twenty-one, and any amendments thereto.

20 14. "Court of the United States" shall mean all courts enumerated in
21 section four hundred fifty-one of title twenty-eight of the United
22 States code and the courts-martial of the armed forces of the United
23 States.

24 15. "Witness" shall mean any person whose testimony is desired in any
25 investigation, interview or other proceeding conducted by the commission
26 pursuant to the provisions of this compact.

27 16. "Compact" shall mean this compact and rules and regulations
28 lawfully promulgated thereunder and shall also include any amendments or
29 supplements to this compact to implement the purposes thereof adopted by
30 the action of the legislature of either the state of New York or the
31 state of New Jersey concurred in by the legislature of the other.

32 ARTICLE III

33 GENERAL POWERS OF THE COMMISSION

34 In addition to the powers and duties of the commission conferred in
35 parts I, II, III, and V of this article, the commission shall have the
36 power:

37 1. To administer and enforce the provisions of this compact;

38 2. To establish such divisions and departments within the commission
39 as the commission may deem necessary and to appoint such officers,
40 agents and employees as it may deem necessary, prescribe their powers,
41 duties and qualifications and fix their compensation and retain and
42 employ counsel and private consultants on a contract basis or otherwise;

43 3. To make and enforce such rules and regulations as the commission
44 may deem necessary to effectuate the purposes of this compact or to
45 prevent the circumvention or evasion thereof including, but not limited
46 to, rules and regulations (which shall be applicable to any person
47 licensed by the commission, his employer, or any other person within an
48 airport) to provide for the maximum protection of air freight, such as
49 checking and custodial accounting, guarding, storing, fencing, gatehous-
50 es, access to air freight, air freight loss reports, and any other
51 requirements which the commission in its discretion may deem to be
52 necessary and appropriate to provide such maximum protection. The rules
53 and regulations of the commission shall be effective upon publication in
54 the manner which the commission shall prescribe and upon filing in the

1 office of the secretary of state of each state. A certified copy of any
2 such rules and regulations, attested as true and correct by the commis-
3 sion, shall be presumptive evidence of the regular making, adoption,
4 approval and publication thereof;

5 4. To have for its members and its properly designated officers,
6 agents and employees, full and free access, ingress and egress to and
7 from all airports, air freight terminals, all aircraft traveling to or
8 from an airport and all trucks or other motor vehicles or equipment
9 which are carrying air freight to or from any airport or air freight
10 terminal for the purposes of conducting investigations, making
11 inspections or enforcing the provisions of this compact; and no person
12 shall obstruct or in any way interfere with any such member, officer,
13 employee or agent in the making of such investigation or inspection or
14 in the enforcement of the provisions of this compact or in the perform-
15 ance of any other power or duty under this compact;

16 5. To make investigations, collect and compile information concerning
17 airport practices generally, and upon all matters relating to the accom-
18 plishment of the objectives of this compact;

19 6. To advise and consult with representatives of labor and industry
20 and with public officials and agencies concerned with the effectuation
21 of the purposes of this compact, upon all matters which the commission
22 may desire, including but not limited to the form and substance of rules
23 and regulations and the administration of the compact and the expe-
24 ditious handling and efficient movement of air freight consistent with
25 the security of such air freight;

26 7. To make annual and other reports to the governors and legislatures
27 of both states containing recommendations for the effectuation of the
28 purposes of this compact;

29 8. To issue temporary licenses and temporary permits under such terms
30 and conditions as the commission may prescribe;

31 9. In any case in which the commission has the power to revoke or
32 suspend any license or permit the commission shall also have the power
33 to impose as an alternative to such revocation or suspension, a penalty,
34 which the licensee or permittee may elect to pay the commission in lieu
35 of the revocation or suspension. The maximum penalty shall be five
36 thousand dollars for each separate offense. The commission may, for good
37 cause shown, abate all or part of such penalty;

38 10. To determine the location, size and suitability of field and
39 administrative offices and any other accommodations necessary and desir-
40 able for the performance of the commission's duties under this compact;

41 11. To acquire, hold and dispose of real and personal property, by
42 gift, purchase, lease, license or other similar manner, for its corpo-
43 rate purposes, and in connection therewith to borrow money;

44 12. To recover possession of any card or other means of identification
45 issued by the commission as evidence of a license or permit in the event
46 that the holder thereof no longer is a licensee or permittee;

47 13. To require any licensee or permittee to exhibit upon demand the
48 license or permit issued to him by the commission or to wear such
49 license or permit.

50 The powers and duties of the commission may be exercised by officers,
51 employees and agents designated by them, except the power to make rules
52 and regulations. The commission shall have such additional powers and
53 duties as may hereafter be delegated to or imposed upon it from time to
54 time by the action of the legislature of either state concurred in by
55 the legislature of the other.

ARTICLE IV
AIRFREIGHTMEN AND AIRFREIGHTMAN SUPERVISORS

1. On and after the ninetieth day after the effective date of this compact, no person shall act as an airfreightman or an airfreightman supervisor within the state of New York or the state of New Jersey without having first obtained from the commission a license to act as such airfreightman or airfreightman supervisor, as the case may be, and no person shall employ another person to act as an airfreightman or airfreightman supervisor who is not so licensed.

2. A license to act as an airfreightman or airfreightman supervisor shall be issued only upon the written application, under oath, of the person proposing to employ or engage another person to act as such airfreightman or airfreightman supervisor, verified by the prospective licensee as to the matters concerning him, and shall set forth the prospective licensee's full name, residence address, social security number, and such further facts and evidence as may be required by the commission to determine the identity, the existence of a criminal record, if any, and the eligibility of the prospective licensee for a license.

3. The commission may in its discretion deny the application for such license submitted on behalf of a prospective licensee for any of the following causes:

(a) Conviction by a court of the United States or any state or territory thereof, without subsequent pardon, of the commission of, or the attempt or conspiracy to commit, treason, murder, manslaughter, coercion or any felony or high misdemeanor or any of the following misdemeanors or offenses (excluding, however, any conviction for a misdemeanor or lesser offense arising out of physical misconduct committed during the course of lawful organizational or collective bargaining activities of any labor organization): illegally using, carrying or possessing a pistol or other dangerous weapon; making, manufacturing or possessing burglar's instruments; buying or receiving stolen property; criminal possession of stolen property; unlawful entry of a building; criminal trespass; aiding an escape from prison; and unlawfully possessing, selling or distributing a dangerous drug;

(b) Conviction by any such court, after having been previously convicted by any such court of any crime or of the offenses hereinafter set forth, of a misdemeanor or any of the following offenses (excluding, however, any conviction for a misdemeanor or lesser offense arising out of physical misconduct committed during the course of lawful organizational or collective bargaining activities of any labor organization): assault, malicious injury to property, criminal mischief, malicious mischief, criminal tampering, unlawful use or taking of a motor vehicle, corruption of employees, promoting gambling, possession of gambling records or devices, or possession of lottery or number slips;

(c) Fraud, deceit or misrepresentation in connection with any application or petition submitted to, or any interview, hearing or proceeding conducted by the commission;

(d) Violation of any provision of this act or the commission of any offense thereunder;

(e) Refusal on the part of the applicant, or prospective licensee, to answer any material question or produce any material evidence in connection with the application;

(f) As to an airfreightman, his presence at the airports or air freight terminals is found by the commission on the basis of the facts

1 and evidence before it to constitute a danger to the public peace or
2 safety;

3 (g) As to an airfreightman supervisor, failure to satisfy the commis-
4 sion that the prospective licensee possesses good character and integri-
5 ty;

6 (h) Conviction of a crime or other cause which would permit reprimand
7 of such prospective licensee or the suspension or revocation of his
8 license if such person were already licensed.

9 4. When the application shall have been examined and such further
10 inquiry and investigation made as the commission shall deem proper and
11 when the commission shall be satisfied therefrom that the prospective
12 licensee possesses the qualifications and requirements prescribed in
13 this article, the commission shall issue and deliver to the prospective
14 licensee a license to act as an airfreightman or as an airfreightman
15 supervisor, as the case may be, and shall inform the applicant of its
16 action.

17 5. The commission shall have the power to reprimand any airfreightman
18 or airfreightman supervisor licensed under this article or to revoke or
19 suspend his license for such period as the commission deems in the
20 public interest for any of the following causes:

21 (a) Conviction of a crime or other cause which would permit the denial
22 of a license upon original application;

23 (b) Fraud, deceit or misrepresentation in securing the license, or in
24 the conduct of the licensed activity;

25 (c) Transfer or surrender of possession to any person either temporar-
26 ily or permanently of any card or other means of identification issued
27 by the commission as evidence of a license, without satisfactory expla-
28 nation;

29 (d) False impersonation of another person who is a licensee or permit-
30 tee of the commission under this compact;

31 (e) Wilful commission of, or wilful attempt to commit at an airport or
32 at an air freight terminal or adjacent highway any act of physical inju-
33 ry to any other person or of wilful damage to or misappropriation of any
34 other person's property, unless justified or excused by law.

35 (f) Violation of any of the provisions of this compact or inducing or
36 otherwise aiding or abetting any person to violate the terms of this
37 compact;

38 (g) Addiction to the use of, or unlawful possession, sale or distrib-
39 ution of a dangerous drug;

40 (h) Paying, giving, causing to be paid or given or offering to pay or
41 give to any person any valid consideration to induce such other person
42 to violate any provision of this compact or to induce any public offi-
43 cer, agent or employee to fail to perform his duty under this compact;

44 (i) Consorting with known criminals for unlawful purposes;

45 (j) Receipt or solicitation of anything of value from any person other
46 than the licensee's or permittee's employer as consideration for the
47 selection or retention for employment of any person who is a licensee or
48 permittee of the commission under this compact;

49 (k) Coercion of any person who is a licensee or permittee of the
50 commission under this compact by threat of discrimination or violence or
51 economic reprisal to make purchases from or to utilize the services of
52 any person;

53 (l) Lending any money to or borrowing any money from any person who is
54 a licensee or permittee of the commission under this compact for which
55 there is a charge of interest or other consideration which is usurious;

1 (m) Conviction of any criminal offense in relation to gambling, book-
2 making, pool selling, lotteries or similar crimes or offenses if the
3 crime or offense was committed at an airport or air freight terminal or
4 within five hundred feet thereof;

5 (n) Refusal to answer any material question or produce any material
6 evidence lawfully required to be answered or produced at any investi-
7 gation, interview or other proceeding conducted by the commission pursu-
8 ant to the provisions of this compact, or, if such refusal is accompa-
9 nied by a valid plea of privilege against self-incrimination, refusal to
10 obey an order to answer such question or produce such evidence made by
11 the commission pursuant to the power of the commission under this
12 compact to grant immunity from prosecution;

13 (o) Refusal to exhibit his license or permit upon the demand of any
14 officer, agent or employee of the commission or failure to wear such
15 license or permit when required.

16 6. A license granted pursuant to this article shall expire on the
17 expiration date (which shall be at least one year from the date of its
18 issuance) set forth by the commission on the card or other means of
19 identification issued by the commission as evidence of a license or upon
20 the termination of employment with the employer who applied for the
21 license. Upon expiration thereof, a license may be renewed by the
22 commission upon fulfilling the same requirements as are set forth in
23 this compact for an original application.

24 ARTICLE V
25 AIR FREIGHT TERMINAL OPERATORS,
26 AIR FREIGHT TRUCK CARRIERS
27 AND AIRFREIGHTMAN
28 LABOR RELATIONS CONSULTANTS

29 1. On and after the ninetieth day after the effective date of this
30 compact, no person, except an air carrier, shall act as an air freight
31 terminal operator or as an air freight truck carrier or as an airfr-
32 eightman labor relations consultant within the state of New York or the
33 state of New Jersey without having first obtained a license from the
34 commission to act as an air freight terminal operator or as an air
35 freight truck carrier or as an airfreightman labor relations consultant,
36 as the case may be, and no person shall employ or engage another person
37 to perform services as an air freight terminal operator or as an air
38 freight truck carrier or as an airfreightman labor relations consultant
39 who is not so licensed.

40 2. Any person intending to act as an air freight terminal operator or
41 as an air freight truck carrier or as an airfreightman labor relations
42 consultant within the state of New York or the state of New Jersey shall
43 file in the office of the commission a written application for a license
44 to engage in such occupation duly signed and verified as follows:

45 (a) If the applicant is a natural person, the application shall be
46 signed and verified by such person and if the applicant is a partner-
47 ship, the application shall be signed and verified by each natural
48 person composing or intending to compose such partnership. The applica-
49 tion shall state the full name, age, residence, business address (if
50 any), present and previous occupations of each natural person so signing
51 the same, and any other facts and evidence as may be required by the
52 commission to ascertain the character, integrity, identity and criminal
53 record, if any, of each natural person so signing such application.

1 (b) If the applicant is a corporation, the application shall be signed
2 and verified by the president, secretary and treasurer thereof, and
3 shall specify the name of the corporation, the date and place of its
4 incorporation, the location of its principal place of business, the
5 names and addresses of, and the amount of the stock held by stockholders
6 owning ten per cent or more of any of the stock thereof, and of all the
7 officers (including all members of the board of directors). The
8 requirements of subdivision (a) of this section as to a natural person
9 who is a member of a partnership, and such requirements as may be speci-
10 fied in rules and regulations promulgated by the commission, shall apply
11 to each such officer or stockholder and their successors in office or
12 interest as the case may be.

13 In the event of the death, resignation or removal of any officer, and
14 in the event of any change in the list of stockholders who shall own ten
15 per cent or more of the stock of the corporation, the secretary of such
16 corporation shall forthwith give notice of that fact in writing to the
17 commission, certified by said secretary.

18 3. No such license shall be granted

19 (a) If any person whose signature or name appears in the application
20 is not the real party in interest required by section two of this arti-
21 cle to sign or to be identified in the application or if the person so
22 signing or named in the application is an undisclosed agent or trustee
23 for any such real party in interest or if any such real party in inter-
24 est does not sign the application;

25 (b) Unless the commission shall be satisfied that the applicant and
26 all members, officers and stockholders required by section two of this
27 article to sign or be identified in the application for license possess
28 good character and integrity;

29 (c) If the applicant or any member, officer or stockholder required by
30 section two of this article to sign or be identified in the application
31 for license has, without subsequent pardon, been convicted by a court of
32 the United States or any state or territory thereof of the commission
33 of, or the attempt or conspiracy to commit any crime or offense
34 described in subdivision (a) of section three of article IV of this
35 compact. Any applicant ineligible for a license by reason of any such
36 conviction may submit satisfactory evidence to the commission that the
37 person whose conviction was the basis of ineligibility has for a period
38 of not less than five years, measured as hereinafter provided and up to
39 the time of application, so conducted himself as to warrant the grant of
40 such license, in which event the commission may, in its discretion issue
41 an order removing such ineligibility. The aforesaid period of five
42 years shall be measured either from the date of payment of any fine
43 imposed upon such person or the suspension of sentence or from the date
44 of his unrevoked release from custody by parole, commutation or termi-
45 nation of his sentence. Such petition may be made to the commission
46 before or after the hearing on the application;

47 (d) If, on or after the effective date of this compact, the applicant
48 has paid, given, caused to have been paid or given or offered to pay or
49 give to any officer or employee of any other person employing or engag-
50 ing him in his licensed activity any valuable consideration for an
51 improper or unlawful purpose or to induce such officer or employee to
52 procure the employment of the applicant in his licensed activity by such
53 other person;

54 (e) If, on or after the effective date of this compact, the applicant
55 has paid, given, caused to have been paid, or given or offered to pay or
56 give to any officer or representative of a labor organization any valu-

1 able consideration for an improper or unlawful purpose or to induce such
2 officer or representative to subordinate the interest of such labor
3 organization or its members in the management of the affairs of such
4 labor organization to the interests of the applicant or any other
5 person;

6 (f) If, on or after the effective date of this compact, the applicant
7 has paid, given, caused to have been paid or given or offered to pay or
8 give to any agent of any other person any valuable consideration for an
9 improper or unlawful purpose or, without the knowledge and consent of
10 such other person, to induce such agent to procure the employment of the
11 applicant in his licensed activity by such other person.

12 4. When the application shall have been examined and such further
13 inquiry and investigation made as the commission shall deem proper and
14 when the commission shall be satisfied therefrom that the applicant
15 possess the qualifications and requirements prescribed in this article,
16 the commission shall issue and deliver a license to the applicant.

17 5. The commission shall have the power to reprimand any person
18 licensed under this article or to revoke or suspend his license for such
19 period as the commission deems in the public interest for any of the
20 following causes on the part of the licensee or of any person required
21 by section two of this article to sign or be identified in an original
22 application for a license:

23 (a) Any cause set forth in section five of article IV of this compact;

24 (b) Failure by the licensee to maintain a complete set of books and
25 records containing a true and accurate account of the licensee's
26 receipts and disbursements arising out of his licensed activities;

27 (c) Failure to keep said books and records available during business
28 hours for inspection by the commission and its duly designated represen-
29 tatives until the expiration of the fifth calendar year following the
30 calendar year during which occurred the transactions recorded therein;

31 (d) Failure to pay any assessment or fee payable to the commission
32 under this compact when due.

33 6. A license granted pursuant to this article shall expire on the
34 expiration date (which shall be at least one year from the date of its
35 issuance) set forth by the commission on the card or other means of
36 identification issued by the commission as evidence of a license. Upon
37 expiration thereof, a license may be renewed by the commission upon
38 fulfilling the same requirements as are set forth in this article for an
39 original application.

40 ARTICLE VI

41 AIR FREIGHT SECURITY AREA

42 1. On or after the effective date of this compact, the commission
43 shall have the power to designate any area located within an airport as
44 an air freight security area. No person who is not licensed by the
45 commission pursuant to this compact shall have ingress to an air freight
46 security area unless issued a permit by the commission.

47 2. Any person who is not licensed by the commission pursuant to this
48 compact and who desires upon any occasion ingress to an air freight
49 security area shall apply at the entrance to such area for a permit for
50 ingress for that particular occasion. In order to secure a permit, a
51 prospective permittee must show identification establishing his name and
52 address and he may be required by the commission to sign a consent to
53 the surrender of his permit upon egress from such area and, if he is
54 driving a motor vehicle, to an inspection of his motor vehicle upon

1 egress from such area. Any person desiring a permit to enter an air
2 freight security area may be denied such permit by the commission in its
3 discretion if the commission determines that the presence of such person
4 in such area would constitute a danger to the public peace or safety.

5 3. Any person whose business, employment or occupation requires him to
6 have ingress upon a regular basis to an air freight security area shall
7 be required, in order to obtain ingress to such area, to apply to the
8 commission for a permit for a fixed period of duration to be determined
9 by the commission. Such applicant for a permit of a fixed period of
10 duration shall fulfill the same requirements as the prospective licensee
11 for an airfreightman's license. The commission may in the exercise of
12 its discretion suspend or revoke such permit of a fixed period of dura-
13 tion for the same causes which would permit the commission to revoke the
14 license of an airfreightman.

15 4. The commission shall have the power to inspect any truck or any
16 other motor vehicle within an air freight security area.

17 5. The provisions of this article shall not be applicable to any
18 person who is a member of the flight crew or flight personnel of an
19 aircraft which is operated by an air carrier and which is located within
20 an air freight security area upon a showing of such identification as
21 may be required by the commission.

22 ARTICLE VII

23 HEARINGS, DETERMINATIONS AND REVIEW

24 1. The commission shall not deny any application for a license or
25 permit without giving the applicant or prospective licensee or permittee
26 reasonable prior notice and an opportunity to be heard.

27 2. Any application for a license or permit, and any license or permit
28 issued, may be denied, revoked or suspended, as the case may be, only in
29 the manner prescribed in this article.

30 3. The commission may on its own initiative or on complaint of any
31 person, including any public official or agency, institute proceedings
32 to revoke or suspend any license or permit after a hearing at which the
33 licensee or permittee and any person making such complaint shall be
34 given an opportunity to be heard, provided that any order of the commis-
35 sion revoking or suspending any license or permit shall not become
36 effective until fifteen days subsequent to the serving of notice thereof
37 upon the licensee or permittee unless in the opinion of the commission
38 the continuance of the license or permit for such period would be inimi-
39 cal to the public peace or safety. Such hearings shall be held in such
40 manner and upon such notice as may be prescribed by the rules of the
41 commission, but such notice shall be of not less than ten days and shall
42 state the nature of the complaint.

43 4. Pending the determination of such hearing pursuant to section three
44 of this article the commission may temporarily suspend a license or
45 permit if in the opinion of the commission the continuance of the
46 license or permit for such period is inimical to the public peace or
47 safety.

48 5. The commission, or such member, officer, employee or agent of the
49 commission as may be designated by the commission for such purpose,
50 shall have the power to issue subpoenas throughout both states to compel
51 the attendance of witnesses and the giving of testimony or production of
52 other evidence and to administer oaths in connection with any such hear-
53 ing. It shall be the duty of the commission or of any such member,
54 officer, employee or agent of the commission designated by the commis-

1 sion for such purpose to issue subpoenas at the request of and upon
2 behalf of the licensee, permittee or applicant. The commission or such
3 person conducting the hearing shall not be bound by common law or statu-
4 tory rules of evidence or by technical or formal rules or procedure in
5 the conduct of such hearing.

6 6. Upon the conclusion of the hearing, the commission shall take such
7 action upon such findings and determinations as it deems proper and
8 shall execute an order carrying such findings into effect. The action
9 in the case of an application for a license or permit shall be the
10 granting or denial thereof. The action in the case of a licensee or
11 permittee shall be revocation of the license or permit or suspension
12 thereof for a fixed period or reprimand or a dismissal of the charges.

13 7. The action of the commission in denying any application for a
14 license or permit or in suspending or revoking such license or permit or
15 in reprimanding a licensee or permittee shall be subject to judicial
16 review by a proceeding instituted in either state at the instance of the
17 applicant, licensee or permittee in the manner provided by the law of
18 such state for review of the final decision or action of administrative
19 agencies of such state, provided, however, that notwithstanding any
20 other provision of law the court shall have power to stay for not more
21 than thirty days an order of the commission suspending or revoking a
22 license or permit.

23 8. At hearings conducted by the commission pursuant to this article,
24 applicants, prospective licensees and permittees, licensees and permit-
25 tees shall have the right to be accompanied and represented by counsel.

26 9. After the conclusion of a hearing but prior to the making of an
27 order by the commission, a hearing may, upon petition and in the
28 discretion of the hearing officer, be reopened for the presentation of
29 additional evidence. Such petition to reopen the hearing shall state in
30 detail the nature of the additional evidence, together with the reasons
31 for the failure to submit such evidence prior to the conclusion of the
32 hearing. The commission may upon its own motion and upon reasonable
33 notice reopen a hearing for the presentation of additional evidence.
34 Upon petition, after the making of an order of the commission, rehearing
35 may be granted in the discretion of the commission. Such a petition for
36 rehearing shall state in detail the grounds upon which the petition is
37 based and shall separately set forth each error of law and fact alleged
38 to have been made by the commission in its determination, together with
39 the facts and arguments in support thereof. Such petition shall be
40 filed with the commission not later than thirty days after service of
41 such order unless the commission for good cause shown shall otherwise
42 direct. The commission may upon its own motion grant a rehearing after
43 the making of an order.

44 ARTICLE VIII

45 EXPENSES OF ADMINISTRATION

46 1. In addition to the budget of its expenses under the waterfront
47 commission compact, the commission shall annually adopt a budget of its
48 expenses under this compact for each year. The annual budget shall be
49 submitted to the governors of the two states and shall take effect as
50 submitted provided that either governor may within thirty days disap-
51 prove or reduce any item or items, and the budget shall be adjusted
52 accordingly.

53 2. After taking into account such funds as may be available to it from
54 reserves in excess of ten per cent of such budget under this compact,

1 federal grants, or otherwise, the balance of the commission's budgeted
2 expenses shall be obtained by fees payable under this article and by
3 assessments upon employers of persons licensed under this compact as
4 provided in this article.

5 3. With respect to airfreightmen and airfreightman supervisors who are
6 employed by an air freight truck carrier regularly to move freight to or
7 from an airport, the employers shall pay to the commission for each such
8 airfreightman and airfreightman supervisor a license fee to be deter-
9 mined by the commission, not in excess of one hundred dollars for each
10 year, commencing with the first day of April. The employer of every
11 person who is issued a permit of fixed duration by the commission for
12 ingress to an air freight security area, or the permittee himself if he
13 is self-employed, shall pay to the commission a fee to be determined by
14 the commission, not in excess of seventy-five dollars for each year,
15 commencing with the first day of April. The commission shall reduce the
16 maximum fees payable under this section proportionately with any
17 reduction in the maximum assessment rate of two per cent provided for by
18 this article.

19 4. Every employer of airfreightmen and airfreightman supervisors
20 licensed by the commission, except as otherwise provided in section
21 three of this article, shall pay to the commission an assessment
22 computed upon the gross payroll payments made by such employer to airfr-
23 eightmen and airfreightman supervisors for work performed as such, at a
24 rate, not in excess of two per cent, computed by the commission, in the
25 following manner: the commission shall annually estimate the fees paya-
26 ble under this article and the gross payroll payments to be made by
27 employers subject to assessment and shall compute the fees and a rate of
28 assessment which will yield revenues sufficient to finance the balance
29 of the commission's budget for each year as provided in section two of
30 this article. The commission may hold in reserve an amount not to exceed
31 ten per cent of its total budgeted expenses for the year, which reserve
32 shall not be included as part of the budget. Such reserve shall be held
33 for the stabilization of annual assessments, the payment of operating
34 deficits and for the repayment of any advances made by the two states.

35 5. The amount required to balance the commission's budget in excess of
36 the estimated yield of the maximum fees and assessment, shall be certi-
37 fied by the commission, with the approval of the respective governors,
38 to the legislatures of the two states, in proportion to the respective
39 totals of the assessments and fees paid to the commission by persons in
40 each of the two states. The legislatures shall annually appropriate to
41 the commission the amount so certified.

42 6. The assessments and fees hereunder shall be in lieu of any other
43 charge for the issuance of licenses or permits by the commission pursu-
44 ant to this compact.

45 7. In addition to any other sanction provided by law, the commission
46 may revoke or suspend any license or permit held by any employer under
47 this compact and/or the license or permit held under this compact by any
48 employees of such employer, or the permit held under this compact by any
49 permittee who is self-employed, and in addition the commission may deny
50 ingress to such employers, employees or permittees to air freight secu-
51 rity areas, for nonpayment of any assessment or fee when due.

52 8. Every person subject to the payment of any assessment under this
53 compact shall file on or before the twentieth day of the first month of
54 each calendar quarter-year a separate return, together with the payment
55 of the assessment due, for the preceding calendar quarter-year during
56 which any payroll payments were made to licensed persons for whom

1 assessments are payable for work performed as such. Returns covering the
2 amount of assessment payable shall be filed with the commission on forms
3 to be furnished for such purpose and shall contain such data, informa-
4 tion or matter as the commission may require to be included therein.
5 The commission may grant a reasonable extension of time for filing
6 returns, or for payment of assessment, whenever good cause exists.
7 Every return shall have annexed thereto a certification to the effect
8 that the statements contained therein are true.

9 9. Every person subject to the payment of assessment hereunder shall
10 keep an accurate record of his employment of licensed persons for whom
11 assessments are payable, which shall show the amount of compensation
12 paid and such other information as the commission may require. Such
13 records shall be preserved for a period of three years and be open for
14 inspection at reasonable times. The commission may consent to the
15 destruction of any such records at any time after said period or may
16 require that they be kept longer but not in excess of six years.

17 10. (a) The commission shall audit and determine the amount of assess-
18 ment due from the return filed and such other information as is avail-
19 able to it. Whenever a deficiency in payment of the assessment is
20 determined the commission shall give notice of any such determination to
21 the person liable therefor. Such determination shall finally and
22 conclusively fix the amount due, unless the person against whom it is
23 assessed shall, within thirty days after the giving of notice of such
24 determination, apply in writing to the commission for a hearing, or
25 unless the commission on its own motion shall reduce the same. After
26 such hearing, the commission shall give notice of its decision to the
27 person liable therefor. A determination of the commission under this
28 section shall be subject to judicial review, if application for such
29 review is made within thirty days after the giving of notice of such
30 decision. Any determination under this article shall be made within
31 five years from the time the return was filed and if no return was filed
32 such determination may be made at any time.

33 (b) Any notice authorized or required under this article may be given
34 by mailing the same to the person for whom it is intended at the last
35 address given by him to the commission, or in the last return filed by
36 him with the commission under this article, or if no return has been
37 filed then to such address as may be obtainable. The mailing of such
38 notice shall be presumptive evidence of the receipt of same by the
39 person to whom addressed. Any period of time, which is determined
40 according to the provision of this section, for the giving of notice
41 shall commence to run from the date of mailing of such notice.

42 11. Every person required to pay a fee for a license or a permit under
43 this article shall pay the same upon filing of the application with the
44 commission for such license or permit. The fee for such license or
45 permit shall be prorated for the fiscal year for which the same is paya-
46 ble as of the date the application for such license or permit is filed
47 with the commission. The commission shall prorate and make a refund of
48 such fee for the period between the date of application and the date of
49 the issuance of such license or permit. Upon surrender of such license
50 or permit or upon the revocation of any such license or permit issued to
51 an employee before the expiration of the fiscal year, the commission
52 shall make a refund prorated for the unexpired portion of the year, less
53 ten per cent of such refund. In the event of denial of any application
54 for a license or permit, the commission shall refund the fee paid upon
55 application, less ten per cent of such refund.

12. Whenever any person shall fail to pay, within the time limited herein, any assessment or fee which he is required to pay to the commission under the provisions of this article the commission may enforce payment of such assessment or fee by civil action for the amount of such assessment or fee with interest and penalties.

13. The employment by a nonresident of a licensed person or permittee for whom assessments or fees are payable in either state or the designation by a nonresident of a licensed person or permittee to perform work in such state shall be deemed equivalent to an appointment by such nonresident of the secretary of state of such state to be his true and lawful attorney upon whom may be served the process in any action or proceeding against him growing out of any liability for assessments or fees, penalties or interest, and a consent that any such process against him which is so served shall be of the same legal force and validity as if served on him personally within such state and within the territorial jurisdiction of the court from which the process issues. Service of process within either state shall be made by either (1) personally delivering to and leaving with the secretary of state or a deputy secretary of state of such state duplicate copies thereof at the office of the department of state in the capital city of such state, in which event such secretary of state shall forthwith send by registered mail one of such copies to the person at the last address designated by him to the commission for any purpose under this article or in the last return filed by him under this article with the commission or as shown on the records of the commission, or if no return has been filed, at his last known office address within or without such state, or (2) personally delivering to and leaving with the secretary of state or a deputy secretary of state of such state a copy thereof at the office of the department of state in the capital city of such state and by delivering a copy thereof to the person, personally without such state. Proof of such personal service without such state shall be filed with the clerk of the court in which the process is pending within thirty days after such service and such service shall be complete ten days after proof thereof is filed.

14. Whenever the commission shall determine that any moneys received as assessments or fees were paid in error, it may cause the same to be refunded, provided an application therefor is filed with the commission within two years from the time the erroneous payment was made.

15. In addition to any other powers authorized hereunder, the commission shall have power to make reasonable rules and regulations to effectuate the purposes of this article.

16. When any person shall wilfully fail to pay any assessment or fee due hereunder he shall be assessed interest at a rate of one per cent per month on the amount due and unpaid and penalties of five per cent of the amount due for each thirty days or part thereof that the assessment remains unpaid. The commission may, for good cause shown, abate all or part of such penalty.

17. Any person who shall wilfully furnish false or fraudulent information or shall wilfully fail to furnish pertinent information as required, with respect to the amount of any assessment or fee due, shall be guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars, or imprisonment for not more than one year, or both.

18. All funds of the commission shall be deposited with such responsible banks or trust companies as may be designated by the commission. The commission may require that all such deposits be secured by obligations of the United States or of the states of New York or New Jersey

1 of a market value equal at all times to the amount of the deposits, and
2 all banks and trust companies are authorized to give such security for
3 such deposits. The moneys so deposited shall be withdrawn only by check
4 signed by two members of the commission or by such other officers or
5 employees of the commission as it may from time to time designate.

6 19. The accounts, books and records of the commission, including its
7 receipts, disbursements, contracts, leases, investments and any other
8 matters relating to its financial standing shall be examined and audited
9 annually by independent auditors to be retained for such purpose by the
10 commission.

11 20. The commission shall reimburse each state for any funds advanced
12 to the commission exclusive of sums appropriated pursuant to section
13 five of this article.

14 ARTICLE IX

15 GENERAL VIOLATIONS; PROSECUTIONS; PENALTIES

16 1. The failure of any witness, when duly subpoenaed to attend, to give
17 testimony or produce other evidence in any investigation, interview or
18 other proceeding conducted by the commission pursuant to the provisions
19 of this compact, shall be punishable by the superior court in New Jersey
20 and the supreme court in New York in the same manner as said failure is
21 punishable by such court in a case therein pending.

22 2. Any person who, having been duly sworn or affirmed as a witness in
23 any investigation, interview or other proceeding conducted by the
24 commission pursuant to the provisions of this compact, shall wilfully
25 give false testimony shall be guilty of a misdemeanor punishable by a
26 fine of not more than one thousand dollars or imprisonment for not more
27 than one year or both.

28 3. Any person who interferes with or impedes the orderly licensing of
29 or orderly granting of any permits to any other person pursuant to this
30 compact, or who attempts, conspires, or threatens so to do, shall be
31 guilty of a misdemeanor punishable by a fine of not more than one thou-
32 sand dollars or imprisonment for not more than one year or both.

33 4. Any person who directly or indirectly inflicts or threatens to
34 inflict any injury, damage, harm or loss or in any other manner prac-
35 tices intimidation upon or against any person in order to induce or
36 compel such person or any other person to refrain from obtaining a
37 license or permit pursuant to this compact shall be guilty of a misde-
38 meanor punishable by a fine of not more than one thousand dollars or
39 imprisonment for not more than one year or both.

40 5. Any person who, without justification or excuse in law, directly or
41 indirectly, intimidates or inflicts any injury, damage, harm, loss or
42 economic reprisal upon any person who holds a license or permit issued
43 by the commission pursuant to this compact, or any other person, or
44 attempts, conspires or threatens so to do, in order to interfere with,
45 impede or influence such licensee or permittee in the performance or
46 discharge of his duties or obligations shall be guilty of a misdemeanor,
47 punishable by a fine of not more than one thousand dollars or imprison-
48 ment of not more than one year or both.

49 6. Any person who shall violate any of the provisions of this compact,
50 for which no other penalty is prescribed, shall be guilty of a misdemea-
51 nor, punishable by a fine of not more than one thousand dollars or by
52 imprisonment for not more than one year or both.

53 7. In any prosecution under this compact, it shall be sufficient to
54 prove only a single act (or a single holding out or attempt) prohibited

1 by law without having to prove a general course of conduct, in order to
2 prove a violation.

3 ARTICLE X
4 AMENDMENTS; CONSTRUCTION; SHORT TITLE

5 1. Amendments and supplements to this compact to implement the
6 purposes thereof may be adopted by the action of the legislature of
7 either state concurred in by the legislature of the other.

8 2. If any part or provision of this compact or the application there-
9 of to any person or circumstances be adjudged invalid by any court of
10 competent jurisdiction, such judgment shall be confined in its operation
11 to the part, provision or application directly involved in the contro-
12 versy in which such judgment shall have been rendered and shall not
13 affect or impair the validity of the remainder of this compact or the
14 application thereof to other persons or circumstances and the two states
15 hereby declare that they would have entered into this compact or the
16 remainder thereof had the invalidity of such provision or application
17 thereof been apparent.

18 3. In accordance with the ordinary rules for construction of inter-
19 state compacts this compact shall be liberally construed to eliminate
20 the evils described therein and to effectuate the purposes thereof.

21 4. This compact shall be known and may be cited as the "Airport
22 Commission Compact".

23 PART V

24 S 11. Prohibition against unions having officers, agents or employees
25 who have been convicted of certain crimes and offenses. No person shall
26 solicit, collect or receive any dues, assessments, levies, fines or
27 contributions, or other charges within the state for or on behalf of any
28 labor organization which receives, directly or indirectly, twenty per
29 cent or more of its dues, assessments, levies, fines or contributions,
30 or other charges from persons who hold licenses issued by the commission
31 pursuant to the airport commission compact, or for or on behalf of a
32 labor organization which derives its charter from a labor organization
33 which receives, directly or indirectly, twenty per cent or more of its
34 dues, assessments, levies, fines or contributions, or other charges from
35 persons who hold licenses issued by the commission pursuant to the
36 airport commission compact, if any officer, agent or employee of such
37 labor organization, or of a welfare fund or trust administered partially
38 or entirely by such labor organization or by trustees or other persons
39 designated by such labor organization, has been convicted by a court of
40 the United States, or any state or territory thereof, of a felony, any
41 misdemeanor involving moral turpitude or any crime or offense enumerated
42 in subdivision (a) of section three of article IV of the compact estab-
43 lished pursuant to part IV of this article, unless he has been subse-
44 quently pardoned therefor by the governor or other appropriate authority
45 of the state or jurisdiction in which such conviction was had or has
46 received a certificate of good conduct or other relief from disabili-
47 ties arising from the fact of conviction from a board of parole or simi-
48 lar authority. No person so convicted shall serve as an officer, agent
49 or employee of such labor organization, welfare fund or trust unless
50 such person has been so pardoned or has received such a certificate of
51 good conduct. No person, including such labor organization, welfare

1 fund or trust, shall knowingly permit such convicted person to assume or
2 hold any office, agency or employment in violation of this section.

3 As used in this section, the term "labor organization" shall mean and
4 include any organization which exists and is constituted for the purpose
5 in whole or in part of collective bargaining, or of dealing with employ-
6 ers concerning grievances, terms and conditions of employment, or of
7 other mutual aid or protection; but it shall not include a federation
8 or congress of labor organizations organized on a national or interna-
9 tional basis even though one of its constituent labor organizations may
10 represent persons who hold licenses issued by the commission pursuant to
11 the airport commission compact.

12 S 11-a. Prohibition against employer organizations having officers,
13 agents or employees who have been convicted of certain crimes and
14 offenses. No person shall solicit, collect or receive any dues, assess-
15 ments, levies, fines or contributions, or other charges within the state
16 for or on behalf of any organization of employers (whether incorporated
17 or not) twenty per cent or more of whose members have in their employ-
18 ment any employees who are members of a labor organization to which the
19 prohibition of section eleven of this part is applicable, if any offi-
20 cer, agent or employee of such employer organization or of a welfare
21 fund or trust administered partially or entirely by such employer organ-
22 ization or by trustees or other persons designated by such employer
23 organization, has been convicted by a court of the United States, or any
24 state or territory thereof, of a felony, any misdemeanor involving moral
25 turpitude or any crime or offense enumerated in subdivision (a) of
26 section three of article IV of the compact established pursuant to part
27 IV of this article, unless he has been subsequently pardoned therefor by
28 the governor or other appropriate authority of the state or jurisdiction
29 in which such conviction was had or has received a certificate of good
30 conduct or other relief from disabilities arising from the fact of
31 conviction from a board of parole or similar authority. No person so
32 convicted shall serve as an officer, agent or employee of such employer
33 organization, welfare fund or trust unless such person has been so
34 pardoned or has received such a certificate of good conduct. No
35 person, including such employer organization, welfare fund or trust,
36 shall knowingly permit such convicted person to assume or hold any
37 office, agency or employment in violation of this section.

38 S 11-b. Exceptions to sections eleven and eleven-a for certain employ-
39 ees. If upon application to the commission by an employee who has been
40 convicted of a crime or offense specified in section eleven or section
41 eleven-a of this part the commission, in its discretion, determines in
42 an order that it would not be contrary to the purposes and objectives of
43 the airport commission compact for such employee to work in a particular
44 employment otherwise prohibited by section eleven or section eleven-a,
45 the provisions of section eleven or section eleven-a, as the case may
46 be, shall not apply to the particular employment of such employee with
47 respect to such conviction or convictions as are specified in the
48 commission's order. This section is applicable only to those employees
49 who for wages or salary perform manual, mechanical or physical work of a
50 routine or clerical nature at the premises of the labor organization,
51 employer organization, welfare fund or trust by which they are employed.

52 S 12. Civil penalties. The commission may maintain a civil action on
53 behalf of the state against any person who violates or attempts or
54 conspires to violate any provision of this act or who fails, omits or
55 neglects to obey, observe or comply with any order or direction of the
56 commission issued under this article, to recover a judgment for a money

1 penalty not exceeding five hundred dollars for each and every offense.
2 Every violation of any such provision, order or direction shall be a
3 separate and distinct offense and, in case of a continuing violation,
4 every day's continuance shall be and be deemed to be a separate and
5 distinct offense. Any such action may be settled or discontinued on
6 application of the commission upon such terms as the court may approve
7 and a judgment may be rendered for an amount less than the amount
8 demanded in the complaint as justice may require.

9 S 13. Civil enforcement. The commission may maintain a civil action
10 against any person to compel compliance with any of the provisions of
11 this compact or any order or direction of the commission issued under
12 this compact or to prevent violations, attempts or conspiracies to
13 violate any such provisions, or interference, attempts or conspiracies
14 to interfere with or impede the enforcement of any such provisions or
15 the exercise or performance of any power or duty thereunder, either by
16 mandamus, injunction or action or proceeding in lieu of prerogative
17 writ.

18 S 14. Exemption from arrest and service of process. If a person in
19 obedience to a subpoena, issued pursuant to this article directing him
20 to attend and testify comes into either state party to this article from
21 the other state, he shall not, while in that state pursuant to such
22 subpoena, be subject to arrest or the service of process, civil or crim-
23 inal, in connection with matters which arose before his entrance into
24 such state under the subpoena.

25 S 15. Nonresident witnesses. Any investigation, interview or other
26 proceeding conducted by the commission pursuant to the provisions of
27 this compact shall be deemed to be a civil action pending in the supreme
28 court in New York or in the superior court in New Jersey so as to permit
29 the commission to obtain disclosure, in accordance with the provisions
30 governing disclosure in such civil actions, from any person who may be
31 outside the states.

32 S 16. Officers and employees. Any officer or employee in the state,
33 county or municipal civil service in either state who shall transfer to
34 service with the commission may be given one or more leaves of absence
35 without pay and may, before the expiration of such leave or leaves of
36 absence, and without further examination or qualification, return to his
37 former position or be certified by the appropriate civil service agency
38 for retransfer to a comparable position in such state, county, or munic-
39 ipal civil service if such a position is then available.

40 The commission may, by agreement with any federal agency from which
41 any officer or employee may transfer to service with the commission,
42 make similar provision for the retransfer of such officer or employee to
43 such federal agency.

44 Notwithstanding the provisions of any other law in either state, any
45 officer or employee in the state, county or municipal service in either
46 state who shall transfer to service with the commission and who is a
47 member of any existing state, county or municipal pension or retirement
48 system in New Jersey or New York, shall continue to have all rights,
49 privileges, obligations and status with respect to such fund, system or
50 systems as if he had continued in his state, county or municipal office
51 or employment, but during the period of his service as a member, officer
52 or employee of the commission, all contributions to any pension or
53 retirement fund or system to be paid by the employer on account of such
54 member, officer or employee, shall be paid by the commission. The
55 commission may, by agreement with the appropriate federal agency, make

1 similar provisions relating to continuance of retirement system member-
2 ship for any federal officer or employee so transferred.

3 S 17. Penalties. Any person who shall violate any of the provisions
4 of this compact, for which no other penalty is prescribed, shall be
5 guilty of a misdemeanor, punishable by a fine of not more than one thou-
6 sand dollars or imprisonment for not more than one year or both.

7 S 18. Short title. This act shall be known and may be cited as the
8 "Waterfront and Airport Commission Act".

9 ARTICLE V

10 APPROVAL OR VETO POWER OF THE GOVERNOR

11 Section 500. Approval or veto power.

12 501. Procurement.

13 502. Effect of veto.

14 503. Exception to reporting requirement.

15 S 500. Approval or veto power. Except as provided by this article, no
16 action taken at any meeting of the port authority by any commissioner
17 appointed from the state of New York shall have force or effect until
18 the governor of the state of New York shall have an opportunity to
19 approve or veto the same under the provisions of article sixteen of the
20 port compact or treaty entered into between the states of New York and
21 New Jersey, dated April thirtieth, nineteen hundred and twenty-one and
22 continued by subdivision four of section one hundred nine of this chap-
23 ter.

24 S 501. Procurement. For the purpose of procuring such approval or
25 veto, the secretary or other officer of the port authority in charge of
26 the minutes of the proceedings of that body shall transmit to the gover-
27 nor at the executive chamber in Albany a certified copy of the minutes
28 of every meeting of the port authority as soon after the holding of such
29 meeting as such minutes can be written out. The governor shall, within
30 ten days, Saturdays, Sundays and public holidays excepted, after such
31 minutes shall have been delivered at the executive chamber as aforesaid,
32 cause the same to be returned to the port authority either with his
33 approval or with his veto of any action therein recited as having been
34 taken by any commissioner appointed from the state of New York,
35 provided, however, that if the governor shall not return the said
36 minutes within the said period then at the expiration thereof any action
37 therein recited will have full force and effect according to the wording
38 thereof.

39 S 502. Effect of veto. If the governor within the said period returns
40 the said minutes with a veto against the action of any commissioner from
41 New York as recited therein, then such action of such commissioner shall
42 be null and void.

43 S 503. Exception to reporting requirement. The governor may by order
44 filed with the secretary of the port authority relieve the commissioners
45 from the duty of procuring his approval of their action upon any partic-
46 ular matter or class of matters, and thereupon the secretary or other
47 officer in charge of the minutes of the proceedings of that body shall
48 be relieved from reporting the same to him.

49 ARTICLE VI

50 BONDS ISSUED BY THE PORT AUTHORITY

51 Section 601. Definitions.

52 602. Motor truck terminals.

603. Acquisition of real property for public use.

S 601. Definitions. As used in this article:

(a) "Port authority" means the port of New York authority created by the compact of April thirtieth, nineteen hundred twenty-one and continued by article I of this chapter, between the states of New York and New Jersey.

(b) "Bonds legal for investment" means bonds or other obligations or securities of the port authority, in which savings banks in both of the two said states are now or may hereafter be authorized to invest funds within their control.

(c) "Terminal and/or transportation facilities" means terminal and/or transportation facilities and shall have the same meaning as subdivisions eleven and twelve of section one hundred four of this chapter.

(d) "Surplus revenues" means, in the case of each terminal or transportation facility, the balance of the revenues therefrom remaining at any time currently in the hands of the port authority after the deduction of the current expenses of the operation and maintenance thereof, including a proper proportion of the general expenses of the port authority, and after the deduction of any amounts which the port authority may or shall be obligated or may or shall have obligated itself to pay to or set aside out of the current revenues therefrom for the benefit of the holders of any bonds legal for investment, and after the deduction of any amounts currently due to the two said states on account of any advances made by the two said states to the port authority in aid of the effectuation of such terminal or transportation facility.

S 602. Motor truck terminals. The bonds or other obligations which may be issued by the port authority from time to time to provide funds for the establishment, acquisition and rehabilitation of motor truck terminals (by which are meant terminals consisting of one or more platforms, sheds, buildings, structures, facilities or improvements necessary, convenient or desirable in the opinion of the port authority for the accommodation of motor trucks for the loading or unloading of freight upon or from motor trucks or the receipt, delivery, storage or handling of freight transported or to be transported by motor trucks or the interchange or transfer thereof between carriers) located at such point or points within the port of New York district as the port authority may deem to be desirable and in the public interest, or for the acquisition of real or personal property in connection therewith, or for any other purpose in connection with the establishment, acquisition, construction, rehabilitation, maintenance or operation of such truck terminals or any of them, are hereby made securities in which all state and municipal officers and bodies, all banks, bankers, trust companies, savings banks, building and loan associations, savings and loan associations, investment companies and other persons carrying on a banking business, all insurance companies, insurance associations, and other persons carrying on an insurance business, and all administrators, executors, guardians, trustees and other fiduciaries, and all other persons whatsoever, who are now or may hereafter be authorized to invest in bonds or other obligations of the state, may properly and legally invest any funds, including capital, belonging to them or within their control; and said obligations are hereby made securities which may properly and legally be deposited with and shall be received by any state or municipal officer or agency for any purpose for which the deposit of bonds or other obligations of this state is now or may hereafter be authorized.

S 603. Acquisition of real property for public use. If, for the purpose of effectuating, acquiring, constructing, rehabilitating or

1 improving any motor truck terminal, the port authority shall find it
2 necessary or convenient to acquire any real property, as herein defined
3 in this state, whether for immediate or future use, the port authority
4 may find and determine that such property, whether a fee simple absolute
5 or a lesser interest, is required for public use, and upon such determi-
6 nation, the said property shall be and shall be deemed to be required
7 for such public use until otherwise determined by the port authority.

8 If the port authority is unable to agree for the acquisition of any
9 such real property for any reason whatsoever, then the port authority
10 may acquire and is hereby authorized to acquire such property, whether a
11 fee simple absolute or a lesser interest, by the exercise of the right
12 of eminent domain under and pursuant to the provisions of the eminent
13 domain procedure law.

14 The power of the port authority to acquire real property hereunder
15 shall be a continuing power, and no exercise thereof shall be deemed to
16 exhaust it.

17 Anything in this article to the contrary notwithstanding, no property
18 now or hereafter vested in or held by the state or any county, city,
19 borough, village, township or other municipality shall be taken by the
20 port authority, without the authority or consent of the state or of such
21 county, city, borough, village, township or other municipality as
22 provided in the compact of April thirty, nineteen hundred twenty-one,
23 between the states of New York and New Jersey and continued by article I
24 of this chapter, nor shall anything herein impair or invalidate in any
25 way any bonded indebtedness of the state, or such county, city, borough,
26 village, township or other municipality, nor impair the provisions of
27 law regulating the payment into sinking funds of revenue derived from
28 municipal property, or dedicating the revenues derived from municipal
29 property, to a specific purpose. Moreover, no property devoted to
30 public use by any railroad or railway corporation, or public utility
31 corporation, or by any other corporation, shall be taken by the port
32 authority without the authority or consent of such corporation. The
33 port authority is hereby authorized and empowered to acquire from any
34 such county, city, borough, village, township or other municipality, or
35 from any other public agency or commission having jurisdiction in the
36 premises, or from any such corporation, by agreement therewith, and such
37 county, city, borough, village, township, municipality, public agency,
38 commission, or corporation, notwithstanding any contrary provision of
39 law, is hereby authorized and empowered to grant and convey upon reason-
40 able terms and conditions any real property, which may be necessary for
41 the establishment, construction, acquisition, rehabilitation, mainte-
42 nance and operation of such truck terminals, including such real proper-
43 ty as has already been devoted to a public use.

44 The port authority and its duly authorized agents and employees may,
45 in the case of land situate in the state of New York subject to the
46 provisions of the eminent domain procedure law and in any other case as
47 provided by law, enter upon any land in this state for the purpose of
48 making such surveys, maps, or other examinations thereof as it may deem
49 necessary or convenient for the purposes of this article.

50 The term "real property" as used in this article is defined to include
51 lands, structures, franchises and interests in land, including lands
52 under water and riparian rights, and any and all things and rights
53 usually included within the said term, and includes not only fees simple
54 absolute but also any and all lesser interests, such as easements,
55 rights of way, uses, leases, licenses and all other incorporeal heredi-
56 taments and every estate, interest or right, legal or equitable, includ-

1 ing terms of years, and liens thereon by way of judgments, mortgages or
2 otherwise, and also claims for damages to real estate.

3 ARTICLE VII

4 PAYMENT AND ACCEPTANCE OF A FAIR AND REASONABLE SUM

5 Section 701. Payment of a fair and reasonable sum.

6 702. Acceptance of payment.

7 S 701. Payment of a fair and reasonable sum. To the end that counties,
8 cities, boroughs, villages, towns, townships and other municipalities in
9 the port of New York district, may not suffer undue loss of taxes and
10 assessments by reason of the acquisition and ownership of property ther-
11 ein by the port authority, the port authority is hereby authorized and
12 empowered, in its discretion, to enter into a voluntary agreement or
13 agreements with any county, city, borough, village, town, township or
14 other municipality in said port district, whereby it will undertake to
15 pay a fair and reasonable sum or sums annually in connection with any
16 marine or inland terminal property owned by it, not in excess of the sum
17 last paid as taxes upon such property prior to the time of its acquisi-
18 tion by the port authority. Such payment or payments which the port
19 authority is hereby authorized and empowered to make, shall be in such
20 amount or amounts and shall be payable at such time or times and under
21 such terms and conditions as shall be agreed upon by and between the
22 port authority and such county, city, village, borough, town, township
23 or other municipality concerned.

24 S 702. Acceptance of payment. Every county, city, village, borough,
25 town, township or other municipality in the port of New York district
26 aforesaid is hereby authorized and empowered to enter into such agree-
27 ment or agreements with the port authority to accept the payment or
28 payments which the port authority is hereby authorized and empowered to
29 make. The sums so received by any county, city, village, borough, town,
30 township or other municipality shall be devoted to purposes to which
31 taxes may be applied, unless and until otherwise directed by the law of
32 the state in which such municipality is located.

33 ARTICLE VIII

34 PAYMENT AND ACCEPTANCE OF A FAIR AND
35 REASONABLE SUM FOR A CHANGE IN GRADE

36 Section 801. Change of grade.

37 Section 801. Change of grade. To the end that the owners of property
38 in the port of New York district abutting upon streets, avenues or other
39 highways, the grade of which will be changed by reason of the
40 construction by the port authority of any public improvement in the port
41 of New York district, may not suffer undue loss and injury by reason of
42 such change of grade, the authority is hereby authorized and empowered,
43 in its discretion, to enter into voluntary agreements with such abutting
44 owners of property which is built upon or otherwise improved in conform-
45 ity with the grade of any street, avenue or other highway established by
46 lawful authority in the port of New York district, whereby it will
47 undertake to pay a fair and reasonable sum to such abutting owners for
48 the damage occasioned by such change of grade to the buildings and
49 improvements on such property. The term "owners" as used in this section
50 shall include all persons having any estate, interest, or easement in
51 such property, or any lien, charge or encumbrance thereon. Such payments
52 which the authority is hereby authorized and empowered to make, shall be

1 in such amounts and shall be payable at such times and under such terms
2 and conditions as shall be agreed upon by and between the authority and
3 such owners concerned.

4 ARTICLE IX

5 THE SALE OF REAL PROPERTY ACQUIRED BY THE PORT AUTHORITY

6 Section 901. Procedure.

7 902. Conveyances.

8 S 901. Procedure. Whenever the port authority shall determine to sell
9 any real property which may have been acquired by the port authority by
10 purchase, condemnation or otherwise, pursuant to any of its powers and
11 authorities, but which real property is no longer required for such
12 purposes, the following procedure shall be followed:

13 1. A map shall be made of such real property so determined as no long-
14 er required, which map shall be filed in the office of the port authori-
15 ty.

16 2. There shall be annexed to such map a certificate executed by the
17 chief engineer of the port authority stating that such real property is
18 no longer required for such purposes.

19 3. All or any portion of said real property may be sold at either
20 private or public sale, and all deeds of conveyance therefor shall be by
21 bargain and sale and shall be executed by the chairman, or the vice
22 chairman, or the general manager, or an assistant general manager of the
23 port authority and attested by the secretary thereof.

24 S 902. Conveyances. The validity of all conveyances heretofore made by
25 the port authority is hereby ratified and confirmed.

26 ARTICLE X

27 MONEYS FOR PRELIMINARY STUDIES

28 Section 1001. Moneys advanced.

29 1002. Delivery of bonds and/or moneys.

30 1003. Direct and general obligations of the port authority.

31 1004. Securities.

32 1005. Initial reimbursement of moneys advanced by the states.

33 1006. Further reimbursement of moneys advanced by the states.

34 1007. Deposit of bonds or moneys by the comptroller.

35 S 1001. Moneys advanced. The states of New York and New Jersey having
36 heretofore advanced sums aggregating one hundred forty-nine thousand,
37 nine hundred eighteen dollars and twenty cents and one hundred fifty
38 thousand dollars, respectively, to the port authority for preliminary
39 studies upon the interstate vehicular bridges now known as the Outer-
40 bridge crossing, the Goethals bridge and the Bayonne bridge, pursuant to
41 agreements between the two states that said moneys should be paid back
42 when the construction debt has been amortized, and said two states
43 having advanced further sums aggregating four million dollars each in
44 aid of the construction of said bridges pursuant to agreements between
45 the two states that said moneys should be paid back out of bridge reven-
46 ues in specified annual installments, if and when earned over prior
47 charges, and the revenues from said bridges having been insufficient to
48 permit any such payments up to the present time but the port authority
49 being in a position to fund its obligations to pay back said appropri-
50 ations, now, therefore, upon the concurrence of the state of New Jersey
51 as provided in section eight hereof, the states of New York and New
52 Jersey hereby agree that the obligations of the port authority to pay
53 back said moneys may be satisfied and discharged by the delivery to the

1 two states of bonds or moneys, or both, in an aggregate principal amount
2 equal to said appropriations, as hereinafter provided.

3 S 1002. Delivery of bonds and/or moneys. Bonds, or moneys, or both,
4 in an aggregate principal amount of two million fifty thousand dollars
5 shall be delivered to each state within three months after the date on
6 which chapter 352 of the laws of 1946 and the concurrent article of the
7 state of New Jersey take effect. Within fifteen months after the date on
8 which chapter 352 of the laws of 1946 and the concurrent article of the
9 state of New Jersey take effect, an additional two million ninety-nine
10 thousand nine hundred eighteen dollars and twenty cents in aggregate
11 principal amount of bonds or moneys, or both, shall be delivered to the
12 state of New York and an additional two million one hundred thousand
13 dollars in aggregate principal amount of bonds, or moneys, or both shall
14 be delivered to the state of New Jersey provided, that if, in the opin-
15 ion of the commissioners of the port authority, financial conditions are
16 such as to make it desirable to postpone such delivery, then delivery of
17 said additional amounts shall be postponed in whole or in part until
18 such time, not later than five years from the effective date of chapter
19 352 of the laws of 1946, as in the judgment of said commissioners finan-
20 cial conditions permit such delivery.

21 The port authority shall determine whether payments made pursuant to
22 this article and the concurrent article of the state of New Jersey shall
23 be made by delivery of bonds or of moneys, or both, and, if both, in
24 what proportions. The moneys may, at the option of the port authority,
25 be paid in cash or by check. Delivery of bonds or moneys to the state of
26 New York shall be made by delivering or tendering delivery thereof to
27 the comptroller of the state of New York at his office at Albany during
28 regular business hours. Delivery of bonds or moneys to the state of New
29 Jersey shall be made by delivering or tendering delivery thereof to the
30 state treasurer at his office at Trenton during regular business hours.

31 S 1003. Direct and general obligations of the port authority. The
32 bonds delivered to the two states pursuant to this article and the
33 concurrent article of the state of New Jersey shall be direct and gener-
34 al obligations of the port authority, and its full faith and credit
35 shall be pledged for the prompt payment of the principal and interest
36 thereof. The payment of the principal and interest thereof shall be
37 secured by the general reserve fund of the port authority, authorized by
38 chapter forty-eight of the laws of New York of nineteen hundred and
39 thirty-one and continued by article VI of this chapter, and chapter five
40 of the laws of New Jersey of nineteen hundred and thirty-one; and said
41 general reserve fund shall be pledged as security for the payment of the
42 principal and interest of said bonds and for the fulfillment of other
43 undertakings assumed by the port authority to or for the benefit of the
44 holders of said bonds. Such pledge, however, shall be subject to the
45 right of the port authority to pledge said general reserve fund as secu-
46 rity for any other bonds, notes or evidences of indebtedness whatsoever
47 hereafter issued by the authority as security for which it may at the
48 time be authorized to pledge the said general reserve fund, and also
49 subject to the right of the port authority to use the moneys in said
50 general reserve fund to meet, pay or otherwise fulfill any of its obli-
51 gations under or in connection with any bonds, notes or other evidences
52 of indebtedness as security for which said general reserve fund has
53 heretofore been or is now pledged or for which said general reserve fund
54 may hereafter be pledged. Moreover, no greater rights in or to said
55 general reserve fund shall be granted to or conferred upon the holders
56 of the bonds delivered to the two states pursuant to this article and

1 the concurrent article of the state of New Jersey than have been granted
2 to and conferred upon the holders of general and refunding bonds of the
3 port authority issued pursuant to the resolution of the port authority
4 adopted March eighteenth, nineteen hundred and thirty-five, and amended
5 March twenty-fifth, nineteen hundred and thirty-five and September
6 sixteenth, nineteen hundred and forty-three.

7 The bonds delivered to the two states pursuant to chapter 352 of the
8 laws of 1946 and continued by this article and the concurrent article of
9 the state of New Jersey shall be dated as of a date not more than thirty
10 days subsequent to the date on which delivery is made or tendered, shall
11 mature forty years from their date, and shall bear interest at the rate
12 of one and one-half per centum per annum. Said bonds shall be subject to
13 redemption at the option of the port authority, in whole or in part, on
14 any interest payment date or dates at one hundred percent of their par
15 value, plus accrued interest to the date set for redemption.

16 Except as hereinbefore specifically provided, the port authority
17 shall, by resolution, determine the form, characteristics and all other
18 matters in connection with said bonds, including without limiting the
19 generality hereof, the denominations in which they shall be issued,
20 provisions with respect to the exchange of bonds of one denomination
21 into bonds of another denomination, provisions with respect to the issu-
22 ance of temporary bonds and the exchange thereof for definitive bonds,
23 provisions with respect to the establishment of a sinking fund or sink-
24 ing funds and for the use of the moneys in sinking fund to purchase or
25 redeem bonds prior to their maturity, provisions with respect to the
26 place of payment, provisions with respect to notice of redemption,
27 provisions with respect to the paying agent or the registrar and
28 provisions with respect to the method of signature.

29 S 1004. Securities. The bonds delivered by the port authority to
30 either or both states pursuant to this article and the concurrent arti-
31 cle of the state of New Jersey, and any bonds, notes or other evidences
32 of indebtedness issued by the authority to provide moneys with which to
33 make payments to either or both states pursuant to this article and the
34 concurrent article of the state of New Jersey, are hereby made securi-
35 ties in which all state and municipal officers and bodies of both
36 states, all banks, bankers, trust companies, savings banks, building and
37 loan associations, savings and loan associations, investment companies
38 and other persons carrying on a banking business, all insurance compa-
39 nies, insurance associations and other persons carrying on an insurance
40 business, and all administrators, executors, guardians, trustees and
41 other fiduciaries, and all other persons whatsoever, who are now or may
42 hereafter be authorized by either state to invest in bonds or other
43 obligations of such state, may properly and legally invest any funds,
44 including capital, belonging to them or within their control; and said
45 obligations are hereby made securities which may properly and legally be
46 deposited with and shall be received by any state or municipal officer
47 or agency of either state for any purpose for which the deposit of bonds
48 or other obligations of such state is now or may hereafter be author-
49 ized.

50 S 1005. Initial reimbursement of moneys advanced by the states. The
51 first two million fifty thousand dollars paid to each state pursuant to
52 this article and the concurrent article of the state of New Jersey shall
53 be deemed to be on account of the moneys advanced by such state for
54 preliminary studies upon and in aid of the construction of the Bayonne
55 bridge (formerly known as the Kill von Kull bridge); and from and after
56 the date on which the port authority shall have delivered to each state

1 pursuant to this article and the concurrent article of the state of New
2 Jersey, bonds or moneys or both in the aggregate principal amount of two
3 million fifty thousand dollars, the duty and obligation of the port
4 authority to pay back to the two states the moneys advanced for prelimi-
5 nary studies upon and in aid of the construction of said bridge by chap-
6 ter two hundred seventy-nine of the laws of New York of nineteen hundred
7 and twenty-six, chapter ninety-seven of the laws of New Jersey of nine-
8 teen hundred and twenty-five, chapter three hundred of the laws of New
9 York of nineteen hundred and twenty-seven and chapter three of the laws
10 of New Jersey of nineteen hundred and twenty-seven, together with the
11 claims of the two states and of each of them for such repayment, shall
12 be and shall be deemed to be fully satisfied and discharged, and any
13 lien or claim of the two states or either of them upon the tolls and
14 revenues of the said bridge arising out of, under or because of the
15 aforesaid statutes shall be and shall be deemed to be void and without
16 force or effect.

17 S 1006. Further reimbursement of moneys advanced by the states. After
18 the payment of the first two million fifty thousand dollars to each
19 state, the further amounts paid to each state pursuant to this article
20 and the concurrent article of the state of New Jersey shall be deemed to
21 be on account of the moneys advanced by such state for preliminary
22 studies upon and in aid of the construction of the Outerbridge crossing
23 (formerly known as the Perth Amboy-Tottenville bridge) and the Goethals
24 bridge (formerly known as the Elizabeth-Howland Hook bridge); and from
25 and after the date on which pursuant to this article and the concurrent
26 article of the state of New Jersey the port authority shall have deliv-
27 ered bonds or moneys, or both, to the state of New York in the aggregate
28 principal amount of two million ninety-nine thousand nine hundred eigh-
29 teen dollars and twenty cents and to the state of New Jersey in the
30 aggregate principal amount of two million one hundred thousand dollars,
31 in each case in addition to the first two million fifty thousand dollars
32 paid to such state under and pursuant to this article and the concurrent
33 article of the state of New Jersey, then the duty and obligation of the
34 port authority to pay back to the two states the moneys advanced for
35 preliminary studies upon and in aid of the construction of said two
36 bridges by chapters one hundred eighty-six and two hundred thirty of the
37 laws of New York of nineteen hundred twenty-four, chapters one hundred
38 twenty-five and one hundred forty-nine of the laws of New Jersey of
39 nineteen hundred twenty-four, chapter two hundred ten of the laws of New
40 York of nineteen hundred twenty-five and chapter thirty-seven of the
41 laws of New Jersey of nineteen hundred twenty-five, together with the
42 claims of the two states and of each of them for such repayment, shall
43 be and shall be deemed to be fully satisfied and discharged, and any
44 lien or claim of the two states or either of them upon the tolls and
45 revenues of said bridges arising out of, under or because of the afore-
46 said statutes shall be and shall be deemed to be void and without force
47 or effect.

48 S 1007. Deposit of bonds or moneys by the comptroller. All bonds or
49 moneys, or both, delivered by the port authority to the comptroller of
50 the state of New York pursuant to this article shall be deposited by him
51 in the post-war reconstruction fund in the state treasury.

52 ARTICLE XI
53 MOTOR BUS TERMINAL

54 Section 1101. Establishment.

1102. Funding.

1103. Maintenance and operation.

1104. Powers.

1105. Acquisition of real property.

S 1101. Establishment. Upon the concurrence of the state of New Jersey, the states of New York and New Jersey hereby agree that the moneys in the general reserve fund of the port authority, authorized by chapter forty-eight of the laws of New York of one thousand nine hundred thirty-one and continued by article VI of this chapter and chapter five of the laws of New Jersey of one thousand nine hundred thirty-one, as amended, may be pledged in whole or in part by the port authority as security for or applied by it to the repayment with interest of any moneys which it may raise upon bonds, notes or other obligations or evidences of indebtedness, issued by it from time to time to provide funds for the establishment, acquisition or rehabilitation of a motor bus terminal (by which is meant a terminal consisting of one or more buildings, structures, improvements, loading or unloading areas, parking areas or other facilities, necessary, convenient or desirable in the opinion of the port authority for the accommodation of omnibuses and other motor vehicles operated by carriers engaged in the transportation of passengers, or for the loading, unloading, interchange or transfer of such passengers or their baggage, or otherwise for the accommodation, use or convenience of such passengers or such carriers or their employees) or for purposes incidental thereto; and that the moneys in said general reserve fund may be applied by the port authority to the fulfillment of any other undertakings which it may assume to or for the benefit of the holders of any of such bonds; and the two said states further agree that the port authority may acquire by condemnation or the right of eminent domain such real property in each state as it may from time to time deem necessary for or in connection with the establishment, acquisition and rehabilitation of such motor bus terminal.

S 1102. Funding. The bonds, notes or other obligations or evidences of indebtedness issued by the port authority to provide funds for the establishment, acquisition and rehabilitation of such motor bus terminal are hereby made securities in which all state and municipal officers and bodies of both states, all banks, bankers, trust companies, savings banks, building and loan associations, savings and loan associations, investment companies and other persons carrying on a banking business, all insurance companies, insurance associations and other persons carrying on an insurance business, and all administrators, executors, guardians, trustees and other fiduciaries, and all other persons whatsoever, who are now or may hereafter be authorized by either state to invest in bonds or other obligations of such state, may properly and legally invest any funds, including capital, belonging to them or within their control; and said obligations are hereby made securities which may properly and legally be deposited with and shall be received by any state or municipal officer or agency of either state for any purpose for which the deposit of bonds or other obligations of such state is now or may hereafter be authorized.

S 1103. Maintenance and operation. The establishment, maintenance and operation of such motor bus terminal within the port of New York district is and will be in all respects for the benefit of the people of the states of New York and New Jersey, for the increase of their commerce and prosperity and for the improvement of their health and living conditions; and the port authority shall be regarded as performing an essential governmental function in undertaking the construction,

1 maintenance and operation thereof and in carrying out the provisions of
2 law relating thereto.

3 S 1104. Powers. Any powers granted to the port authority by this
4 article and the concurrent act of the state of New Jersey shall be
5 regarded as in aid of and supplemental to and in no sense as a limita-
6 tion upon any of the other powers vested in it by the two states or
7 either of them; and the port authority shall be authorized not only to
8 establish, acquire, rehabilitate, maintain, operate and from time to
9 time improve such motor bus terminal, but also to make incidental uses
10 of properties acquired for or in connection with such motor bus termi-
11 nal.

12 S 1105. Acquisition of real property. If, for the purpose of effectu-
13 ating, acquiring, constructing, rehabilitating or improving such motor
14 bus terminal, the port authority shall find it necessary or convenient
15 to acquire any real property, as herein defined, in this state, whether
16 for immediate or future use, the port authority may find and determine
17 that such property, whether a fee simple absolute or a lesser interest,
18 is required for public use, and upon such determination, the said prop-
19 erty shall be and shall be deemed to be required for such public use
20 until otherwise determined by the port authority; and with the
21 exceptions hereinafter specifically noted, the said determination shall
22 not be affected by the fact that such property has theretofore been
23 taken for, or is then devoted to, a public use; but the public use in
24 the hands or under the control of the port authority shall be deemed
25 superior to the public use in the hands of any other person, association
26 or corporation.

27 If the port authority is unable to agree for the acquisition of any
28 such real property for any reason whatsoever, then the port authority
29 may acquire and is hereby authorized to acquire such property whether a
30 fee simple absolute or a lesser interest, by the exercise of the right
31 of eminent domain under and pursuant to the provisions of the eminent
32 domain procedure law.

33 Anything in this article to the contrary notwithstanding, no property
34 now or hereafter vested in or held by the state or any county, city,
35 borough, village, township or other municipality shall be taken by the
36 port authority, without the authority or consent of the state or of such
37 county, city, borough, village, township, or other municipality as
38 provided in the compact of April thirtieth, nineteen hundred twenty-one
39 and continued by article I of this chapter, between the states of New
40 York and New Jersey, nor shall anything herein impair or invalidate in
41 any way any bonded indebtedness of the state, or such county, city,
42 borough, village, township or other municipality, nor impair the
43 provisions of law regulating the payment into sinking funds of revenue
44 derived from municipal property, or dedicating the revenues derived from
45 municipal property to a specific purpose. The port authority is hereby
46 authorized and empowered to acquire from any such county, city, borough,
47 village, township or other municipality, or from any other public agency
48 or commission having jurisdiction in the premises, by agreement there-
49 with, and such county, city, borough, village, township, municipality,
50 public agency or commission, notwithstanding any contrary provision of
51 law, is hereby authorized and empowered to grant and convey upon reason-
52 able terms and conditions, any real property, which may be necessary for
53 the establishment, construction, acquisition, rehabilitation, operation
54 and maintenance of such motor bus terminal, including such real property
55 as has already been devoted to a public use.

1 The port authority and its duly authorized agents and employees may
2 pursuant to the provisions of the eminent domain procedure law enter
3 upon any land in this state for the purpose of making such surveys,
4 maps, or other examination thereof as it may deem necessary or conven-
5 ient for the purposes of this article.

6 The term "real property" as used in this article is defined to include
7 lands, structures, franchises and interests in land, including lands
8 under water and riparian rights, and any and all things and rights
9 usually included within the said term, and includes not only fees simple
10 absolute but also any and all lesser interests, such as easements,
11 rights of way, uses, leases, licenses and all other incorporeal heredi-
12 taments and every estate, interest or right, legal or equitable, includ-
13 ing terms of years, and liens thereon by way of judgments, mortgages or
14 otherwise, and also claims for damages to real estate.

15 ARTICLE XII
16 MARINE TERMINALS

17 Section 1201. Authorization.

18 1202. Restrictions.

19 1203. Definitions.

20 1204. Municipality consent; legal process.

21 1205. Agreement between the states.

22 1206. Acquisition of land by eminent domain or condemnation.

23 1207. Unappropriated lands.

24 1208. Funding; bonds.

25 S 1201. Authorization. Upon the concurrence of the state of New
26 Jersey, the states of New York and New Jersey hereby agree that munici-
27 palities, as hereinafter defined, located within the Port of New York
28 district shall be and they hereby are authorized to cooperate with the
29 Port Authority in the development of marine terminals, and the two said
30 states further agree that the state of New Jersey may authorize the Port
31 Authority to acquire by condemnation or the exercise of the right of
32 eminent domain real property in the state of New Jersey necessary,
33 convenient or desirable for marine terminal purposes, under and pursuant
34 to the revised statutes of New Jersey, title 20:1-1, et. seq., or at the
35 option of the Port Authority, pursuant to such other or alternate proce-
36 dure as may be provided by law by such state, and that the state of New
37 York may authorize the Port Authority to acquire real property in the
38 state of New York necessary, convenient or desirable for marine terminal
39 purposes, under and pursuant to the eminent domain procedure law of that
40 state, or at the option of the Port Authority pursuant to such other or
41 alternate procedure as may be provided by law by such state.

42 S 1202. Restrictions. Nothing herein contained shall be construed to
43 authorize the Port Authority to acquire any marine terminal owned or
44 operated by any municipality or any other property now or hereafter
45 vested in or held by any municipality, without the authority or consent
46 of such municipality as provided in the compact of April thirtieth,
47 nineteen hundred twenty-one and continued by article I of this chapter,
48 between the states of New York and New Jersey, nor shall anything herein
49 impair or invalidate in any way any bonded indebtedness of the state, or
50 any municipality, nor impair the provisions of law regulating the
51 payment into sinking funds of revenue derived from municipal property,
52 or dedicating the revenues derived from municipal property to a specific
53 purpose.

54 S 1203. Definitions. The following terms as used herein shall mean:

1 1. "Marine terminals" shall mean developments, consisting of one or
2 more piers, wharves, docks, bulkheads, slips, basins, vehicular road-
3 ways, railroad connections, side tracks, sidings or other buildings,
4 structures, facilities or improvements, necessary or convenient to the
5 accommodation of steamships or other vessels and their cargoes or
6 passengers and shall also mean waterfront development projects. It
7 shall also include such highway projects in the vicinity of a marine
8 terminal providing improved access to such marine terminal as shall be
9 designated in legislation adopted by the two states. Notwithstanding any
10 contrary provision of law, general, special or local, it shall also mean
11 railroad freight projects related or of benefit to a marine terminal or
12 which are necessary, convenient or desirable in the opinion of the port
13 authority for the protection or promotion of the commerce of the port
14 district, consisting of railroad freight transportation facilities or
15 railroad freight terminal facilities; and any equipment, improvement,
16 structure or facility or any land, and any building, structure, facility
17 or other improvement thereon, or any combination thereof, and all real
18 and personal property in connection therewith or incidental thereto,
19 deemed necessary or desirable in the opinion of the port authority,
20 whether or not now in existence or under construction, for the undertak-
21 ing of such railroad freight projects.

22 2. "Marine terminal purposes" shall mean the effectuation, establish-
23 ment, acquisition, construction, rehabilitation, improvement, mainte-
24 nance or operation of marine terminals.

25 3. "Municipality" shall mean a county, city, borough, village, town-
26 ship, town, public agency, public authority or political subdivision.

27 4. "Real property" shall mean lands, structures, franchises and inter-
28 ests in land, including waters, lands under water and riparian rights,
29 and any and all things and rights usually included within the said term,
30 and includes not only fees simple absolute but also any and all lesser
31 interests, including but not limited to easements, rights-of-way, uses,
32 leases, licenses and all other incorporeal hereditaments and every
33 estate, interest or right, legal or equitable, including terms for years
34 and liens thereon by way or judgments, mortgages or otherwise.

35 5. "Waterfront development projects" shall mean projects for the revi-
36 talization and economic development of waterfront property which is (a)
37 not in use for the handling of water-borne cargoes, or (b) directly or
38 indirectly related to the water-borne movement of passengers and their
39 vehicles. Such projects shall include but not be limited to hotels,
40 marinas, commercial offices, including the installation of a fiber optic
41 cable within its boundaries, or facilities which serve conference,
42 convention, recreation or entertainment purposes or are retail service
43 establishments, parking, technical, satellite antenna, similar communi-
44 cation or other facilities related to any of the foregoing and associ-
45 ated improvements necessary to provide public access to such waterfront
46 development projects. Notwithstanding the above, a waterfront develop-
47 ment project authorized by this act shall not contain any technical,
48 satellite antenna or similar telecommunications facility unless such
49 facility is directly used by, and for the sole benefit of, end users
50 located on the site of the project. Furthermore, no port authority money
51 shall be used directly or indirectly in the financing or construction of
52 said telecommunications facility.

53 S 1204. Municipality consent; legal process. 1. Notwithstanding any
54 contrary provision of law, any municipality located within the Port of
55 New York district is authorized and empowered to consent to the use by
56 the Port Authority of any marine terminal owned by such municipality or

1 of any real or personal property owned by such municipality and neces-
2 sary, convenient or desirable in the opinion of the Port Authority for
3 marine terminal purposes, including such real property as has already
4 been devoted to a public use, and as an incident to such consent, to
5 grant, convey, lease or otherwise transfer to the Port Authority any
6 such marine terminal or real or personal property, upon such terms as
7 may be determined by the Port Authority and such municipality. Every
8 such municipality is also authorized and empowered to vest in the Port
9 Authority the control, operation, maintenance, rents, tolls, charges and
10 any and all other revenues of any marine terminal now owned by such
11 municipality, the title to such marine terminal remaining in such muni-
12 cipality. Such consent shall be given, and the execution of any agree-
13 ment, deed, lease, conveyance or other instrument evidencing such
14 consent or given as an incident thereto shall be authorized in the
15 manner provided in article twenty-two of the compact of April thirtieth,
16 nineteen hundred twenty-one between the two states creating the Port
17 Authority and continued by subdivision 2 of section 104 of this chapter.

18 2. The states of New York and New Jersey hereby consent to suits,
19 actions or proceedings of any form or nature in law, equity or otherwise
20 by any municipality against the Port Authority upon, in connection with
21 or arising out of any such agreement, agreements or any modification
22 thereof or supplement thereto, for the following types of relief and for
23 such purposes only:

- 24 (a) for money damages for breach thereof;
- 25 (b) for money damages for torts arising out of the operation of the
26 municipal marine terminal;
- 27 (c) for rent;
- 28 (d) for specific performance;
- 29 (e) for reformation thereof;
- 30 (f) for an accounting;
- 31 (g) For declaratory judgment;
- 32 (h) for judgments, orders or decrees restraining or enjoining the Port
33 Authority from transferring title to real property to third persons in
34 cases where it has contracted with such municipality to transfer such
35 title to such municipality; and
- 36 (i) for judgments, orders or decrees restraining or enjoining the Port
37 Authority from committing or continuing to commit other breaches of such
38 agreements with such municipality, provided that such judgment, order or
39 decree shall not be entered except upon two days' prior written notice
40 to the Port Authority of the proposed entry thereof and provided
41 further, that upon an appeal taken by the Port Authority from such judg-
42 ment, order or decree the service of the notice of appeal shall perfect
43 the appeal and shall stay the execution of such judgment, order or
44 decree appealed from, without an undertaking or other security.

45 3. When rules of venue are applicable, the venue of any such suit,
46 action or proceeding shall be laid in the county or judicial district in
47 which the marine terminal, which is the subject matter of such agreement
48 between the Port Authority and such municipality, or any part thereof,
49 is located.

50 4. If any clause, sentence, paragraph, or part of this subdivision or
51 the application thereof to any person or circumstances, shall, for any
52 reason, be adjudged by a court of competent jurisdiction to be invalid,
53 such judgment shall not affect, impair, or invalidate the remainder of
54 this subdivision, and the application thereof to any other person or
55 circumstances, but shall be confined in its operation to the clause,
56 sentence, paragraph or part thereof directly involved in the controversy

1 in which such judgment shall have been rendered and to the person or
2 circumstances involved.

3 S 1205. Agreement between the states. This section and the preceding
4 sections hereof constitute an agreement between the states of New York
5 and New Jersey supplementary to the compact between the two states dated
6 April thirtieth, nineteen hundred twenty-one, and amendatory thereof and
7 continued by article I of this chapter and shall be liberally construed
8 to effectuate the purposes of said compact and of the comprehensive plan
9 heretofore adopted by the two states pursuant thereto, and the powers
10 vested in the Port Authority hereby shall be construed to be in aid of
11 and supplemental to and not in limitation or derogation of any of the
12 powers heretofore conferred upon or delegated to the Port Authority.

13 S 1206. Acquisition of land by eminent domain of condemnation.
14 Subject to the limitation provided for in section twelve hundred two of
15 this article that the Port Authority may not acquire any marine terminal
16 owned or operated by any municipality or any other property vested in or
17 held by any municipality without the authority or consent of such muni-
18 cipality, the Port Authority may, at its option, exercise the right of
19 eminent domain or condemnation to acquire real property in the state of
20 New York for marine terminal purposes as set forth in this section:

21 1. If for any of the purposes of this article (including temporary
22 construction purposes, and the making of additions, extensions, or
23 improvements to marine terminals already constructed) the Port Authority
24 shall find it necessary, convenient or desirable to acquire any real
25 property as herein defined, whether for immediate or future use, the
26 Port Authority may find and determine that such property, whether a fee
27 simple absolute or a lesser interest, is required for a public use, and
28 upon such determination, the said real property shall be and shall be
29 deemed to be required for such public use until otherwise determined by
30 the Port Authority; and, subject to the limitation hereinbefore specif-
31 ically noted, the said determination shall not be affected by the fact
32 that such property has theretofore been taken for, or is then devoted
33 to, a public use; but the public use in the hands or under the control
34 of the Port Authority shall be deemed superior to the public use in the
35 hands of any other person, association or corporation, provided, howev-
36 er, that nothing herein contained shall be construed to permit the
37 taking by exercise of the right of eminent domain by the Port Authority
38 of any property owned by any railroad or railway corporation and devoted
39 to use by such corporation in its operations, or acquired prior to the
40 effective date of this act and held for such use, without the authority
41 or consent of such corporation.

42 The Port Authority may acquire and is hereby authorized to acquire
43 such property, whether a fee simple absolute or a lesser interest, by
44 the exercise of the right of eminent domain under and pursuant to the
45 provisions of the eminent domain procedure law of the state of New York.

46 2. Unless and until the state of New York otherwise provides by law,
47 the Port Authority shall not have the power to acquire real property in
48 the state of New York for marine terminal purposes by condemnation or
49 the right of eminent domain except for real property within the two
50 tracts in the borough of Brooklyn, county of Kings, city and state of
51 New York, hereinafter bounded and described, necessary, convenient or
52 desirable, in the opinion of the Port Authority, for the purpose of
53 making additions, extensions or improvements to the Port Authority
54 marine terminal known as the Brooklyn-Port Authority piers:

55 (a) TRACT I

1 BEGINNING at a point formed by the intersection of the centerline of
2 Fulton Street and the centerline of Furman Street running thence (1)
3 southwesterly along the centerline of Furman Street to the northeasterly
4 side of Joralemon Street; thence (2) northwesterly along the northeast-
5 erly side of Joralemon Street three hundred twenty five and twenty-five
6 one hundredths feet more or less, to the point of intersection of said
7 northeasterly side of Joralemon Street with the southeasterly boundary
8 of the land granted by the people of the state of New York to New York
9 Dock Company by grant dated April 1, 1902 and recorded in the office of
10 the Register of Kings county on April 19, 1902 in liber 16, section 1 of
11 conveyances, page 52; thence (3) southwesterly along said southeasterly
12 boundary of the grant to New York Dock Company thirty feet to the point
13 of intersection of said southeasterly boundary of the grant to New York
14 Dock Company with the northeasterly boundary of the grant made by the
15 people of the state of New York to John Schenck and others dated August
16 2, 1851 and recorded in the office of the Register of Kings county in
17 liber 532 of conveyances at page 310; thence (4) northwesterly along the
18 northeasterly boundary line of said grant to Schenck and others, forty-
19 three and eighty-nine one-hundredths feet to the point of intersection
20 of said course number (4) with a line drawn parallel with and distant
21 one and eighty-five one-hundredths feet northwesterly from the northwes-
22 terly boundary (or a northeasterly projection of said boundary) of lands
23 conveyed by New York Dock Company to New York Dock Trade Facilities
24 Corporation by deed dated August 1, 1928 and recorded in the office of
25 the Register of Kings county in liber 4957 of conveyances at page 239;
26 thence (5) southwesterly along said line above-mentioned parallel with
27 the northwesterly boundary (or a northeasterly projection of said bound-
28 ary) of said lands conveyed to New York Dock Trade Facilities Corpo-
29 ration, thirty-three and seventy one-hundredths feet to the point of
30 intersection of said course number (5) with the southwesterly face of
31 the column standing at the northwesterly corner of the building known as
32 the Trade Facilities Building; thence (6) southeasterly at right angles
33 to said course no. (5) along the southwesterly face of the above-men-
34 tioned column, one and eighty-five one-hundredths feet to the point of
35 intersection of said course number (6) with the northwesterly boundary
36 of the above-mentioned lands conveyed by New York Dock Company to New
37 York Dock Trade Facilities Corporation; thence (7) southwesterly along
38 said northwesterly boundary of lands conveyed to New York Dock Trade
39 Facilities Corporation, three hundred sixty-nine and seventy one-hun-
40 dredths feet, to the point of intersection of said course number (7)
41 with the southwesterly boundary of lands granted by the people of the
42 state of New York to Harriet D. Talmage by grant dated August 2, 1851
43 and recorded in the office of the Register of Kings county in liber 4937
44 of conveyances at page 185; thence (8) northwesterly along said south-
45 westerly boundary of the land of Harriet D. Talmage and along the south-
46 westerly boundary of grant made by the people of the state of New York
47 to Franklin Woodruff by deed dated November 22, 1881 and recorded in the
48 office of the Register of Kings county in liber 1445 of conveyances at
49 page 247; and along the southwesterly boundary line of lands granted by
50 the people of the state of New York to New York Dock Company by grant
51 dated April 1, 1902 and recorded in the office of the Register of Kings
52 county in liber 16, section 1 of conveyances, page 52, for a total
53 distance of seven hundred sixty-six and seventeen one-hundredths feet,
54 more or less, as measured along said southwesterly boundary lines of the
55 aforesaid grants to the point of intersection of said southwesterly
56 boundary line of lands granted to New York Dock Company by grants dated

1 April 1, 1902 and November 14, 1907 with the exterior pierhead line
2 established by the New York Harbor Line Board on November 4, 1897 and
3 confirmed by chapter 776 of the laws of 1900; thence (9) northeasterly
4 along said exterior pierhead line to the intersection thereof with the
5 centerline of Fulton Street projected westerly; thence (10) southeasterly
6 along the centerline of Fulton Street as projected to the inter-
7 section thereof with the centerline of Furman Street at the point or
8 place of beginning.

9 (b) TRACT II

10 BEGINNING at a point formed by the intersection of the southerly line
11 of Atlantic Avenue and the centerline of Columbia Street running thence
12 (1) southwesterly along the centerline of Columbia Street to the inter-
13 section thereof with the centerline of Kane Street; thence (2)
14 northwesterly along the centerline of Kane Street to the intersection
15 thereof with the centerline of Van Brunt Street; thence (3) southwes-
16 terly along the centerline of Van Brunt Street to the intersection ther-
17 eof with the centerline of Summit Street; thence (4) northwesterly
18 along the centerline of Summit Street to the intersection thereof with
19 the centerline of Imlay Street; thence (5) southwesterly along the
20 centerline of Imlay Street to a point where said centerline of Imlay
21 Street intersects the centerline of Bowne Street (sixty feet wide)
22 projected northwesterly across Imlay Street and the line of lands
23 conveyed by New York Dock Company to Imlay Corporation by deed dated
24 July 28, 1950; thence (6) northwesterly along said centerline of Bowne
25 Street projected northwesterly from the centerline of Imlay Street a
26 distance of one hundred thirty-three feet seven inches more or less;
27 thence (7) southwesterly parallel with the northwesterly side of Imlay
28 Street five hundred twenty feet to a point in a line which is the center
29 line of Commerce Street projected northwesterly from the northwesterly
30 side of Imlay Street; thence (8) northwesterly along said line which is
31 the center line of Commerce Street projected northwesterly from the
32 northwesterly side of Imlay Street twenty-three feet six inches; thence
33 (9) southwesterly parallel with the northwesterly side of Imlay Street
34 four hundred fifty-seven feet eight inches; thence (10) northwesterly
35 parallel with the northeasterly side of Verona Street projected
36 northwesterly across Imlay Street four feet eight inches; thence (11)
37 southwesterly parallel with the northwesterly side of Imlay Street nine-
38 ty-two feet four inches to the intersection of said course number (11)
39 with the southwesterly side of Verona Street projected northwesterly
40 across Imlay Street; thence (12) northwesterly along the southwesterly
41 side of Verona Street projected northwesterly from the northwesterly
42 side of Imlay Street forty-three feet three inches to the southeasterly
43 boundary of Commercial Wharf; thence (13) southwesterly along the
44 southeasterly boundary of Commercial Wharf four hundred ninety feet to
45 the centerline of Pioneer Street (sixty feet wide); thence (14)
46 northwesterly along the centerline of Pioneer Street ten feet to the
47 centerline of Conover Street as extended; thence (15) southwesterly
48 along the centerline of Conover Street two hundred sixty feet more or
49 less to the intersection thereof with the centerline of King Street;
50 thence (16) northwesterly along the centerline of King Street five
51 hundred sixty feet more or less to the intersection thereof with the
52 centerline of Ferris Street; thence (17) southwesterly along the
53 centerline of Ferris Street one hundred forty-four feet more or less;
54 thence (18) northwesterly and parallel with the centerline of Sullivan
55 Street four hundred twenty-six feet; thence (19) northeasterly parallel
56 with the northwesterly side of Ferris Street three hundred thirty-one

1 feet three and one half inches; thence (20) northwesterly along a line
2 forming an exterior angle of ninety-nine degrees fifty-four minutes and
3 forty-one seconds with course number (19) hereof, two hundred thirty-
4 eight feet two inches to the United States pierhead line thence (21)
5 northeasterly along the United States pierhead line to the point of
6 intersection of said pierhead line with a line drawn in continuation of
7 the southerly side of Atlantic Avenue; thence (22) southeasterly along
8 said line drawn in continuation of the southerly side of Atlantic Avenue
9 and along the said southerly side of Atlantic Avenue, one thousand three
10 hundred seventy-five and sixty-seven one-hundredths feet, more or less
11 to the point or place of beginning.

12 3. The foregoing limitations shall not be construed to limit, affect
13 or impair the power of the Port Authority to acquire real property at
14 any time or place for marine terminal purposes by negotiation or in any
15 manner other than by condemnation or the exercise of the right of
16 eminent domain.

17 S 1207. Unappropriated lands. In the event that the Port Authority
18 shall find it necessary or desirable to acquire any unappropriated state
19 land or lands under water in the state of New York for marine terminal
20 purposes, the commissioner of general services may grant, transfer or
21 convey such unappropriated state land or lands under water to the Port
22 Authority under such terms and conditions as may be determined by said
23 commissioner.

24 S 1208. Funding; bonds. The obligations issued by the port authority
25 to provide funds for any marine terminal purpose are hereby made securi-
26 ties in which all state and municipal officers and bodies of both
27 states, all trust companies and banks other than savings banks, all
28 building and loan associations, savings and loan associations, invest-
29 ment companies and other persons carrying on a commercial banking busi-
30 ness, all insurance companies, insurance associations and other persons
31 carrying on an insurance business, and all administrators, executors,
32 guardians, trustees and other fiduciaries, and all other persons and
33 legal entities whatsoever (other than savings banks), who are now or may
34 hereafter be authorized by either state to invest in bonds of such
35 state, may properly and legally invest any funds, including capital,
36 belonging to them or within their control, and said obligations are
37 hereby made securities which may properly and legally be deposited with
38 and shall be received by any state or municipal officer or agency of
39 either state for any purpose for which the deposit of bonds of such
40 state is now or may hereafter be authorized. The obligations issued by
41 the port authority to provide funds for any marine terminal purpose as
42 security for which the general reserve fund of the port authority
43 authorized by chapter forty-eight of the laws of New York of nineteen
44 hundred thirty-one as amended and continued by article VI of this chap-
45 ter, shall have been pledged in whole or in part are hereby made securi-
46 ties in which all savings banks also may properly and legally invest any
47 funds, including capital, belonging to them or within their control.

48 ARTICLE XIII
49 AIR TERMINALS

50 Section 1301. Authorization.
51 1302. Restrictions.
52 1303. Definitions.
53 1304. Purpose.
54 1304-a. Operation of air terminals; noise prohibition.

- 1305. Taxes; assessments.
- 1306. General reserve fund; repayment.
- 1307. Bonds.
- 1308. Municipality consent.
- 1309. Acquisition limitations.
- 1310. Federal aid.
- 1311. Lands under water.
- 1312. Repayment of bonds and obligations.
- 1313. Contrary declarations.
- 1314. Agreement between the states.
- 1315. Federal aid procedure; application.

S 1301. Authorization. Upon the concurrence of the state of New Jersey, the states of New York and New Jersey declare and agree that each air terminal within the Port of New York District serves the entire district, and that the problem of furnishing proper and adequate air terminal facilities within the district is a regional and interstate problem, and that it is and shall be the policy of the two states to encourage the integration of such air terminals so far as practicable in a unified system.

Accordingly, in furtherance of said policy and in partial effectuation of the comprehensive plan, heretofore adopted by the two states for the development of terminal and transportation facilities in the Port of New York District, the states of New York and New Jersey agree that the port authority shall be authorized to effectuate, establish, acquire, construct, rehabilitate, improve, maintain and operate air terminals, as hereinafter defined, within the Port of New York District, and the two said states further agree that all cities and other state and local agencies shall be and they hereby are authorized to cooperate with the port authority in the development of air terminals, as hereinafter provided.

S 1302. Restrictions. Nothing herein contained shall be construed to authorize the port authority to acquire any air terminal owned or operated by any city or other municipality or public authority, or any other property now or hereafter vested in or held by any city or other municipality or public authority, without the authority or consent of such city or other municipality or public authority, as provided in the compact of April thirtieth, nineteen hundred twenty-one, and continued by article I of this chapter, between the states of New York and New Jersey, nor shall anything herein impair or invalidate in any way any bonded indebtedness of the state, or any city or other municipality or public authority, nor impair the provisions of law regulating the payment into sinking funds of revenue derived from municipal property, or dedicating the revenues derived from municipal property to a specific purpose.

S 1303. Definitions. The following terms as used herein shall mean:

1. "Air terminals" shall mean developments consisting of runways, hangars, control towers, ramps, wharves, bulkheads, buildings, structures, parking areas, improvements, facilities or other real property necessary, convenient or desirable for the landing, taking off, accommodation and servicing of aircraft of all types, including but not limited to airplanes, airships, dirigibles, helicopters, gliders, amphibians, seaplanes, or any other contrivance now or hereafter used for the navigation of or flight in air or space, operated by carriers engaged in the transportation of passengers or cargo, or for the loading, unloading, interchange or transfer of such passengers or their baggage, or such cargo, or otherwise for the accommodation, use or convenience of such

1 passengers, or such carriers or their employees (facilities and accommo-
2 dations at sites removed from landing fields and other landing areas,
3 however, except as otherwise provided in this section, to be limited to
4 ticket stations and passenger stations for air passengers, to express
5 and freight stations for air express and air freight, and to beacons and
6 other aids to air navigation), or for the landing, taking off, accommo-
7 dation and servicing of aircraft owned or operated by persons other than
8 carriers. It shall also mean facilities providing access to an air
9 terminal, consisting of rail, rapid transit or other forms of mass
10 transportation which furnish a connection between the air terminal and
11 other points in the port district, including appropriate mass transpor-
12 tation terminal facilities at and within the air terminal itself and
13 suitable offsite facilities for the accommodation of air passengers,
14 baggage, mail, express, freight and other users of the connecting facil-
15 ity. It shall also mean such highway project or projects in the vicini-
16 ty of an air terminal providing improved access to such air terminal as
17 shall be designated in legislation adopted by the two states. Notwith-
18 standing any contrary provision of law, general, special or local, it
19 shall also mean railroad freight projects related or of benefit to an
20 air terminal or which are necessary, convenient or desirable in the
21 opinion of the port authority for the protection or promotion of the
22 commerce of the port district, consisting of railroad freight transpor-
23 tation facilities or railroad freight terminal facilities; and any
24 equipment, improvement, structure or facility or any land, and any
25 building, structure, facility or other improvement thereon, or any
26 combination thereof, and all real and personal property in connection
27 therewith or incidental thereto, deemed necessary or desirable in the
28 opinion of the port authority, whether or not now in existence or under
29 construction, for the undertaking of such railroad freight projects.

30 2. "Air terminal bonds" shall mean bonds issued by the port authority
31 for air terminal purposes.

32 3. "Air terminal purposes" shall mean the effectuation, establishment,
33 acquisition, construction, rehabilitation, improvement, maintenance or
34 operation of air terminals owned, leased or operated by the port author-
35 ity of New York and New Jersey (including airports operated under revo-
36 cable permits) or operated by others pursuant to agreements with the
37 port authority.

38 4. "Bonds" shall mean bonds, notes, securities or other obligations or
39 evidences of indebtedness.

40 5. "General reserve fund" shall mean the general reserve fund of the
41 port authority authorized by chapter forty-eight of the laws of New York
42 of nineteen hundred thirty-one as amended and continued by article VI of
43 this chapter, and chapter five of the laws of New Jersey of nineteen
44 hundred thirty-one, as amended.

45 6. "General reserve fund statutes" shall mean chapter forty-eight of
46 the laws of New York of nineteen hundred thirty-one as amended and
47 continued by article VI of this chapter, and chapter five of the laws of
48 New Jersey of nineteen hundred thirty-one, as amended.

49 7. "Municipality" shall mean a county, city, borough, village, town-
50 ship, town, public agency, public authority or political subdivision.

51 8. "Real property" shall mean lands, structures, franchises and inter-
52 ests in land, including air space and air rights, waters, lands under
53 water and riparian rights, and any and all things and rights included
54 within the said term, and includes not only fees simple absolute but
55 also any and all lesser interests, including but not limited to ease-
56 ments, rights of way, uses, leases, licenses and all other incorporeal

1 hereditaments and every estate, interest or right, legal or equitable,
2 including terms for years and liens thereon by way of judgments, mort-
3 gages or otherwise.

4 S 1304. Purpose. The effectuation, establishment, acquisition,
5 construction, rehabilitation, improvement, maintenance and operation of
6 air terminals by the port authority is and will be in all respects for
7 the benefit of the people of the states of New York and New Jersey, for
8 the increase of their commerce and prosperity, and for the improvement
9 of their health and living conditions; and the port authority shall be
10 regarded as performing an essential governmental function in undertaking
11 the effectuation, establishment, acquisition, construction, rehabili-
12 tation, improvement, maintenance or operation thereof, and in carrying
13 out the provisions of law relating thereto.

14 S 1304-a. Operation of air terminals; noise prohibition. 1. The port
15 authority shall not permit or contract for the landing or takeoff of any
16 aircraft which emits a noise in excess of 108 EPNdB as measured as set
17 forth herein at any airport it maintains or operates; provided, however,
18 in any case of emergency involving the possible saving of human life,
19 the prohibition of this subdivision may be temporarily suspended.

20 2. Measurement. For purposes of this section, aircraft noise is to be
21 measured at the following points:

22 (a) For takeoff, at a point 3.5 nautical miles from the start of the
23 takeoff roll on the extended centerline of the runway;

24 (b) For approach, at a point one nautical mile from the threshold on
25 the extended centerline of the runway; and

26 (c) For the sideline, at the point, on a line parallel to and 0.25
27 nautical miles from the extended centerline of the runway, where the
28 noise level after liftoff is greatest, except that, for airplanes
29 powered by more than three turbojet engines, this distance must be 0.35
30 nautical miles.

31 3. Exceptions. Notwithstanding the requirements of subdivisions one
32 and two of this section the port authority in its discretion may, up to
33 a maximum noise level not exceeding 112 PNdB on takeoff, as measured by
34 the port authority in the manner used by the port authority to make such
35 measurements on the effective date of this section, grant an exception
36 thereto to any classification of aircraft built prior to the effective
37 date of this article and which has heretofore used the airport facili-
38 ties of the port authority, even though said aircraft does not comply
39 with subdivisions one and two of this section, upon a showing that (a)
40 the aircraft is capable of being equipped with retrofit equipment to
41 reduce the noise thereof to comply with the foregoing requirements of
42 the airport operator, and, in addition, (b) that such modification by
43 way of retrofit to reduce its noise shall be accomplished upon such
44 terms and conditions to assure compliance as the port authority, as
45 airport operator, may require, within five years of the date of applica-
46 tion for an exception hereunder but in no event later than June first,
47 nineteen hundred eighty-one.

48 S 1305. Taxes; assessments. The port authority shall be required to
49 pay no taxes or assessments upon any of the property acquired or used by
50 it for air terminal purposes; but this shall not be construed to
51 prevent the port authority and municipalities from entering into agree-
52 ments for the payment of fair and reasonable sums by the port authority
53 annually in accordance with legislation heretofore adopted by the two
54 states, to the end that such municipalities may not suffer undue loss of
55 taxes and assessments by reason of the acquisition and ownership of
56 property by the port authority for air terminal purposes.

1 S 1306. General reserve fund; repayment. The moneys in the general
2 reserve fund of the port authority may be pledged in whole or in part by
3 the port authority as security for or applied by it to the repayment
4 with interest of any moneys which it may raise upon bonds issued by it
5 from time to time to provide funds for air terminal purposes; and the
6 moneys in said general reserve fund may be applied by the port authority
7 to the fulfillment of any other undertakings which it may assume to or
8 for the benefit of the holders of any such bonds.

9 Subject to prior liens and pledges, (and to the obligation of the port
10 authority to apply revenues to the maintenance of its general reserve
11 fund in the amount prescribed by the general reserve fund statutes), the
12 revenues of the port authority from facilities established, constructed,
13 acquired or effectuated through the issuance or sale of bonds of the
14 port authority secured by a pledge of its general reserve fund may be
15 pledged in whole or in part as security for or applied by it to the
16 repayment with interest of any moneys which it may raise upon bonds
17 issued by it to provide funds for air terminal purposes, and said reven-
18 ues may be applied by the port authority to the fulfillment of any other
19 undertakings which it may assume to or for the benefit of the holders of
20 such bonds.

21 S 1307. Bonds. The bonds issued by the port authority to provide funds
22 for air terminal purposes are hereby made securities in which all state
23 and municipal officers and bodies of both states, all banks, bankers,
24 trust companies, savings banks, building and loan associations, savings
25 and loan associations, investment companies and other persons carrying
26 on a banking business, all insurance companies, insurance associations
27 and other persons carrying on an insurance business, and all administra-
28 tors, executors, guardians, trustees and other fiduciaries, and all
29 other persons whatsoever, who are now or may hereafter be authorized by
30 either state to invest in bonds or other obligations of such state, may
31 properly and legally invest any funds, including capital, belonging to
32 them or within their control; and said bonds are hereby made securities
33 which may properly and legally be deposited with and shall be received
34 by any state or municipal officer or agency of either state for any
35 purpose for which the deposit of bonds or other obligations of such
36 state is now or may hereafter be authorized.

37 S 1308. Municipality consent. 1. Notwithstanding any contrary
38 provision of law, every municipality in the Port of New York District is
39 authorized and empowered to consent to the use by the port authority of
40 any air terminal owned by such municipality or of any real or personal
41 property owned by such municipality and necessary, convenient or desira-
42 ble in the opinion of the port authority for air terminal purposes,
43 including such real property as has already been devoted to a public
44 use, and as an incident to such consent, to grant, convey, lease, or
45 otherwise transfer to the port authority any such air terminal or real
46 or personal property, upon such terms as may be determined by the port
47 authority and such municipality. Every such municipality is also
48 authorized and empowered as an incident to such consent to vest in the
49 port authority the control, operation, maintenance, rents, tolls, charg-
50 es and any and all other revenues of any air terminal now owned by such
51 municipality, the title to such air terminal remaining in such munici-
52 pality. Such consent shall be given and the execution of any agreement,
53 deed, lease, conveyance, or other instrument evidencing such consent or
54 given as an incident thereto shall be authorized in the manner provided
55 in article twenty-two of the compact of April thirtieth, nineteen

1 hundred twenty-one, and continued by article I of this chapter, between
2 the two states creating the port authority.

3 2. Notwithstanding any contrary provision of law, every municipality
4 outside the port district is authorized and empowered to consent to the
5 use of real property owned by such municipality and necessary, conven-
6 ient or desirable in the opinion of the port authority for beacons or
7 other aids to navigation, or to the use of any air space over real prop-
8 erty owned by such municipality; and as an incident to such consent, to
9 grant, lease, convey or otherwise transfer to the port authority such
10 real property or air space.

11 Such consent shall be given and the execution of any agreement, deed,
12 lease, conveyance or other instrument evidencing such consent or given
13 as an incident thereto, shall be given by the officer, board or body
14 authorized by law to convey such property, or if no officer, board or
15 body be otherwise authorized so to do, by the governing body of such
16 municipality.

17 3. The states of New York and New Jersey hereby consent to suits,
18 actions or proceedings of any form or nature in law, equity or otherwise
19 by any city or other municipality against the port authority upon, in
20 connection with or arising out of any such agreement, agreements, or any
21 modification thereof or supplement thereto, for the following types of
22 relief and for such purposes only:

23 (a) For money damages for breach thereof,

24 (b) For money damages for torts arising out of the operation of the
25 municipal air terminal,

26 (c) For rent,

27 (d) For specific performance,

28 (e) For reformation thereof,

29 (f) For accounting,

30 (g) For declaratory judgment,

31 (h) For judgments, orders or decrees restraining or enjoining the port
32 authority from transferring title to real property to third persons in
33 cases where it has contracted with such city or other municipality to
34 transfer such title to such city or municipality, and

35 (i) For judgments, orders or decrees restraining or enjoining the port
36 authority from committing or continuing to commit other breaches of such
37 agreements with such municipality, provided that such judgment, order or
38 decree shall not be entered except upon two days' prior written notice
39 to the port authority of the proposed entry thereof and provided
40 further, that upon an appeal taken by the port authority from such judg-
41 ment, order or decree the service of the notice of appeal shall perfect
42 the appeal and shall stay the execution of such judgment, order or
43 decree appealed from, without an undertaking or other security.

44 4. When rules of venue are applicable, the venue of any such suit,
45 action or proceeding shall be laid in the county or judicial district in
46 which the air terminal, which is the subject matter of such agreement
47 between the port authority and the city or other municipality, or any
48 part thereof, is located.

49 5. If any clause, sentence, paragraph, or part of this subdivision, or
50 the application thereof to any person or circumstances, shall, for any
51 reason, be adjudged by a court of competent jurisdiction to be invalid,
52 such judgment shall not affect, impair, or invalidate the remainder of
53 this subdivision, and the application thereof to any other person or
54 circumstances, but shall be confined in its operation to the clause,
55 sentence, paragraph, or part thereof directly involved in the controver-

1 sy in which such judgment shall have been rendered and to the person or
2 circumstances involved.

3 S 1309. Acquisition limitations. The powers hereinafter granted to
4 the port authority to acquire real property by condemnation or the right
5 of eminent domain shall be subject to the limitations set forth in
6 section thirteen hundred two of this article, and also to the following
7 further limitations:

8 1. Unless and until the state of New York otherwise provides by law,
9 the port authority shall not have power to acquire real property in that
10 state for air terminal purposes by condemnation or the right of eminent
11 domain except for the purpose of making additions, extensions and
12 improvements to the three air terminals in New York city known as La
13 Guardia airport, John F. Kennedy international airport (formerly known
14 as Idlewild airport), and Floyd Bennett airport, for the purpose of
15 acquiring air rights or preventing or removing actual or potential
16 hazards to air navigation within three miles of the runways at said air
17 terminals as such runways may now or hereafter exist, and for the
18 purpose of establishing or maintaining beacons and other aids to air
19 navigation in connection with said three air terminals, whether or not
20 within three miles of said runways. The port authority shall not have
21 power to acquire by condemnation or the right of eminent domain real
22 property in or under the waters of Jamaica Bay for the purpose of adding
23 to, expanding, extending or constructing runway extensions, or incorpo-
24 rating such lands into the airport operation; however, this section
25 shall not prohibit the port authority from acquiring such lands for
26 installing flight control and safety equipment to service its existing
27 runways, nor from installing anti-pollution devices and equipment in
28 accordance with its anti-pollution program adopted for the air terminals
29 in New York city known as John F. Kennedy international airport or Floyd
30 Bennett airport.

31 2. Unless and until the state of New Jersey otherwise provides by law,
32 the port authority shall not have the power to acquire real property in
33 the state of New Jersey for air terminal purposes by condemnation or the
34 right of eminent domain except for the purpose of making additions,
35 extensions and improvements to the air terminal known as Newark airport
36 (including additions, extensions and improvements thereto located in the
37 city of Elizabeth), for the purpose of acquiring air rights or prevent-
38 ing or removing actual or potential hazards to air navigation within
39 three miles of the runways at said air terminal as such runways may now
40 or hereafter exist, and for the purpose of establishing or maintaining
41 beacons and other aids to air navigation in connection with said air
42 terminal, whether or not within three miles of said runways.

43 3. Unless otherwise provided by law by the state in which such real
44 property is located, the port authority shall not have power to acquire
45 for air terminal purposes by condemnation, acquisition pursuant to the
46 provisions of the eminent domain procedure law, or the right of eminent
47 domain subsequent to June thirtieth, nineteen hundred fifty-two, any
48 real property taken for and actually devoted to a public use, provided,
49 that this limitation shall not apply to real property a proceeding for
50 the acquisition of which was initiated prior to that date.

51 4. The foregoing limitations shall not be construed to limit, affect
52 or impair the power of the port authority to acquire real property at
53 any time and place for air terminal purposes by negotiation or in any
54 other manner than by condemnation, acquisition pursuant to the
55 provisions of the eminent domain procedure law, or by the exercise of
56 the right of eminent domain.

1 5. Subject to the foregoing limitations, if the port authority shall
2 find it necessary or convenient to acquire any real property for air
3 terminal purposes, whether for immediate or future use, the port author-
4 ity may find and determine that such property, whether a fee simple
5 absolute or a lesser interest, is required for a public use, and upon
6 such determination the said property shall be and shall be deemed to be
7 required for such public use until otherwise determined by the port
8 authority, and such determination shall not be affected by the fact that
9 such property has theretofore been taken for and is then devoted to a
10 public use; but the public use in the hands or under the control of the
11 port authority shall be deemed superior to the public use in the hands
12 of any other person, association or corporation except a municipality
13 within or without the port district. The port authority may acquire and
14 is hereby authorized to acquire such property, whether a fee simple
15 absolute or a lesser estate, by the exercise of the right of eminent
16 domain under and pursuant to the eminent domain procedure law of the
17 state of New York, in the case of property located in such state, and
18 revised statutes of New Jersey, Title 20:1-1 et seq., in the case of
19 property situated in such state, or at the option of the port authority
20 pursuant to such other and alternate procedure in each state as may be
21 provided by law by such state. The port authority shall have such power
22 of eminent domain not only in respect to real property located within
23 the Port of New York District but also as to any real property located
24 outside of the port district which is necessary, incidental or conven-
25 ient for the effectuation, establishment, acquisition, construction,
26 rehabilitation or improvement, and maintenance and operation of air
27 terminals within the port district. Nothing herein contained shall be
28 construed to prevent the port authority from bringing any proceedings to
29 remove a cloud on title or such other proceedings as it may, in its
30 discretion, deem proper and necessary, or acquiring any such property by
31 negotiation or purchase.

32 S 1310. Federal aid. The port authority may make application directly
33 to the proper federal officials or agencies for federal loans or grants
34 in aid of air terminals owned or operated by it; provided, that if
35 either state shall have or adopt general legislation governing applica-
36 tions for federal aid for air terminals by municipalities of such state,
37 or the receipt or disbursement of such federal aid by or on behalf of
38 such municipalities, then such legislation shall at the option of such
39 state apply to applications by the port authority for federal aid for
40 air terminals located in such state and to the receipt and disbursement
41 of such federal aid by or on behalf of the port authority, in the same
42 manner and to the same extent as other municipalities of such state.
43 Except as above provided, no agency or commission of either state shall
44 have jurisdiction over any air terminals under the control of the port
45 authority, and all details of financing, construction, leasing, charges,
46 rates, tolls, contracts and the operation of air terminals owned or
47 controlled by the port authority shall be within its sole discretion and
48 its decision in connection with any and all matters concerning such air
49 terminals shall be controlling and conclusive. The local laws, resol-
50 utions, ordinances, rules and regulations of a municipality within which
51 an air terminal is situated shall apply to such air terminal, if so
52 provided in any agreement between the port authority and such munici-
53 pality, and to the extent provided in such agreement.

54 S 1311. Lands under water. In the event that the port authority shall
55 find it necessary or desirable to acquire any unappropriated state lands
56 or lands under water in the state of New York for air terminal purposes,

1 the commissioner of general services of that state may grant, transfer
2 or convey such unappropriated state lands or lands under water to the
3 port authority upon such consideration, terms and conditions as may be
4 determined by said commissioner, except that no lands under the waters
5 of Jamaica Bay may be granted, transferred or conveyed to the port
6 authority for air terminal purposes by said commissioner except as
7 provided in paragraph one of section thirteen hundred nine of this arti-
8 cle.

9 In the event that the port authority shall find it necessary or desir-
10 able to acquire any lands under water in the state of New Jersey for air
11 terminal purposes, the division of navigation of the department of
12 conservation of that state may grant, transfer or convey such lands
13 under water to the port authority in accordance with the statutes of
14 that state governing the making of riparian grants and leases, upon such
15 terms and conditions as may be determined by said division.

16 In the event that the port authority shall find it necessary or desir-
17 able to acquire any real property required or used for state highway
18 purposes in the state of New Jersey, the state highway department of the
19 state of New Jersey may grant, transfer or convey such real property to
20 the port authority upon such terms and conditions as may be determined
21 by said state highway department.

22 S 1312. Repayment of bonds and obligations. The two states covenant
23 and agree with each other and with the holders of any bonds of the port
24 authority issued or incurred for air terminal purposes and as security
25 for which there may or shall be pledged (directly or indirectly, or
26 through the medium of its general reserve fund or otherwise), the reven-
27 ues, or any part thereof, of any air terminal or other facility owned or
28 operated by the port authority, that the two states will not, so long as
29 any of such bonds or other obligations remain outstanding and unpaid,
30 diminish or impair the power of the port authority to establish, levy
31 and collect landing fees, charges, rents, tolls or other fees in
32 connection therewith.

33 S 1313. Contrary declarations. Any declarations contained herein and
34 in the concurrent act of the state of New Jersey with respect to the
35 governmental nature of air terminals and to the exemption of air termi-
36 nal property from taxation and to the discretion of the port authority
37 with respect to air terminal operations shall not be construed to imply
38 that other port authority property and operations are not of a govern-
39 mental nature, or that they are subject to taxation, or that the deter-
40 minations of the port authority with respect thereto are not conclusive.

41 S 1314. Agreement between the states. This section and the preceding
42 sections of this article constitute an agreement between the states of
43 New York and New Jersey supplementary to the compact between the two
44 states dated April thirtieth, nineteen hundred twenty-one, and amendato-
45 ry thereof, and continued by article I of this chapter, and shall be
46 liberally construed to effectuate the purposes of said compact and of
47 the comprehensive plan heretofore adopted by the two states, and the
48 powers vested in the port authority hereby shall be construed to be in
49 aid of and supplemental to and not in limitation of or in derogation of
50 any of the powers heretofore conferred upon or delegated to the port
51 authority.

52 S 1315. Federal aid procedure; application. The state of New York
53 hereby elects to exercise the option reserved to each state by section
54 thirteen hundred ten of this article (and by the corresponding section
55 of the New Jersey statute concurring herein); and accordingly, if by
56 the effective date of chapter 802 of the laws of 1947, this state has

1 adopted, or if thereafter it shall adopt general legislation governing
2 applications for federal aid for air terminals by municipalities of this
3 state or the receipt or disbursement of such federal aid by or on behalf
4 of such municipalities, such legislation shall apply to applications by
5 the port authority for federal aid for air terminals located in this
6 state in the same manner and to the same extent as other municipalities
7 of this state, provided, that if such legislation shall require such
8 applications for federal aid to be approved by any officer, board,
9 commission, department or other agency of this state or shall require
10 the consent of any such agency of this state to the submission thereof
11 to the federal government, or shall require any such agency of this
12 state to be designated by municipalities as their agent to collect or
13 disburse such federal aid, or shall contain any other requirement vest-
14 ing any such agency of this state with power or discretion with respect
15 to the making of such applications for federal aid or the receipt or
16 disbursement thereof, then such officer, board, commission, department
17 or other agency of this state shall have power to waive such requirement
18 in whole or in part temporarily or permanently insofar as the port
19 authority is concerned.

20 ARTICLE XIV
21 EMINENT DOMAIN

22 Section 1401. Right of eminent domain.

23 S 1401. Right of eminent domain. The powers granted to the port
24 authority by this article shall be deemed to be in aid of and supple-
25 mental to and not in limitation or derogation of the powers otherwise
26 conferred upon it; and nothing herein contained shall be construed to
27 prevent the port authority from exercising the right of eminent domain
28 under and pursuant to the eminent domain procedure law of the state of
29 New York, or any other applicable law of this state, in any case where
30 it is authorized so to do.

31 ARTICLE XV
32 SUITS AGAINST THE PORT AUTHORITY

33 Section 1501. Suits against the port authority.

34 1502. Prior causes of action.

35 1503. Contract causes of action.

36 1504. Civil suits; statutory penalties.

37 1505. Further restrictions.

38 1506. Venue.

39 1507. Statute of limitations.

40 1508. Notice of claim.

41 1509. Limits of liability.

42 1510. Other suits, actions or proceedings.

43 1511. Agreement between the states.

44 S 1501. Suits against the port authority. Upon the concurrence of
45 the state of New Jersey, the states of New York and New Jersey consent
46 to suits, actions or proceedings of any form or nature at law, in equity
47 or otherwise (including proceedings to enforce arbitration agreements)
48 against the port authority, and to appeals therefrom and reviews there-
49 of, except as hereinafter provided in sections fifteen hundred two
50 through fifteen hundred five of this article, inclusive.

51 S 1502. Prior causes of action. The foregoing consent does not extend
52 to suits, actions or proceedings upon any causes of action whatsoever

1 accruing before the effective date of chapter 301 of the laws of 1950,
2 other than causes of actions upon, in connection with, or arising out of
3 notes, bonds or other obligations or securities secured by a pledge of
4 the general reserve fund of the port authority.

5 S 1503. Contract causes of action. The foregoing consent does not
6 extend to suits, actions or proceedings upon any causes of action what-
7 soever, upon, in connection with, or arising out of any contract,
8 express or implied, entered into or assumed by or assigned to the port
9 authority before the effective date of this article (including any
10 supplement to, or amendment, extension or renewal of any such contract,
11 even if such supplement, amendment, extension or renewal is made on or
12 after the effective date of chapter 301 of the laws of 1950), regardless
13 of whether such cause of action accrued before or after that date, other
14 than causes of action upon, in connection with or arising out of notes,
15 bonds or other obligations or securities secured by a pledge of the
16 general reserve fund of the port authority.

17 S 1504. Civil suits; statutory penalties. The foregoing consent does
18 not extend to civil suits, actions or proceedings for the recovery of
19 statutory penalties.

20 S 1505. Further restrictions. The foregoing consent does not extend
21 to suits, actions or proceedings for judgments, orders or decrees
22 restraining, enjoining or preventing the port authority from committing
23 or continuing to commit any act or acts, other than suits, actions or
24 proceedings by the attorney general of New York or by the attorney
25 general of New Jersey--each of whom is hereby authorized to bring such
26 suits, actions or proceedings in his discretion on behalf of any person
27 or persons whatsoever who requests him so to do except in the cases
28 excluded by sections fifteen hundred two, fifteen hundred three and
29 fifteen hundred four of this article; provided, that in any such suit,
30 action or proceeding, no judgment, order or decree shall be entered
31 except upon at least two days' prior written notice to the port authori-
32 ty of the proposed entry thereof.

33 S 1506. Venue. The foregoing consent is granted upon the condition
34 that venue in any suit, action or proceeding against the port authority
35 shall be laid within a county or a judicial district, established by one
36 of said states or by the United States, and situated wholly or partially
37 within the port of New York district. The port authority shall be deemed
38 to be a resident of each such county or judicial district for the
39 purpose of such suits, actions or proceedings. Although the port author-
40 ity is engaged in the performance of governmental functions, the said
41 two states consent to liability on the part of the port authority in
42 such suits, actions or proceedings for tortious acts committed by it and
43 its agents to the same extent as though it were a private corporation.

44 S 1507. Statute of limitations. The foregoing consent is granted upon
45 the condition that any suit, action or proceeding prosecuted or main-
46 tained under this article shall be commenced within one year after the
47 cause of action therefor shall have accrued, and upon the further condi-
48 tion that in the case of any suit, action or proceeding for the recovery
49 or payment of money, prosecuted or maintained under this act, a notice
50 of claim shall have been served upon the port authority by or on behalf
51 of the plaintiff or plaintiffs at least sixty days before such suit,
52 action or proceeding is commenced. The provisions of this section shall
53 not apply to claims arising out of provisions of any workmen's compen-
54 sation law of either state.

55 S 1508. Notice of claim. The notice of claim required by section
56 seven hereof shall be in writing, sworn to by or on behalf of the claim-

1 ant or claimants, and shall set forth (1) the name and post office
2 address of each claimant and of his attorney, if any, (2) the nature of
3 the claim, (3) the time when, the place where and the manner in which
4 the claim arose, and (4) the items of damage or injuries claimed to have
5 been sustained so far as then practicable. Such notice may be served in
6 the manner in which process may be served, or in lieu thereof, may be
7 sent by registered mail to the port authority at its principal office.
8 Where the claimant is a person under the age of eighteen years or is
9 mentally or physically incapacitated and by reason of such disability no
10 notice of claim is filed or suit, action or proceeding commenced within
11 the time specified in section fifteen hundred seven of this article, or
12 where a person entitled to make a claim dies and by reason of his death
13 no notice of claim is filed or suit, action or proceeding commenced
14 within the time specified in section seven hereof then any court in
15 which such suit, action or proceeding may be brought may in its
16 discretion grant leave to serve the notice of claim and to commence the
17 suit, action or proceeding within a reasonable time but in any event
18 within three years after the cause of action accrued. Application for
19 such leave must be made upon an affidavit showing the particular facts
20 which caused the delay and shall be accompanied by a copy of the
21 proposed notice of claim if such notice has not been served, and such
22 application shall be made only upon notice to the port authority.

23 S 1509. Limits of liability. The commissioners, officers or employees
24 of the port authority shall not be subject to suits, actions or
25 proceedings for judgments, orders or decrees restraining, preventing or
26 enjoining them in their official or personal capacities from committing
27 or continuing to commit any act or acts on behalf of the port authority
28 other than suits, actions and proceedings brought by the attorney gener-
29 al of New York or by the attorney general of New Jersey or by the port
30 authority itself--each of said attorneys general being hereby authorized
31 to bring such suits, actions or proceedings in his discretion on behalf
32 of any person or persons whatsoever who requests him so to do except in
33 the cases excluded by sections fifteen hundred two, fifteen hundred
34 three and fifteen hundred four of this article; provided, that in any
35 such suit, action or proceeding brought by either attorney general, no
36 judgment, order or decree shall be entered except upon at least two
37 days' notice to the defendant of the proposed entry thereof.

38 S 1510. Other suits, actions or proceedings. Nothing herein shall be
39 deemed to revoke, rescind or affect any consents to suits, actions or
40 proceedings against the port authority heretofore given by the two said
41 states in chapter eight hundred two of the laws of New York of nineteen
42 hundred forty-seven, as amended, and continued by article XIII of this
43 chapter, and chapter forty-three of the laws of New Jersey of nineteen
44 hundred forty-seven, as amended; chapter six hundred thirty-one of the
45 laws of New York of nineteen hundred forty-seven, as amended, and
46 continued by article XII of this chapter; chapter forty-four of the laws
47 of New Jersey of nineteen hundred forty-seven, as amended, and chapter
48 five hundred thirty-four of the laws of New York of nineteen hundred
49 forty-eight, and continued by article XII of this chapter, and chapter
50 ninety-seven of the laws of New Jersey of nineteen hundred forty-eight.

51 S 1511. Agreement between the states. This article together with the
52 act of the state of New Jersey concurring herein, shall constitute an
53 agreement between the states of New York and New Jersey supplementary to
54 and amendatory of the compact between the two said states dated April
55 thirtieth, nineteen hundred twenty-one and continued by article I of
56 this chapter.

ARTICLE XVI
TRAFFIC REGULATIONS FOR VEHICULAR CROSSINGS

Section 1601. Governing authority.
1602. Tolls; other charges.
1603. Operation restrictions.
1604. Port authority police force.
1605. Driving procedure.
1606. Operation requirements.
1607. Accident protocol.
1608. Transport restrictions.
1609. Violations.
1610. Definitions.
1611. Severability.
1612. Repeal of previous rules and regulations.
1613. Agreement between the states.
1614. Compliance with state law.
1615. Felonies.
1616. Misdemeanors.
1616-a. Owner liability for failure of operator to comply with
toll collection regulations of the port authority.
1616-b. Imposition of liability for failure of operator to
comply with toll collection regulations of the port
authority.
1616-c. Adjudication of liability.

S 1601. Governing authority. To the end that the interstate vehicular crossings operated by the port authority, pursuant to the compact of April thirtieth, nineteen hundred twenty-one between the states of New York and New Jersey creating the port authority, may be efficiently and safely operated in the interest of the people of the states of New York and New Jersey and of the nation, the following rules and regulations governing traffic on vehicular crossings operated by the port authority, set forth in sections sixteen hundred two through sixteen hundred eight of this article, are hereby adopted by the legislatures of the two states, and are declared to be binding upon all persons and corporations affected thereby.

S 1602. Tolls; other charges. No traffic shall be permitted in or upon vehicular crossings except upon the payment of such tolls and other charges as may from time to time be prescribed by the port authority. It is hereby declared to be unlawful for any person to refuse to pay, or to evade or to attempt to evade the payment of such tolls or other charges.

S 1603. Operation restrictions. No vehicle shall be operated carelessly or negligently, or in disregard of the rights or safety of others, or without due caution and circumspection, or at a speed or in a manner so as to endanger unreasonably or to be likely to endanger unreasonably persons or property, or while the operator thereof is under the influence of intoxicating liquors or any narcotic or habit-forming drug, nor shall any vehicle be so constructed, equipped or loaded as to endanger unreasonably or to be likely to endanger unreasonably persons or property.

S 1604. Port authority police force. All persons in or upon vehicular crossings must at all times comply with any lawful order, signal or direction by voice or hand of any member of the port authority police force. When traffic is controlled by traffic lights, signs or by mechanical or electrical signals, such lights, signs and signals shall be obeyed unless a port authority police officer directs otherwise.

1 S 1605. Driving procedure. Unless otherwise directed, vehicles shall
2 at all times stay to the right of the center of all roadways except in
3 the case of one-way roadways; slow-moving vehicles shall remain as close
4 as possible to the right-hand edge or curb of the roadway; and where a
5 roadway is marked with traffic lanes vehicles shall not cross markings.

6 S 1606. Operation requirements. No person shall operate a motor vehi-
7 cle in or upon any part of a vehicular crossing unless he is duly
8 authorized to operate motor vehicles in the state in which such part of
9 the vehicular crossing is located. No motor vehicle shall be permitted
10 in or upon any part of a vehicular crossing which is not registered in
11 accordance with the provisions of the law of the state in which such
12 part of the vehicular crossing is located.

13 S 1607. Accident protocol. The operator of any vehicle involved in an
14 accident resulting in injury or death to any person or damage to any
15 property shall immediately stop such vehicle at the scene of the acci-
16 dent, render such assistance as may be needed, and give his name,
17 address, and operator's license and registration number to the person
18 injured or to any officer or witness of the injury. The operator of such
19 vehicle shall make a report of such accident in accordance with the law
20 of the state in which such accident occurred.

21 S 1608. Transport restrictions. No person shall transport in or upon
22 a vehicular crossing, any dynamite, nitroglycerin, black powder, fire-
23 works, blasting caps or other explosives, gasoline, alcohol, ether,
24 liquid shellac, kerosene, turpentine, formaldehyde or other inflammable
25 or combustible liquids, ammonium nitrate, sodium chlorate, wet hemp,
26 powdered metallic magnesium, nitro-cellulose film, peroxides or other
27 readily inflammable solids or oxidizing materials, hydrochloric acid,
28 sulfuric acid or other corrosive liquids, prussic acid, phosgene, arsen-
29 ic, carbolic acid, potassium cyanide, tear gas, lewisite or any other
30 poisonous substances, liquids or gases, or any compressed gas, or any
31 radio-active article, substance or material, at such time or place or in
32 such manner or condition as to endanger unreasonably or as to be likely
33 to endanger unreasonably persons or property.

34 S 1609. Violations. Violations of the rules and regulations set forth
35 in sections sixteen hundred two through sixteen hundred eight of this
36 article committed within the territorial limits of either state shall be
37 punishable as may be provided by the laws of such state but the penal-
38 ties prescribed by either state shall not preclude the port authority
39 from excluding from vehicular crossings permanently or for a specified
40 time, all vehicles violating any of the said rules and regulations, as
41 well as other vehicles owned or operated by the owner or operator of
42 such vehicle.

43 S 1610. Definitions. The following terms as used herein shall have
44 the indicated meanings:

45 1. "Traffic" shall include pedestrians, ridden animals, herded animals
46 and vehicles whether moved by human power or otherwise.

47 2. "Vehicular crossings" shall include not only bridges and tunnels
48 operated by the port authority, but also their plazas and approaches,
49 but shall not include any lands granted by the port authority to the
50 states of New York or New Jersey or to a municipality for street or
51 highway purposes even though such street or highway constitutes a means
52 of access to or egress from such vehicular crossing.

53 S 1611. Severability. If any term or provision of this article shall
54 be declared unconstitutional or ineffective in whole or in part by a
55 court of competent jurisdiction, then to the extent that it is not
56 unconstitutional or ineffective, such term or provisions shall be

1 enforced and effectuated, nor shall such determination be deemed to
2 invalidate the remaining terms or provisions thereof.

3 S 1612. Repeal of previous rules and regulations. The two said states
4 agree that chapter two hundred fifty-one of the laws of New York of
5 nineteen hundred thirty-four, entitled "An act establishing rules and
6 regulations for the control of traffic on the interstate bridges and
7 tunnels operated by the Port of New York Authority and prescribing
8 proceedings and penalties for their violations", and chapter one hundred
9 forty-six of the pamphlet laws of New Jersey, nineteen hundred thirty-
10 two, entitled "An act establishing rules and regulations for the control
11 of traffic on the inter-state bridges and tunnels operated by the Port
12 of New York Authority and prescribing proceedings and penalties for
13 their violations", shall be and are repealed as of the date this article
14 takes effect.

15 S 1613. Agreement between the states. This section and the preceding
16 sections of this article, together with the corresponding sections of
17 the act of the state of New Jersey concurring herein, shall constitute
18 an agreement between the states of New York and New Jersey supplementary
19 to the compact between the two states dated April thirtieth, nineteen
20 hundred twenty-one, and amendatory thereof, and shall be liberally
21 construed to effectuate the purposes of said compact and of the agree-
22 ments of the two states amendatory thereof or supplemental thereto; and
23 shall be construed to be in aid of and supplemental to and not in limi-
24 tation of or in derogation of the powers heretofore conferred upon or
25 delegated to the port authority.

26 S 1614. Compliance with state law. If the violation within the state
27 of any of the rules and regulations set forth in sections sixteen
28 hundred two through sixteen hundred eight of this article including but
29 not limited to those regarding the payment of tolls, would have been a
30 felony, misdemeanor or other punishable offense if committed on any
31 public road, street, highway or turnpike in the municipality in which
32 such violation occurred, it shall be tried and punished in the same
33 manner as if it had been committed on such public road, street, highway
34 or turnpike.

35 S 1615. Felonies. Notwithstanding the provisions of section sixteen
36 hundred fourteen of this article, if the violation within the state of
37 the rule and regulation set forth in section sixteen hundred eight of
38 this article shall result in injury or death to a person or persons or
39 damage to property in excess of the value of five thousand dollars, such
40 violation shall constitute a felony.

41 S 1616. Misdemeanors. Except as provided in sections sixteen hundred
42 fourteen and sixteen hundred fifteen of this article, any violation
43 within the state of any of the rules and regulations set forth in
44 sections sixteen hundred two through sixteen hundred eight of this arti-
45 cle including but not limited to those regarding the payment of tolls,
46 shall constitute a misdemeanor and shall be punishable as an offense
47 triable in a magistrate's court by a fine not exceeding five hundred
48 dollars or by imprisonment not exceeding sixty days or by both such fine
49 and imprisonment.

50 S 1616-a. Owner liability for failure of operator to comply with toll
51 collection regulations of the port authority. Notwithstanding any other
52 provision of law and in accordance with the provisions of section
53 sixteen hundred sixteen-b of this article, an owner of a vehicle may be
54 held liable for failure of an operator thereof to comply with the toll
55 collection regulations of the port authority of New York and New Jersey
56 (hereinafter called port authority). The owner of a vehicle shall be

1 liable pursuant to this section if such vehicle was used or operated
2 with the permission of the owner, express or implied, in violation of
3 the toll collection regulations of the port authority, and such
4 violation is evidenced by information obtained from a photo-monitoring
5 system, provided, however, that no owner of a vehicle shall be liable
6 where the operator of such vehicle has been convicted of a violation of
7 those toll collection regulations for the same incident.

8 S 1616-b. Imposition of liability for failure of operator to comply
9 with toll collection regulations of the port authority. The liability
10 set forth in section sixteen hundred sixteen-a of this article, shall be
11 imposed upon an owner for a violation by an operator of the toll
12 collection regulations of the port authority occurring within the terri-
13 torial limits of the state of New York in accordance with the following:

14 1. For the purposes of this section, the term "owner" shall mean any
15 person, corporation, partnership, firm, agency, association, lessor, or
16 organization who, at the time of the violation in any city in which a
17 vehicle is operated: (a) is the beneficial or equitable owner of such
18 vehicle; or (b) has title to such vehicle; or (c) is the registrant or
19 co-registrant of such vehicle which is registered with the department of
20 motor vehicles of this state or any other state, territory, district,
21 province, nation or other jurisdiction; or (d) subject to the limita-
22 tions set forth in subdivision six of this section, uses such vehicle in
23 its vehicle renting and/or leasing business; and includes (e) a person
24 entitled to the use and possession of a vehicle subject to a security
25 interest in another person. For the purposes of this section, the term
26 "operator" shall mean any person, corporation, firm, partnership, agen-
27 cy, association, organization or lessee that uses or operates a vehicle
28 with or without the permission of the owner, and an owner who operates
29 his or her own vehicle. For purposes of this section, the term "photo-
30 monitoring system" shall mean a vehicle sensor installed to work in
31 conjunction with a toll collection facility which automatically produces
32 one or more photographs, one or more microphotographs, a videotape or
33 other recorded images of each vehicle at the time it is used or operated
34 in violation of the toll collection regulations of the port authority.
35 For purposes of this section, the term "toll collection regulations of
36 the port authority" shall refer to the traffic regulations for inter-
37 state vehicular crossings operated by the port authority as set forth in
38 this article and in chapter one hundred ninety-two of the laws of New
39 Jersey of nineteen hundred fifty, and specifically that section of the
40 laws which prohibits traffic in or upon vehicular crossings operated by
41 the port authority except upon the payment of such tolls and other
42 charges as may from time to time be prescribed by the port authority and
43 which further makes it unlawful for any person to refuse to pay, or to
44 evade or to attempt to evade the payment of such tolls or other charges.
45 For purposes of this section, the term "vehicle" shall mean every device
46 in, upon, or by which a person or property is or may be transported or
47 drawn upon a highway, except devices used exclusively upon stationary
48 rails or tracks.

49 2. A certificate, sworn to or affirmed by an agent of the port author-
50 ity, or a facsimile thereof, based upon inspection of photographs,
51 microphotographs, videotape or other recorded images produced by a
52 photo-monitoring system shall be prima facie evidence of the facts
53 contained therein and shall be admissible in any proceeding charging a
54 violation of toll collection regulations of the port authority, provided
55 that any photographs, microphotographs, videotape or other recorded
56 images evidencing such a violation shall be available for inspection and

1 admission into evidence in any proceeding to adjudicate the liability
2 for such violation.

3 3. An imposition of liability pursuant to this section shall be based
4 upon a preponderance of evidence as submitted. An imposition of liabil-
5 ity pursuant to this section shall not be deemed a conviction of an
6 operator and shall not be made part of the motor vehicle operating
7 record, furnished pursuant to section three hundred fifty-four of the
8 vehicle and traffic law, of the person upon whom such liability is
9 imposed nor shall it be used for insurance purposes in the provision of
10 motor vehicle insurance coverage.

11 4. (a) A notice of liability shall be sent by first class mail to each
12 person alleged to be liable as an owner for a violation pursuant to this
13 section of the toll collection regulations of the port authority. Such
14 notice shall be mailed no later than thirty days after the alleged
15 violation. Personal delivery on the owner shall not be required. A manu-
16 al or automatic record of mailing prepared in the ordinary course of
17 business shall be prima facie evidence of the mailing of the notice.

18 (b) A notice of liability shall contain the name and address of the
19 person alleged to be liable as an owner for a violation of the toll
20 collection regulations of the port authority pursuant to this section,
21 the registration number of the vehicle involved in such violation, the
22 location where such violation took place, the date and time of such
23 violation and the identification number of the photo-monitoring system
24 which recorded the violation or other document locator number.

25 (c) The notice of liability shall contain information advising the
26 person charged of the manner and the time in which he may contest the
27 liability alleged in the notice. Such notice of liability shall also
28 contain a warning to advise the persons charged that failure to contest
29 in the manner and time provided shall be deemed an admission of liabil-
30 ity and that a default judgment may be entered thereon.

31 (d) The notice of liability shall be prepared and mailed by the port
32 authority or its duly authorized agent.

33 5. If an owner receives a notice of liability pursuant to this section
34 for any time period during which the vehicle was reported to the police
35 department as having been stolen, it shall be a valid defense to an
36 allegation of liability for a violation of the toll collection regu-
37 lations of the port authority that the vehicle had been reported to the
38 police as stolen prior to the time the violation occurred and had not
39 been recovered by such time. If an owner receives a notice of liability
40 pursuant to this section for any time period during which the vehicle
41 was stolen, but not as yet reported to the police as having been stolen,
42 it shall be a valid defense to an allegation of liability for a
43 violation of toll collection regulations of the port authority pursuant
44 to this section that the vehicle was reported as stolen within two hours
45 after discovery of the theft by the owner. For purposes of asserting the
46 defense provided by this subdivision, it shall be sufficient that a
47 certified copy of the police report on the stolen vehicle be sent by
48 first class mail to the court or other entity having jurisdiction.

49 6. An owner, as defined in paragraph (a) of subdivision one of this
50 section, who is a lessor of a vehicle to which a notice of liability was
51 issued pursuant to subdivision four of this section shall not be liable
52 pursuant to this section for the violation of the toll collection regu-
53 lations of the port authority provided that he or she sends to the port
54 authority serving the notice of liability and to the court or other
55 entity having jurisdiction a copy of the rental, lease or other such
56 contract document covering such vehicle on the date of the violation,

1 with the name and address of the lessee clearly legible, within thirty
2 days after receiving from the port authority or its duly authorized
3 agent the original notice of liability. Failure to send such information
4 within such thirty day time period shall render the lessor liable for
5 the penalty prescribed by this section. Where the lessor complies with
6 the provisions of this subdivision, the lessee of such vehicle on the
7 date of such violation shall be deemed to be the owner of such vehicle
8 for purposes of this section and shall be subject to liability for the
9 violation of toll collection regulations of the port authority provided
10 that the port authority or its duly authorized agent mails a notice of
11 liability to the lessee within ten days after the court, or other entity
12 having jurisdiction, deems the lessee to be the owner. For purposes of
13 this subdivision the term "lessor" shall mean any person, corporation,
14 firm, partnership, agency, association or organization engaged in the
15 business of renting or leasing vehicles to any lessee under a rental
16 agreement, lease or otherwise wherein the said lessee has the exclusive
17 use of said vehicle for any period of time. For the purposes of this
18 subdivision, the term "lessee" shall mean any person, corporation, firm,
19 partnership, agency, association or organization that rents, leases or
20 contracts for the use of one or more vehicles and has exclusive use
21 thereof for any period of time.

22 7. Except as provided in subdivision six of this section, if a person
23 receives a notice of liability pursuant to this section it shall be a
24 valid defense to an allegation of liability for a violation of toll
25 collection regulations of the port authority that the individual who
26 received the notice of liability pursuant to this section was not the
27 owner of the vehicle at the time the violation occurred. If the owner
28 liable for a violation of the toll collection regulations of the port
29 authority pursuant to this section was not the operator of the vehicle
30 at the time of the violation, the owner may maintain an action for
31 indemnification against the operator. The operator of the vehicle may
32 apply to the court or other entity having jurisdiction to adjudicate the
33 liability imposed under this section to accept responsibility for the
34 violation and satisfactorily discharge all applicable tolls, charges,
35 and penalties related to the violation.

36 8. "Electronic toll collection system" shall mean a system of collect-
37 ing tolls or charges which is capable of charging an account holder the
38 appropriate toll or charge by transmission of information from an elec-
39 tronic device on a motor vehicle to the toll lane, which information is
40 used to charge the account the appropriate toll or charge. In adopting
41 procedures for the preparation and mailing of a notice of liability, the
42 port authority or its duly authorized agent shall adopt guidelines to
43 ensure adequate and timely notice to all electronic toll collection
44 system account holders to inform them when their accounts are delin-
45 quent. An owner who is an account holder under the electronic toll
46 collection system shall not be found liable for a violation of this
47 section unless such authority has first sent a notice of delinquency to
48 such account holder and the account holder was in fact delinquent at the
49 time of the violation.

50 9. Nothing in this section shall be construed to limit the liability
51 of an operator of a vehicle for any violation of the toll collection
52 regulations of the port authority. Nothing in this section shall author-
53 ize or preclude the port authority from excluding from any of its facil-
54 ities, in its sole discretion, any or all vehicles found liable under
55 this section as well as other vehicles owned or operated by the owner or
56 operator of such vehicle.

1 10. Notwithstanding any other provision of law, all photographs,
2 microphotographs, videotape or other recorded images prepared pursuant
3 to this section shall be for the exclusive use of the port authority in
4 the discharge of its duties under this section and shall not be open to
5 the public nor be used in any court in any action or proceeding pending
6 therein unless such action or proceeding relates to the imposition of or
7 indemnification for liability pursuant to this section. The port author-
8 ity or its duly authorized agent shall not sell, distribute or make
9 available in any way, the names and addresses of electronic toll
10 collection system account holders, or any information compiled from
11 transactions with such account holders, without such account holders'
12 consent to any entity that will use such information for any commercial
13 purpose provided that the foregoing restriction shall not be deemed to
14 preclude the exchange of such information between any entities with
15 jurisdiction over and or operating a toll highway bridge and/or tunnel
16 facility.

17 S 1616-c. Adjudication of liability. Adjudication of the liability
18 imposed upon an owner by section sixteen hundred sixteen-a of this arti-
19 cle for a violation of the toll collection regulations of the port
20 authority occurring within the territorial limits of the state of New
21 York shall be in accordance with sections two hundred thirty-five, two
22 hundred thirty-six, two hundred thirty-seven, two hundred thirty-nine,
23 two hundred forty, two hundred forty-one, five hundred ten and eighteen
24 hundred nine of the vehicle and traffic law, or by such entity having
25 jurisdiction over violations of the toll collection regulations of the
26 port authority occurring within the territorial limits of the state of
27 New York, provided that all violations shall be heard and determined in
28 the county in which the violation is alleged to have occurred, or by
29 consent of both parties, in any county in the state of New York in which
30 the port authority operates or maintains a facility. An owner found
31 liable for a violation of toll collection regulations pursuant to this
32 section shall for a first violation thereof be liable for a monetary
33 penalty not to exceed fifty dollars or two times the toll evaded which-
34 ever is greater; for a second violation thereof both within eighteen
35 months be liable for a monetary penalty not to exceed one hundred
36 dollars or five times the toll evaded whichever is greater; for a third
37 or subsequent violation thereof all within eighteen months be liable for
38 a monetary penalty not to exceed one hundred fifty dollars or ten times
39 the toll evaded whichever is greater.

40 ARTICLE XVII

41 RULES AND REGULATIONS GOVERNING TRAFFIC ON HIGHWAYS IN PORT AUTHORITY 42 AIR AND MARINE TERMINALS

43 Section 1701. Definitions.
44 1702. Vehicle operation.
45 1703. Adherence to traffic signs and signals.
46 1704. Requiring use of right side of roadway.
47 1705. Authorization for operation.
48 1706. Procedures in case of causing injury.
49 1707. Prohibited items.
50 1708. Parking.
51 1709. Prosecution for violations.
52 1710. Felony for transport of prohibited items.
53 1711. Misdemeanor for certain violations.
54 1712. Exclusion of vehicles in violations.

1713. Reserve clause.

S 1701. Definitions. The following terms as used herein shall have the indicated meanings:

"Air terminals" shall mean developments operated by the port authority consisting of runways, hangars, control towers, ramps, wharves, bulkheads, buildings, structures, parking areas, improvements, facilities or other real property necessary, convenient or desirable for the landing, taking off, accommodation and servicing of aircraft of all types, including but not limited to airplanes, airships, dirigibles, helicopters, gliders, amphibians, seaplanes, or any other contrivance now or hereafter used for the navigation of or flight in air or space, operated by carriers engaged in the transportation of passengers or cargo, or for the loading, unloading, interchange or transfer of such passengers or their baggage, or such cargo, or otherwise for the accommodation, use or convenience of such passengers, or such carriers or their employees, or for the landing, taking off, accommodation and servicing of aircraft owned or operated by persons other than carriers.

"Air terminal highway" shall mean and include those portions of an air terminal designated and made available temporarily or permanently by the port authority to the public for general or limited highway use.

"Marine terminals" shall mean developments operated by the port authority consisting of one or more piers, wharves, docks, bulkheads, slips, basins, vehicular roadways, railroad connections, side tracks, sidings or other buildings, structures, facilities or improvements, necessary or convenient to the accommodation of steamships or other vessels and their cargoes or passengers.

"Marine terminal highway" shall mean and include those portions of a marine terminal designated and made available temporarily or permanently by the port authority to the public for general or limited highway use.

"Traffic" shall mean and include pedestrians, animals and vehicles.

S 1702. Vehicle operation. No vehicle shall be operated on any air terminal highway or marine terminal highway carelessly or negligently, or in disregard of the rights or safety of others, or without due caution and circumspection, or at a speed or in a manner so as to endanger unreasonably or to be likely to endanger unreasonably persons or property, or while the operator thereof is under the influence of intoxicating liquors or any narcotic or habit-forming drug, nor shall any vehicle be operated thereon if it is so constructed, equipped or loaded as to endanger unreasonably or to be likely to endanger unreasonably persons or property.

S 1703. Adherence to traffic signs and signals. All persons on any air terminal highway or marine terminal highway must at all times comply with any lawful order, signal or direction by voice or hand of any member of the port authority police force. When traffic is controlled by traffic lights, signs or by mechanical or electrical signals, such lights, signs and signals shall be obeyed unless a port authority police officer directs otherwise.

S 1704. Requiring use of right side of roadway. Unless otherwise directed, all vehicles on any air terminal highway or marine terminal highway shall at all times stay to the right of the center of the roadway, except in the case of one-way roadways; slow-moving vehicles shall remain as close as possible to the right-hand edge or curb of the roadway; and where a roadway is marked with traffic lanes vehicles shall not cross markings.

S 1705. Authorization for operation. No person shall operate a motor vehicle on an air terminal highway or marine terminal highway unless he

1 is duly authorized to operate such vehicle on state and municipal high-
2 ways in the state in which such air terminal highway or marine terminal
3 highway is located, or unless he is especially authorized by the port
4 authority to operate motor vehicles on such air terminal highway or
5 marine terminal highway. No motor vehicle shall be permitted on any air
6 terminal highway or marine terminal highway unless it is registered in
7 accordance with the provisions of the law of the state in which such air
8 terminal highway or marine terminal highway is located, or unless it is
9 especially authorized by the port authority to be operated on such air
10 terminal highway or marine terminal highway.

11 S 1706. Procedures in case of causing injury. The operator of any
12 vehicle involved in an accident on an air terminal highway or marine
13 terminal highway which results in injury or death to any person or
14 damage to any property shall immediately stop such vehicle at the scene
15 of the accident, render such assistance as may be needed, and give his
16 name, address, and operator's license and registration number to the
17 person injured or to any officer or witness of the injury. The operator
18 of such vehicle shall make a report of such accident in accordance with
19 the law of the state in which such accident occurred.

20 S 1707. Prohibited items. No person shall transport on any air termi-
21 nal highway or marine terminal highway any dynamite, nitroglycerin,
22 black powder, fireworks, blasting caps or other explosives, gasoline,
23 alcohol, ether, liquid shellac, kerosene, turpentine, formaldehyde or
24 other inflammable or combustible liquids, ammonium nitrate, sodium chlo-
25 rate, wet hemp, powdered metallic magnesium, nitro-cellulose film,
26 peroxides or other readily inflammable solids or oxidizing materials,
27 hydrochloric acid, sulfuric acid or other corrosive liquids, prussic
28 acid, phosgene, arsenic, carbolic acid, potassium cyanide, tear gas,
29 lewisite, or any other poisonous substances, liquids or gases, or any
30 compressed gas, or any radioactive article, substance or material, at
31 such time or place or in such manner or condition as to endanger unrea-
32 sonably or as to be likely to endanger unreasonably persons or property;
33 nor shall any person park any vehicle, or permit the same to remain
34 halted on any air terminal highway or marine terminal highway containing
35 any of the foregoing, at such time or place or in such manner or condi-
36 tion as to endanger unreasonably or as to be likely to endanger unrea-
37 sonably persons or property.

38 S 1708. Parking. No person shall park a vehicle or permit the same to
39 remain halted on any air terminal highway or marine terminal highway
40 except at such places and for such periods of time as may be prescribed
41 or permitted by the port authority.

42 S 1709. Prosecution for violations. If the violation within the state
43 of any of the rules and regulations set forth in section one hereof,
44 would have been a felony, misdemeanor or other punishable offense if
45 committed on any public road, street, highway or turnpike in the munic-
46 ipality in which such violation occurred, it shall be tried and punished
47 in the same manner as if it had been committed on such public road,
48 street, highway or turnpike.

49 S 1710. Felony for transport of prohibited items. Notwithstanding the
50 provisions of section seventeen hundred two of this article, if the
51 violation within the state of the rule and regulation numbered seven and
52 set forth in section one hereof shall result in injury or death to a
53 person or persons or damage to property in excess of the value of five
54 thousand dollars, such violation shall constitute a felony.

55 S 1711. Misdemeanor for certain violations. Except as provided in
56 sections seventeen hundred two and seventeen hundred three of this

1 article, any violation within the state of any of the rules and regu-
2 lations set forth in section one hereof, shall constitute a misdemeanor
3 and shall be punishable as an offense triable in a magistrate's court by
4 a fine not exceeding five hundred dollars or by imprisonment not exceed-
5 ing sixty days or by both such fine and imprisonment.

6 S 1712. Exclusion of vehicles in violations. The penalties above
7 prescribed shall not preclude the port authority from excluding from any
8 air terminal highway or marine terminal highway, permanently or for a
9 specified time, all vehicles violating any of the rules and regulations
10 set forth in section one hereof, as well as other vehicles owned or
11 operated by the owner or operator of such vehicle.

12 S 1713. Reserve clause. Nothing herein contained shall be construed
13 to affect, diminish or impair the power of this state to enact any law,
14 or to impair or diminish, or as recognition of the impairment or diminu-
15 tion of any power of this state, legislative or otherwise, with respect
16 to the port authority, its properties, or persons or property thereon.

17 ARTICLE XVIII

18 NEW YORK - NEW JERSEY AGREEMENT

19 Section 1801. Enforcement authority.

20 1802. Guidelines for interpretation.

21 S 1801. Enforcement authority. Upon the concurrence of the state of
22 New Jersey, the states of New York and New Jersey agree that each state,
23 in the discretion of its legislature, and without further consent or
24 concurrence by the other state, may from time to time prescribe, amend,
25 modify or rescind penalties for violations within its territorial limits
26 of any rule or regulation, otherwise authorized, of the port of New York
27 authority (hereinafter called the "port authority"), and procedures for
28 the enforcement of such penalties.

29 S 1802. Guidelines for interpretation. This section and section eigh-
30 teen hundred one of this article, together with corresponding sections
31 of the act of the state of New Jersey concurring herein shall constitute
32 an agreement between the states of New York and New Jersey supplemental
33 to the compact between the two states dated April thirtieth, nineteen
34 hundred twenty-one, and shall be liberally construed to effectuate the
35 purposes of said compact and of the agreements of the two states amenda-
36 tory thereof and supplemental thereto, and not in limitation of or in
37 derogation of any powers heretofore or hereinafter conferred upon or
38 delegated to the port authority, and not as granting any power to the
39 port authority to make rules and regulations except as elsewhere
40 provided in said compact and agreements, and shall not be construed to
41 affect, diminish or impair the power of either state to prescribe,
42 amend, modify or rescind such penalties, or to enact any other law, or
43 to imply that the concurrence of the other state therein is necessary,
44 or was necessary prior to the enactment of this article, or to impair or
45 diminish, or as recognition of the impairment or diminution of any power
46 of either state, legislative or otherwise, with respect to the port
47 authority, its properties, or persons or property thereon, or to affect
48 the interpretation of the aforesaid compact and agreements between the
49 two states.

50 ARTICLE XIX

51 SMOKING REGULATION FOR TERMINALS

52 Section 1901. Smoking prohibition.

53 1902. Penalties.

1 S 1901. Smoking prohibition. No person shall smoke, carry, or possess
2 a lighted cigarette, cigar, pipe, match or other lighted instrument
3 capable of causing naked flame in or about any area, building or
4 appurtenance of an air terminal, owned or operated by the port authori-
5 ty, or in or upon any area, bulkhead, dock, pier, wharf, warehouse,
6 building, structure or shed of a marine terminal, owned or operated by
7 the port authority, where smoking has been prohibited by the port
8 authority and where appropriate signs to that effect have been posted,
9 or on the open deck of any ship, lighter, carfloat, scow or other simi-
10 lar floating craft or equipment when berthed or moored at such dock,
11 wharf, pier or to a vessel made fast thereto.

12 S 1902. Penalties. Any violation of the rule and regulation set forth
13 in section one thousand nine hundred one of this article shall be
14 punishable as an offense triable in a magistrate's court, for a first
15 offense, by a fine of not more than fifty dollars or imprisonment for
16 not more than thirty days or both; for a second offense, by a fine of
17 not less than twenty-five dollars nor more than one hundred dollars or
18 imprisonment for not more than sixty days or both; for a third or any
19 other subsequent offense, by a fine of not less than fifty dollars nor
20 more than two hundred dollars or by imprisonment for not more than sixty
21 days or both.

22 ARTICLE XX

23 SUITS ON LEASE AT INTERNATIONAL AIRPORT

24 Section 2001. Suits on lease at International Airport.

25 2002. Effect.

26 2003. Venue.

27 2004. Consent.

28 2005. Agreement.

29 S 2001. Suits on lease at International Airport. Upon the concurrence
30 of the state of New Jersey, the states of New York and New Jersey
31 consent to suits, actions or proceedings (including proceedings to
32 enforce arbitration agreements and to enter judgments upon awards
33 resulting therefrom) of any form or nature, at law, in equity or other-
34 wise by any person or corporation engaged in the business of scheduled
35 transportation by aircraft, against the port authority, and to appeals
36 therefrom and reviews thereof, upon or for the enforcement of any writ-
37 ten contract for the use or occupancy of space, premises or facilities
38 at New York International Airport, in the county of Queens, city of New
39 York, state of New York, executed on or after January first, nineteen
40 hundred fifty-three between the port authority and any such person or
41 corporation, or by any such person or corporation so contracting with
42 the port authority upon any cause of action arising out of such use or
43 occupancy pursuant to any such written contract.

44 S 2002. Effect. The consent pursuant to section two thousand one of
45 this article is granted upon the condition that in suits, actions or
46 proceedings thereunder for judgments, orders or decrees restraining or
47 enjoining the port authority from committing or continuing to commit
48 breaches of such written contract, no such judgment, order or decree
49 shall be entered except upon at least two days' prior written notice to
50 the port authority of the proposed entry thereof; and upon an appeal
51 taken by the port authority from such judgment, order or decree, the
52 service of the notice of appeal shall perfect the appeal, without an
53 undertaking or other security.

1 S 2003. Venue. The venue in any suit, action or proceeding against
2 the port authority to which consent is given by this act shall be laid
3 within a county or a judicial district, established by one of said two
4 states or by the United States and situated wholly or partially within
5 the port of New York district. The port authority shall be deemed to be
6 a resident of each such county or judicial district for the purpose of
7 such suits, actions or proceedings and shall be deemed to be a citizen
8 of both of said two states.

9 S 2004. Consent. Nothing herein contained shall be deemed to revoke,
10 rescind or affect any consents to suits, actions or proceedings against
11 the port authority heretofore given by the two said states or the terms
12 and conditions upon which such consents are given.

13 S 2005. Agreement. This act together with the act of the state of New
14 Jersey concurring herein, shall constitute an agreement between the
15 states of New York and New Jersey supplementary to and amendatory of the
16 compact between the two said states dated April thirtieth, nineteen
17 hundred twenty-one.

18 ARTICLE XXI
19 NARROWS BRIDGE

20 Section 2101. Determination to build bridge.
21 2102. Authorization for construction.
22 2103. Definitions.
23 2104. Authorization for agreement with the Triborough Authority.
24 2105. Funding.
25 2106. Bi-state covenant.
26 2107. Security bonds.
27 2108. Authorization to acquire real property.
28 2109. Prior consent required.
29 2110. Authorization of agents to enter property.
30 2111. Essential government function.
31 2112. Tax exemption on acquired property.
32 2113. Governmental nature.
33 2114. Agreement.

34 S 2101. Determination to build bridge. Upon the concurrence of the
35 state of New Jersey, the states of New York and New Jersey find, deter-
36 mine and agree that a bridge between Staten Island and Long Island,
37 constituting a part of the highway system of the port district, created
38 by their compact of April thirty, nineteen hundred twenty-one, will
39 facilitate the flow of traffic between the two states, will alleviate
40 congestion in the vehicular crossings of the Hudson river and will
41 promote the movement of commerce between the two states by providing a
42 direct connection between the state of New Jersey and Long Island in the
43 state of New York by way of Staten Island and that it is therefore the
44 policy of the two said states to provide such bridge.

45 S 2102. Authorization for construction. In furtherance of the afore-
46 said policy, and in partial effectuation of the comprehensive plan here-
47 tofore adopted by the two said states for the development of the said
48 port district, the Port of New York Authority is hereby authorized and
49 empowered to construct, own, maintain and operate a bridge (hereinafter
50 called the Narrows bridge) over the Narrows of New York bay, and, in its
51 discretion (and so long as it shall retain title to such bridge), such
52 additions and improvements thereto and such approaches thereto and
53 connections with highways and with the bridges between New Jersey and
54 Staten Island as the Port Authority may deem necessary or desirable.

1 The Port Authority may effectuate such approaches or connections, in its
2 discretion, by agreement with any other public agency, which agreement
3 may provide for the construction, ownership, maintenance or operation of
4 such approaches or connections by such other public agency.

5 The Port Authority shall not commence the construction of the Narrows
6 bridge until after the execution of an agreement between the Port
7 Authority and the Triborough Bridge and Tunnel Authority (hereinafter
8 called the Triborough Authority) pursuant to section twenty-one hundred
9 four of this article.

10 S 2103. Definitions. The following terms as used in this article
11 shall mean:

12 "Bonds" shall mean bonds, notes, securities or other obligations or
13 evidences of indebtedness.

14 "General reserve fund statutes" shall mean chapter forty-eight of the
15 laws of New York of nineteen hundred thirty-one, as amended and contin-
16 ued by article VI of this chapter, and chapter five of the laws of New
17 Jersey of nineteen hundred thirty-one, as amended, and "general reserve
18 fund" shall mean the general reserve fund of the Port Authority author-
19 ized by said statutes.

20 "Narrows bridge" shall mean not only the bridge itself but also its
21 approaches, connections, additions and improvements.

22 "Narrows bridge bonds" shall mean bonds issued by the Port Authority
23 to provide funds for Narrows bridge purposes or bonds secured in whole
24 or in part by a pledge of the revenues of the Port Authority from the
25 Narrows bridge or bonds so issued and secured.

26 "Narrows bridge purposes" shall mean the effectuation, establishment,
27 construction, rehabilitation, improvement, maintenance or operation of
28 the Narrows bridge and purposes incidental thereto.

29 "Real property" shall mean lands, structures, franchises and interests
30 in land, waters, lands under water and riparian rights, and any and all
31 things and rights included within the said term, and includes not only
32 fees simple absolute but also any and all lesser interests, including
33 but not limited to easements, rights-of-way, uses, leases, licenses and
34 all other incorporeal hereditaments and every estate, interest or right,
35 legal or equitable, including terms for years and liens thereon by way
36 of judgments, mortgages or otherwise.

37 S 2104. Authorization for agreement with the Triborough Authority.

38 (a) The Port Authority is authorized and empowered to enter into an
39 agreement with the Triborough Authority (and from time to time to enter
40 into agreements amending the same) for the design, location, financing,
41 construction, maintenance and operation of the Narrows bridge and any
42 other matters of like or different character with respect to the Narrows
43 bridge, and by which the Port Authority may grant, convey, lease or
44 otherwise transfer to the Triborough Authority or to the city of New
45 York for the use and occupancy of the Triborough Authority any right,
46 title or interest of the Port Authority in the Narrows bridge and in any
47 part or parts thereof, upon such terms as may be determined by the Port
48 Authority and the Triborough Authority, including but not limited to
49 agreement as to the method of fixing the tolls, rents, charges and other
50 fees and the rules for the regulation of the use of the bridge.

51 (b) So long as the Port Authority shall retain title to the Narrows
52 bridge, it shall, so far as it deems it practicable, treat as a single
53 unified operation the effectuation of the Narrows bridge, the interstate
54 bridges and tunnels now operated by the Port Authority and any other
55 bridges or tunnels which it may construct or operate, raising moneys for
56 the construction thereof and for the making of additions and improve-

1 ments thereto in whole or in part upon its own obligations, and, except
2 as provided in such agreement or any amendment thereof, establishing and
3 levying such tolls, rents, charges and other fees as it may deem neces-
4 sary to secure from all of such bridges and tunnels as a group at least
5 sufficient revenue to meet the expenses of the effectuation of such
6 bridges and tunnels as a group, and to provide for the payment of the
7 interest upon and amortization and retirement of and the fulfillment of
8 the terms of all bonds which it may have issued in connection therewith.
9 Except as provided in such agreement or any amendment thereof, no other
10 agency or commission of either state shall have jurisdiction over the
11 Narrows bridge so long as the Port Authority shall retain title thereto,
12 and, except as so provided, all details of the design, location, financ-
13 ing, construction, leasing, tolls, rents, charges and other fees,
14 contracts, maintenance and operation of and rules for the regulation of
15 the use of the Narrows bridge so long as the Port Authority shall retain
16 title thereto shall be within its sole discretion and its decision in
17 connection with any and all matters concerning such bridge shall be
18 controlling and conclusive.

19 (c) The states of New York and New Jersey hereby consent to suits,
20 actions or proceedings against the Port Authority upon, in connection
21 with or arising out of such agreement or any amendment thereof, by the
22 Triborough Authority, or by the city of New York if and to the extent
23 that such agreement or any amendment thereof shall create rights in the
24 city of New York, as follows:

25 (1) For judgments, orders or decrees restraining or enjoining the Port
26 Authority from transferring title to real property to other persons in
27 cases where it has agreed with the Triborough Authority to transfer such
28 title to the Triborough Authority or to the city of New York for the use
29 and occupancy of the Triborough Authority, and

30 (2) For judgments, orders or decrees restraining or enjoining the Port
31 Authority from committing or continuing to commit other breaches of such
32 agreement or any amendment thereof; provided, that such judgment, order
33 or decree shall not be entered except upon two days' prior written
34 notice to the Port Authority of the proposed entry thereof and provided
35 further, that upon an appeal taken by the Port Authority from such judg-
36 ment, order or decree the service of the notice of appeal shall perfect
37 the appeal and shall stay the execution of such judgment, order or
38 decree appealed from, without an undertaking or other security.

39 Nothing herein contained shall be deemed to revoke, rescind or affect
40 any consents to suits, actions or proceedings against the Port Authority
41 heretofore given by the two said states in chapter three hundred one of
42 the laws of New York of nineteen hundred fifty and continued by article
43 XV of this chapter and chapter two hundred four of the laws of New
44 Jersey of nineteen hundred fifty-one.

45 S 2105. Funding. The moneys in the general reserve fund of the Port
46 Authority may be pledged in whole or in part by the Port Authority as
47 security for or applied by it to the repayment with interest of any
48 moneys which it may raise upon Narrows bridge bonds issued by it from
49 time to time and the moneys in said general reserve fund may be applied
50 by the Port Authority to the fulfillment of any other undertakings which
51 it may assume to or for the benefit of the holders of any such bonds.

52 Subject to prior liens and pledges (and to the obligation of the Port
53 Authority to apply revenues to the maintenance of its general reserve
54 fund in the amount prescribed by the general reserve fund statutes), the
55 revenues of the Port Authority from facilities established, constructed,
56 acquired or effectuated through the issuance or sale of bonds of the

1 Port Authority secured by a pledge of its general reserve fund may be
2 pledged in whole or in part as security for or applied by it to the
3 repayment with interest of any moneys which it may raise upon Narrows
4 bridge bonds, and said revenues may be applied by the Port Authority to
5 the fulfillment of any other undertakings which it may assume to or for
6 the benefit of the holders of such bonds.

7 In the event that at any time the balance of moneys theretofore paid
8 into the general reserve fund and not applied therefrom shall exceed an
9 amount equal to one-tenth of the par value of all bonds legal for
10 investment, as defined and limited in the general reserve fund statutes,
11 issued by the Port Authority and currently outstanding at such time, by
12 reason of the retirement of Narrows bridge bonds the par value of which
13 had theretofore been included in the computation of said one-tenth, then
14 the Port Authority may pledge or apply such excess for and only for the
15 purposes for which it is authorized by the general reserve fund statutes
16 to pledge the moneys in the general reserve fund, and such pledge may be
17 made in advance of the time when such excess may occur.

18 S 2106. Bi-state covenant. The two states covenant and agree with
19 each other and with the holders of Narrows bridge bonds as security for
20 which there may or shall be pledged (directly or indirectly, or through
21 the medium of its general reserve fund or otherwise) the revenues, or
22 any part thereof, of the Narrows bridge or any other facility owned or
23 operated by the Port Authority, that the two states will not, so long as
24 any of such bonds remain outstanding and unpaid, diminish or impair the
25 power of the Port Authority to establish, levy and collect tolls, rents,
26 charges or other fees in connection with the Narrows bridge (so long as
27 the Port Authority shall retain title to such bridge) or any such other
28 facility; and that the two said states will not, so long as any of such
29 bonds remain outstanding and unpaid and so long as the Port Authority
30 shall retain title to the Narrows bridge, authorize the construction of
31 any other vehicular bridges or tunnels (other than bridges or tunnels
32 exclusively for railway rapid transit purposes) between Staten Island
33 and Long Island by any person or body other than the Port Authority.

34 S 2107. Security bonds. Narrows bridge bonds are hereby made securi-
35 ties in which all state and municipal officers and bodies of both
36 states, all banks, bankers, trust companies, savings banks, building and
37 loan associations, savings and loan associations, investment companies
38 and other persons carrying on a banking business, all insurance compa-
39 nies, insurance associations and other persons carrying on an insurance
40 business, and all administrators, executors, guardians, trustees and
41 other fiduciaries, and all other persons whatsoever, who are now or may
42 hereafter be authorized by either state to invest in bonds of such
43 state, may properly and legally invest any funds, including capital,
44 belonging to them or within their control; and said bonds are hereby
45 made securities which may properly and legally be deposited with and
46 shall be received by any state or municipal officer or agency of either
47 state for any purpose for which the deposit of bonds of such state is
48 now or may hereafter be authorized.

49 S 2108. Authorization to acquire real property. If the Port Authority
50 shall find it necessary or convenient to acquire any real property for
51 Narrows bridge purposes (including temporary construction, rehabili-
52 tation or improvement), whether for immediate or future use, the Port
53 Authority may find and determine that such property, whether a fee
54 simple absolute or a lesser interest, is required for a public use, and
55 upon such determination the said property shall be and shall be deemed
56 to be required for such public use until otherwise determined by the

1 Port Authority, and such determination shall not be affected by the fact
2 that such property has theretofore been taken for and is then devoted to
3 a public use; but the public use in the hands of or under the control of
4 the Port Authority shall be deemed superior to the public use in the
5 hands of any other person, association or corporation. If the Port
6 Authority shall find it necessary or convenient hereunder to acquire any
7 real property which is then devoted to a public use, the Port Authority
8 shall have power to exchange or substitute any other real property for
9 such real property upon terms agreed to by the Port Authority and the
10 owner of such property then devoted to a public use, and to find and
11 determine that such other real property is also required for a public
12 use; upon such determination the said other property shall be and shall
13 be deemed to be required for such public use.

14 The Port Authority may acquire and is hereby authorized to acquire any
15 real property in the state of New York required for a public use under
16 the preceding paragraph, whether a fee simple absolute or a lesser
17 estate, by the exercise of the right of eminent domain under and pursu-
18 ant to the eminent domain procedure law of the state of New York, or at
19 the option of the Port Authority pursuant to any other and alternate
20 procedure provided by law by such state. Nothing herein contained shall
21 be construed to prevent the Port Authority from bringing any proceedings
22 in either state to remove a cloud on title or such other proceedings as
23 it may, in its discretion, deem proper and necessary, or from acquiring
24 any such property in either state by negotiation or purchase.

25 Where a person entitled to an award remains in possession of such
26 property after the time of the vesting of title in the Port Authority,
27 the reasonable value of his use and occupancy of such property subse-
28 quent to such time, as fixed by agreement or by the court in such
29 proceedings or by any court of competent jurisdiction, shall be a lien
30 against such award, subject only to liens of record at the time of the
31 vesting of title in the Port Authority.

32 S 2109. Prior consent required. Anything in this article to the
33 contrary notwithstanding, no property now or hereafter vested in or held
34 by the city of New York shall be taken by the Port Authority without the
35 authority or consent of the city as provided in said compact of April
36 thirty, nineteen hundred twenty-one. The Port Authority is also hereby
37 authorized and empowered to acquire from said city by agreement there-
38 with, and the city, notwithstanding any contrary provision of law, is
39 hereby authorized and empowered to grant and convey upon reasonable
40 terms and conditions any real property which the Port Authority shall
41 find to be necessary for Narrows bridge purposes, including such real
42 property as has already been devoted to a public use. The state of New
43 York hereby consents to the use and occupation of the real property of
44 such state which the Port Authority shall find to be necessary for
45 Narrows bridge purposes, including lands of the state lying under water,
46 and the department, board or division or other agency of the state exer-
47 cising supervision of such property shall execute such documents as it
48 may deem necessary to evidence the right to such use and occupation.

49 S 2110. Authorization of agents to enter property. The Port Authority
50 and its duly authorized agents, and all persons acting under its author-
51 ity and by its direction, may enter in the daytime into and upon any
52 real property which it shall be necessary so to enter, for the purpose
53 of making such surveys, diagrams, maps or plans, or for the purpose of
54 making such soundings or borings as the Port Authority may deem neces-
55 sary or convenient for the purposes of this article and the concurrent
56 act of the state of New Jersey.

1 S 2111. Essential government function. The construction, maintenance
2 and operation of the Narrows bridge are and will be in all respects for
3 the benefit of the people of the states of New York and New Jersey, for
4 the increase of their commerce and prosperity and for the improvement of
5 their health and living conditions and shall be deemed to be public
6 purposes; and the Port Authority shall be regarded as performing an
7 essential governmental function in undertaking the construction, maintenance
8 and operation thereof and in carrying out the provisions of law
9 relating thereto.

10 S 2112. Tax exemption on acquired property. No taxes or assessments
11 shall be levied or collected upon any property acquired or used for
12 Narrows bridge purposes.

13 S 2113. Governmental nature. Any declarations contained herein and in
14 the concurrent act of the state of New Jersey with respect to the
15 governmental nature and public purpose of the Narrows bridge and to the
16 exemption of Narrows bridge property from taxation and to the discretion
17 of the Port Authority with respect to the operation thereof shall not be
18 construed to imply that other Port Authority property and operations are
19 not of a governmental nature or do not constitute public purposes, or
20 that they are subject to taxation, or that the determinations of the
21 Port Authority with respect thereto are not conclusive. The powers
22 vested in the Port Authority herein and in the concurrent act of the
23 state of New Jersey (including but not limited to the powers to acquire
24 real property by condemnation and to make or effectuate additions,
25 improvements, approaches and connections) shall, except as herein otherwise
26 expressly stated, be continuing powers and no exercise thereof
27 shall be deemed to exhaust them or any of them.

28 The provisions of chapter forty-seven of the laws of New York of nineteen
29 hundred thirty-one as continued by article II of this chapter and
30 chapter four of the laws of New Jersey of nineteen hundred thirty-one
31 shall not apply to the Narrows bridge.

32 S 2114. Agreement. This section and the preceding sections of this
33 article constitute an agreement between the states of New York and New
34 Jersey supplementary to the compact between the two states dated April
35 thirty, nineteen hundred twenty-one, and amendatory thereof, and shall
36 be liberally construed to effectuate the purposes of said compact and of
37 the comprehensive plan heretofore adopted by the two states, and the
38 powers vested in the Port Authority hereby shall be construed to be in
39 aid of and supplemental to and not in limitation of or in derogation of
40 any of the powers heretofore conferred upon or delegated to the Port
41 Authority.

42 ARTICLE XXII

43 NEW JERSEY TURNPIKE CONNECTIONS

44 Section 2201. Definitions.

45 2202. Authorization for agreement with New Jersey agencies.

46 2203. Securities.

47 S 2201. Definitions. As used in this article:

48 1. "Port authority" shall mean the Port of New York Authority;

49 2. "Bonds" shall mean bonds, notes, securities or other obligations or
50 evidences of indebtedness;

51 3. "Newark bay-Hudson county extension" shall mean the turnpike
52 project of the New Jersey Turnpike Authority extending between the
53 vicinity of Port street and Newark airport in the city of Newark and the
54 vicinity of the Holland tunnel in Hudson county, authorized by subdivi-

1 sion (c) of section one of chapter forty-one of the laws of New Jersey
2 of one thousand nine hundred forty-nine, as amended by chapter two
3 hundred eighty-six of the laws of New Jersey of one thousand nine
4 hundred fifty-one;

5 4. "Newark bay-Hudson county extension terminal connections" shall
6 mean the connections to the Newark bay-Hudson county extension at the
7 following locations: (a) at or in the vicinity of the westerly end of
8 the Newark bay-Hudson county extension to interconnect United States
9 Highway route 1, the turnpike toll plaza, Port street and Newark
10 airport, and (b) at or in the vicinity of the Holland tunnel plaza and
11 thence northerly in Hudson county to a point at grade at or in the
12 vicinity of Paterson avenue in the city of Hoboken.

13 S 2202. Authorization for agreement with New Jersey agencies. The
14 port authority is hereby authorized and empowered, in its discretion, to
15 enter into an agreement or agreements upon such terms and conditions as
16 it may deem in the public interest, with the New Jersey Turnpike Author-
17 ity, or the New Jersey state highway department, or both, whereby the
18 port authority may undertake to pay to such other party or parties to
19 such agreement or agreements such portion or portions of the cost of
20 constructing either or both of said Newark bay-Hudson county extension
21 terminal connections as the port authority shall determine to be propor-
22 tionate to the benefit to facilities owned or operated by the port
23 authority from such connections, whether or not such connections shall
24 constitute approaches or connections to such port authority facilities.

25 S 2203. Securities. The bonds which may be issued by the port authori-
26 ty to provide funds to make all or any portion of the payment or
27 payments required by an agreement or agreements authorized by section
28 twenty-two hundred two of this article and for purposes incidental ther-
29 eto are hereby made securities in which all state and municipal officers
30 and bodies of New Jersey and New York, all banks, bankers, trust compa-
31 nies, savings banks, building and loan associations, saving and loan
32 associations, investment companies and other persons carrying on a bank-
33 ing business, all insurance companies, insurance associations and other
34 persons carrying on an insurance business, and all administrators, exec-
35 utors, guardians, trustees and other fiduciaries and all other persons
36 whatsoever are now or may hereafter be authorized by either the state of
37 New Jersey or the state of New York to invest in bonds or other obli-
38 gations of such state, may properly and legally invest any funds includ-
39 ing capital belonging to them or within their control; and said bonds
40 are hereby made securities which may properly and legally be deposited
41 with and shall be received by any state or municipal officer or agency
42 of either the state of New Jersey or the state of New York for any
43 purpose for which the deposit of bonds or other obligations of such
44 state is now or may hereafter be authorized.

45 ARTICLE XXIII
46 COMMUTER RAILROAD CARS

47 Section 2301. Commuter railroad cars.

48 S 2301. Commuter railroad cars. 1. Upon the concurrence of the state
49 of New Jersey, the states of New York and New Jersey agree that each
50 such state may elect by appropriate legislation to provide for the
51 purchase and rental by the port of New York authority of railroad cars
52 for passenger transportation in accordance with this article.

53 2. For the purpose of this article:

54 (a) "Port authority" shall mean the port of New York authority.

1 (b) "Commuter railroad of an electing state" shall mean a railroad
2 transporting passengers between municipalities in the portion of the
3 port of New York district within such state, the majority of the track-
4 age of which within the port of New York district utilized for the
5 transportation of passengers shall be in such state.

6 (c) "Railroad cars" shall mean railroad passenger cars, including
7 self-propelled cars, and locomotives and other rolling stock used in
8 passenger transportation.

9 3. (a) Upon the election by either state as provided in subdivision
10 one of this section, the port authority shall be authorized and
11 empowered to:

12 (i) purchase and own railroad cars for the purpose of leasing them to
13 any commuter railroad of such state; provided, however, that no rail-
14 road cars shall be so purchased except with advances received or money
15 borrowed pursuant to subparagraphs (ii) and (iii) of this paragraph, nor
16 shall the port authority incur expenses in connection with such purchase
17 and ownership except out of such advances or borrowed money or the
18 rentals received from such leasing;

19 (ii) receive and accept advances from such state for such purchase
20 upon such terms and conditions as such state may specify;

21 (iii) borrow money from any source for such purchase or for the repay-
22 ment of such advances or money borrowed, subject to the provisions of
23 paragraph (b) of this subdivision;

24 (iv) secure the repayment of principal of and interest upon any such
25 borrowed money by and only by a lien upon such railroad cars, a pledge
26 of the rentals therefrom and the liability of the electing state for the
27 repayment of such principal and interest;

28 (v) lease such railroad cars directly or indirectly to any commuter
29 railroad of such state upon such terms and conditions as the port
30 authority shall deem in the public interest, including postponement of
31 receipt of rentals by the port authority in the interest of increasing
32 and improving the service rendered to the commuting public; provided,
33 however, that no such lease shall become effective until it has been
34 approved in writing by the officer of the electing state designated by
35 appropriate legislation; and

36 (vi) sell or otherwise dispose of such cars upon such terms and condi-
37 tions and to such persons as the port authority shall deem in the public
38 interest, except as may be otherwise directed by such electing state.

39 (b) The port authority shall not borrow money pursuant to subparagraph
40 (iii) of paragraph (a) of this subdivision unless and until the electing
41 state shall have duly amended its constitution, if necessary, making or
42 authorizing making the state liable for the repayment of the money so
43 borrowed and interest thereon or for the fulfillment of the rental obli-
44 gations to the port authority, or both; and the port authority shall
45 not borrow any such money unless and until the electing state shall be
46 made liable for the repayment of any such money.

47 4. The purchase and ownership by the port authority of railroad cars
48 and the rental thereof to commuter railroads of the states of New York
49 or New Jersey are and will be in all respects for the benefit of the
50 people of the said two states for the increase of their commerce and
51 prosperity and for the improvement of their health, safety and living
52 conditions and shall be deemed to be public purposes; and the port
53 authority shall be regarded as performing an essential governmental
54 function in undertaking such purchase, ownership and rental and in
55 carrying out the provisions of law relating thereto.

1 5. The bonds or other evidences of indebtedness which may be issued by
2 the port authority pursuant to this article are hereby made securities
3 in which all state and municipal officers and bodies, all banks, bank-
4 ers, trust companies, savings banks, savings and loan associations,
5 investment companies and other persons carrying on a banking business,
6 all insurance companies, insurance associations and other persons carry-
7 ing on an insurance business, and all administrators, executors, guardi-
8 ans, trustees and other fiduciaries and all other persons whatsoever who
9 are now or may hereafter be authorized to invest in bonds or other obli-
10 gations of the electing state, may properly and legally invest any
11 funds, including capital, belonging to them or within their control;
12 and said bonds or other evidences of indebtedness are hereby made secu-
13 rities which may properly and legally be deposited with and shall be
14 received by any state or municipal officer or agency for any purpose for
15 which the deposit of bonds or other evidences of indebtedness of the
16 electing state is now or may hereafter be authorized. Such bonds or
17 other evidences of indebtedness shall constitute negotiable instruments.

18 Notwithstanding the provisions of this or any other legislation the
19 rentals received by the port authority from the leasing of any railroad
20 cars under this article shall not be pooled or applied to the establish-
21 ment or maintenance of any reserve fund of the port authority pledged as
22 security for any bonds or other evidences of indebtedness other than
23 those issued pursuant to this article, and the bonds or other evidences
24 of indebtedness issued pursuant to this article shall not be included in
25 measuring the principal amount of bonds or other evidences of indebt-
26 edness upon which the amount of any such reserve fund is calculated.

27 6. No taxes or assessments shall be levied or collected upon any rail-
28 road cars owned by the port authority pursuant to this article or upon
29 any leasehold interest therein.

30 7. (a) The state of New York hereby elects pursuant to subdivision one
31 of this section to provide for the purchase and rental by the port
32 authority of railroad cars on the commuter railroads of this state. The
33 commissioner of the department of transportation is hereby designated as
34 the officer of this state for the approval of leases pursuant to subpar-
35 agraph (v) of paragraph (a) of subdivision three of this section.

36 (b) In the event that this state shall make advances to the port
37 authority for the purchase and rental of railroad cars, the port author-
38 ity shall repay any such advances, pursuant to an appropriate written
39 agreement with the director of the budget entered into prior to the
40 requisitioning of such advances, out of money borrowed for such purpose
41 under subparagraph (iii) of paragraph (a) of subdivision three of this
42 section. Except as so repaid, such advances shall be repaid annually by
43 the port authority to the extent and only to the extent that the port
44 authority shall have received rentals, directly or indirectly, from all
45 the commuter railroads of this state to which railroad cars have been
46 leased under this article in excess of the components of such rentals
47 which represent the port authority's administrative, legal and financial
48 expenses in connection with the purchase, ownership and lease.

49 (c) In the event that railroad cars purchased by the port authority
50 are sold upon the default of any lessee thereof, the port authority
51 shall deduct from the proceeds of such sale its unpaid administrative,
52 legal and financial expenses in connection with such lease and sale and
53 an amount equal to the unpaid principal and interest and mandatory
54 redemption premiums, whenever payable, upon its outstanding bonds or
55 other evidences of indebtedness, the proceeds of the issuance of which
56 shall have been applied to the purchase of the railroad cars sold and

1 shall pay the balance to this state, but the port authority shall have
2 full authority to agree with any other creditors of such lessee, either
3 in advance of or after default, as to the order of payment to the port
4 authority and such other creditors, either out of the assets of such
5 lessee available for such creditors, including the port authority, or
6 out of the proceeds of the joint sale of various properties of such
7 creditors theretofore used by such lessee, including such railroad cars
8 of the port authority.

9 (d) Except as provided in paragraph (c) of this subdivision, any rail-
10 road cars purchased by the port authority with the proceeds of the issu-
11 ance by the port authority of any series of bonds or other evidences of
12 indebtedness shall become the property of this state after the final
13 payment of all the bonds or other evidences of indebtedness of such
14 series, and thereafter shall be held by the port authority subject to
15 the disposition of this state, and any railroad cars purchased by the
16 port authority with any advances from this state shall become the prop-
17 erty of this state upon the repayment of all such advances solely out of
18 rentals in excess of the port authority's administrative, legal and
19 financial expenses in connection therewith; or if the proceeds of port
20 authority bonds or other evidences of indebtedness of any series shall
21 have been applied to repay all or any portion of such advances, then
22 such cars shall become the property of this state upon the final payment
23 of all such bonds or other evidences of such indebtedness of such
24 series.

25 (e)(i) To the extent authorized by the constitution at the time of the
26 issuance of bonds or notes of the port authority for any of the purposes
27 of this article, the punctual payment of such bonds and notes shall be,
28 and the same hereby is, fully and unconditionally guaranteed by the
29 state of New York, both as to principal and interest, according to their
30 terms; and such guaranty shall be expressed upon the face thereof by
31 the signature or facsimile signature of the comptroller or a deputy
32 comptroller of the state of New York. If the port authority shall fail
33 to pay, when due, the principal of, or interest upon, such bonds or
34 notes, such comptroller shall pay the holder thereof. In furtherance of
35 such guaranty of punctual payment, if the comptroller of this state
36 shall receive written notice from the trustee or other fiduciary or
37 other duly authorized representative of the holder or holders of such
38 bonds and notes designated in any agreement between the port authority
39 and such holder or holders that the port authority has failed to make or
40 deposit any payment of interest or principal required by such agreement
41 to or with such trustee or fiduciary or otherwise at or before the time
42 specified in such agreement, then such comptroller shall within three
43 days of the receipt of such notice pay to such trustee or fiduciary or
44 other duly authorized representative the amount necessary to meet any
45 deficiency in the payment of such interest and principal, when due.

46 If the comptroller shall make a payment or payments pursuant to this
47 subparagraph, the state shall be subrogated to the rights of the bond-
48 holders or noteholders to whom, or on account of whom, such payment or
49 payments were made, in and to the revenues pledged to such holders; and
50 for such purpose, to the extent any such revenues in the hands of the
51 port authority may be inadequate to repay such payment or payments made
52 by the state, the state shall be further subrogated to the rights of the
53 port authority to recover any rentals due and unpaid to the port author-
54 ity as of the date of such payment or payments and pledged to such hold-
55 ers as aforesaid.

1 (ii) Such bonds and notes shall be sold by the port authority in such
2 manner and at such time as the port authority, with the approval of the
3 comptroller, shall determine. The proceeds of each sale of bonds or
4 notes shall be applied to the purpose or purposes set forth in the
5 resolution of the port authority authorizing the issuance of such bonds
6 or notes. If, after having accomplished the purpose or purposes set
7 forth in such resolution there remains any unexpended balance (including
8 interest earned by the port authority on such proceeds), such unexpended
9 balance shall be applied by the port authority, to the extent practica-
10 ble, to the purchase for retirement or to the redemption of bonds or
11 notes included in such sale, or otherwise as the port authority may
12 determine for the purposes of this article. If any commuter car, the
13 acquisition of which is financed or refinanced by the issuance of bonds
14 or notes under this article, be lost, damaged or destroyed, the proceeds
15 of any insurance policies covering such loss, damage or destruction or
16 any payments made to the port authority by the lessee of such car on
17 account of such loss, damage or destruction shall be applied by the port
18 authority, to the extent practicable, to the purchase for retirement or
19 to the redemption of bonds or notes of such series, or otherwise as the
20 port authority may determine for the purposes of this article.

21 (iii) The port authority is designated as the agent of the state of
22 New York for the purpose of selling, leasing or otherwise disposing of
23 any railroad cars which shall become the property of the state pursuant
24 to paragraph (d) of this subdivision. As such agent the port authority
25 may agree, upon such terms and conditions as may be deemed appropriate
26 by it, with any lessee of railroad cars or with any other person, either
27 in advance of or after the time when such cars shall become the property
28 of the state, so to sell, lease or otherwise dispose of such cars. In
29 the event any such cars are so sold, leased or otherwise disposed of by
30 the port authority, the port authority shall pay over to the state, as
31 promptly after receipt as may be practicable, any balance of the
32 proceeds thereof, which remain after deduction of the port authority's
33 administrative, legal and financial expenses in connection with or arising
34 out of such sale, lease or other disposition.

35 ARTICLE XXIV
36 WORLD TRADE CENTER

37 Section 2401. World trade center.

38 S 2401. World trade center. 1. The states of New York and New Jersey
39 hereby find and determine:

40 (a) that the transportation of persons to, from and within the port of
41 New York, and the flow of foreign and domestic cargoes to, from and
42 through the port of New York are vital and essential to the preservation
43 of the economic well-being of the northern New Jersey-New York metropol-
44 itan area;

45 (b) that in order to preserve the northern New Jersey-New York metro-
46 politan area from economic deterioration, adequate facilities for the
47 transportation of persons must be provided, preserved and maintained and
48 that rail services are and will remain of extreme importance to such
49 transportation of persons;

50 (c) that the interurban electric railway now or heretofore operated by
51 the Hudson & Manhattan railroad company is an essential railroad facili-
52 ty serving the northern New Jersey-New York metropolitan area, that its
53 physical plant is in a severely deteriorated condition, and that it is
54 in extreme financial condition;

1 (d) that the immediate need for the maintenance and development of
2 adequate railroad facilities for the transportation of persons between
3 northern New Jersey and New York would be met by the acquisition, reha-
4 bilitation and operation of the said Hudson & Manhattan interurban elec-
5 tric railway by a public agency, and improvement and extensions of the
6 rail transit lines of said railway to permit transfer of its passengers
7 to and from other transportation facilities and in the provision of
8 transfer facilities at the points of such transfers;

9 (e) that in order to preserve and protect the position of the port of
10 New York as the nation's leading gateway for world commerce it is incum-
11 bent on the states of New York and New Jersey to make every effort to
12 insure that their port receives its rightful share of the oceanborne
13 cargo volumes generated by the economy of the nation;

14 (f) that the servicing functions and activities connected with the
15 oceanborne and overseas airborne trade and commerce of the port of New
16 York district as defined in the compact between the said two states
17 dated April thirty, nineteen hundred twenty-one (hereinafter called the
18 port district), including customs clearance, shipping negotiations,
19 cargo routing, freight forwarding, financing, insurance arrangements and
20 other similar transactions which are presently performed in various,
21 scattered locations in the city of New York, state of New York, should
22 be centralized to provide for more efficient and economical transporta-
23 tion of persons and more efficient and economical facilities for the
24 exchange and buying, selling and transportation of commodities and other
25 property in world trade and commerce;

26 (g) that unification, at a single, centrally located site, of the
27 principal New York terminal of the aforesaid interurban electric railway
28 and a facility of commerce accommodating the said functions and activ-
29 ities described in subdivision six of this section and the appropriate
30 governmental, administrative and other services connected with or inci-
31 dental to transportation of persons and property and the promotion and
32 protection of port commerce, and providing a central locale for exhibit-
33 ing and otherwise promoting the exchange and buying and selling of
34 commodities and property in world trade and commerce, will materially
35 assist in preserving for the two states and the people thereof the mate-
36 rial and other benefits of a prosperous port community;

37 (h) that the port authority, which was created by agreement of the two
38 states as their joint agent for the development of the transportation
39 and terminal facilities and other facilities of commerce of the port
40 district and for the promotion and protection of the commerce of their
41 port, is the proper agency to act in their behalf (either directly or by
42 or through wholly-owned subsidiary corporations) to effectuate, as a
43 unified project, the said interurban electric railway and its extensions
44 and the facility of commerce described in paragraph (g) of this subdivi-
45 sion; and

46 (i) that the undertaking of the aforesaid unified project by the port
47 authority has the single object of preserving, and is part of a unified
48 plan to aid in the preservation of, the economic well-being of the
49 northern New Jersey-New York metropolitan area and is found and deter-
50 mined to be in the public interest.

51 2. The following terms as used in this act shall have the following
52 meanings:

53 (a) "Bonds" shall mean bonds, notes, securities or other obligations
54 or evidences of indebtedness;

55 (b) "Effectuation" of a project or any facility or part of a facility
56 constituting a portion of a project shall include but not be limited to

1 its establishment, acquisition, construction, development, maintenance,
2 operation, improvement (by way of betterments, additions or otherwise)
3 and rehabilitation;

4 (c) "Exchange place terminal area" shall mean the area in the city of
5 Jersey City, state of New Jersey, bounded generally by Exchange place
6 and Montgomery street, by Warren street, by Pearl street, by Greene
7 street, and by Morgan street as extended to the bulkhead line and by
8 said bulkhead line, together with such additional contiguous area as may
9 be agreed upon from time to time between the port authority and the said
10 city;

11 (d) "General reserve fund statutes" shall mean chapter forty-eight of
12 the laws of New York of nineteen hundred thirty-one as amended and
13 continued by article VI of this chapter, and chapter five of the laws of
14 New Jersey of nineteen hundred thirty-one as amended, and "general
15 reserve fund" shall mean the general reserve fund of the port authority
16 authorized by said statutes;

17 (e) "Hudson tubes" shall mean that portion of the port development
18 project constituting a railroad facility consisting of the four inter-
19 state rail tunnels under the Hudson river now or heretofore owned or
20 operated by the Hudson & Manhattan railroad company, the rail transit
21 lines of the Hudson tubes, the balance of the interurban electric rail-
22 way system in and through said tunnels and over said lines and inci-
23 dental thereto (including but not limited to the portion of such lines
24 and system now or heretofore operated jointly by said railroad company
25 and the Pennsylvania railroad company), terminals, including but not
26 limited to terminals in the Hudson tubes-world trade center area, in the
27 Journal square terminal area and in the Exchange place terminal area,
28 and other related railroad property;

29 (f) "Hudson tubes extensions" shall mean those portions of the port
30 development project constituting passenger railroad facilities (1)
31 extending directly from the rail transit lines of the Hudson tubes, over
32 new rail transit lines or on or over the existing rail transit lines of
33 other railroads, to transfer facilities in the rail passenger transfer
34 area, for the transfer of passengers of the Hudson tubes to and from
35 other railroads, and (2) extending from Pennsylvania station in the city
36 of Newark, state of New Jersey, over new rail transit lines or on or
37 over the existing rail transit lines of other railroads, to the vicinity
38 of the city of Plainfield, state of New Jersey, including construction,
39 reconstruction and improvement of necessary stations in and between the
40 city of Newark and the vicinity of the city of Plainfield, together with
41 such additional rail or other mass transportation, terminal, station,
42 parking, storage and service facilities as operations may require, and
43 shall include a connection to provide improved access to Newark interna-
44 tional airport if and to the extent such connection shall not be other-
45 wise provided by the port authority as air terminal facilities for said
46 airport, and (3) consisting of the following improvements to passenger
47 railroad lines connecting with the Hudson tubes: (i) direct track
48 connections between the rail transit lines of the Morris & Essex divi-
49 sion of the Erie-Lackawanna railroad and the Penn Central transportation
50 company in the vicinity of the town of Kearny in the state of New
51 Jersey, (ii) replacement of the railroad bridge (known as the "portal
52 bridge") operated by the Penn Central transportation company across the
53 Hackensack river, (iii) direct track connections between the rail trans-
54 it lines of the Bergen branch and the mail line of the Erie-Lackawanna
55 railroad in the vicinity of the town of Secaucus in the state of New
56 Jersey and between the new joint line resulting from such connections

1 and the rail transit lines of the Penn Central transportation company in
2 the vicinity of the town of Secaucus in the state of New Jersey, (iv) a
3 new railroad yard in the vicinity of the town of Secaucus in the state
4 of New Jersey for the accommodation of railroad passenger equipment, (v)
5 improvements to Pennsylvania station in the city of New York, state of
6 New York, and to its railroad approaches from the state of New Jersey,
7 as necessary or desirable to improve operations and to increase train
8 and passenger handling capacity, and (vi) such additional rail or other
9 mass transportation, terminal, station, parking, storage and service
10 facilities as operations may require with respect to any of the projects
11 identified in this subparagraph or any of the foregoing or any portion
12 thereof; and, in addition thereto, other related railroad property;

13 (g) "Hudson tubes-world trade center area" shall mean the area in the
14 borough of Manhattan, city and state of New York, bounded generally by
15 the east side of Church street on the east, the south side of Liberty
16 street and the south side of Liberty street extended on the south, the
17 Hudson river on the west, and on the north by a line beginning at the
18 point of intersection of the Hudson river and the north side of Vesey
19 street extended, running along the north side of Vesey street extended
20 and the north side of Vesey street to the west side of Washington
21 street, then along the west side of Washington street to the north side
22 of Barclay street, then along the north side of Barclay street to the
23 east side of West Broadway, then along the east side of West Broadway to
24 the north side of Vesey street, then along the north side of Vesey
25 street to the east side of Church street, together with such additional
26 contiguous area as may be agreed upon from time to time between the port
27 authority and the said city;

28 (h) "Journal square terminal area" shall mean the area in the city of
29 Jersey City, state of New Jersey, bounded generally by Journal square,
30 Hudson boulevard, Pavonia avenue, Summit avenue and Sip avenue, together
31 with such additional contiguous area as may be agreed upon from time to
32 time between the port authority and the said city;

33 (i) "Municipality" shall mean a county, city, borough, village, town,
34 township or other similar political subdivision of New York or New
35 Jersey;

36 (j) "Parking facilities" forming a part of the Hudson tubes or Hudson
37 tubes extensions shall mean one or more areas, buildings, structures,
38 improvements or other accommodations or appurtenances at or in the
39 vicinity of any terminal or station of the Hudson tubes or Hudson tubes
40 extensions and necessary, convenient or desirable in the opinion of the
41 port authority for the parking of motor vehicles of users of the Hudson
42 tubes or the Hudson tubes extensions and of members of the general
43 public and for the parking and storage of omnibuses and railroad cars
44 serving users of the Hudson tubes or the Hudson tubes extensions and for
45 the transfer of the operators and passengers of such motor vehicles,
46 omnibuses and railroad cars to and from the railroad cars of the Hudson
47 tubes or the Hudson tubes extensions, and for purposes incidental there-
48 to;

49 (k) "Purposes of this article" shall mean the effectuation of the port
50 development project and of each facility constituting a portion thereof
51 and of each part of each such facility, and purposes incidental thereto;

52 (l) "Rail passenger transfer area" shall mean the area in the state of
53 New Jersey bounded as follows: beginning on the west bank of the Hudson
54 river at the southerly side of the right-of-way of the Central railroad
55 of New Jersey easterly of the Communipaw station in the city of Jersey
56 City, thence northwestwardly along said southerly side of the right-of-

1 way of the Central railroad of New Jersey through the cities of Jersey
2 City and Kearny to Broad street in the city of Newark; thence northward-
3 ly along Broad street to Clay street, thence eastwardly along Clay
4 street to the boundary between the counties of Hudson and Essex in the
5 Passaic river, thence northwardly along said boundary to its inter-
6 section with the boundary line between the counties of Bergen and
7 Hudson, thence eastwardly and northwardly along said boundary to New
8 Jersey state highway route three, thence eastwardly along said route
9 three, the Lincoln tunnel viaduct and a line in continuation of said
10 viaduct and tunnel to the west bank of the Hudson river, thence south-
11 wardly along said west bank to the point and place of beginning;

12 (m) "Rail transit lines" shall mean right-of-way and related trackage,
13 and the "rail transit lines of the Hudson tubes" shall mean the rail
14 transit lines beginning at the Market street station of the Pennsylvania
15 railroad company in the city of Newark, state of New Jersey and extend-
16 ing generally (i) eastwardly along the joint service and operating route
17 now or heretofore used by the Hudson & Manhattan railroad company and
18 the Pennsylvania railroad company to the point of connection thereof
19 with the tracks now or formerly of the Hudson & Manhattan railroad
20 company in or about the Journal square terminal area; thence (ii)
21 continuing eastwardly along the tracks and right-of-way now or hereto-
22 fore used by the Hudson & Manhattan railroad company through the city of
23 Jersey City, state of New Jersey and through the tunnels under the
24 waters of the Hudson river and through Cortlandt and Fulton streets in
25 the borough of Manhattan, city and state of New York to the Hudson
26 terminal in the Hudson tubes-world trade center area; with a branch from
27 the aforesaid route from a point located between the Grove street and
28 Exchange place stations in said city of Jersey City northwardly and
29 eastwardly to the Hoboken terminal station in the city of Hoboken, state
30 of New Jersey and with a second branch from said first branch eastwardly
31 and through the tunnels under the waters of the Hudson river to the said
32 borough of Manhattan passing through or adjacent to Morton street,
33 Greenwich street, Christopher street and the avenue of the Americas
34 (formerly Sixth avenue) to the West Thirty-third street terminal in said
35 borough of Manhattan; and rail transit lines of the Hudson tubes and of
36 the Hudson tubes extensions shall in each case include such rail transit
37 lines as the port authority may deem necessary, convenient or desirable
38 to and from parking facilities, storage yards, maintenance and repair
39 shops and yards forming part thereof;

40 (n) "Real property" shall mean lands, structures, franchises and
41 interests in land, waters, lands under water and riparian rights and any
42 and all things and rights included within said term, and includes not
43 only fees simple absolute but also any and all lesser interests, includ-
44 ing but not limited to easements, rights-of-way, uses, leases, licenses
45 and all other incorporeal hereditaments and every estate, interest or
46 right, legal or equitable, including terms for years, and liens thereon
47 by way of judgments, mortgages or otherwise;

48 (o) "Related railroad property" shall mean any property, real,
49 personal or mixed, necessary, convenient or desirable, in the opinion of
50 the port authority, to the effectuation of a railroad facility which is
51 a portion of the port development project and shall include but not be
52 limited to rail transit lines; terminals and stations; power, fuel,
53 communication, signal and ventilation systems; cars and other rolling
54 stock; storage yards; repair and maintenance shops, yards, equipment and
55 parts; parking facilities; transfer facilities for transfer of passen-
56 gers between such railroad facility and other railroads or omnibuses;

1 offices; and other buildings, structures, improvements, areas, equipment
2 or supplies; and, in the case of buildings, structures, improvements or
3 areas in which any one or more of such railroad functions are accommo-
4 dated shall include all of such buildings, structures, improvements or
5 areas notwithstanding that portions thereof may not be devoted to any of
6 the purposes of the port development project other than the production
7 of incidental revenue available for the expenses of all or part of the
8 port development project, except that in the Hudson tubes-world trade
9 center area the portions of such buildings, structures, improvements or
10 areas constructed or established pursuant to this article which are not
11 devoted primarily to railroad functions, activities or services or to
12 functions, activities or services for railroad passengers shall be
13 deemed a part of the world trade center and not related railroad proper-
14 ty;

15 (p) "Surplus revenues" from any facility shall mean the balance of the
16 revenues from such facility (including but not limited to the revenues
17 of any subsidiary corporation incorporated for any of the purposes of
18 this act) remaining at any time currently in the hands of the port
19 authority after the deduction of the current expenses of the operation
20 and maintenance thereof, including a proportion of the general expenses
21 of the port authority as it shall deem properly chargeable thereto,
22 which general expenses shall include but not be limited to the expense
23 of protecting and promoting the commerce of the port district, and after
24 the deduction of any amounts which the port authority may or shall be
25 obligated or may or shall have obligated itself to pay to or set aside
26 out of the current revenues therefrom for the benefit of the holders of
27 any bonds legal for investment as defined in the general reserve fund
28 statutes;

29 (q) "Surplus revenues of the port development project" shall mean the
30 surplus revenues of the Hudson tubes, the Hudson tubes extensions and
31 the world trade center; and

32 (r) "World trade center" shall mean that portion of the port develop-
33 ment project constituting a facility of commerce consisting of one or
34 more buildings, structures, improvements and areas necessary, convenient
35 or desirable in the opinion of the port authority for the centralized
36 accommodation of functions, activities and services for or incidental to
37 the transportation of persons, the exchange, buying, selling and trans-
38 portation of commodities and other property in world trade and commerce,
39 the promotion and protection of such trade and commerce, governmental
40 services related to the foregoing and other governmental services,
41 including but not limited to custom houses, customs stores, inspection
42 and appraisal facilities, foreign trade zones, terminal and transporta-
43 tion facilities, parking areas, commodity and security exchanges,
44 offices, storage, warehouse, marketing and exhibition facilities and
45 other facilities and accommodations for persons and property and, in the
46 case of buildings, structures, improvements and areas in which such
47 accommodation is afforded, shall include all of such buildings, struc-
48 tures, improvements and areas other than portions devoted primarily to
49 railroad functions, activities or services or to functions, activities
50 or services for railroad passengers, notwithstanding that other portions
51 of such buildings, structures, improvements and areas may not be devoted
52 to purposes of the port development project other than the production of
53 incidental revenue available for the expenses of all or part of the port
54 development project.

55 3. In furtherance of the aforesaid findings and determinations and in
56 partial effectuation of and supplemental to the comprehensive plan here-

1 tofore adopted by the two said states for the development of the said
2 port district, the port authority is hereby authorized and empowered to
3 establish, acquire, construct, effectuate, develop, own, lease, main-
4 tain, operate, improve and rehabilitate a project herein referred to as
5 the port development project, which shall consist of a facility of
6 commerce herein referred to as the world trade center, to be located
7 within the Hudson tubes-world trade center area, and railroad facilities
8 herein referred to as the Hudson tubes and the Hudson tubes extensions.
9 The port authority shall proceed as rapidly as may be practicable to
10 accomplish the purposes of this article.

11 The port authority is hereby authorized and empowered to establish,
12 levy and collect such rentals, tolls, fares, fees and other charges as
13 it may deem necessary, proper or desirable in connection with any facil-
14 ity or part of any facility constituting a portion of the port develop-
15 ment project and to issue bonds for any of the purposes of this article
16 and to provide for payment thereof, with interest upon and the amorti-
17 zation and retirement of such bonds, and to secure all or any portion of
18 such bonds by a pledge of such rentals, tolls, fares, fees, charges and
19 other revenues or any part thereof (including but not limited to the
20 revenues of any subsidiary corporation incorporated for any of the
21 purposes of this article), and to secure all or any portion of such
22 bonds by mortgages upon any property held or to be held by the port
23 authority (or by any such subsidiary corporation) for any of the
24 purposes of this article, and for any of the purposes of this article to
25 exercise all appropriate powers heretofore or hereafter delegated to it
26 by the states of New York and New Jersey, including, but not limited to,
27 those expressly set forth in this article. The surplus revenues of the
28 port development project may be pledged in whole or in part as herein-
29 after provided.

30 Unless and until hereafter expressly authorized by the two states the
31 port authority shall not: (a) operate or permit operation by others of
32 its Hudson tubes railroad cars or other rolling stock or equipment or
33 Hudson tubes extensions railroad cars or other rolling stock or equip-
34 ment except upon the rail transit lines of the Hudson tubes or of the
35 Hudson tubes extensions and also between the Market street station and
36 the South street station of the Pennsylvania railroad company in the
37 city of Newark, state of New Jersey; or (b) except by way of Hudson
38 tubes extensions as herein defined, make additions, betterments or other
39 improvements to or of said Hudson tubes or Hudson tubes extensions by
40 way of extensions of their rail transit lines. Nothing herein contained
41 shall be deemed to prevent the making by the port authority of such
42 joint service or other agreements with railroads as it shall deem neces-
43 sary, convenient or desirable for the use of the Hudson tubes and Hudson
44 tubes extensions by the railroad cars or other rolling stock or equip-
45 ment of such railroads and the acquisition of the rights of any or all
46 parties in any joint service or other agreements the Hudson & Manhattan
47 railroad company or its successors shall have made with other railroads
48 for such use of the Hudson tubes. The port authority shall not proceed
49 with the effectuation of any railroad or railroad facility in addition
50 to the Hudson tubes and the Hudson tubes extensions until hereafter
51 expressly authorized by the two states. Nothing contained in this arti-
52 cle shall authorize or empower the port authority to establish,
53 construct or otherwise effectuate an air terminal.

54 4. The moneys in the general reserve fund may be pledged in whole or
55 in part by the port authority as security for or applied by it to the
56 repayment with interest of any moneys which it may raise upon bonds

1 issued or incurred by it from time to time for any of the purposes of
2 this article or upon bonds secured in whole or in part by the pledge of
3 the revenues from the port development project or any portion thereof or
4 upon bonds both so issued or incurred and so secured; and the moneys in
5 said general reserve fund may be applied by the port authority to the
6 fulfillment of any other undertakings which it may assume to or for the
7 benefit of the holders of any such bonds.

8 Subject to prior liens and pledges (and to the obligation of the port
9 authority to apply revenues to the maintenance of its general reserve
10 fund in the amount prescribed by the general reserve fund statutes), the
11 revenues from facilities established, constructed, acquired or otherwise
12 effectuated through the issuance or sale of bonds of the port authority
13 secured in whole or in part by a pledge of its general reserve fund or
14 any portion thereof may be pledged in whole or in part as security for
15 or applied by it to any of the purposes of this article, including the
16 repayment with interest of any moneys which it may raise upon bonds
17 issued or incurred from time to time for any of the purposes of this
18 article or upon bonds secured in whole or in part by the pledge of the
19 revenues of the port authority from the port development project or any
20 portion thereof or upon bonds both so issued or incurred and so secured;
21 and said revenues may be applied by the port authority to the fulfill-
22 ment of any other undertakings which it may assume to or for the benefit
23 of the holders of such bonds.

24 5. In all cases where the port authority has raised or shall hereafter
25 raise moneys for any of the purposes of this article by the issue and
26 sale of bonds which are secured in whole or in part by a pledge of the
27 general reserve fund or any portion thereof, the surplus revenues from
28 any facility constituting a portion of the port development project and
29 financed in whole or in part out of the proceeds of such bonds and the
30 surplus revenue from any other port authority facility the surplus
31 revenues of which at such time may be payable into the general reserve
32 fund shall be pooled and applied by the port authority to the establish-
33 ment and maintenance of the general reserve fund in an amount equal to
34 one-tenth of the par value of all bonds legal for investment, as defined
35 in the general reserve fund statutes, issued by the port authority and
36 currently outstanding, including such bonds issued for any of the
37 purposes of this article; and all such moneys in said general reserve
38 fund may be pledged and applied in the manner provided in the general
39 reserve fund statutes.

40 In the event that any time the balance of moneys theretofore paid into
41 the general reserve fund and not applied therefrom shall exceed an
42 amount equal to one-tenth of the par value of all bonds upon the princi-
43 pal amount of which the amount of the general reserve fund is calcu-
44 lated, by reason of the retirement of bonds issued or incurred from time
45 to time for any of the purposes of this article the par value of which
46 had theretofore been included in the computation of said amount of the
47 general reserve fund, then the port authority may pledge or apply such
48 excess for and only for the purposes for which it is authorized by the
49 general reserve fund statutes to pledge the moneys in the general
50 reserve fund and such pledge may be made in advance of the time when
51 such excess may occur.

52 6. The two states covenant and agree with each other and with the
53 holders of any affected bonds, as hereinafter defined, that so long as
54 any of such bonds remain outstanding and unpaid and the holders thereof
55 shall not have given their consent as provided in their contract with
56 the port authority, the two states will not diminish or impair the power

1 of the port authority (or any subsidiary corporation incorporated for
2 any of the purposes of this article) to establish, levy and collect
3 rentals, tolls, fares, fees or other charges in connection with any
4 facility constituting a portion of the port development project or any
5 other facility owned or operated by the port authority of which the
6 revenues have been or shall be pledged in whole or in part as security
7 for such bonds (directly or indirectly, or through the medium of the
8 general reserve fund or otherwise), or to determine the quantity, quali-
9 ty, frequency or nature of the service provided in connection with each
10 such facility.

11 "Affected bonds" as used in this subdivision shall mean bonds of the
12 port authority issued or incurred by it from time to time for any of the
13 purposes of this article or bonds as security for which there may or
14 shall be pledged, in whole or in part, the general reserve fund or any
15 reserve fund established by or pursuant to contract between the port
16 authority and the holders of such bonds, or the revenues of the world
17 trade center, Hudson tubes, Hudson tubes extensions or any other facili-
18 ty owned or operated by the port authority any surplus revenues of which
19 would be payable into the general reserve fund, or bonds both so issued
20 or incurred and so secured.

21 7. The port authority is authorized and empowered to co-operate with
22 the states of New York and New Jersey, with any municipality, with the
23 federal government and with any agency or commission of any one or more
24 of the foregoing, or with any one or more of them, for and in connection
25 with the acquisition, clearance, replanning, rehabilitation, recon-
26 struction or redevelopment of the Hudson tubes-world trade center area
27 or of any other area forming part of the port development project for
28 the purpose of renewal and improvement of said area and for any of the
29 purposes of this article, and to enter into an agreement or agreements
30 (and from time to time to enter into agreements amending or supplement-
31 ing the same) with any such municipality, commission or agency and with
32 the states of New York and New Jersey and with the federal government,
33 or with any one or more of them, for or relating to such purposes,
34 including but not limited to agreements with respect to financial
35 assistance, loans and grants as provided in title one of the housing act
36 of nineteen hundred forty-nine and all federal laws amendatory and
37 supplemental thereto and with respect to occupancy of space in the port
38 development project. The port authority is hereby authorized and
39 empowered to apply for and accept financial assistance, loans and grants
40 for such purposes under federal, state or local laws, and to make appli-
41 cation directly to the proper officials or agencies for and receive
42 federal, state or local loans or grants in aid of any of the purposes of
43 this article.

44 8. If the port authority shall find it necessary or convenient to
45 acquire any real property for Narrows bridge purposes (including tempo-
46 rary construction, rehabilitation or improvement), whether for immediate
47 or future use, the port authority may find and determine that such prop-
48 erty, whether a fee simple absolute or a lesser interest, is required
49 for a public use, and upon such determination the said property shall be
50 and shall be deemed to be required for such public use until otherwise
51 determined by the port authority, and such determination shall not be
52 affected by the fact that such property has theretofore been taken for
53 and is then devoted to a public use; but the public use in the hands of
54 or under the control of the port authority shall be deemed superior to
55 the public use in the hands of any other person, association or corpo-
56 ration. If the port authority shall find it necessary or convenient

1 hereunder to acquire any real property which is then devoted to a public
2 use, the port authority shall have power to exchange or substitute any
3 other real property for such real property upon terms agreed to by the
4 port authority and the owner of such property then devoted to a public
5 use, and to find and determine that such other real property is also
6 required for a public use; upon such determination the said other prop-
7 erty shall be and shall be deemed to be required for such public use.

8 The port authority may acquire and is hereby authorized to acquire any
9 real property in the state of New York required for a public use under
10 the preceding paragraph, whether a fee simple absolute or a lesser
11 estate, by the exercise of the right of eminent domain under and pursu-
12 ant to the eminent domain procedure law of the state of New York, or at
13 the option of the port authority pursuant to any other and alternate
14 procedure provided by law by such state. Nothing herein contained shall
15 be construed to prevent the port authority from bringing any proceedings
16 in either state to remove a cloud on title or such other proceedings as
17 it may, in its discretion, deem proper and necessary, or from acquiring
18 any such property in either state by negotiation or purchase.

19 Where a person entitled to an award remains in possession of such
20 property after the time of the vesting of title in the port authority,
21 and reasonable value of his use and occupancy of such property subse-
22 quent to such time, as fixed by agreement or by the court in such
23 proceedings or by any court of competent jurisdiction, shall be a lien
24 against such award, subject only to liens of record at the time of the
25 vesting of title in the port authority.

26 9. The states of New York and New Jersey hereby consent to suits,
27 actions or proceedings by any municipality against the port authority
28 upon, in connection with or arising out of any agreement, or any amend-
29 ment thereof, entered into for any of the purposes of this article, as
30 follows:

31 (a) for judgments, orders or decrees restraining or enjoining the port
32 authority from transferring title to real property to other persons in
33 cases where it has agreed with said municipality for transfer of such
34 title to the municipality; and

35 (b) for judgments, orders or decrees restraining or enjoining the port
36 authority from committing or continuing to commit other breaches of such
37 agreement or any amendment thereof; provided, that such judgment, order
38 or decree shall not be entered except upon two days' prior written
39 notice to the port authority of the proposed entry thereof; and
40 provided further that upon appeal taken by the port authority from such
41 judgment, order or decree the service of the notice of appeal shall
42 perfect the appeal and stay the execution of such judgment, order or
43 decree appealed from without an undertaking or other security.

44 Nothing herein contained shall be deemed to revoke, rescind or affect
45 any consent to suits, actions, or proceedings against the port authority
46 heretofore given by the two said states in chapter three hundred one of
47 the laws of New York of nineteen hundred fifty and continued by article
48 XXV of this chapter, and chapter two hundred four of the laws of New
49 Jersey of nineteen hundred fifty-one.

50 10. The effectuation of the world trade center, the Hudson tubes and
51 the Hudson tubes extensions, or any of such facilities constituting a
52 portion of the port development project, are and will be in all respects
53 for the benefit of the people of the states of New York and New Jersey,
54 for the increase of their commerce and prosperity and for the improve-
55 ment of their health and living conditions; and the port authority and
56 any subsidiary corporation incorporated for any of the purposes of this

1 article shall be regarded as performing an essential governmental func-
2 tion in undertaking the effectuation thereof, and in carrying out the
3 provisions of law relating thereto.

4 11. The port authority shall be required to pay no taxes or assess-
5 ments upon any of the property acquired or used by it for any of the
6 purposes of this article or upon any deed, mortgage or other instrument
7 affecting such property or upon the recording of any such instrument.
8 However, to the end that no municipality shall suffer undue loss of
9 taxes and assessments by reason of the acquisition and ownership of
10 property by the port authority for any of the purposes of this article,
11 the port authority is hereby authorized and empowered, in its
12 discretion, to enter into a voluntary agreement or agreements with any
13 municipality whereby the port authority will undertake to pay in lieu of
14 taxes a fair and reasonable sum or sums annually in connection with any
15 real property acquired and owned by the port authority for any of the
16 purposes of this article. Such sums in connection with any real proper-
17 ty acquired and owned by the port authority for any of the purposes of
18 this article shall not be more than the sum last paid as taxes upon such
19 real property prior to the time of its acquisition by the port authori-
20 ty; provided, however, that in connection with any portion of the
21 Hudson tubes-world trade center area acquired and owned by the port
22 authority for any of the purposes of this article, after such property
23 is improved pursuant to this article with world trade center buildings,
24 structures or improvements greater in value than the buildings, struc-
25 tures or improvements on such Hudson tubes-world trade center area at
26 the time of its acquisition by the port authority, then, with regard to
27 such greater value, such sum or sums may be increased by such additional
28 sum or sums annually as may be agreed upon between the port authority
29 and the city of New York which will not include any consideration of the
30 exhibit areas of the world trade center or of any areas which would be
31 tax exempt in their own right if title were in the governmental occu-
32 pants or of other areas accommodating services for the public or devoted
33 to general public use. Each such municipality is hereby authorized and
34 empowered to enter into such agreement or agreements with the port
35 authority and to accept the payment or payments which the port authority
36 is hereby authorized and empowered to make, and the sums so received by
37 such municipality shall be devoted to purposes to which taxes may be
38 applied unless and until otherwise directed by law of the state in which
39 such municipality is located.

40 12. All details of the effectuation, including but not limited to
41 details of financing, leasing, rentals, tolls, fares, fees and other
42 charges, rates, contracts and service, of the world trade center, the
43 Hudson tubes and the Hudson tubes extensions by the port authority shall
44 be within its sole discretion and its decision in connection with any
45 and all matters concerning the world trade center, the Hudson tubes and
46 the Hudson tubes extensions shall be controlling and conclusive. The
47 local laws, resolutions, ordinances, rules and regulations of the city
48 of New York shall apply to such world trade center if so provided in any
49 agreement between the port authority and the city and to the extent
50 provided in any such agreement.

51 So long as any facility constituting a portion of the port development
52 project shall be owned, controlled or operated by the port authority
53 (either directly or through a subsidiary corporation incorporated for
54 any of the purposes of this article), no agency, commission or munici-
55 pality of either or both of the two states shall have jurisdiction over
56 such facility nor shall any such agency, commission or municipality have

1 any jurisdiction over the terms or method of effectuation of all or any
2 portion thereof by the port authority (or such subsidiary corporation)
3 including but not limited to the transfer of all or any portion thereof
4 to or by the port authority (or such subsidiary corporation).
5 Nothing in this article shall be deemed to prevent the port authority
6 from establishing, acquiring, owning, leasing, constructing, effectuat-
7 ing, developing, maintaining, operating, rehabilitating or improving all
8 or any portion of the port development project through wholly owned
9 subsidiary corporations of the port authority or from transferring to or
10 from any such corporations any moneys, real property or other property
11 for any of the purposes of this article. If the port authority shall
12 determine from time to time to form such a subsidiary corporation it
13 shall do so by executing and filing with the secretary of state of New
14 York and the secretary of state of New Jersey a certificate of incorpo-
15 ration, which may be amended from time to time by similar filing, which
16 shall set forth the name of such subsidiary corporation, its duration,
17 the location of its principal office, and the purposes of the incorpo-
18 ration which shall be one or more of the purposes of establishing,
19 acquiring, owning, leasing, constructing, effectuating, developing,
20 maintaining, operating, rehabilitating or improving all or any portion
21 of the port development project. The directors of such subsidiary
22 corporation shall be the same persons holding the offices of commission-
23 ers of the port authority. Such subsidiary corporation shall have all
24 the powers vested in the port authority itself for the purposes of this
25 article except that it shall not have the power to contract indebt-
26 edness. Such subsidiary corporation and any of its property, functions
27 and activities shall have all of the privileges, immunities, tax
28 exemptions and other exemptions of the port authority and of the port
29 authority's property, functions and activities. Such subsidiary corpo-
30 ration shall be subject to the restrictions and limitations to which the
31 port authority may be subject, including, but not limited to the
32 requirement that no action taken at any meeting of the board of direc-
33 tors of such subsidiary corporation shall have force or effect until the
34 governors of the two states shall have an opportunity, in the same
35 manner and within the same time as now or hereafter provided by law for
36 approval or veto of actions taken at any meeting of the port authority
37 itself, to approve or veto such action. Such subsidiary corporation
38 shall be subject to suit in accordance with subdivision nine of this
39 section and chapter three hundred one of the laws of New York of nine-
40 teen hundred fifty as continued by article XXV of this chapter, and
41 chapter two hundred four of the laws of New Jersey of nineteen hundred
42 fifty-one as if such subsidiary corporation were the port authority
43 itself. Such subsidiary corporation shall not be a participating
44 employer under the New York retirement and social security law or any
45 similar law of either state and the employees of any such subsidiary
46 corporation, except those who are also employees of the port authority,
47 shall not be deemed employees of the port authority.
48 Whenever any state, municipality, commission, agency, officer, depart-
49 ment, board or division is authorized and empowered for any of the
50 purposes of this article to co-operate and enter into agreements with
51 the port authority or to grant any consent to the port authority or to
52 grant, convey, lease or otherwise transfer any property to the port
53 authority or to execute any document, such state, municipality, commis-
54 sion, agency, officer, department, board or division shall have the same
55 authorization and power for any of such purposes to co-operate and enter
56 into agreements with such subsidiary corporation and to grant consents

1 to such subsidiary corporation and to grant, convey, lease or otherwise
2 transfer property to such subsidiary corporation and to execute docu-
3 ments for such subsidiary corporation.

4 13. The bonds issued by the port authority to provide funds for any of
5 the purposes of this article are hereby made securities in which all
6 state and municipal officers and bodies of both states, all trust compa-
7 nies and banks other than savings banks, all building and loan associ-
8 ations, savings and loan associations, investment companies and other
9 persons carrying on a commercial banking business, all insurance compa-
10 nies, insurance associations and other persons carrying on an insurance
11 business, and all administrators, executors, guardians, trustees and
12 other fiduciaries, and all other persons whatsoever (other than savings
13 banks), who are now or may hereafter be authorized by either state to
14 invest in bonds of such state, may properly and legally invest any
15 funds, including capital, belonging to them or within their control, and
16 said bonds are hereby made securities which may properly and legally be
17 deposited with and shall be received by any state or municipal officer
18 or agency of either state for any purpose for which the deposit of bonds
19 of such state is now or may hereafter be authorized. The bonds issued
20 by the port authority to provide funds for any of the purposes of this
21 article as security for which the general reserve fund shall have been
22 pledged in whole or in part are hereby made securities in which all
23 savings banks also may properly and legally invest any funds, including
24 capital, belonging to them or within their control.

25 14. If the port authority shall find it necessary, convenient or
26 desirable to acquire (either directly or through a subsidiary corpo-
27 ration) from time to time any real property or any property other than
28 real property (including but not limited to contract rights and other
29 intangible personal property and railroad cars or other rolling stock,
30 maintenance and repair equipment and parts, fuel and other tangible
31 personal property), for any of the purposes of this article, whether for
32 immediate or future use (including temporary construction, rehabili-
33 tation or improvement), the port authority may find and determine that
34 such property, whether a fee simple absolute or a lesser interest, is
35 required for a public use, and upon such determination the said property
36 shall be and shall be deemed to be required for such public use until
37 otherwise determined by the port authority, and such determination shall
38 not be affected by the fact that such property has theretofore been
39 taken for and is then devoted to a public use; but the public use in the
40 hands of or under the control of the port authority shall be deemed
41 superior to the public use in the hands of any other person, association
42 or corporation.

43 The port authority may acquire and is hereby authorized so to acquire
44 from time to time, for any of the purposes of this article, such proper-
45 ty, whether a fee simple absolute or a lesser estate, (including the
46 exercise of the right of eminent domain) under and pursuant to the
47 provisions of the eminent domain procedure law of the state of New York
48 in the case of property located in or having its situs in such state,
49 and revised statutes of New Jersey, title twenty: one-one et seq., in
50 the case of property located in or having its situs in such state, or,
51 at the option of the port authority, as provided in section fifteen of
52 chapter forty-three of the laws of New Jersey of nineteen hundred
53 forty-seven, as amended, in the case of property located in or having
54 its situs in such state, or pursuant to such other and alternate proce-
55 dure as may be provided by law of the state in which such property is
56 located or has its situs; and all of said statutes for the acquisition

1 of real property shall, for any of the purposes of this article, be
2 applied also to the acquisition of other property authorized by this
3 subdivision, except that such provisions as pertain to surveys,
4 diagrams, maps, plans or profiles, assessed valuation, lis pendens,
5 service of notice and papers, filing in the office of the clerk in which
6 the real property affected is situated and such other provisions as by
7 their nature cannot be applicable to property other than real property,
8 shall not be applicable to the acquisition of such other property. In
9 the event that any property other than real property is acquired by
10 acquisition then, with respect to such other property, notice of such
11 proceeding and all subsequent notices or court processes shall be served
12 upon the owners of such other property and upon the port authority by
13 personal service or by registered or certified mail, except as may be
14 otherwise directed by the court.

15 Anything herein to the contrary notwithstanding, any property to be
16 acquired for any of the purposes of this article, which property shall
17 not have been used by its owner or owners or any of his or their prede-
18 cessors in connection with and shall not have been acquired by its owner
19 or owners or any of his or their predecessors for use in connection with
20 the effectuation by a railroad company or companies of the Hudson tubes
21 or the Hudson tubes extensions prior to port authority acquisition,
22 shall, if such property is personal property, be acquired only by agree-
23 ment with the owner or owners and shall, if such property is not
24 personal property, be acquired in an action or proceeding in the state
25 in which such property is located or has its situs. Except as so
26 provided, the port authority is hereby authorized and empowered, in its
27 discretion, from time to time to combine any property which is to be
28 acquired as aforesaid for any of the purposes of this article for acqui-
29 sition in a single action or proceeding notwithstanding that part of the
30 the property so to be acquired is located or has its situs in New Jersey
31 and part in New York or is personal property or mixed real and personal
32 property or may be owned by more than one owner; and, except as herein-
33 after provided, each such single action or proceeding to acquire proper-
34 ty located or having it situs part in New Jersey and part in New York
35 shall be pursuant to the laws of whichever of the two said states the
36 port authority shall estimate contains the greater part in value of all
37 the property to be acquired in such action or proceeding (hereinafter
38 sometimes called the forum state) and in the court or courts specified
39 in the laws of the forum state for the acquisition by the port authority
40 of property located or having its situs in the forum state pursuant to
41 this article, in which event, notwithstanding the location or situs of
42 said property, each of said two states hereby confers upon it said court
43 or courts jurisdiction of such action or proceeding and the port author-
44 ity and any subsidiary corporation so acquiring such property and the
45 owners of such property shall be bound by the judgments, orders or
46 decrees therein. In any such action or proceeding the court or courts of
47 the forum state shall apply the laws of valuation of the other state
48 (hereinafter sometimes called the nonforum state) to the valuation of
49 the property which is located or has it situs in the nonforum state and
50 shall include in the total compensation to be made to any owner of prop-
51 erty in both states being acquired in such action or proceeding the
52 increment, if any, in the value of such property in both states, by
53 reason of its being in a single ownership. If a judgment, order or
54 decree in such an action or proceeding shall best title in or otherwise
55 award to the authority the right to possession of property located or
56 having its situs in the nonforum state, then the court or courts of the

1 nonforum state shall grant full faith and credit to such judgment, order
2 or decree and upon petition by the authority to the court or courts of
3 the non forum state specified in the laws thereof for the acquisition by
4 the port authority of property located or having its situs in the nonfo-
5 rum state pursuant to this act, presenting a true copy of such judgment,
6 order or decree and proof that it is in effect, that any conditions
7 thereof have been met, that at least five days' notice of such petition
8 has been served by registered or certified mail upon all owners of the
9 property affected who appeared in the original action or proceeding in
10 the forum state or who may be owners of record, and without further
11 proof, a judgment, order or decree of such court or courts of the nonfo-
12 rum state shall be entered granting the authority possession of the
13 property located or having its situs in the nonforum state and confirm-
14 ing any title which shall have vested in the authority or its subsidiary
15 by the judgment, order or decree of the court or courts of the forum
16 state.

17 The owner of any property acquired for any of the purposes of this
18 article shall not be awarded for such property any increment above the
19 just compensation required by the constitutions of the United States and
20 of the state or states in which the property is located or has its situs
21 by reason of any circumstances whatsoever.

22 Nothing herein contained shall be construed to prevent the port
23 authority from bringing any proceedings to remove a cloud on title or
24 such other proceedings as it may, in its discretion, deem proper and
25 necessary, or from acquiring any such property by negotiation or
26 purchase.

27 Where a person entitled to an award in the proceedings to acquire any
28 property for any of the purposes of this article remains in possession
29 of such property after the time of the vesting of title in the authority
30 or its subsidiary, the reasonable value of his use and occupancy of such
31 property subsequent to such time, as fixed by agreement or by the court
32 in such proceedings or by any court of competent jurisdiction, shall be
33 a lien against such award, subject only to liens of record at the time
34 of the vesting of title in the authority or its subsidiary.

35 15. The port authority and its duly authorized agents, and all persons
36 acting under its authority and by its direction, may enter in the
37 daytime into and upon any real property for the purpose of making such
38 surveys, diagrams, maps, plans, soundings or borings as the port author-
39 ity may deem necessary, convenient or desirable for any of the purposes
40 of this act.

41 16. Any declarations contained herein with respect to the governmental
42 nature and public purpose of the world trade center, Hudson tubes and
43 Hudson tubes extensions and to the exemption of the world trade center,
44 Hudson tubes and Hudson tubes extensions property and instruments relat-
45 ing thereto from taxation and to the discretion of the port authority
46 with respect to said facilities shall not be construed to imply that
47 other port authority facilities, property and operations are not of a
48 governmental nature or do not serve public purposes, or that they are
49 subject to taxation, or that the determinations of the port authority
50 with respect thereto are not conclusive. The powers hereby vested in
51 the port authority and in any subsidiary corporation incorporated for
52 any of the purposes of this article (including but not limited to the
53 power to acquire real property by condemnation) shall be continuing
54 powers and no exercise thereof by the port authority or a subsidiary
55 corporation incorporated for any of the purposes of this article shall
56 be deemed to exhaust them or any of them.

1 17. This subdivision and the preceding subdivisions hereof constitute
2 an agreement between the states of New York and New Jersey supplementary
3 to the compact between the two states dated April thirty, nineteen
4 hundred twenty-one and amendatory thereof, and shall be liberally
5 construed to effectuate the purposes of said compact and of the compre-
6 hensive plan heretofore adopted by the two states, and the powers grant-
7 ed to the port authority shall be construed to be in aid of and not in
8 limitation or in derogation of any other powers heretofore conferred
9 upon or granted to the port authority.

10 18. If any subdivision, part, phrase, or provision of this article or
11 the application thereof to any person or circumstances be adjudged
12 invalid by any court of competent jurisdiction, so long as the article
13 or remainder of the article shall nonetheless permit the effectuation,
14 as a unified project, of the Hudson tubes, Hudson tubes extensions and
15 the world trade center, such judgment shall be confined in its operation
16 to the subdivision, part, phrase, provision or application directly
17 involved in the controversy in which such judgment shall have been
18 rendered and shall not affect or impair the validity of the remainder of
19 this article or the application thereof to other persons or circum-
20 stances and the two states hereby declare that they would have entered
21 into this article or the remainder thereof had the invalidity of such
22 provision or application thereof been apparent.

23 ARTICLE XXV

24 SUITS AGAINST THE PORT AUTHORITY

25 Section 2501. Suits against the port authority.

26 S 2501. Suits against the port authority. 1. Upon the concurrence of
27 the state of New Jersey in accordance with subdivision twelve hereof,
28 the states of New York and New Jersey consent to suits, actions or
29 proceedings of any form or nature at law, in equity or otherwise
30 (including proceedings to enforce arbitration agreements) against the
31 port authority, and to appeals therefrom and reviews thereof, except as
32 hereinafter provided in subdivisions two through five, inclusive, here-
33 of.

34 2. The foregoing consent does not extend to suits, actions or
35 proceedings upon any causes of action whatsoever accruing before the
36 effective date of this article, other than causes of actions upon, in
37 connection with, or arising out of notes, bonds or other obligations or
38 securities secured by a pledge of the general reserve fund of the port
39 authority.

40 3. The foregoing consent does not extend to suits, actions or
41 proceedings upon any causes of action whatsoever, upon, in connection
42 with, or arising out of any contract, express or implied, entered into
43 or assumed by or assigned to the port authority before the effective
44 date of this article (including any supplement to, or amendment, exten-
45 sion or renewal of any such contract, even if such supplement, amend-
46 ment, extension or renewal is made on or after the effective date of
47 this article), regardless of whether such cause of action accrued before
48 or after that date, other than causes of action upon, in connection with
49 or arising out of notes, bonds or other obligations or securities
50 secured by a pledge of the general reserve fund of the port authority.

51 4. The foregoing consent does not extend to civil suits, actions or
52 proceedings for the recovery of statutory penalties.

53 5. The foregoing consent does not extend to suits, actions or
54 proceedings for judgments, orders or decrees restraining, enjoining or

1 preventing the port authority from committing or continuing to commit
2 any act or acts, other than suits, actions or proceedings by the attor-
3 ney general of New York or by the attorney general of New Jersey--each
4 of whom is hereby authorized to bring such suits, actions or proceedings
5 in his discretion on behalf of any person or persons whatsoever who
6 requests him so to do except in the cases excluded by subdivisions two,
7 three and four of this article; provided, that in any such suit, action
8 or proceeding, no judgment, order or decree shall be entered except upon
9 at least two days' prior written notice to the port authority of the
10 proposed entry thereof.

11 6. The foregoing consent is granted upon the condition that venue in
12 any suit, action or proceeding against the port authority shall be laid
13 within a county or a judicial district, established by one of said
14 states or by the United States, and situated wholly or partially within
15 the port of New York district. The port authority shall be deemed to be
16 a resident of each such county or judicial district for the purpose of
17 such suits, actions or proceedings. Although the port authority is
18 engaged in the performance of governmental functions, the said two
19 states consent to liability on the part of the port authority in such
20 suits, actions or proceedings for tortious acts committed by it and its
21 agents to the same extent as though it were a private corporation.

22 7. The foregoing consent is granted upon the condition that any suit,
23 action or proceeding prosecuted or maintained under this article shall
24 be commenced within one year after the cause of action therefor shall
25 have accrued, and upon the further condition that in the case of any
26 suit, action or proceeding for the recovery or payment of money, prose-
27 cuted or maintained under this article, a notice of claim shall have
28 been served upon the port authority by or on behalf of the plaintiff or
29 plaintiffs at least sixty days before such suit, action or proceeding is
30 commenced. The provisions of this section shall not apply to claims
31 arising out of provisions of any workmen's compensation law of either
32 state.

33 8. The notice of claim required by subdivision seven of this section
34 shall be in writing, sworn to by or on behalf of the claimant or claim-
35 ants, and shall set forth (1) the name and post office address of each
36 claimant and of his attorney, if any, (2) the nature of the claim, (3)
37 the time when, the place where and the manner in which the claim arose,
38 and (4) the items of damage or injuries claimed to have been sustained
39 so far as then practicable. Such notice may be served in the manner in
40 which process may be served, or in lieu thereof, may be sent by regis-
41 tered mail to the port authority at its principal office. Where the
42 claimant is a person under the age of eighteen years or is mentally or
43 physically incapacitated and by reason of such disability no notice of
44 claim is filed or suit, action or proceeding commenced within the time
45 specified in subdivision seven of this section, or where a person enti-
46 tled to make a claim dies and by reason of his death no notice of claim
47 is filed or suit, action or proceeding commenced within the time speci-
48 fied in section seven hereof then any court in which such suit, action
49 or proceeding may be brought may in its discretion grant leave to serve
50 the notice of claim and to commence the suit, action or proceeding with-
51 in a reasonable time but in any event within three years after the cause
52 of action accrued. Application for such leave must be made upon an affi-
53 davit showing the particular facts which caused the delay and shall be
54 accompanied by a copy of the proposed notice of claim if such notice has
55 not been served, and such application shall be made only upon notice to
56 the port authority.

1 9. The commissioners, officers or employees of the port authority
2 shall not be subject to suits, actions or proceedings for judgments,
3 orders or decrees restraining, preventing or enjoining them in their
4 official or personal capacities from committing or continuing to commit
5 any act or acts on behalf of the port authority other than suits,
6 actions and proceedings brought by the attorney general of New York or
7 by the attorney general of New Jersey or by the port authority itself--
8 each of said attorneys general being hereby authorized to bring such
9 suits, actions or proceedings in his discretion on behalf of any person
10 or persons whatsoever who requests him so to do except in the cases
11 excluded by sections two, three and four of this act; provided, that in
12 any such suit, action or proceeding brought by either attorney general,
13 no judgment, order or decree shall be entered except upon at least two
14 days' notice to the defendant of the proposed entry thereof.

15 10. Nothing herein contained shall be deemed to revoke, rescind or
16 affect any consents to suits, actions or proceedings against the port
17 authority heretofore given by the two said states in chapter eight
18 hundred two of the laws of New York of nineteen hundred forty-seven, as
19 amended and continued by article XIII of this chapter, and chapter
20 forty-three of the laws of New Jersey of nineteen hundred forty-seven,
21 as amended; chapter six hundred thirty-one of the laws of New York of
22 nineteen hundred forty-seven, as amended and continued by article XII of
23 this chapter; chapter forty-four of the laws of New Jersey of nineteen
24 hundred forty-seven, as amended, and chapter five hundred thirty-four of
25 the laws of New York of nineteen hundred forty-eight and continued by
26 article XII of this chapter and chapter ninety-seven of the laws of New
27 Jersey of nineteen hundred forty-eight.

28 S 11. This act together with the act of the state of New Jersey
29 concurring herein, shall constitute an agreement between the states of
30 New York and New Jersey supplementary to and amendatory of the compact
31 between the two said states dated April thirtieth, nineteen hundred
32 twenty-one.

33 ARTICLE XXVI

34 RULES AND REGULATIONS GOVERNING OPERATION OF HUDSON TUBES

35 Section 2601. Rules and regulations governing operation of Hudson tubes.

36 S 2601. Rules and regulations governing operation of Hudson tubes. 1.
37 The port authority having duly adopted the following rules and regu-
38 lations, hereinafter set forth in this subdivision in relation to
39 conduct within the territorial limits of the state of New York and at,
40 on or in the Hudson tubes and Hudson tubes extensions operated by its
41 wholly-owned subsidiary the port authority trans-Hudson corporation
42 (hereinafter called "PATH"), the penalties and procedures for their
43 enforcement prescribed in subdivision two shall apply to violations
44 thereof.

45 RULES AND REGULATIONS

46 (a) No person shall smoke, carry or possess a lighted cigarette,
47 cigar, pipe, match or any lighted instrument causing naked flame in or
48 about any area, building or appurtenance or in any cars or other rolling
49 stock of the Hudson tubes or Hudson tubes extensions where smoking has
50 been prohibited by PATH and where appropriate signs to that effect have
51 been posted.

1 (b) No person, unless duly authorized by PATH, shall in or upon any
2 area, building, appurtenance, car or other rolling stock of the Hudson
3 tubes or Hudson tubes extensions sell or offer for sale any article of
4 merchandise or solicit any business or trade, including the carrying of
5 bags for hire, the shining of shoes or bootblacking, or shall entertain
6 any persons by singing, dancing or playing any musical instrument or
7 solicit alms. No person, unless duly authorized by PATH, shall post,
8 distribute or display commercial signs, circulars or other printed or
9 written matter in or upon the Hudson tubes or Hudson tubes extensions.

10 (c) No person, who is unable to give satisfactory explanation of his
11 presence, shall loiter about any car, or other rolling stock, area,
12 building or appurtenance of the Hudson tubes or Hudson tubes extensions,
13 or sleep therein or thereon.

14 (d) No person not authorized by PATH shall be permitted in or upon any
15 car or other rolling stock or station or platform or parking facility
16 within the Hudson tubes or Hudson tubes extensions, except upon payment
17 in full of such fares, fees and other charges as may from time to time
18 be prescribed by PATH. No person shall refuse to pay or evade or
19 attempt to evade the payment in full of such fares, fees and other
20 charges.

21 (e) No person shall spit upon, litter or create a nuisance or other
22 insanitary condition in or on any car or other rolling stock, area,
23 building or appurtenance of the Hudson tubes or Hudson tubes extensions.

24 (f) No person shall enter any car or other rolling stock, area, build-
25 ing or appurtenance of the Hudson tubes or Hudson tubes extensions with
26 any animal, except an animal properly confined in an appropriate
27 container or a guide dog properly harnessed and muzzled, accompanying a
28 blind person carrying a certificate of identification issued by a guide
29 dog school.

30 (g) No person shall get on any car or other rolling stock of the
31 Hudson tubes or Hudson tubes extensions while it is in motion for the
32 purpose of obtaining transportation thereon as a passenger nor shall any
33 person wilfully obstruct, hinder or delay the passage of any such car or
34 rolling stock. No person not authorized by PATH shall walk upon or
35 along any right-of-way or related trackage of the Hudson tubes or Hudson
36 tubes extensions.

37 2. Any violation of the provisions of paragraph (a) of subdivision one
38 of this section, shall be an offense and shall be punishable for a first
39 conviction thereof by a fine of not more than fifty dollars or imprison-
40 ment for not more than thirty days or both; for a second such
41 conviction by a fine of not less than twenty-five dollars nor more than
42 one hundred dollars or imprisonment for not more than sixty days or
43 both; for a third or any other subsequent such conviction, by a fine of
44 not less than fifty dollars nor more than two hundred dollars or by
45 imprisonment for not more than sixty days or both. Any person who is
46 guilty of violating any other provision of section one of this section
47 shall be guilty of an offense and shall be punishable by a fine not
48 exceeding ten dollars or by imprisonment not exceeding thirty days or by
49 both such fine and imprisonment for each conviction thereof.

50 ARTICLE XXVII

51 MASS TRANSPORTATION FACILITIES TO AIR TERMINALS

52 Section 2701. Mass transportation facilities to air terminals.

53 S 2701. Mass transportation facilities to air terminals. 1. The
54 states of New York and New Jersey hereby find and determine that:

1 (a) Each air terminal within the port of New York district serves the
2 entire district, and the problem of furnishing proper and adequate air
3 terminal facilities within the district is a regional and interstate
4 problem;

5 (b) Access by land travel to the great airports serving the port of
6 New York district, particularly John F. Kennedy and Newark international
7 airports, is becoming increasingly difficult, and such access is neces-
8 sary for the continued development of such airports which development is
9 vital and essential to the preservation of the economic well-being of
10 the northern New Jersey-New York metropolitan area;

11 (c) Additional highway construction to serve these great airports is
12 not feasible and creates severe problems in terms of increased air
13 pollution and the preemption of land which might otherwise be devoted to
14 park purposes and other desirable uses;

15 (d) Access to these airports by railroads or other forms of mass
16 transportation must be undertaken if they are to maintain their preemi-
17 nence and continue to serve the economic well-being of the northern New
18 Jersey-New York metropolitan area;

19 (e) Such mass transportation facilities may properly be regarded as
20 constituting a part of each air terminal, the development of which
21 should be the responsibility of those charged with the duties of air
22 terminal development;

23 (f) It is the purpose of this article to authorize and direct the port
24 authority of New York and New Jersey to undertake one or more mass
25 transportation access projects specifically with respect to John F.
26 Kennedy and Newark international airports in order to preserve and
27 develop the economic well-being of the northern New Jersey-New York
28 metropolitan area, and such undertakings are found and determined to be
29 in the public interest.

30 3. In furtherance of the aforesaid findings and determinations and in
31 partial effectuation of the comprehensive plan heretofore adopted by the
32 two states for the development of terminal and transportation facilities
33 in the port of New York district, the port authority of New York and New
34 Jersey is hereby specifically authorized to undertake pursuant to chap-
35 ter forty-three of the laws of New Jersey of nineteen hundred forty-sev-
36 en, as amended, and chapter eight hundred two of the laws of New York of
37 nineteen hundred forty-seven, as amended and continued by article XIII
38 of this chapter, the following separate air terminal facilities:

39 (a) To provide access to Newark international airport. A railroad
40 line connecting Newark international airport, including (i) appropriate
41 mass transportation terminal facilities at and within the said airport;
42 (ii) construction, reconstruction and improvement of suitable offsite
43 facilities for the accommodation of air passengers, baggage, mail,
44 express, freight and other users of the connecting facility; and (iii)
45 such additional rail or other mass transportation, terminal, station,
46 parking, storage and service facilities as operations may require.

47 (b) To provide access to John F. Kennedy international airport. A
48 railroad line connecting John F. Kennedy international airport to the
49 main line of the Long Island railroad in the county of Queens, including
50 (i) a spur or branch to the Montauk line of the said railroad in the
51 said county; (ii) appropriate mass transportation terminal facilities
52 at and within the said airport; (iii) suitable offsite facilities for
53 the accommodation of air passengers, baggage, mail, express, freight and
54 other users of the connecting facility; and (iv) such additional rail or
55 other mass transportation, terminal, station, parking, storage and
56 service facilities, including improvements to the railroad approaches to

1 Pennsylvania Station and Jamaica Terminal in the city of New York, as
2 operations may require.

3 4. The port authority of New York and New Jersey is hereby authorized
4 and empowered to acquire real property located within the port district
5 by condemnation or the right of eminent domain pursuant to and in
6 accordance with any of the procedures authorized by chapter forty-three
7 of the laws of New Jersey of nineteen hundred forty-seven, as amended,
8 in the case of property having its situs in the state of New Jersey, and
9 by chapter eight hundred two of the laws of New York of nineteen hundred
10 forty-seven, as amended and continued by article XIII of this chapter,
11 in the case of property having its situs in the state of New York, for
12 and in connection with the undertaking of the air terminal access facil-
13 ities set forth in subdivision three of this section. Such authori-
14 zation and power to acquire real property by condemnation or the right
15 of eminent domain may not be exercised in connection with the undertak-
16 ing of access facilities, other than the access facilities set forth in
17 subdivision three of this section, unless authorized by the laws of the
18 state in which such facilities are to be located.

19 5. The port authority of New York and New Jersey is hereby authorized
20 and empowered in its discretion to enter into an agreement or agreements
21 upon such terms and conditions as it may deem in the public interest,
22 with the United States, the state of New Jersey, the state of New York,
23 or any agency, department, commission, public authority, board or divi-
24 sion of any of the foregoing, or any municipality or other public corpo-
25 ration in the state of New Jersey or in the state of New York, or any
26 person, firm, association, company or corporation, or any two or more of
27 the foregoing, to effectuate any one or more of the purposes of this
28 article; and the state of New Jersey, the state of New York, or any
29 agency, department, commission, public authority, board or division of
30 either of the foregoing, or any municipality or other public corporation
31 in the state of New Jersey or the state of New York, or any two or more
32 of the foregoing, are hereby authorized and empowered to enter into an
33 agreement or agreements with the port authority to effectuate any one or
34 more of the purposes of this article.

35 6. If any section, part, phrase, or provision of this article, as
36 hereby amended and supplemented or the application thereof to any
37 person, project or circumstances, be adjudged invalid by any court of
38 competent jurisdiction, such judgment shall be confined in its operation
39 to the section, part, phrase, provision or application directly involved
40 in the controversy in which such judgment shall have been rendered and
41 shall not affect or impair the validity of the remainder of this article
42 or the application thereof to other persons, projects or circumstances
43 and the two states hereby declare that they would have entered into this
44 article or the remainder thereof had the invalidity of such provision or
45 application thereof been apparent.

46 7. The port authority of New York and New Jersey is hereby authorized
47 and empowered in its discretion to enter into an agreement or agreements
48 upon such terms and conditions as it may deem in the public interest,
49 with the United States, the state of New Jersey, the state of New York,
50 or any agency, department, commission, public authority, board or divi-
51 sion of any of the foregoing, or any municipality or other public corpo-
52 ration in the state of New Jersey or in the state of New York, or any
53 person, firm, association, company or corporation, or any two or more of
54 the foregoing, to effectuate any one or more of the purposes of this
55 act; and the state of New Jersey, the state of New York, or any agency,
56 department, commission, public authority, board or division of either of

1 the foregoing, or any municipality or other public corporation in the
2 state of New Jersey or the state of New York, or any two or more of the
3 foregoing, are hereby authorized and empowered to enter into an agree-
4 ment or agreements with the port authority to effectuate any one or more
5 of the purposes of this article.

6 ARTICLE XXVIII
7 INDUSTRIAL DEVELOPMENT PROJECTS AND FACILITIES

8 Section 2801. Findings and determinations.

9 2802. Definitions.

10 2803. Industrial development projects and facilities.

11 S 2801. Findings and determinations. 1. The states of New York and
12 New Jersey hereby find and determine:

13 a. that to prevent further deterioration of the economy of the port
14 district and thereby to promote, preserve and protect trade and commerce
15 in and through the port of New York district as defined in the compact
16 between the two states dated April thirtieth, nineteen hundred twenty-
17 one (hereinafter called the port district), it is the policy of each of
18 the two states actively to promote, attract, encourage and develop
19 economically sound commerce and industry through governmental action;

20 b. that in order to preserve and protect the position of the port of
21 New York as the nation's leading gateway for world commerce, it is
22 incumbent on the states of New York and New Jersey to make every effort
23 to insure that the port receives its rightful share of interstate and
24 international commerce generated by the manufacturing, industrial, trade
25 and commercial segments of the economy of the nation and of the port
26 district;

27 c. that since nineteen hundred fifty the number of available jobs in
28 the port district, particularly within the older central cities thereof,
29 has decreased, thereby resulting in the underutilization of available
30 land and other resources, the erosion of the port district's tax bases
31 and a rate of unemployment substantially in excess of the national aver-
32 age;

33 d. that in order to preserve the port district from further economic
34 deterioration, adequate industrial development projects and facilities
35 must be provided, preserved and maintained to attract and retain indus-
36 try within the port district;

37 e. that a number of new industrial development projects and facilities
38 should be organized into industrial parks or districts;

39 f. that the construction of such industrial parks or districts shall
40 conform to the policies of the two states with respect to affirmative
41 action and equal employment opportunities;

42 g. that providing port district industrial development projects and
43 facilities is in the public interest and involves the exercise of public
44 and essential governmental functions which may include appropriate and
45 reasonable limitations on competition and which must be performed by the
46 two states, or any municipality, public authority, agency or commission
47 of either state and by a joint agency of the two states to accomplish
48 the purposes of this article;

49 h. that it is an objective of the two states, acting through the port
50 authority, to facilitate reemployment of residents of the older cities
51 through job training programs and employment opportunity priorities in
52 connection with industrial development parks in their respective cities;

53 i. that the acquisition and the use by such joint agency of abandoned,
54 undeveloped or underutilized land or land owned by governmental entities

1 within the port district for the generation of jobs and to reduce the
2 hazards of unemployment would promote, preserve and protect the indus-
3 try, trade and commerce of the port district, and will materially assist
4 in preserving for the two states and the people thereof the material and
5 other benefits of a prosperous port community;

6 j. that the collection, disposal and utilization of refuse, solid
7 waste or waste resulting from other treatment processes is an activity
8 of concern to all citizens within the port district, that the health,
9 safety and general welfare of the citizens within the port district
10 require efficient and reasonable collection and disposal services and
11 efficient utilization of such refuse, solid waste or waste resulting
12 from other treatment processes with adequate consideration given to
13 regional planning and coordination, and, therefore, that the
14 construction and operation of any port district industrial development
15 project and facility should conform to the environmental and solid waste
16 disposal standards and state and county plans therefor in the state in
17 which such project or facility is located;

18 k. that the dedication by the municipalities of the port district of
19 refuse, solid waste or waste resulting from other treatment processes to
20 resource recovery to permit the generation of lower priced energy and
21 the recovery of useful materials, together with the commitment by such
22 municipalities to pay fees to permit the delivery and removal after
23 processing of such refuse or solid waste at rates and for periods of
24 time at least sufficient to assure the continued furnishing of such
25 lower priced energy and material is in the public interest and would be
26 a major incentive for the attraction and retention of industry within
27 the port district;

28 l. that the port authority of New York and New Jersey (hereinafter
29 called the port authority), which was created by agreement of the two
30 states as a joint agent for the development of terminal, transportation
31 and other facilities of commerce of the port district and for the
32 promotion and protection of the commerce of the port, is a proper agency
33 to act in their behalf (either directly or by any subsidiary corpo-
34 ration) to finance and effectuate such industrial development projects
35 and facilities;

36 m. that it is desirable for the port authority, after consultation
37 with the governing body of each municipality and within the city of New
38 York the appropriate community board or boards and elsewhere another
39 government entity or entities designated by such municipality in which
40 industrial development projects or facilities are proposed to be located
41 and with other persons, including but not limited to private real estate
42 developers, to prepare and adopt a master plan providing for the devel-
43 opment of such industrial development projects and facilities in the
44 port district, which plan shall give consideration to the extent of
45 unemployment and the general economic conditions of the respective
46 portions of the port district and shall include among other things the
47 locations and the nature and scope of such projects and facilities as
48 may be included in the plan;

49 n. that the undertaking of such industrial development projects and
50 facilities by the port authority has the single object of and is part of
51 a unified plan to aid in preserving the economic well-being of the port
52 district and is found and determined to be in the public interest;

53 o. that no such port district industrial development projects and
54 facilities are to be constructed if the sole intent of the construction
55 thereof would be the removal of an industrial or manufacturing plant of
56 an occupant of such projects and facilities from one location to another

1 location or in the abandonment of one or more plants or facilities of
2 such occupant, unless such port district industrial development projects
3 and facilities are reasonably necessary to discourage such occupant from
4 removing such plant or facility to a location outside the port district
5 or are reasonably necessary to preserve the competitive position of such
6 project occupant in its industry;

7 p. that no such port district industrial development projects or
8 facilities are to be constructed unless and until the port authority has
9 entered into an agreement or agreements with the municipality in which
10 any such project or facility is to be located with respect to payments
11 in lieu of real estate taxes and the location, nature and scope of any
12 project or facility;

13 q. that, subject to entering into said agreement or agreements, the
14 port authority should have the ability to acquire, lease, vacate, clear
15 and otherwise develop abandoned, undeveloped or underutilized property
16 or property owned by governmental entities within the port district and
17 to finance and construct industrial development projects and facilities.

18 S 2802. Definitions. The following terms as used in this article
19 shall have the following meanings:

20 a. "Bonds" shall mean bonds, notes, securities or other obligations or
21 evidences of indebtedness;

22 b. "Effectuation" of any project or facility or part of any such
23 project or facility shall include but not be limited to its establish-
24 ment, acquisition, construction, development, maintenance, operation,
25 improvement (by way of betterments, additions or otherwise) and rehabil-
26 itation by the port authority or any other person and the provision of
27 funds therefor through the issuance of obligations, the making or grant-
28 ing of loans or otherwise;

29 c. "General reserve fund statutes" shall mean chapter forty-eight of
30 the laws of New York of nineteen hundred thirty-one as amended and
31 continued by article VI of this chapter, and chapter five of the laws of
32 New Jersey of nineteen hundred thirty-one as amended, and "general
33 reserve fund" shall mean the general reserve fund of the port authority
34 authorized by said statutes;

35 d. "Governing body" shall mean the board or body vested with the
36 general legislative powers of the municipality in which an industrial
37 development project or facility will be financed or effectuated pursuant
38 to this article;

39 e. "Industrial development project or facility" or "port district
40 industrial development project or facility" shall mean any equipment,
41 improvement, structure or facility or any land, and any building, struc-
42 ture, facility or other improvement thereon, or any combination thereof,
43 and all real and personal property, located within the New York portion
44 of the port district or within a municipality in the New Jersey portion
45 of the port district which qualified for state aid under the provisions
46 of P.L., 1971, C.64 as most recently supplemented by P.L., 1978, C.14 or
47 which may hereafter qualify for such aid, including, but not limited to,
48 machinery, equipment and other facilities deemed necessary or desirable
49 in connection therewith, or incidental thereto, whether or not now in
50 existence or under construction, which shall be considered suitable by
51 the port authority for manufacturing, research, non-retail commercial or
52 industrial purposes within an industrial park, or for purposes of ware-
53 housing or consumer and supporting services directly related to any of
54 the foregoing or to any other port authority project or facility; and
55 which may also include or be an industrial pollution control facility or
56 a resource recovery facility, provided that no such industrial develop-

1 ment project or facility may include or be a facility used for the stor-
2 age of chemicals, fuel or liquified natural gas unless incidental to the
3 effectuation of such industrial development project or facility;

4 f. "Industrial pollution control facility" shall mean any equipment,
5 improvement, structure or facility or any land, and any building, struc-
6 ture, facility or other improvement thereon, or any combination thereof,
7 and all real and personal property, located within the port district,
8 including, but not limited to, machinery, equipment and other facilities
9 deemed necessary or desirable in the opinion of the port authority in
10 connection therewith, or incidental thereto, whether or not now in
11 existence or under construction, having to do with or the end purpose of
12 which is the control, abatement or prevention of land, sewer, water,
13 air, noise or general environmental pollution deriving from the opera-
14 tion of industrial, manufacturing, warehousing, commercial and research
15 facilities, including, but not limited to any air pollution control
16 facility, noise abatement facility, water management facility, waste
17 water collecting system, waste water treatment works, sewage treatment
18 works system, sewage treatment system or solid waste disposal facility
19 or site, provided that no such industrial pollution control facility may
20 include or be used as a site for organic landfill or be of a character
21 or nature generally furnished or supplied by any other governmental
22 entity where such industrial pollution control facility is located with-
23 out the consent of such governmental entity;

24 g. "Municipality" means a city, county, town or village all or any
25 part of which is located within the New York portion of the port
26 district, or a city, county, town, borough or township all or any part
27 of which is located within the New Jersey portion of the port district;

28 h. "Person" means any person, including individuals, firms, partner-
29 ships, associations, societies, trusts, public utilities, public or
30 private corporations, or other legal entities, including public or
31 governmental bodies, which may include the port authority, as well as
32 natural persons. "Person" shall include the plural as well as the
33 singular;

34 i. "Port authority" shall include the port authority and any subsid-
35 iary corporation now or hereafter incorporated for any of the purposes
36 of this article; provided, however, as used in subdivisions 4 and 5 of
37 this section it shall not include any such subsidiary corporation;

38 j. "Purposes of this article" shall mean the effectuation of indus-
39 trial development projects and facilities and of each project or facili-
40 ty constituting a portion thereof and of each part of each project or
41 facility, and purposes incidental thereto;

42 k. "Real property" shall mean lands, structures, franchises and inter-
43 ests in land, including air space and air rights, waters, lands under
44 water, wetlands and riparian rights, and any and all things and rights
45 included within the said term, and includes not only fees simple abso-
46 lute but also any and all lesser interests, including but not limited to
47 easements, rights-of-way, uses, leases, licenses and all other incorpo-
48 real hereditaments and every estate, interest or right, legal or equita-
49 ble, including terms for years and liens thereon by way of judgments,
50 mortgages or otherwise;

51 l. "Resource recovery facility" shall mean any equipment, improvement,
52 structure or facility or any land, and any building, structure, facility
53 or other improvement thereon, or any combination thereof, and all real
54 and personal property located within the port district, including, but
55 not limited to, machinery, equipment and other facilities deemed neces-
56 sary or desirable in the opinion of the port authority in connection

1 therewith, or incidental thereto, whether or not now in existence or
2 under construction, for the disposal of refuse or other solid wastes or
3 wastes resulting from other treatment processes and for the recovery and
4 sale or use of energy and other resources from such refuse or other
5 solid wastes or wastes resulting from other treatment processes,
6 provided that no such resource recovery facility may include or be used
7 as a site for organic landfill;

8 m. "Surplus revenues" from any facility shall mean the balance of the
9 revenues from such facility (including but not limited to the revenues
10 of any subsidiary corporation incorporated for any of the purposes of
11 this article) remaining at any time currently in the hands of the port
12 authority after the deduction of the current expenses of the operation
13 and maintenance thereof, including a proportion of the general expenses
14 of the port authority as it shall deem properly chargeable thereto,
15 which general expenses shall include but not be limited to the expense
16 of protecting and promoting the commerce of the port district, and after
17 the deduction of any amounts which the port authority may or shall be
18 obligated or may or shall have obligated itself to pay to or set aside
19 out of the current revenues therefrom for the benefit of the holders of
20 any bonds legal for investment as defined in the general reserve fund
21 statutes;

22 n. "Surplus revenues of port district industrial development projects
23 or facilities" shall mean the surplus revenues of all industrial devel-
24 opment projects or facilities effectuated pursuant to the terms of this
25 article.

26 S 2803. Industrial development projects and facilities. 1. In furth-
27 erance of the findings and determinations detailed by section 2801 of
28 this article, in partial effectuation of and supplemental to the compre-
29 hensive plan heretofore adopted by the two said states for the develop-
30 ment of the said port district, and subject to the preparation and
31 adoption of the plan authorized in subdivision two of this section and
32 the execution of an agreement or agreements authorized by subdivisions
33 eleven and twelve hereof, the port authority is hereby authorized,
34 empowered and directed to establish, acquire, construct, effectuate,
35 develop, own, lease, maintain, operate, improve, rehabilitate, sell,
36 transfer and mortgage projects or facilities herein referred to as port
37 district industrial development projects or facilities, as defined in
38 this article.

39 The port authority is hereby authorized and empowered to establish,
40 levy and collect such rentals, fares, fees and other charges as it may
41 deem necessary, proper or desirable in connection with any facility or
42 part of any facility constituting a portion of any port district indus-
43 trial development project or facility and to issue bonds for any of the
44 purposes of this article and to provide for payment thereof, with inter-
45 est thereon, and for the amortization and retirement of such bonds, and
46 to secure all or any portion of such bonds by a pledge of such rentals,
47 fares, fees, charges and other revenues or any part thereon (including
48 but not limited to the revenues of any subsidiary corporation incorpo-
49 rated for any of the purposes of this article) and to secure all or any
50 portion of such bonds by mortgages upon any property held or to be held
51 by the port authority for any of the purposes of this article, and for
52 any of the purposes of this article to exercise all appropriate powers
53 heretofore or hereafter delegated to it by the states of New York and
54 New Jersey, including, but not limited to, those expressly set forth in
55 this article. The surplus revenues of port district industrial develop-

1 ment projects or facilities may be pledged in whole or in part as here-
2 inafter provided.

3 2. The port authority is hereby authorized to initiate studies and
4 prepare and adopt a master plan providing for the development of port
5 district industrial development projects and facilities which shall
6 include the location of such projects and facilities as may be included
7 in the plan and shall to the maximum extent practicable include inter
8 alia a general description of each of such projects and facilities, the
9 land use requirements necessary therefor, and estimates of project
10 costs, of project employment potential and of a schedule for commence-
11 ment of each such project. Prior to adopting such master plan, the port
12 authority shall give written notice to, afford a reasonable opportunity
13 for comment, consult with and consider any recommendation made by the
14 governing body of municipalities and within the city of New York the
15 appropriate community board or boards and elsewhere another governmental
16 entity or entities designated by such municipality in which industrial
17 development projects or facilities are proposed to be located and with
18 such other persons, including but not limited to private real estate
19 developers, which in the opinion of the port authority is either neces-
20 sary or desirable. The master plan shall include the port authority's
21 estimate of the revenues to be derived by municipalities from each such
22 industrial development project or facility and also a description of the
23 proposed additional arrangements with municipalities necessary or desir-
24 able for each such project or facility. The port authority may modify
25 or change any part of such plan in the same form and manner as provided
26 for the adoption of such original plan. At the time the port authority
27 authorizes any industrial development project or facility, the port
28 authority shall include with such authorization a statement as to the
29 status of each project included in such master plan and any amendment
30 thereof.

31 3. No industrial development project proposed to be located within the
32 city of New York may be included in such master plan unless and until
33 the mayor of the city of New York requests the port authority to conduct
34 a comprehensive study of the feasibility of the effectuation of one or
35 more industrial development projects or any parts thereof (including
36 resource recovery or industrial pollution control facilities) in such
37 city, which request shall specify the borough in which such comprehen-
38 sive study is to take place; provided, however, that the president of
39 any borough in which an industrial development project or facility is
40 proposed to be located may within sixty days of receipt of notice of
41 such request, and after consulting with and considering any recommenda-
42 tion made by the local borough improvement board, notify the port
43 authority not to include any proposed industrial development project or
44 facility within that county in such feasibility study. Any such request
45 by the mayor of the city of New York may specify the facilities to be
46 included in such industrial park project.

47 4. The moneys in the general reserve fund may be pledged in whole or
48 in part by the port authority as security for or applied by it to the
49 repayment with interest of any moneys which it may raise upon bonds
50 issued or incurred by it from time to time for any of the purposes of
51 this article or upon bonds secured in whole or in part by the pledge of
52 the revenues from any industrial development project or facility or any
53 portion thereof or upon bonds both so issued or incurred and so secured;
54 and the moneys in said general reserve fund may be applied by the port
55 authority to the fulfillment of any other undertakings which it may
56 assume to or for the benefit of the holders of any such bonds.

1 Subject to prior liens and pledges (and to the obligation of the port
2 authority to apply revenues to the maintenance of its general reserve
3 fund in the amount prescribed by the general reserve fund statutes), the
4 revenues from facilities established, constructed, acquired or otherwise
5 effectuated through the issuance or sale of bonds of the port authority
6 secured in whole or in part by a pledge of its general reserve fund or
7 any portion thereof may be pledged in whole or in part as security for
8 or applied by it to any of the purposes of this article, including the
9 repayment with interest of any moneys which it may raise upon bonds
10 issued or incurred from time to time for any of the purposes of this
11 article or upon bonds secured in whole or in part by the pledge of the
12 revenues of the port authority from any industrial development project
13 or facility or any portion thereof or upon bonds both so issued or
14 incurred and so secured; and said revenues may be applied by the port
15 authority to the fulfillment of any other undertakings which it may
16 assume to or for the benefit of the holders of such bonds.

17 5. In all cases where the port authority has raised or shall hereafter
18 raise moneys for any of the purposes of this article by the issue and
19 sale of bonds which are secured in whole or in part by a pledge of the
20 general reserve fund or any portion thereof, the surplus revenues from
21 industrial development projects or facilities financed in whole or in
22 part out of the proceeds of such bonds and the surplus revenues from any
23 other port authority facility the surplus revenues of which at such time
24 may be payable into the general reserve fund shall be pooled and applied
25 by the port authority to the establishment and maintenance of the gener-
26 al reserve fund in an amount equal to one-tenth of the par value of all
27 bonds legal for investment, as defined in the general reserve fund stat-
28 utes, issued by the port authority and currently outstanding, including
29 such bonds issued for any of the purposes of this article; and all such
30 moneys in said general reserve fund may be pledged and applied in the
31 manner provided in the general reserve fund statutes.

32 In the event that any time the balance of moneys theretofore paid into
33 the general reserve fund and not applied therefrom shall exceed an
34 amount equal to one-tenth of the par value of all bonds upon the princi-
35 pal amount of which the amount of the general reserve fund is calcu-
36 lated, by reason of the retirement of bonds issued or incurred from time
37 to time for any of the purposes of this article the par value of which
38 had theretofore been included in the computation of said amount of the
39 general reserve fund, then the port authority may pledge or apply such
40 excess for and only for the purposes for which it is authorized by the
41 general reserve fund statutes to pledge the moneys in the general
42 reserve fund and such pledge may be made in advance of the time when
43 such excess may occur.

44 6. The two states covenant and agree with each other and with the
45 holders of any bonds issued by the port authority for the purposes of
46 this article, that so long as any of such bonds remain outstanding and
47 unpaid and the holders thereof shall not have given their consent as
48 provided in their contract with the port authority, the two states will
49 not diminish or impair the power of the port authority to establish,
50 levy and collect rentals, fares, fees or other charges in connection
51 with industrial development projects or facilities or any other facility
52 owned or operated by the port authority the revenues of which have been
53 or shall be pledged in whole or in part as security for such bonds
54 (directly or indirectly, or through the medium of the general reserve
55 fund or otherwise), or to determine the quantity, quality, frequency or
56 nature of any services provided by the port authority in connection with

1 the operation of each project or facility. This subdivision shall not
2 affect or diminish the provisions of subdivision twelve of this section.
3 7. The port authority is authorized and empowered to co-operate with
4 the states of New York and New Jersey, with any municipality thereof,
5 with any person, with the federal government and with any agency, public
6 authority or commission or any one or more of the foregoing, or with any
7 one or more of them, for and in connection with the acquisition, clear-
8 ance, replanning, rehabilitation, reconstruction or redevelopment of any
9 industrial development project or facility or of any other area forming
10 part of any industrial development project or facility for the purpose
11 of renewal and improvement of said area and for any of the purposes of
12 this article, and to enter into an agreement or agreements (and from
13 time to time to enter into agreements amending or supplementing the
14 same) with any such person, municipality, commission, public authority
15 or agency and with the states of New York and New Jersey and with the
16 federal government, or with any one or more of them, for or relating to
17 such purposes, including but not limited to agreements with respect to
18 the dedication by the municipalities of the port district of refuse,
19 solid waste or waste resulting from other treatment processes to
20 resource recovery to permit the generation of lower priced energy and
21 the recovery of useful materials; with respect to a commitment by such
22 municipalities to pay fees to permit the delivery and removal after
23 processing of such refuse or solid waste at rates and for periods of
24 time at least sufficient to assure the continued availability of such
25 energy and recovered materials; with respect to financial assistance,
26 loans and grants pursuant to any federal law now in effect or hereinaft-
27 er enacted which would provide such financial assistance, loans and
28 grants in connection with any of the purposes of this article, provided,
29 that if either state shall have or adopt general legislation governing
30 applications for such federal aid by municipalities, public authorities,
31 agencies or commissions of such state or the receipt or disbursement of
32 such federal aid by or on behalf of such municipalities, public authori-
33 ties, agencies or commissions, then such legislation shall at the option
34 of such state apply to applications by the port authority for such
35 federal aid in connection with an industrial development project or
36 facility located in such state and to the receipt and disbursement of
37 such federal aid by or on behalf of the port authority, in the same
38 manner and to the same extent as other municipalities, public authori-
39 ties, agencies or commissions of such state; and, with respect to occu-
40 pancy of space in any industrial development project or facility. The
41 port authority is hereby authorized and empowered to apply for and
42 accept financial assistance, loans and grants for such purposes under
43 federal, state or local laws, and to make application directly to the
44 proper officials or agencies for and receive federal, state or local
45 loans or grants in aid of any of the purposes of this article. Nothing
46 contained in this article shall be construed to limit or impair the
47 power of the governor of the state of New York and the governor of the
48 state of New Jersey to review the actions of the commissioners of the
49 port authority as provided for in chapter seven hundred of the laws of
50 New York of nineteen hundred twenty-seven, as amended and as continued
51 by article V of this chapter, and in chapter three hundred thirty-three
52 of the laws of New Jersey of nineteen hundred twenty-seven, as amended,
53 or to authorize the port authority to commence the effectuation of any
54 industrial development project or facility unless and until the munici-
55 pality in which such project or facility is to be located has consented
56 to the commencement of such effectuation, with such consent to be

1 provided for in the agreement authorized by subdivision 11 or subdivi-
2 sion 12 of this section. The port authority is authorized and empowered
3 to enter into an agreement or agreements (and from time to time to enter
4 into agreements amending or supplementing the same) with any public
5 authority, agency or commission of either or both states to provide for
6 the effectuation of any of the purposes of this article through a
7 subsidiary corporation owned jointly by the port authority and any such
8 public authority, agency or commission, and any such public authority,
9 agency or commission is authorized and empowered to enter into such
10 agreement or agreements with the port authority.

11 8. Notwithstanding any contrary provision of law, general, special or
12 local, either state and any municipality thereof and any commission,
13 public authority or agency of either or both of said two states is
14 authorized and empowered to co-operate with the port authority and to
15 enter into an agreement or agreements (and from time to time to enter
16 into agreements amending or supplementing the same) with the port
17 authority or with any other person for and in connection with or relat-
18 ing to the acquisition, clearance, replanning, rehabilitation, recon-
19 struction, redevelopment, sale, transfer or mortgage of any industrial
20 development project or facility or of any other area forming part of any
21 industrial development project or facility for the purpose of renewal
22 and improvement of said area as aforesaid or for any of the other
23 purposes of this article, including but not limited to the dedication by
24 the municipalities of the port district of refuse, solid waste or waste
25 resulting from other treatment processes to resource recovery to permit
26 the generation of lower priced energy and the recovery of useful materi-
27 als and a commitment by such municipalities to pay fees to permit the
28 delivery and removal after processing of such refuse or solid waste at
29 rates and for periods of time at least sufficient to assure the contin-
30 ued availability of such energy and recovered materials, upon such
31 reasonable terms and conditions as may be determined by such state,
32 municipality, public authority, agency or commission and the port
33 authority. Such agreement may, without limiting the generality of the
34 foregoing, further include consent to the use by the port authority or
35 any other person of any real property owned or to be acquired by said
36 state, municipality, public authority, agency or commission and consent
37 to the use by such state, municipality, public authority, agency or
38 commission of any real property owned or to be acquired by the port
39 authority or by any other person which in either case is necessary,
40 convenient or desirable in the opinion of the port authority for any of
41 the purposes of this article, including such real property, improved or
42 unimproved, as has already been devoted to or has been or is to be
43 acquired for urban renewal or other public use, and as an incident to
44 such consent such state, municipality, public authority, agency or
45 commission may grant, convey, lease or otherwise transfer any such real
46 property to the port authority or to any other person and the port
47 authority may grant, convey, lease or otherwise transfer any such real
48 property to such state, municipality, public authority, agency, commis-
49 sion or any other person for such term and upon such conditions as may
50 be agreed upon. If real property of such state, municipality, public
51 authority, agency or commission be leased to the port authority or to
52 any other person for any of the purposes of this article, such state,
53 municipality, public authority, agency or commission may consent to the
54 port authority or any other person having the right to mortgage the fee
55 of such property and thus enable the port authority or such other person
56 to give as security for its bond or bonds a lien upon the land and

1 improvements, but such state, municipality, public authority, agency or
2 commission by consenting to the execution by the port authority or such
3 other person of a mortgage upon the leased property shall not thereby
4 assume and such consent shall not be construed as imposing upon such
5 state, municipality, public authority, agency or commission any liabil-
6 ity upon the bond or bonds secured by the mortgage. In connection with
7 any of the purposes of this article, either state and any municipality
8 thereof, any commission, public authority or agency of either or both of
9 said two states, the port authority and any other person are empowered
10 to enter into any other agreement or agreements (and from time to time
11 to enter into agreements amending or supplementing same) which may
12 provide inter alia for the establishment of prices or rates, a require-
13 ment that any person sell, lease or purchase any commodity or service
14 from any other person, or any other similar arrangement.

15 Nothing contained in this subdivision shall impair or diminish the
16 powers vested in either state or in any municipality, public authority,
17 agency or commission to acquire, clear, replan, reconstruct, rehabili-
18 tate or redevelop abandoned, undeveloped or underutilized land and the
19 powers herein granted to either state or any municipality, public
20 authority, agency or commission shall be construed to be in aid of and
21 not in limitation or in derogation of any such powers heretofore or
22 hereafter conferred upon or granted to such state, municipality, public
23 authority, agency or commission.

24 Nothing contained in this article shall be construed to authorize the
25 port authority to acquire, by condemnation or the exercise of the right
26 of eminent domain, property now or hereafter vested in or held by either
27 state or by any municipality, public authority, agency or commission
28 without the authority or consent by such state, municipality, public
29 authority, agency or commission, provided that the state under whose
30 laws such public authority, agency or commission has been created may
31 authorize by appropriate legislation the port authority to acquire any
32 such property vested in or held by any such public authority, agency or
33 commission by condemnation or the exercise of the right of eminent
34 domain without such authority or consent; nor shall anything herein
35 impair or invalidate in any way any bonded indebtedness of either state
36 or any such municipality, public authority, agency or commission, nor
37 impair the provisions of law regulating the payment into sinking funds
38 of revenues derived from such property, or dedicating the revenues
39 derived from such property to a specific purpose.

40 The port authority, subject to the express authority or consent of any
41 such state, municipality, public authority, agency or commission, is
42 hereby authorized and empowered to acquire from any such state or muni-
43 cipality, or from any other public authority, agency or commission
44 having jurisdiction in the premises, by agreement therewith, and such
45 state or municipality, public authority, agency or commission, notwith-
46 standing any contrary provision of law, is hereby authorized and
47 empowered to grant and convey, upon reasonable terms and conditions, any
48 real property which may be necessary, convenient or desirable for any of
49 the purposes of this article, including such real property as has
50 already been devoted to a public use.

51 Notwithstanding any inconsistent provision of this section or article
52 or any compact or general or special law, the port authority may not
53 acquire any park lands for industrial development projects or facilities
54 unless each such conveyance of such land is specifically authorized by
55 the legislature of the state wherein the land is located.

1 Any consent by a municipality shall be given and the terms, conditions
2 and execution by a municipality of any agreement, deed, lease, convey-
3 ance or other instrument pursuant to this subdivision or any other
4 subdivision of this section shall be authorized in the manner provided
5 in article twenty-two of the compact of April thirtieth, nineteen
6 hundred twenty-one between the two states creating the port authority,
7 except that as to towns in the state of New York, such consent shall be
8 authorized in the manner provided in the town law and as to counties in
9 the state of New Jersey, such consent shall be authorized in the manner
10 provided in New Jersey statutes annotated, forty: one-one, et seq. Any
11 consent by either state shall be effective if given, and the terms and
12 conditions and execution of any agreement, deed, lease, conveyance or
13 other instrument pursuant to this section or any other section of this
14 article shall be effective if authorized by the governor of such state.
15 Any consent by a public authority, agency or commission shall be effec-
16 tive if given by such public authority, agency or commission.

17 9. The states of New York and New Jersey hereby consent to suits,
18 actions or proceedings by any municipality, public authority, agency or
19 commission against the port authority upon, in connection with or aris-
20 ing out of any agreement, or any amendment thereof, entered into for any
21 of the purposes of this article, as follows:

22 a. for judgments, orders or decrees restraining or enjoining the port
23 authority from transferring title to real property to other persons in
24 cases where it has agreed with said municipality, public authority,
25 agency, or commission for transfer of such title to the municipality,
26 public authority, agency or commission; and

27 b. for judgments, orders or decrees restraining or enjoining the port
28 authority from committing or continuing to commit other breaches of such
29 agreement or any amendment thereof; provided, that such judgment, order
30 or decree shall not be entered except upon two days' prior written
31 notice to the port authority of the proposed entry thereof; and
32 provided further that upon appeal taken by the port authority from such
33 judgment, order or decree the service of the notice of appeal shall
34 perfect the appeal and stay the execution of such judgment, order or
35 decree appealed from without an undertaking or other security.

36 Nothing herein contained shall be deemed to revoke, rescind or affect
37 any consent to suits, actions, or proceedings against the port authority
38 heretofore given by the two said states in chapter three hundred one of
39 the laws of New York of nineteen hundred fifty and continued by article
40 XV of this chapter, and chapter two hundred four of the laws of New
41 Jersey of nineteen hundred fifty-one.

42 10. The effectuation of industrial development projects or facilities
43 of any such projects or facilities constituting a portion of any indus-
44 trial development project or facility, are and will be in all respects
45 for the benefit of the people of the states of New York and New Jersey,
46 for the increase of their commerce and prosperity and for the improve-
47 ment of their health and living conditions; and the port authority and
48 any subsidiary corporation incorporated for any of the purposes of this
49 article shall be regarded as performing an essential governmental func-
50 tion in undertaking the effectuation thereof, and in carrying out the
51 provisions of law relating thereto.

52 11. The port authority shall be required to pay no taxes or assess-
53 ments upon any of the property acquired and used by it for any of the
54 purposes of this article or upon any deed, mortgage or other instrument
55 affecting such property or upon the recording of any such instrument.
56 However, to the end that no taxing jurisdiction shall suffer undue loss

1 of taxes and assessments by reason of the acquisition and ownership of
2 property by the port authority for any of the purposes of this article,
3 the port authority is hereby authorized and empowered, in its
4 discretion, to enter into a voluntary agreement or agreements with any
5 city, town, township or village whereby the port authority will under-
6 take to pay in lieu of taxes a fair and reasonable sum, if any, or sums
7 annually in connection with any real property acquired and owned by the
8 port authority for any of the purposes of this article and to provide
9 for the payment as a rental or additional rental charge by any person
10 occupying any portion of any industrial development project or facility
11 either as lessee, vendee or otherwise of such reasonable sum, if any, or
12 sums as hereinafter provided. Such sums in connection with any real
13 property acquired and owned by the port authority for any of the
14 purposes of this article shall not be more than the sum last paid as
15 taxes upon such real property prior to the time of its acquisition by
16 the port authority; provided, however, that in connection with any
17 portion of any industrial development project or facility, which is
18 owned by the port authority or another governmental entity and improved
19 pursuant to this article with buildings, structures or improvements
20 greater in value than the buildings, structures or improvements in
21 existence at the time of its acquisition, development or improvement by
22 the port authority, any person occupying such portion of such industrial
23 development project or facility either as lessee, vendee or otherwise
24 shall, as long as title thereto shall remain in the port authority or in
25 another governmental entity, pay as a rental or additional rental charge
26 an amount in lieu of taxes, if any, not in excess of the taxes on such
27 improvements and on personal property, including water and sewer service
28 charges or assessments, which such person would have been required to
29 pay had it been the owner of such property during the period for which
30 such payment is made; provided further, however, that neither the port
31 authority nor any of its projects, facilities, properties, monies or
32 bonds and notes shall be obligated, liable or subject to lien of any
33 kind whatsoever for the enforcement, collection or payment thereof.
34 Each such city, town, township or village is hereby authorized and
35 empowered to enter into such agreement or agreements with the port
36 authority which agreement or agreements may also include provisions with
37 respect to the joint review of categories of tenants proposed as occu-
38 pants for industrial development projects or facilities with the cities,
39 towns, townships or villages in which they are proposed to be located,
40 and to accept the payment or payments which the port authority is hereby
41 authorized and empowered to make or which are paid by a person occupying
42 any such portion of such industrial development project or facility as
43 rental or as additional rental in lieu of taxes, and the sums so
44 received by such city, town, township or village shall be devoted to
45 purposes to which taxes may be applied in all affected taxing jurisdic-
46 tions unless and until otherwise directed by law of the state in which
47 such city, town, township or village is located. At least ten days prior
48 to the authorization by the port authority of any agreement provided for
49 in this subdivision, the port authority shall notify the chief executive
50 officer of each city in the port district within which an industrial
51 development project or facility has been included in the master plan
52 provided for in subdivision two of this section of the proposed authori-
53 zation of such agreement, shall seek their comments and shall include
54 with such authorization any comments received from such city. The port
55 authority shall not sell or lease substantially all of an industrial
56 development project or facility to a proposed purchaser or lessee with-

1 out the prior approval by the municipality wherein the project or facil-
2 ity is located of such purchaser or lessee.

3 12. Except as otherwise specifically provided, all details of the
4 effectuation, including but not limited to details of financing, leas-
5 ing, rentals, fees and other charges, rates, contracts and service, of
6 industrial development projects or facilities by the port authority
7 shall be within its sole discretion and its decision in connection with
8 any and all matters concerning industrial development projects or facil-
9 ities shall be controlling and conclusive; provided that the
10 construction and operation of any such project or facility shall conform
11 to the environmental and solid waste disposal standards and any state
12 and county plans therefor in the state in which such project or facility
13 is located. At least ninety days prior to the authorization by the port
14 authority of the first contract for the construction of any industrial
15 development project or facility, the port authority shall transmit to
16 the governor of the state in which such project or facility is to be
17 located a statement as to the conformance of such industrial development
18 project or facility with such environmental and solid waste disposal
19 standards and any state and county plans therefor, and shall consult
20 with such governor or his designee with respect thereto. The port
21 authority and the city, town, township or village in which any indus-
22 trial development project or facility is to be located and for whose
23 benefit such project or facility is undertaken are hereby authorized and
24 empowered to enter into an agreement or agreements to provide which
25 local laws, resolutions, ordinances, rules and regulations, if any, of
26 such city, town, township or village affecting any industrial develop-
27 ment project or facility shall apply to such project or facility. All
28 other existing local laws, resolutions, ordinances or rules and regu-
29 lations not provided for in such agreement shall be applicable to such
30 industrial development projects or facilities. All such local laws,
31 resolutions, ordinances or rules and regulations enacted after the date
32 of such agreement or agreements shall not be applicable to such projects
33 or facilities unless made applicable by such agreement or agreements or
34 any modification or modifications thereto.

35 So long as any facility constituting a portion of any industrial
36 development project or facility shall be owned, controlled or operated
37 by the port authority, no public authority, agency, commission or muni-
38 cipality of either or both of the two states shall have jurisdiction
39 over such project or facility nor shall any such public authority, agen-
40 cy, commission or municipality have any jurisdiction over the terms or
41 method of effectuation of all or any portion thereof by the port author-
42 ity including but not limited to the transfer of all or any portion
43 thereof to or by the port authority; provided, however, the port
44 authority is authorized and empowered to submit to the jurisdiction over
45 such project or facility of either state or any department thereof or
46 any such public authority, agency, commission or municipality when the
47 exercise of such jurisdiction is necessary for the administration or
48 implementation of federal environmental or solid waste disposal legis-
49 lation by either state.

50 Nothing in this article shall be deemed to prevent the port authority
51 from establishing, acquiring, owning, leasing, constructing, effectuat-
52 ing, developing, maintaining, operating, rehabilitating, improving,
53 selling, transferring or mortgaging all or any portion of any industrial
54 development project or facility through wholly owned subsidiary corpo-
55 rations of the port authority or subsidiary corporations owned by the
56 port authority jointly with any public authority, agency or commission

1 of either or both of the two states or from transferring to or from any
2 such corporations any moneys, real property or other property for any of
3 the purposes of this article. If the port authority shall determine
4 from time to time to form such a subsidiary corporation it shall do so
5 by executing and filing with the secretary of state of the State of New
6 York and the secretary of state of the State of New Jersey a certificate
7 of incorporation, which may be amended from time to time by similar
8 filing, which shall set forth the name of such subsidiary corporation,
9 its duration, the location of its principal office, any joint owners
10 thereof, and the purposes of the incorporation which shall be one or
11 more of the purposes of establishing, acquiring, owning, leasing,
12 constructing, effectuating, developing, maintaining, operating, rehabil-
13 itating, improving, selling, transferring or mortgaging all or any
14 portion of any industrial development project or facility. The direc-
15 tors of such subsidiary corporation shall be the same persons holding
16 the offices of commissioners of the port authority together with persons
17 representing any joint owner thereof as provided for in the agreement in
18 connection with the incorporation thereof. Such subsidiary corporation
19 shall have all the powers vested in the port authority itself for the
20 purposes of this article except that it shall not have the power to
21 contract indebtedness. Such subsidiary corporation and any of its prop-
22 erty, functions and activities shall have all of the privileges, immuni-
23 ties, tax exemptions and other exemptions of the port authority and of
24 the port authority's property, functions and activities. Such subsid-
25 iary corporation shall be subject to the restrictions and limitations to
26 which the port authority may be subject, including, but not limited to
27 the requirement that no action taken at any meeting of the board of
28 directors of such subsidiary corporation shall have force or effect
29 until the governors of the two states shall have an opportunity, in the
30 same manner and within the same time as now or hereafter provided by law
31 for approval or veto of actions taken at any meeting of the port author-
32 ity itself, to approve or veto such action. Such subsidiary corporation
33 shall be subject to suit in accordance with subdivision nine of this
34 section and chapter three hundred one of the laws of New York of nine-
35 teen hundred fifty and continued by article XV of this chapter, and
36 chapter two hundred four of the laws of New Jersey of nineteen hundred
37 fifty-one as if such subsidiary corporation were the port authority
38 itself. Such subsidiary corporation may be a participating employer
39 under the New York retirement and social security law or any similar law
40 of either state and the employees of any such subsidiary corporation,
41 except those who are also employees of the port authority, shall not be
42 deemed employees of the port authority.

43 Whenever any state, municipality, commission, public authority, agen-
44 cy, officer, department, board or division is authorized and empowered
45 for any of the purposes of this article to co-operate and enter into
46 agreements with the port authority or to grant any consent to the port
47 authority or to grant, convey, lease or otherwise transfer any property
48 to the port authority or to execute any document, such state, municip-
49 ality, commission, public authority, agency, officer, department, board
50 or division shall have the same authorization and power for any of such
51 purposes to co-operate and enter into agreements with such subsidiary
52 corporation and to grant consents to such subsidiary corporation and to
53 grant, convey, lease or otherwise transfer property to such subsidiary
54 corporation and to execute documents for such subsidiary corporation.

55 13. The bonds issued by the port authority to provide funds for any of
56 the purposes of this article are hereby made securities in which all

1 state and municipal officers and bodies of both states, all trust compa-
2 nies and banks other than savings banks, all building and loan associ-
3 ations, savings and loan associations, investment companies and other
4 persons carrying on a commercial banking business, all insurance compa-
5 nies, insurance associations and other persons carrying on an insurance
6 business, and all administrators, executors, guardians, trustees and
7 other fiduciaries, and all other persons whatsoever (other than savings
8 banks), who are now or may hereafter be authorized by either state to
9 invest in bonds of such state, may properly and legally invest any
10 funds, including capital, belonging to them or within their control, and
11 said bonds are hereby made securities which may properly and legally be
12 deposited with and shall be received by any state or municipal officer
13 or agency of either state for any purpose for which the deposit of bonds
14 of such state is now or may hereafter be authorized. The bonds issued
15 by the port authority to provide funds for any of the purposes of this
16 article as security for which the general reserve fund shall have been
17 pledged in whole or in part are hereby made securities in which all
18 savings banks also may properly and legally invest any funds including
19 capital, belonging to them or within their control.

20 14. Subsequent to and subject to the execution of the agreement or
21 agreements authorized by subdivisions eleven and twelve hereof for the
22 projects and facilities and at the locations specified therein, if the
23 port authority shall find it necessary, convenient or desirable to
24 acquire from time to time any real property or any property other than
25 real property (including but not limited to contract rights and other
26 tangible or intangible personal property), for any of the purposes of
27 this act whether for immediate or future use (including temporary
28 construction, rehabilitation or improvement), the port authority may
29 find and determine that such property, whether a fee simple absolute or
30 a lesser interest, is required for a public use, and upon such determi-
31 nation the said property shall be and shall be deemed to be required for
32 such public use until otherwise determined by the port authority, and
33 such determination shall not be affected by the fact that such property
34 has theretofore been taken for and is then devoted to a public use; but
35 the public use in the hands of or under the control of the port authori-
36 ty shall be deemed superior to the public use in the hands of any other
37 person, association or corporation.

38 The port authority may acquire and is hereby authorized so to acquire
39 from time to time, for any of the purposes of this article, such proper-
40 ty, whether a fee simple absolute or a lesser estate, by condemnation
41 (including the exercise of the right of eminent domain) under and pursu-
42 ant to the provisions of the eminent domain procedure law of the state
43 of New York in the case of property located in or having its situs in
44 such state, and chapter three hundred sixty-one of the laws of New
45 Jersey of nineteen hundred seventy-one, in the case of property located
46 in or having its situs in such state, or, at the option of the port
47 authority, as provided in section fifteen of chapter forty-three of the
48 laws of New Jersey of nineteen hundred forty-seven, as amended, in the
49 case of property located in or having its situs in such state, or pursu-
50 ant to such other and alternate procedure as may be provided by law of
51 the state in which such property is located or has its situs; and all of
52 said statutes for the acquisition of real property shall, for any of the
53 purposes of this article, be applied also to the acquisition of other
54 property authorized by this subdivision, except that such provisions as
55 pertain to surveys, diagrams, maps, plans or profiles, assessed valu-
56 ation, lis pendens, service of notice and papers, filing in the office

1 of the clerk in which the real property affected is situated and such
2 other provisions as by their nature cannot be applicable to property
3 other than real property, shall not be applicable to the acquisition of
4 such other property. In the event that any property other than real
5 property is acquired for any of the purposes of this article under this
6 section then, with respect to such other property, notice of such
7 proceeding and all subsequent notices or court processes shall be served
8 upon the owners of such other property and upon the port authority by
9 personal service or by registered or certified mail, except as may be
10 otherwise directed by the court.

11 The port authority is hereby authorized and empowered, in its
12 discretion, from time to time to combine any property which is to be
13 acquired as aforesaid by condemnation for any of the purposes of this
14 article for acquisition in a single action or proceeding notwithstanding
15 that part of the property so to be acquired is personal property or
16 mixed real and personal property or may be owned by more than one owner.

17 The owner of any property acquired by condemnation or the exercise of
18 the right of eminent domain for any of the purposes of this act shall
19 not be awarded for such property any increment above the just compen-
20 sation required by the constitutions of the United States and of the
21 state or states in which the property is located or has its situs by
22 reason of any circumstances whatsoever.

23 Nothing herein contained shall be construed to prevent the port
24 authority from bringing any proceedings to remove a cloud on title or
25 such other proceedings as it may, in its discretion, deem proper and
26 necessary, or from acquiring any such property by negotiation or
27 purchase.

28 Where a person entitled to an award in the proceedings for the acqui-
29 sition of property by condemnation or the right of eminent domain for
30 any of the purposes of this article remains in possession of such prop-
31 erty after the time of the vesting of title in the port authority, the
32 reasonable value of this use and occupancy of such property subsequent
33 to such time, as fixed by agreement or by the court in such proceedings
34 or by any court of competent jurisdiction, shall be a lien against such
35 award, subject only to liens of record at the time of the vesting of
36 title in the port authority.

37 15. The port authority and its duly authorized agents, and all persons
38 acting under its authority and by its direction, may enter in the
39 daytime into and upon any real property for the purpose of making such
40 surveys, diagrams, maps, plans, soundings or borings as the port author-
41 ity may deem necessary, convenient or desirable for any of the purposes
42 of this article.

43 16. Any declarations contained herein with respect to the governmental
44 nature and public purpose of any industrial development project or
45 facility and to the exemption of any industrial development project or
46 facility property and instruments relating thereto from taxation and to
47 the discretion of the port authority with respect to said projects or
48 facilities shall not be construed to imply that other port authority
49 facilities, property and operations are not of a governmental nature or
50 do not serve public purposes, or that they are subject to taxation, or
51 that the determinations of the port authority with respect thereto are
52 not conclusive. The powers hereby vested in the port authority and in
53 any subsidiary corporation incorporated for any of the purposes of this
54 act (including but not limited to the power to acquire real property by
55 condemnation or the exercise of the right of eminent domain) shall be
56 continuing powers and no exercise thereof by the port authority or a

1 subsidiary corporation incorporated for any of the purposes of this
2 article shall be deemed to exhaust them or any of them.

3 17. This subdivision and the preceding subdivisions hereof constitute
4 an agreement between the states of New York and New Jersey supplementary
5 to the compact between the two states dated April thirtieth, nineteen
6 hundred twenty-one and amendatory thereof, and shall be liberally
7 construed to effectuate the purposes of said compact and of the compre-
8 hensive plan heretofore adopted by the two states, and the powers grant-
9 ed to the port authority shall be construed to be in aid of and not in
10 limitation or in derogation of any other powers, heretofore conferred
11 upon or granted to the port authority.

12 18. If any section, part, phrase, or provision of this article or the
13 application thereof to any person or circumstances be adjudged invalid
14 by any court of competent jurisdiction, so long as the section or
15 remainder of the article shall nonetheless permit the effectuation, as a
16 unified project, of any industrial development project or facility, such
17 judgment shall be confined in its operation to the section, part,
18 phrase, provision or application directly involved in the controversy in
19 which such judgment shall have been rendered and shall not affect or
20 impair the validity of the remainder of this act or the application
21 thereof to other persons or circumstances and the two states hereby
22 declare that they would have entered into this article or the remainder
23 thereof had the invalidity of such provision or application thereof been
24 apparent.

25 19. A copy of the minutes of any action taken at any meeting of the
26 port authority in connection with any modification, addition or deletion
27 in or to any or all of the covenants with or pledges to bondholders
28 contained in a resolution authorizing the issuance of consolidated bonds
29 of the port authority from such covenants or pledges set forth in the
30 immediately preceding resolution of the port authority authorizing the
31 issuance of such bonds shall be filed with the temporary president and
32 minority leader of the senate and the speaker and minority leader of the
33 assembly of the state of New York and the secretary of the senate and
34 clerk of the general assembly of the state of New Jersey within ten
35 calendar days prior to transmitting the same to the governor of each
36 state for review if the legislature of such state be in session and not
37 adjourned for more than two days, and, in the event the legislatures of
38 the respective states are not in session or are adjourned for more than
39 two days, the same shall be filed with such officers thirty calendar
40 days prior to transmitting the same to the governor of each state for
41 review. Notice of such filing shall be provided to the governor of each
42 state at the same time.

43 The temporary president and minority leader of the senate and the
44 speaker and minority leader of the assembly of the state of New York and
45 the speaker of the general assembly and the president of the senate of
46 the state of New Jersey, or their representatives designated by them in
47 writing for this purpose, may by certificate filed with the secretary of
48 the port authority waive the foregoing filing requirement with respect
49 to any specific minutes.

50 20. The port authority shall file with the temporary president and
51 minority leader of the senate, the speaker and minority leader of the
52 assembly, the chairman of the assembly ways and means committee and the
53 chairman of the senate finance committee of the state of New York and
54 the president, minority leader and secretary of the senate and the
55 speaker and minority leader and clerk of the general assembly of the
56 state of New Jersey a copy of the minutes of any action taken at any

1 public meeting of the port authority in connection with any of the
2 purposes of this article. Such filing shall be made at least ten calen-
3 dar days before such minutes are transmitted to the governor of each
4 state for review; and notice of such filing shall be provided to the
5 governor of each state at the same time.

6 The temporary president and minority leader of the senate, the speaker
7 and minority leader of the assembly, the chairman of the assembly ways
8 and means committee and the chairman of the senate finance committee of
9 the state of New York and the speaker and minority leader of the general
10 assembly and the president and the minority leader of the senate of the
11 state of New Jersey, or their representatives designated by them in
12 writing for this purpose, may by certificate filed with the secretary of
13 the port authority waive the foregoing filing requirement with respect
14 to any specific minutes.

15 21. The comptroller of the state of New York and the treasurer of the
16 state of New Jersey may each from time to time request a special report
17 with such information as each such officer may require with respect
18 thereto from the port authority with respect to any or all industrial
19 development projects or facilities.

20 ARTICLE XXIX
21 BUS TRANSPORTATION

22 Section 2901. Findings and determinations.

23 2902. Definitions.

24 2903. Bus transportation.

25 S 2901. Findings and determinations. The states of New York and New
26 Jersey hereby find and determine that:

27 1. The efficient, economical and convenient mass transportation of
28 persons to, from and within the port district as defined in the compact
29 between the two states dated April thirtieth, nineteen hundred twenty-
30 one is vital and essential to the preservation and economic well being
31 of the northern New Jersey-New York metropolitan area;

32 2. In order to deter the economic deterioration of the northern New
33 Jersey-New York metropolitan area adequate facilities for the mass
34 transportation of persons must be provided and buses are and will remain
35 of extreme importance in such transportation;

36 3. The provision of mass transportation including bus transportation
37 in urban areas has become financially burdensome and may result in the
38 additional curtailment of significant portions of this essential public
39 service;

40 4. The economic viability of the existing facilities operated by the
41 port authority is dependent upon the effective and efficient functioning
42 of the transportation network of the northern New Jersey-New York metro-
43 politan area and access to and proper utilization of such port authority
44 facilities would be adversely affected if users of bus transportation
45 were to find such transportation unavailable or significantly curtailed;

46 5. Buses serving regional bus routes and feeder bus routes and ancil-
47 lary bus facilities constitute an essential part of the mass commuter
48 facilities of the port district;

49 6. The continued availability of bus transportation requires substan-
50 tial replacement of and additions to the number of buses presently in
51 use in the northern New Jersey-New York metropolitan area;

52 7. The port authority which was created by agreement of the two states
53 as their joint agent for the development of transportation and terminal
54 facilities and other facilities of commerce of the port district and for

1 the promotion and protection of the commerce of their port, is a proper
2 agency to provide such buses to each of the two states and such
3 provision of buses by the port authority is in the interest of the
4 continued viability of the facilities of the port authority, and is in
5 the public interest;

6 8. The operation of the facilities of the port authority, including
7 but not limited to the port authority bus terminal at forty-first street
8 and eighth avenue in New York county in the city and state of New York
9 and the extension thereto currently under construction (hereinafter
10 called the "bus terminal"), the George Washington bridge bus station and
11 the provision of buses and ancillary bus facilities pursuant to this
12 article involve the exercise of public and essential governmental func-
13 tions which must be performed by the two states or any municipality,
14 public authority, agency, or commission of either or both states;

15 9. The revision to the port authority bridge and tunnel toll schedules
16 which was effective May fifth, nineteen hundred seventy-five, is
17 expected to result in additional revenues to the port authority suffi-
18 cient to support the financing with consolidated bonds of the port
19 authority of approximately four hundred million dollars for passenger
20 mass transportation capital projects (hereinafter called "passenger
21 facilities"), approximately one hundred sixty million dollars thereof
22 being allocated to the extension to the bus terminal, with the remaining
23 two hundred forty million dollars to be allocated on the basis of one
24 hundred twenty million dollars in each state for passenger facilities,
25 including but not limited to the acquisition, development and financing
26 of buses and related facilities, as determined by each such state and
27 the port authority acting pursuant to legislative authorization and
28 commitments to the holders of port authority obligations; and

29 10. The port authority's function as a regional agency of the two
30 states makes it appropriate that line-haul regional bus route passenger
31 facilities be equipped pursuant to this article with buses and ancillary
32 bus facilities and that the need for development and equipment of such
33 routes be satisfied on a priority basis.

34 S 2902. Definitions. For the purpose of this article:

35 1. "Ancillary bus facilities" shall mean any facilities useful in the
36 provision of service for line-haul regional or feeder bus routes includ-
37 ing but not limited to (a) fare collection, communication, signal and
38 identification equipment, (b) equipment to aid in the provision of bus
39 service to the elderly and handicapped, (c) maintenance, repair and
40 storage facilities and equipment, and (d) bus stations for use primarily
41 by passengers traveling between New York and New Jersey; automobile
42 parking lots for use by people who transfer to buses on line-haul
43 regional bus routes or feeder bus routes; and shelters at roadside bus
44 stops to afford waiting bus passengers protection from precipitation and
45 wind;

46 2. "Buses" shall mean vehicles containing seats for twelve or more
47 passengers which are designed for and regularly used in scheduled common
48 carrier passenger mass transportation service on streets, highways and
49 exclusive busways and which are not designed or used for railroad
50 purposes;

51 3. "Consolidated bonds" shall mean consolidated bonds of the issue
52 established by the resolution of the port authority, adopted October
53 ninth, nineteen hundred fifty-two;

54 4. "Develop" shall mean plan, design, construct, improve or rehabili-
55 tate;

1 5. "Feeder bus routes" shall mean those bus routes entirely within the
2 regional bus area which connect within the port district with a bus stop
3 on a line-haul regional bus route, a passenger ferry, or a railroad
4 station;

5 6. "Line-haul regional bus routes" shall mean bus routes which are
6 entirely within the regional bus area and which extend from a point
7 outside the county in which the bus terminal is located to a point in
8 such county;

9 7. "Municipality" shall mean a county, city, borough, village, town,
10 township, or other similar political subdivision of New York or New
11 Jersey;

12 8. "Person" shall mean any person, including individuals, firms, part-
13 nerships, associations, societies, trusts, public utilities, public or
14 private corporations, or other legal entities, including public or
15 governmental bodies, which may include the port authority, as well as
16 natural persons;

17 9. "Railroad station" shall mean a stop on a rail or subway system at
18 which passengers embark or disembark; and

19 10. "Regional bus area" shall mean that area in the states of New York
20 and New Jersey which lies within a radius of seventy-five miles of the
21 bus terminal.

22 S 2903. Bus transportation. 1. The port authority is authorized and
23 empowered to acquire, develop, finance, and transfer buses and ancillary
24 bus facilities for the purpose of leasing, selling, transferring or
25 otherwise disposing of such buses and ancillary bus facilities only to
26 the state of New York and the state of New Jersey or to any public
27 authority, agency, commission, city or county thereof and designated by
28 such state (hereinafter called the "lessee"). Such buses may be used
29 only on line-haul regional bus routes or on feeder bus routes and such
30 ancillary bus facilities shall be developed for and used in connection
31 with buses which travel on line-haul regional bus routes or feeder bus
32 routes; provided, however, that (a) such buses may be used for charter
33 bus trips which originate in the regional bus area, which take place
34 when such buses are not needed for service on line-haul regional bus
35 routes or feeder bus routes, and which comply with all applicable
36 requirements including but not limited to those of the port authority
37 and the lessee; and (b) provided that fare collection, communication and
38 identification equipment and maintenance, repair and storage facilities
39 and equipment acquired pursuant to this act may be utilized in
40 connection with bus service which is not on line-haul regional or feeder
41 bus routes to the extent that such utilization shall comply with all
42 applicable requirements including but not limited to those of the port
43 authority and the lessee. Ancillary bus facilities which are not located
44 on buses or which are not otherwise intended to be moved from place to
45 place shall be located only within the port district.

46 2. Any such lease, sale, transfer or other disposition of buses and
47 ancillary bus facilities shall be on such terms and conditions, includ-
48 ing consideration, consistent with this article as the port authority
49 shall deem in the public interest and which shall be acceptable to the
50 port authority and the lessee. Notwithstanding any contrary provision of
51 law, general, special or local, part of the consideration for any such
52 lease or transfer shall consist of an agreement by the lessee to main-
53 tain and use such buses and ancillary bus facilities, or cause such
54 buses and ancillary bus facilities to be maintained and used by others
55 under agreement with the lessee, in the effective and efficient trans-
56 portation of passengers in accordance with this act and the port author-

ity may accept such agreement in lieu of any other consideration for such lease or transfer. The lessee shall be responsible for the proper operation, maintenance, repair and use of the buses and ancillary bus facilities and the port authority shall not be liable in any respect by reason of the ownership, development, operation, maintenance, repair or use of such buses and ancillary bus facilities. Anything contained in this article to the contrary notwithstanding, development of such buses and ancillary bus facilities and introduction into service of such buses shall be subject to the approval of the lessee.

3. The two states covenant and agree with each other and with the holders of the present and future obligations of the port authority that (a) the lessee of buses or ancillary bus facilities leased, transferred or otherwise disposed of pursuant to this article shall be required to defend and to provide for indemnification, subject to appropriations or other funds which are or become legally available for this purpose, of the port authority against any liability of whatsoever form or nature as may be imposed upon the port authority by reason of the ownership, development, operation, maintenance, repair or use thereof or arising otherwise out of the port authority's interest therein; (b) the lessee shall be required to provide for and be responsible for the proper operation, maintenance, repair, and use of such buses and ancillary bus facilities leased, transferred or otherwise disposed of pursuant to this article and the port authority shall have no responsibility as to such operation, maintenance, repair or use; and (c) neither the states nor the port authority will apply to any purpose in connection with or relating to the operation, maintenance, repair or use of such bus or ancillary bus facilities leased, transferred or otherwise disposed of pursuant to this article, other than purposes in connection with the utilization of other port authority facilities by such buses and passenger information purposes, any of the rentals, tolls, fares, fees, charges, revenues, reserves or other funds of the port authority which have been or shall be pledged in whole or in part as security for obligations as security for which there may be or shall be pledged, in whole or in part the general reserve fund of the port authority.

4. Any capital expenditures by the port authority for buses and ancillary bus facilities to be leased, sold, transferred or otherwise disposed of pursuant to this article shall be made with the proceeds of consolidated bonds of the port authority, which may be issued to finance such capital expenditures, and such capital expenditures shall be a part of and shall not exceed the allocations for passenger facilities to be made from time to time as determined in accordance with subdivision nine of section twenty-nine hundred one of this article.

5. The port authority is authorized and empowered to cooperate with the states of New York and New Jersey, with any municipality thereof, with the federal government and any public authority, agency or commission of the foregoing or with any one or more of them or with any other person to the extent that it finds it necessary and desirable to do so in connection with the acquisition, development, financing, leasing, sale, transfer or other disposition of buses and ancillary bus facilities and to enter into an agreement or agreements (and from time to time to enter into agreements amending or supplementing the same) with said states, municipalities, federal government, public authorities, agencies, commissions and persons or with any one or more of them for or relating to such purposes.

6. Notwithstanding any contrary provision of law, general, special or local, either state or any municipality, public authority, agency, or

1 commission of either or both of said two states or any other person is
2 authorized and empowered to cooperate with the port authority and to
3 enter into an agreement or agreements (and from time to time to enter
4 into agreements amending or supplementing the same) with the port
5 authority including but not limited to the agreements with respect to
6 buses and ancillary bus facilities leased, transferred or otherwise
7 disposed of pursuant to this article, upon such reasonable terms and
8 conditions as determined by such state, municipality, public authority,
9 agency, commission or person and the port authority.

10 7. Any consent by a municipality shall be given and the terms, condi-
11 tions and execution by a municipality of any agreement, deed, lease,
12 conveyance or other instrument pursuant to this subdivision or any other
13 subdivision of this section shall be authorized in the manner provided
14 in article twenty-two of the compact of April thirtieth, nineteen
15 hundred twenty-one between the two states creating the port authority,
16 except that as to towns in the state of New York, such consent shall be
17 authorized in the manner provided in the town law and as to counties in
18 the state of New Jersey, such consent shall be authorized in the manner
19 provided in New Jersey statutes annotated, title forty: chapter one,
20 section one, et seq. The terms and conditions and execution by either
21 state of any agreement, consent, designation, determination, deed,
22 lease, conveyance or other instrument pursuant to this subdivision or
23 any other subdivision of this section shall be effective if authorized
24 by the governor of such state. The powers herein granted to either state
25 or any municipality, public authority, agency or commission shall be
26 construed to be in aid of and not in limitation or in derogation of any
27 such powers heretofore or hereafter conferred upon or granted to such
28 state, municipality, public authority, agency or commission. Any consent
29 by a public authority, agency or commission shall be effective if given
30 by such public authority, agency or commission.

31 8. The port authority shall be required to pay no taxes or assessments
32 upon any of the property, real or personal, acquired or used by it for
33 any purpose of this article or upon any lease, deed, mortgage or other
34 instrument affecting such property or upon the recording of any instru-
35 ment made in connection with the acquisition, development, financing,
36 lease, sale, transfer or other disposition or use of such property.

37 9. The port authority shall not be subject to the jurisdiction of any
38 municipality, public authority, agency or commission of either or both
39 of the two states in connection with the acquisition, development,
40 financing, lease, sale, transfer or other disposition of buses, ancil-
41 lary bus facilities or otherwise in connection with the purposes of this
42 article.

43 10. The acquisition, development, financing, leasing, sale, transfer
44 or other disposition by the port authority of buses and ancillary bus
45 facilities in accordance with this article are and will be in all
46 respects for the benefit of the people of the said two states, for the
47 increase of their commerce and prosperity and for the improvement of
48 their health, safety and living conditions and shall be deemed to be
49 public purposes; and the port authority shall be regarded as performing
50 an essential governmental function in undertaking such acquisition,
51 development, financing, leasing, sale, transfer or other disposition or
52 otherwise carrying out the provisions of this article.

53 11. Any declarations contained herein with respect to the governmental
54 nature and public purposes of the facilities authorized by this article
55 and to the exemption of such facilities and instruments relating thereto
56 from taxation and to the discretion of the port authority with respect

1 to said facilities shall not be construed to imply that other port
2 authority facilities, property and operations are not of a governmental
3 nature or do not serve public purposes, or that they are subject to
4 taxation, or that the determinations of the port authority with respect
5 thereto are not conclusive.

6 12. This subdivision and the preceding subdivisions hereof constitute
7 an agreement between the states of New York and New Jersey supplementary
8 to the compact between the two states dated April thirtieth, nineteen
9 hundred twenty-one and amendatory thereof, and shall be liberally
10 construed to effectuate the purposes of said compact and of the compre-
11 hensive plan heretofore adopted by the two states, and the powers grant-
12 ed to the port authority shall be construed to be in aid of and not in
13 limitation or in derogation of any other powers heretofore conferred
14 upon or granted to the port authority.

15 S 31. Chapter 40-A of the consolidated laws constituting the port
16 authority of New York and New Jersey created by section thirty of this
17 act shall be deemed for all purposes to be a continuation of the port
18 authority of New York and New Jersey as it was constituted immediately
19 preceding the effective date of this act and shall not be construed as a
20 newly created authority. All unexpended balances of appropriations of
21 monies heretofore made or allocated to the port authority of New York
22 and New Jersey as such authority was constituted immediately preceding
23 the effective date of this act, whether obligated or unobligated, are
24 hereby transferred to and made available to the port authority of New
25 York and New Jersey as created in section thirty of this act. All
26 rules, regulations, orders, determinations, and decisions of the port
27 authority of New York and New Jersey, as it was constituted immediately
28 preceding the effective date of this act, shall continue in full force
29 and effect as rules, regulations, orders, determinations and decisions
30 of the port authority of New York and New Jersey created by section
31 thirty of this act.

32 S 32. Severability clause. If any clause, sentence, paragraph, subdi-
33 vision, section or part of this act shall be adjudged by any court of
34 competent jurisdiction to be invalid, such judgment shall not affect,
35 impair, or invalidate the remainder thereof, but shall be confined in
36 its operation to the clause, sentence, paragraph, subdivision, section
37 or part thereof directly involved in the controversy in which such judg-
38 ment shall have been rendered. It is hereby declared to be the intent of
39 the legislature that this act would have been enacted even if such
40 invalid provisions had not been included herein.

41 S 33. This act shall take effect upon the enactment into law by the
42 state of New Jersey of legislation having an identical effect with this
43 act, but if the state of New Jersey shall have already enacted such
44 legislation this act shall take effect immediately. The chairman of the
45 port authority shall notify the legislative bill drafting commission
46 upon the enactment into law of such legislation by both such states in
47 order that the commission may maintain an accurate and timely effective
48 data base of the official text of the laws of the state of New York in
49 furtherance of effecting the provision of section 44 of the legislative
50 law and section 70-b of the public officers law.