

7413

2015-2016 Regular Sessions

I N A S S E M B L Y

May 11, 2015

Introduced by M. of A. BRENNAN, BUCHWALD, CUSICK, GOTTFRIED, JAFFEE, ROSENTHAL, SILVER, TITONE -- Multi-Sponsored by -- M. of A. BORELLI, COOK, DAVILA, ENGLEBRIGHT, GARBARINO, GLICK, HEVESI, LAVINE, MARKEY, MONTESANO, RAIA, RIVERA, SOLAGES, THIELE -- read once and referred 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

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

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vehicular crossings operated by the port authority; to repeal chapter 206 of the laws of 1951 relating to traffic regulations for air and 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.

1 S 10. Chapter 163 of the laws of 1945 relating to motor truck termi-
2 nals is REPEALED.

3 S 11. Chapter 352 of the laws of 1946 relating to monies for prelimi-
4 nary studies upon the interstate vehicular bridges known as the Outer-
5 bridge crossing, the Goethals bridge and the Bayonne bridge is REPEALED.

6 S 12. Chapter 443 of the laws of 1946 relating to the financing and
7 effectuating of a motor bus terminal by the port authority is REPEALED.

8 S 13. Chapter 631 of the laws of 1947 relating to the development of
9 marine terminals by the port authority is REPEALED.

10 S 14. Chapter 802 of the laws of 1947 relating to the financing of air
11 terminals by the port authority is REPEALED.

12 S 15. Chapter 819 of the laws of 1947 relating to the port authority's
13 ability to exercise the right of eminent domain is REPEALED.

14 S 16. Chapter 301 of the laws of 1950 relating to suits against the
15 port authority is REPEALED.

16 S 17. Chapter 774 of the laws of 1950 relating to the rules and regu-
17 lations governing traffic on vehicular crossings operated by the port
18 authority is REPEALED.

19 S 18. Chapter 206 of the laws of 1951, relating to traffic regulations
20 for air and marine terminals, is REPEALED.

21 S 19. Chapter 207 of the laws of 1951, relating to penalties for
22 violation of rules and regulations, is REPEALED.

23 S 20. Chapter 142 of the laws of 1953, relating to smoking regulations
24 for air and marine terminals, is REPEALED.

25 S 21. Chapter 143 of the laws of 1953, relating to suits on leases at
26 International Airport, is REPEALED.

27 S 22. Chapter 808 of the laws of 1955, relating to the Narrows bridge,
28 is REPEALED.

29 S 23. Chapter 444 of the laws of 1956, relating to New Jersey turnpike
30 connections, is REPEALED.

31 S 24. Chapter 638 of the laws of 1959, relating to the purchase,
32 financing and rental of commuter railroad cars by the port of New York
33 authority and agreeing with the state of New Jersey with respect there-
34 to, is REPEALED.

35 S 25. Chapter 209 of the laws of 1962, relating to the financing and
36 effectuation by the port of New York authority of a port development
37 project, consisting of the Hudson tubes, the Hudson tubes extensions and
38 a world trade center, is REPEALED.

39 S 26. Chapter 665 of the laws of 1964, relating to the operation with-
40 in the state of New York of the Hudson tubes and the Hudson tubes exten-
41 sions, is REPEALED.

42 S 27. Chapter 474 of the laws of 1971, relating to the authorization
43 of the port of New York authority to provide access by mass transporta-
44 tion facilities to air terminals, is REPEALED.

45 S 28. Chapter 651 of the laws of 1978, relating to the further coordi-
46 nation, facilitation, promotion, preservation and protection of trade
47 and commerce in and through the port of New York district through the
48 financing and effectuation of industrial development projects therein by
49 the port authority of New York and New Jersey, and agreeing with the
50 state of New Jersey with respect thereto, is REPEALED.

51 S 29. Chapter 12 of the laws of 1979, relating to the acquisition,
52 development, financing and transfer of buses and related facilities by
53 the port authority of New York and New Jersey and the utilization there-
54 of, is REPEALED.

55 S 30. Chapter 40-A of the consolidated laws is added to read as
56 follows:

CHAPTER 40-A OF THE CONSOLIDATED LAWS
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.
116. Records of the port authority.
117. Port authority as an agency.
118. Notice of claim.
119. 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.

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

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

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

11 Article I

12 Part I

13 Section 101

14 Subdivision 1.

15 Paragraph (a)

16 Subparagraph (1)

17 Item (i)

18 Clause A.

19 S 104. Definitions. The following terms shall have the following
20 meanings unless otherwise provided:

21 1. "Board" means the board of commissioners of the port authority of
22 New York and New Jersey.

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

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

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

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

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

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

4 8. "Railroads" shall include railways, extensions thereof, tunnels,
5 subways, bridges, elevated structures, tracks, poles, wires, conduits,
6 power houses, substations, lines for the transmission of power, car-
7 barns, shops, yards, sidings, turn-outs, switches, stations and
8 approaches thereto, cars and motive equipment.

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

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

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

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

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

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

49 The district is included within the boundary lines located by connect-
50 ing points of known latitude and longitude. The approximate courses and
51 distances of the lines enclosing the district are recited in the
52 description, but the district is determined by drawing lines through the
53 points of known latitude and longitude. Beginning at a point A of lati-
54 tude forty-one degrees and four minutes north and longitude seventy-
55 three degrees and fifty-six minutes west, said point being about sixty-
56 five-hundredths of a mile west of the westerly bank of the Hudson river

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

1 northeasterly direction passing about one-half mile west of New Hyde
2 Park and about one and one-tenth miles east of the shore of Manhasset
3 bay at Port Washington, crossing Long Island sound to a point L, said
4 point being the point of intersection of the boundary line between the
5 states of New York and Connecticut and the meridian of seventy-three
6 degrees, thirty-nine minutes and thirty seconds west longitude, said
7 point being also about a mile northeast of the village of Port Chester;
8 thence northwesterly along the boundary line between the states of New
9 York and Connecticut to a point M, said point being the point of inter-
10 section between said boundary line between the states of New York and
11 Connecticut and the parallel of forty-one degrees and four minutes north
12 latitude, said point also being about four and five-tenths miles north-
13 east of the business center of the city of White Plains; thence due west
14 along said parallel, of forty-one degrees and four minutes north lati-
15 tude, the line passing about two and one-half miles north of the busi-
16 ness center of the city of White Plains and crossing the Hudson river to
17 the point A, the place of beginning.

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

21 S 107. Commissioners. 1. The port authority shall consist of twelve
22 commissioners, six resident voters from the state of New York, at least
23 four of whom shall be resident voters of the city of New York, and six
24 resident voters from the state of New Jersey, at least four of whom
25 shall be resident voters within the New Jersey portion of the district,
26 the New York members to be chosen by the state of New York and the New
27 Jersey members by the state of New Jersey in the manner and for the
28 terms fixed and determined from time to time by the legislature of each
29 state respectively, except as provided in this article. Each commission-
30 er may be removed or suspended from office as provided by the law of the
31 state from which he or she shall be appointed.

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

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

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

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

50 S 108. Power of the port authority. 1. The port authority shall
51 constitute a body, both corporate and politic, with full power and
52 authority to purchase, construct, lease and/or operate any terminal or
53 transportation facility within said district; and to make charges for
54 the use thereof: and for any of such purposes to own, hold, lease and/or
55 operate real or personal property, to borrow money and secure the same
56 by bonds or by mortgages upon any property held or to be held by it. No

1 property now or hereafter vested in or held by either state, or by any
2 county, city, borough, village, township or other municipality, shall be
3 taken by the port authority, without the authority or consent of such
4 state, county, city, borough, village, township or other municipality,
5 nor shall anything herein impair or invalidate in any way any bonded
6 indebtedness of such state, county, city, borough, village, township or
7 other municipality, nor impair the provisions of law regulating the
8 payment into sinking funds of revenues derived from municipal property,
9 or dedicating the revenues derived from any municipal property to a
10 specific purpose.

11 2. The powers granted in this article shall not be exercised by the
12 port authority until the legislatures of both states shall have approved
13 of a comprehensive plan for the development of the port as hereinafter
14 provided.

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

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

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

44 3. Any rules or regulations adopted hereunder shall become a part of
45 the minutes of the port authority of New York and New Jersey and shall
46 be subject to the approval of the governor of New Jersey and the gover-
47 nor of New York.

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

1 S 110. Minutes of public meetings. 1. The port authority shall file
2 with the temporary president and minority leader of the senate and the
3 speaker and minority leader of the assembly, the chairman of the assem-
4 bly ways and means committee and the chairman of the senate finance
5 committee of the state of New York and the president, minority leader
6 and secretary of the senate and the speaker, minority leader and clerk
7 of the general assembly of the state of New Jersey a copy of the minutes
8 of any action taken at any public meeting of the port authority. Such
9 filing shall be made on the same day such minutes are transmitted to the
10 governor of each state for review; and notice of such filing shall be
11 provided to the governor of each state at the same time. Failure to
12 effectuate any such filing shall not impair the ability of the authority
13 to act pursuant to a resolution of its board. Such filing shall not
14 apply to any minutes required to be filed pursuant to section twenty of
15 chapter six hundred fifty-one of the laws of nineteen hundred seventy-
16 eight and continued by article XXVIII of this chapter.

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

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

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

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

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

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

1 the port of New York district, or improve terminal and transportation
2 facilities therein. It may intervene in any proceeding affecting the
3 commerce of the port.

4 S 114. Recommendations. The port authority may from time to time make
5 recommendations to the legislatures of the two states or to the congress
6 of the United States, based upon study and analysis, for the better
7 conduct of the commerce passing in and through the port of New York, the
8 increase and improvement of transportation and terminal facilities ther-
9 ein, and the more economical and expeditious handling of such commerce.

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

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

23 S 116. Records of the port authority. 1. Notwithstanding any
24 provision to the contrary, the records of the port authority shall be
25 open to the public in accordance with the laws of New York, articles 6
26 and 6-A of the public officers law, and New Jersey, P.L. 1963, c. 73 (C.
27 47:1A-1 et seq.), pertaining to the disclosure of government records.

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

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

36 S 117. Port authority as an agency. Notwithstanding any law to the
37 contrary, the port authority shall be deemed an "agency" and treated as
38 such under the laws of New York, for all purposes under articles six and
39 six-A of the public officers law, and shall be deemed a "public agency"
40 and treated as such under New Jersey, P.L. 1963, c. 73 (C.47:1A-1 et
41 seq.), pertaining to the disclosure of government records.

42 S 118. Notice of claim. Notwithstanding any other provision of law to
43 the contrary, every action against the authority for damages or injuries
44 to real or personal property, or for the destruction thereof, or for
45 personal injuries or wrongful death shall not be commenced unless a
46 notice of claim shall have been served on the authority in the manner
47 provided for in the state where the action is commenced, and in compli-
48 ance with the pertinent statutes of the state relating generally to
49 actions commenced against that state and in compliance with all the
50 requirements of the laws of that state. Where such state's law permits
51 service upon a department of that state in lieu of service upon the
52 public entity, service may be made pursuant to such law. Except in an
53 action for wrongful death against such an entity, an action for damages
54 or for injuries to real or personal property, or for the destruction
55 thereof, or for personal injuries, alleged to have been sustained, shall
56 not be commenced more than one year and ninety days after the cause of

1 action therefor shall have accrued or within the time period otherwise
2 prescribed by any special provision of law of that state, whichever is
3 longer.

4 S 119. Regulations. 1. The port authority is hereby authorized to
5 make suitable rules and regulations not inconsistent with the constitu-
6 tion of the United States or of either state, and subject to the exer-
7 cise of the power of congress, for the improvement of the conduct of
8 navigation and commerce, which, when concurred in or authorized by the
9 legislatures of both states, shall be binding and effective upon all
10 persons and corporations affected thereby.

11 2. The two states shall provide penalties for violations of any order,
12 rule or regulation of the port authority, and for the manner of enforc-
13 ing the same.

14 ARTICLE II

15 DEVELOPMENT OF THE PORT OF NEW YORK

16 Section 201. Development of the port of New York.

17 202. Investigations.

18 203. Hearings.

19 204. Orders.

20 205. Terminal stations.

21 206. Preference.

22 S 201. Development of the port of New York. 1. Pursuant to subdivi-
23 sion two of section one hundred eight of this chapter the following be
24 and is hereby adopted as the comprehensive plan for the development of
25 the port of New York:

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

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

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

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

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

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

47 (g) That there should be urged upon the federal authorities improve-
48 ment of channels so as to give access for that type of waterborne
49 commerce adapted to the various forms of development which the respec-
50 tive shorefronts and adjacent lands of the port would best lend them-
51 selves to;

52 (h) That highways for motor truck traffic should be laid out so as to
53 permit the most efficient inter-relation between terminals, piers and
54 industrial establishments not equipped with railroad sidings and for the
55 distribution of building materials and many other commodities which must

1 be handled by trucks; these highways to connect with existing or
2 projected bridges, tunnels and ferries.

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

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

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

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

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

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

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

43 (a) Number 1. Middle belt line. Connects New Jersey and Staten Island
44 and the railroads on the westerly side of the port with Brooklyn,
45 Queens, the Bronx and the railroads on the easterly side of the port.
46 Connects with the New York Central railroad in the Bronx; with the New
47 York, New Haven and Hartford railroad in the Bronx; with the Long Island
48 railroad in Queens and Brooklyn; with the Baltimore and Ohio railroad
49 near Elizabethport and in Staten Island; with the Central Railroad
50 Company of New Jersey at Elizabethport and at points in Newark and
51 Jersey City; with the Pennsylvania railroad in Newark and Jersey City;
52 with the Lehigh Valley railroad in Newark and Jersey City; with the
53 Delaware, Lackawanna and Western railroad in Jersey City and the Secaucus
54 meadows; with the Erie railroad in Jersey City and the Secaucus
55 meadows; with the New York, Susquehanna and Western, the New York,

1 Ontario and Western and the West Shore railroads on the westerly side of
2 the Palisades above the Weehawken tunnel.

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

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

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

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

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

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

- 1 (g) Number 7. A marginal railroad surrounding the northerly and
2 westerly shores of Jamaica bay. A new line. Connects with the middle
3 belt line (number one).
- 4 (h) Number 8. An existing line, to be improved and added to where
5 necessary. Extends along the southeasterly shore of Staten Island.
6 Connects with middle belt line (number one).
- 7 (i) Number 9. A marginal railroad extending along the westerly shore
8 of Staten Island and a branch connection with number eight. Connects
9 with the middle belt line (number one), and with a branch from the outer
10 belt line (number fifteen).
- 11 (j) Number 10. A line made up mainly of existing lines, to be improved
12 and added to where necessary. Connects with the middle belt line (number
13 one) by way of marginal railroad number eleven. Extends along the south-
14 erly shore of Raritan bay and through the territory south of the Raritan
15 river reaching New Brunswick.
- 16 (k) Number 11. A marginal railroad extending from a connection with
17 the proposed outer belt line (number fifteen) near New Brunswick along
18 the northerly shore of the Raritan river to Perth Amboy, thence norther-
19 ly along the westerly side of the Arthur kill to a connection with the
20 middle belt line (number one) south of Elizabethport. The portion of
21 this line which exists to be improved and added to where necessary.
- 22 (l) Number 12. A marginal railroad extending along the easterly shore
23 of Newark bay and the Hackensack river and connects with the middle belt
24 line (number one). A new line.
- 25 (m) Number 13. A marginal railroad extending along the westerly side
26 of the Hudson river and the Upper New York bay. Made up mainly of exist-
27 ing lines----the Erie Terminals, Jersey Junction, Hoboken Shore, and
28 National Docks railroads. To be improved and added to where necessary.
29 To be connected with middle belt line (number one).
- 30 (n) Number 14. A marginal railroad connecting with the middle belt
31 line (number one), and extending through the Hackensack and Secaucus
32 meadows.
- 33 (o) Number 15. An outer belt line, extending around the westerly
34 limits of the port district beyond the congested section. Northerly
35 terminus on the Hudson river at Piermont. Connects by marginal railroads
36 at the southerly end with the harbor waters below the congested section.
37 By spurs connects with the middle belt line (number one) on the westerly
38 shore of Newark bay and with the marginal railroad on the westerly shore
39 of Staten Island (number nine).
- 40 (p) Number 16. The automatic electric system for serving Manhattan
41 Island. Its yards to connect with the middle belt line and with all the
42 railroads of the port district. A standard gauge underground railroad
43 deep enough in Manhattan to permit of two levels of rapid transit
44 subways to pass over it. Standard railroad cars to be brought through to
45 Manhattan terminals for perishables and food products in refrigerator
46 cars. Cars with merchandise freight to be stopped at its yards. Freight
47 from standard cars to be transferred onto wheeled containers, thence to
48 special electrically propelled cars which will bear it to Manhattan.
49 Freight to be kept on wheels between the door of the standard freight
50 car at the transfer point and the tail board of the truck at the Manhat-
51 tan terminal or the store door as may be elected by the shipper or
52 consignee, eliminating extra handling.
- 53 Union terminal stations to be located on Manhattan in zones as far as
54 practicable of equal trucking distance, as to pickups and deliveries, to
55 be served by this system. Terminals to contain storage space and space

1 for other facilities. The system to bring all the railroads of the port
2 to Manhattan.

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

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

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

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

52 (b) For the purpose of such investigations, inquiries or hearings, and
53 of such other action or powers as the port authority may be authorized
54 or empowered to take or exercise, it shall have jurisdiction of any and
55 all persons, associations, or corporations, residing in, or acting or

1 existing under or by virtue of the laws of, or owning property or coming
2 within this state.

3 2. The port authority shall have the power to compel the attendance of
4 witnesses and the production of any papers, books or other documents,
5 and to administer oaths to all witnesses who may be called before it.
6 Subpoenas issued by the port authority shall be signed by a commissioner
7 or by the secretary of the port authority. No witness subpoenaed at the
8 instance of parties other than the port authority shall be entitled to
9 compensation therefrom for attendance or travel, but the cost thereof
10 shall be borne by the party at whose instance the witness is summoned,
11 unless the port authority otherwise orders. A subpoena issued under this
12 section shall be regulated by the civil practice law and rules of the
13 state of New York.

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

17 2. In any investigation, inquiry or hearing before the port authority,
18 a commissioner or an officer conducting the investigation, inquiry or
19 hearing may confer immunity in accordance with the provisions of section
20 50.20 of the criminal procedure law of the state of New York.

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

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

46 2. No order staying or suspending an order of the port authority shall
47 be made by any court otherwise than upon notice and after hearing, and
48 if the order of the port authority is suspended, the order suspending
49 the same shall contain a specific finding based upon evidence submitted
50 to the court and identified by reference thereto that great and irrepar-
51 able damage would otherwise result to the petitioner and specifying the
52 nature of the damage.

53 3. (a) Whenever the port authority shall be of the opinion that any
54 person, association or corporation subject to its jurisdiction is fail-
55 ing or omitting, or about to fail or omit to do anything required of it
56 by the laws governing the development and regulation of the port of New

1 York, or by its order, or is doing or is about to do anything, or
2 permitting, or about to permit anything to be done contrary to, or in
3 violation of, such law or orders, it shall direct its legal represen-
4 tative to commence an action or proceeding in the name of the port
5 authority, in an appropriate court having jurisdiction, for the purpose
6 of having such violations, or threatened violations, stopped and
7 prevented either by mandamus or injunction. Such an action or proceeding
8 may be brought in the supreme court of this state, and the said court
9 shall have and is hereby given the necessary and appropriate jurisdic-
10 tion to grant mandamus or injunction, as the case may require, or any
11 other relief appropriate to the case.

12 (b) Failure of such person, association or corporation to notify the
13 port authority, as required in the preceding section, of its acceptance
14 of and willingness to obey any order of the port authority shall be and
15 be deemed to be prima facie proof that such person, association or
16 corporation is guilty of such violation, or threatened violation. The
17 legal representative of the port authority shall begin such action or
18 proceeding by a petition to the appropriate court, alleging the
19 violation complained of and praying for appropriate relief by way of
20 mandamus or injunction. If the petition is directed to a court of this
21 state, it shall thereupon be the duty of the court to specify the time,
22 not exceeding twenty days after the service of a copy of the petition,
23 within which the person, association or corporation complained of must
24 answer the petition. In case of default in answer, or after answer, the
25 court shall immediately inquire into the facts and circumstances, in
26 such manner as the court shall direct, without other or formal pleadings
27 and without respect to any technical requirement. Such other persons,
28 associations or corporations as the court shall deem necessary or proper
29 to join as parties, in order to make its order, judgment or writs effec-
30 tive, may be joined as parties upon application of the legal represen-
31 tative of the port authority. The final judgment in any such action or
32 proceeding shall either dismiss the action or proceeding, or direct that
33 a writ of mandamus, or an injunction, or both, issue as prayed for in
34 the petition, or in such modified or other form as the court may deter-
35 mine will afford the appropriate relief.

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

46 (b) If such findings or determination shall require the use of exist-
47 ing facilities or any part thereof described in the law, owned or oper-
48 ated by any carrier or carriers, then the port authority may order and
49 require the carrier or carriers owning or operating said railroad facil-
50 ities or part thereof to permit the use of such facilities or part ther-
51 eof upon the payment of reasonable compensation therefor. If the carrier
52 or carriers affected or to be affected by such order shall not be able,
53 within the time to be specified in its order by the port authority, to
54 agree among themselves upon the compensation to be paid by a user to a
55 proprietor or operator for the use of such existing facilities or part
56 thereof, then the port authority shall make determination of the amount

1 to be paid by the user to the proprietary carrier or carriers, taking
2 all the facts and circumstances into account, including the public use
3 to which such facilities have been put; or, at its option, the port
4 authority may apply to the supreme court of this state, either in a
5 separate proceeding or in proceedings by mandamus or injunction to
6 enforce its order, to fix and determine the fair and reasonable compen-
7 sation to be paid by the user to the proprietary carrier or carriers for
8 such use. If any carrier shall be dissatisfied with the findings of the
9 port authority in the matter of the compensation to be paid for the use
10 of any existing facility, it shall have the right to review the same in
11 the supreme court of this state by taking appropriate proceedings for
12 such review within sixty days from the service of the order of the port
13 authority, but pending such review the order for the use of such facili-
14 ties shall be operative, the determination of the compensation by the
15 court to relate back to the time of the commencement of such user,
16 unless the court shall for good and proper reasons enjoin the operation
17 of such order.

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

33 S 206. Preference. All actions and proceedings to which the port
34 authority may be a party and in which any question arises under the laws
35 relating to the port authority, or under or concerning any of its orders
36 or actions, shall be preferred over all other civil causes, except
37 election causes, in all courts of this state and shall be heard and
38 determined in preference to all other civil business pending therein,
39 except election causes, irrespective of position on the calendar. The
40 same preference shall be granted upon application of the legal represen-
41 tative of the port authority, in any action or proceeding in which he or
42 she may be allowed to intervene.

43 ARTICLE III

44 BRIDGES AND TUNNELS IN NEW YORK AND NEW JERSEY

45 Section 301. Legislative intent.

46 302. Tunnels.

47 303. Bridges.

48 304. Studies and reporting.

49 305. Inspections.

50 306. Construction, maintenance and operation.

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

52 308. Bonds.

53 309. Compact.

54 S 301. Legislative intent. The state of New Jersey by appropriate
55 legislation concurring herein, the states of New York and New Jersey

1 hereby declare and agree that the vehicular traffic moving across the
2 interstate waters within the port of New York district, created by the
3 compact of April thirty, nineteen hundred twenty-one, between the said
4 states, which said phrase "interstate waters" as used in this article
5 shall include the portion of the Hudson river within the said port of
6 New York district north of the New Jersey state line, constitutes a
7 general movement of traffic which follows the most accessible and prac-
8 ticable routes, and that the users of each bridge or tunnel over or
9 under the said waters benefit by the existence of every other bridge or
10 tunnel since all such bridges and tunnels as a group facilitate the
11 movement of such traffic and relieve congestion at each of the several
12 bridges and tunnels. Accordingly the two said states, in the interest
13 of the users of such bridges and tunnels and the general public, hereby
14 agree that the construction, maintenance, operation and control of all
15 such bridges and tunnels, heretofore or hereafter authorized by the two
16 said states, shall be unified under the port authority, to the end that
17 the tolls and other revenues therefrom shall be applied so far as prac-
18 ticable to the costs of the construction, maintenance and operation of
19 said bridges and tunnels as a group and economies in operation effected,
20 it being the policy of the two said states that such bridges and tunnels
21 shall as a group be in all respects self-sustaining.

22 S 302. Tunnels. 1. In furtherance of the policy stated in section 301
23 of this article, and in partial effectuation of the comprehensive plan
24 adopted by the two said states for the development of the said port of
25 New York district pursuant to this chapter, the control, operation,
26 tolls and other revenues of the vehicular tunnel, known as the Holland
27 tunnel, under the Hudson river between the city of Jersey City and the
28 city of New York, shall be vested in the port authority as hereinafter
29 provided; and the port authority is hereby authorized and empowered to
30 construct, own, maintain and operate an interstate vehicular crossing
31 under the Hudson river to consist of three tubes (hereinafter called the
32 Midtown Hudson tunnel), together with such approaches thereto and
33 connections with highways as the port authority may deem necessary or
34 desirable.

35 2. The entrances, exits and approaches to the said Midtown Hudson
36 tunnel, on the New York side, shall be between West Thirty-fifth street
37 and West Forty-first street and in the vicinity of Ninth avenue and to
38 the west thereof, in the borough of Manhattan, city of New York. The
39 approaches to the said Midtown Hudson tunnel on the New Jersey side
40 shall be so located and constructed as to permit tunnel traffic to pass
41 over or under the tracks of the New York, Susquehanna and Western Rail-
42 road Company and the Northern Railroad Company of New Jersey, immediate-
43 ly west of the Palisades, without crossing the said tracks at grade, and
44 as to permit connections with New Jersey state highway routes in the
45 vicinity of the said tracks. The said Midtown Hudson tunnel shall have
46 an appropriate entrance and exit in the township of Weehawken, county of
47 Hudson, state of New Jersey.

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

53 (a) An amount equal to the moneys contributed by such state toward the
54 cost of construction of the said Holland tunnel, with interest thereon
55 at the rate of four and one-quarter per centum per annum from the date

1 or dates on which such moneys were contributed by such state to the date
2 of the payment to such state;

3 (b) Less, however, the share of such state in the net revenues of the
4 said tunnel to the date of the said payment, and less interest on such
5 net revenues at the rate of four and one-quarter per centum per annum
6 from the dates on which the said net revenues were received by such
7 state to the date of the said payment;

8 (c) And in the case of the payment to the state of New York, less an
9 amount equal to the moneys which the said state has agreed to advance to
10 the port authority (but which have not as yet been advanced to the port
11 authority) in aid of bridge construction, during the fiscal years
12 commencing in nineteen hundred thirty-one and nineteen hundred thirty-
13 two, pursuant to chapter seven hundred and sixty-one of the laws of New
14 York of nineteen hundred twenty-six and chapter three hundred of the
15 laws of New York of nineteen hundred twenty-seven and acts amendatory
16 thereof and supplemental thereto, discounted, however, in the case of
17 each advance at the rate of four and one-quarter per centum per annum,
18 from the date of the said payment to the state of New York to the date
19 upon which such advance is to be available pursuant to the aforesaid
20 statutes.

21 In computing interest as aforesaid upon the moneys contributed by each
22 of the said two states toward the cost of construction of the said
23 Holland tunnel, such moneys shall be deemed to have been contributed by
24 such state upon the first day of the month following the month during
25 which there were presented to the comptroller of such state for audit
26 and payment, the schedules and vouchers pursuant to which such moneys
27 were paid. In computing interest as aforesaid upon the net revenues
28 received by each of the said two states, such net revenues shall be
29 deemed to have been received by such state upon the date when such
30 revenues were credited to such state or to the commission of such state
31 pursuant to paragraph eleven of article fourteen of the compact of
32 December thirty, nineteen hundred nineteen, between the two said states.

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

52 5. The amount payable by the port authority to the state of New York
53 pursuant to subdivisions three and four of this section shall be paid by
54 the port authority into the treasury of the state of New York upon the
55 thirtieth day of June, nineteen hundred thirty-one, or at an earlier
56 date at the option of the port authority on five days' notice to the

1 comptroller of the state of New York, upon a voucher signed and audited
2 by the said comptroller, who is hereby authorized to consummate the said
3 transaction.

4 6. The amount payable by the port authority to the state of New Jersey
5 pursuant to subdivisions three and four of this section shall be paid by
6 the port authority to the sinking fund commission created by said chap-
7 ter three hundred and fifty-two of the laws of New Jersey of nineteen
8 hundred twenty and said chapter two hundred and sixty-two of the laws of
9 New Jersey of nineteen hundred twenty-four, hereinafter called the New
10 Jersey Camden bridge-Holland tunnel sinking fund commission upon the
11 thirtieth day of June, nineteen hundred thirty-one, or such other date
12 as may be agreed upon by the said sinking fund commission and the port
13 authority, upon a voucher signed and audited by the said sinking fund
14 commission, which said commission is hereby authorized to consummate
15 said transaction; and the said moneys shall be deposited in the said New
16 Jersey Camden bridge-Holland tunnel sinking fund, and shall for all
17 purposes be deemed to be a part thereof and subject to the appropriation
18 of the moneys in the said sinking fund, made by the aforesaid statutes
19 of the state of New Jersey.

20 7. The income and interest received from or accruing upon the moneys
21 in the aforesaid New Jersey Camden bridge-Holland tunnel sinking fund,
22 and from the investment thereof, shall be set apart and held by the said
23 New Jersey Camden bridge-Holland tunnel sinking fund commission for the
24 payment of interest on New Jersey Camden bridge-Holland tunnel bonds,
25 and shall be subject to the appropriation made of moneys so set apart
26 and held, by the aforesaid statutes of the state of New Jersey, and
27 shall be applied to the payment of such interest.

28 8. Upon the making of the foregoing payments by the port authority to
29 the two said states, the provisions of the compact of December thirty,
30 nineteen hundred nineteen, between the said two states, relating to the
31 construction and operation of the said Holland tunnel, as amended, so
32 far as inconsistent herewith or with the rules, practice and procedure
33 or general authority of the port authority, shall be and shall be deemed
34 to be abrogated; and chapter four hundred and twenty-one of the laws of
35 New York of nineteen hundred thirty, and chapter two hundred and forty-
36 seven of the laws of New Jersey of nineteen hundred thirty, making the
37 port authority the agent of the two states in connection with the opera-
38 tion of the said Holland tunnel shall cease to be effective.

39 S 303. Bridges. 1. Except as may be agreed upon between the port
40 authority and the municipality in which they shall be located, the
41 approaches to the George Washington bridge hereafter constructed on the
42 New York side shall be located as follows: between Amsterdam avenue and
43 Pinehurst avenue, the approaches shall be located between West One
44 hundred seventy-eighth street and West One hundred seventy-ninth street;
45 between Pinehurst avenue and Cabrini boulevard, the approaches shall be
46 between West One hundred seventy-eighth street and West One hundred
47 eightieth street; between Cabrini boulevard and Haven avenue, the
48 approaches shall be between West One hundred seventy-seventh street and
49 the line parallel to the northerly side of West One hundred eightieth
50 street and one hundred twenty-five feet north of the building line on
51 the north side thereof; between Haven avenue and Service street north of
52 the George Washington bridge, the approaches shall be between the bridge
53 and an extension of the building line on the northerly side of West One
54 hundred eightieth street. Except as so limited, the port authority may
55 effectuate such approaches, connections, highway extensions or highway
56 improvements as it shall deem necessary or desirable in relation to the

1 George Washington bridge, located in or extending across the counties in
2 which such bridge is located, and, in its discretion, may do so by
3 agreement with any other public agency; such agreement may provide for
4 the construction, ownership, maintenance or operation of such
5 approaches, connections or highway extensions or highway improvements by
6 such other public agency.

7 2. The port authority is hereby authorized and empowered, in its
8 discretion, to construct, own, maintain and operate in Washington
9 Heights in the borough of Manhattan, New York city, as an addition and
10 improvement to the vehicular bridge over the Hudson river at Fort Lee,
11 known as and hereinafter in this section referred to as the George Wash-
12 ington bridge, a bus passenger facility, by which is meant a facility
13 consisting of one or more buildings, structures, improvements, loading
14 or unloading areas, parking areas or other facilities necessary, conven-
15 ient or desirable in the opinion of the port authority for the accommo-
16 dation of omnibuses and other motor vehicles operated by carriers
17 engaged in the transportation of passengers, or for the loading, unload-
18 ing, interchange or transfer of such passengers or their baggage, or
19 otherwise for the accommodation, use or convenience of such passengers
20 or such carriers or their employees and for purposes incidental thereto.

21 3. Nothing herein contained shall be deemed to prevent the port
22 authority from establishing, levying and collecting tolls and other
23 charges in connection with such bus passenger facility in addition to
24 and other than the tolls or charges established, levied and collected in
25 connection with the George Washington bridge or any other bridge or
26 tunnel.

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

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

47 S 306. Construction, maintenance and operation. 1. The port authority
48 shall, so far as it deems it practicable, treat as a single unified
49 operation the construction, maintenance and operation of the said
50 Midtown Hudson tunnel, the Holland tunnel, the two vehicular bridges
51 over the Arthur Kill, the vehicular bridge over the Kill van Kull, the
52 vehicular bridge over the Hudson river at Fort Lee, and any other vehic-
53 ular bridges or tunnels which it may construct or operate, raising
54 moneys for the construction thereof and for the making of additions and
55 improvements thereto in whole or in part upon its own obligations, and
56 establishing and levying such tolls and other charges as it may deem

1 necessary to secure from all of such bridges and tunnels as a group, at
2 least sufficient revenue to meet the expenses of the construction, main-
3 tenance and operation of such bridges and tunnels as a group, and to
4 provide for the payment of the interest upon and amortization and
5 retirement of and the fulfillment of the terms of all bonds and other
6 securities and obligations which it may have issued or incurred in
7 connection therewith.

8 2. The additions and improvements to bridges and tunnels constructed
9 or operated by it which the port authority is hereby authorized to
10 effectuate shall include but not be limited to parking facilities, by
11 which is meant transportation facilities consisting of one or more
12 areas, buildings, structures, improvements, or other accommodations or
13 appurtenances necessary, convenient or desirable in the opinion of the
14 port authority for the parking or storage of motor vehicles of users of
15 such bridges and tunnels and other members of the general public and for
16 the transfer of the operators and passengers of such motor vehicles to
17 and from omnibuses and other motor vehicles operated by carriers over or
18 through such bridges or tunnels, and for purposes incidental thereto.

19 3. Nothing herein contained shall be deemed to prevent the port
20 authority from establishing, levying and collecting tolls and other
21 charges in connection with any parking facility in addition to and other
22 than the tolls or charges established, levied and collected in
23 connection with the bridge or tunnel to which such parking facility is
24 an addition and improvement or any other bridge or tunnel.

25 4. The port authority shall not proceed with the construction of any
26 parking facility as an addition and improvement to any bridge or tunnel
27 other than a parking facility in the township of North Bergen in the
28 state of New Jersey at or in the vicinity of the Midtown Hudson tunnel
29 and its approaches and connections, except as heretofore or hereafter
30 expressly authorized.

31 5. The plans of the connections with state or municipal highways of
32 any vehicular bridge or tunnel which the port authority may hereafter
33 construct (including the plans of any additional connections of existing
34 bridges or tunnels with state or municipal highways), shall be subject
35 to the approval of the governor of the state in which such connections
36 shall be located. Either state may require by appropriate legislation
37 that such connections shall be subject to the approval of the munici-
38 pality of that state in which they shall be located; and in such event,
39 the approval of such municipality shall be given as provided in subdivi-
40 sion two of section one hundred four of this chapter. Except as limited
41 herein, the port authority shall determine all matters pertaining to
42 such bridges and tunnels.

43 6. The construction, maintenance and operation of vehicular bridges
44 and tunnels within the said port of New York district (including the
45 said Holland tunnel and the said Midtown Hudson tunnel), are and will be
46 in all respects for the benefit of the people of the states of New York
47 and New Jersey, for the increase of their commerce and prosperity and
48 for the improvement of their health and living conditions; and the port
49 authority shall be regarded as performing an essential governmental
50 function in undertaking the construction, maintenance and operation
51 thereof and in carrying out the provisions of law relating thereto, and
52 shall be required to pay no taxes or assessments upon any of the proper-
53 ty acquired or used by it for such purposes.

54 7. If for any of the purposes of this article (including temporary
55 construction purposes, and the making of additions or improvements to
56 bridges or tunnels already constructed), the port authority shall find

1 it necessary or convenient to acquire any real property as herein
2 defined, whether for immediate or future use, the port authority may
3 find and determine that such property, whether a fee simple absolute or
4 a lesser interest, is required for a public use, and upon such determi-
5 nation, the said property shall be and shall be deemed to be required
6 for such public use until otherwise determined by the port authority;
7 and with the exceptions hereinafter specifically noted, the said deter-
8 mination shall not be affected by the fact that such property has there-
9 tofore been taken for, or is then devoted to, a public use; but the
10 public use in the hands or under the control of the port authority shall
11 be deemed superior to the public use in the hands of any other person,
12 association or corporation.

13 8. The port authority may acquire and is hereby authorized to acquire
14 such property, whether a fee simple absolute or a lesser interest, by
15 the exercise of the right of eminent domain under and pursuant to the
16 provisions of the eminent domain procedure law of the state of New York,
17 in the case of property located in such state, and revised statutes of
18 New Jersey, Title 20:1-1 et seq., in the case of property located in
19 such state, or at the option of the port authority as provided in
20 section fifteen of chapter forty-three of the laws of New Jersey of
21 nineteen hundred forty-seven, as amended, for the condemnation of real
22 property for air terminal purposes, in the case of property located in
23 such state, or pursuant to such other and alternate procedure as may be
24 provided by law.

25 9. Where a person entitled to an award in the proceedings to acquire
26 any real property for any of the purposes of this article, remains in
27 possession of such property after the time of the vesting of title in
28 the port authority, the reasonable value of his use and occupancy of
29 such property subsequent to such time, as fixed by agreement or by the
30 court in such proceedings or by any court of competent jurisdiction,
31 shall be a lien against such award, subject only to liens of record at
32 the time of the vesting of title in the port authority.

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

38 11. Anything in this act to the contrary notwithstanding, no property
39 now or hereafter vested in or held by any county, city, borough,
40 village, township or other municipality shall be taken by the port
41 authority, without the authority or consent of such county, city,
42 borough, village, township or other municipality as provided in article
43 one of this chapter, provided that the state in which such county, city,
44 borough, village, township or other municipality is located may author-
45 ize such property to be taken by the port authority by condemnation or
46 the exercise of the right of eminent domain without such authority or
47 consent; nor shall anything herein impair or invalidate in any way any
48 bonded indebtedness of the state, or such county, city, borough,
49 village, township or other municipality, nor impair the provisions of
50 law regulating the payment into sinking funds of revenue derived from
51 municipal property, or dedicating the revenues derived from municipal
52 property, to a specific purpose. The port authority is hereby authorized
53 and empowered to acquire from any such county, city, borough, village,
54 township or other municipality, or from any other public agency or
55 commission having jurisdiction in the premises, by agreement therewith,
56 and such county, city, borough, village, township, municipality, public

1 agency or commission, notwithstanding any contrary provision of law, is
2 hereby authorized and empowered to grant and convey upon reasonable
3 terms and conditions, any real property, which may be necessary for the
4 construction, operation and maintenance of such bridges and tunnels,
5 including such real property as has already been devoted to a public
6 use. Each of the two said states hereby consent to the use and occupa-
7 tion of the real property of such state necessary for the construction,
8 operation and maintenance of bridges and tunnels constructed or operated
9 pursuant to the provisions of this article, including lands of the state
10 lying under water.

11 12. The port authority and its duly authorized agents and employees
12 may enter upon any land in this state for the purpose of making such
13 surveys, maps, or other examinations thereof as it may deem necessary or
14 convenient for the purposes of this article.

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

24 14. Nothing herein contained shall be construed to authorize or permit
25 the port authority to undertake the construction of any vehicular bridge
26 or tunnel over or under the Arthur Kill, unless or until adequate
27 provision has been made by law for the protection of those advancing
28 money upon the obligations of the port authority for the construction of
29 the bridges mentioned in chapter two hundred and ten of the laws of
30 nineteen hundred twenty-five, or the construction of any vehicular
31 bridge or tunnel over or under the Hudson river, at or north of Sixtieth
32 street in the borough of Manhattan, city of New York, unless or until
33 adequate provision has been made by law for the protection of those
34 advancing money upon the obligations of the port authority for the
35 construction of the bridge mentioned in chapter seven hundred and
36 sixty-one of the laws of nineteen hundred twenty-six, or the
37 construction of any vehicular bridge or tunnel over or under the Kill
38 van Kull unless or until adequate provision has been made by law for the
39 protection of those advancing money upon the obligations of the port
40 authority for the construction of the bridge mentioned in chapter three
41 hundred of the laws of nineteen hundred twenty-seven.

42 S 307. Rules and regulations relating to tunnels and bridges. 1. The
43 port authority is hereby authorized to make and enforce such rules and
44 regulations and to establish, levy and collect such tolls and other
45 charges in connection with any vehicular bridges and tunnels which it
46 may now or hereafter be authorized to own, construct, operate or control
47 (including the said Holland tunnel and the said Midtown Hudson tunnel),
48 as it may deem necessary, proper or desirable, which said tolls and
49 charges shall be at least sufficient to meet the expenses of the
50 construction, operation and maintenance thereof, and to provide for the
51 payment of, with interest upon, and the amortization and retirement of
52 bonds or other securities or obligations issued or incurred for bridge
53 or tunnel purposes. There shall be allocated to the cost of the
54 construction, operation and maintenance of such bridges and tunnels,
55 such proportion of the general expenses of the port authority as it
56 shall deem properly chargeable thereto.

1 2. The moneys in the general reserve fund of the port authority
2 (authorized by chapter five of the laws of New Jersey of nineteen
3 hundred thirty-one, as amended, and chapter forty-eight of the laws of
4 New York of nineteen hundred thirty-one, as amended and contained by
5 article XXX of this chapter) may be pledged in whole or in part by the
6 port authority as security for or applied by it to the repayment with
7 interest of any moneys which it may raise upon bonds or other securities
8 or obligations issued or incurred from time to time for any of the
9 purposes of this article or secured in whole or in part by the pledge of
10 the revenues of the port authority from any bridge or tunnel or both so
11 issued or incurred and so secured; and the moneys in said general
12 reserve fund may be applied by the port authority to the fulfillment of
13 any other undertakings which it may assume to or for the benefit of the
14 holders of any such bonds, securities or other obligations.

15 3. Subject to prior liens and pledges (and to the obligation of the
16 port authority to apply revenues to the maintenance of its general
17 reserve fund in the amount prescribed by the said statutes authorizing
18 said fund), the revenues of the port authority from facilities estab-
19 lished, constructed, acquired or effectuated through the issuance or
20 sale of bonds of the port authority secured by a pledge of its general
21 reserve fund may be pledged in whole or in part as security for or
22 applied by it to the repayment with interest of any moneys which it may
23 raise upon bonds or other securities or obligations issued or incurred
24 from time to time for any of the purposes of this article or secured in
25 whole or in part by the pledge of the revenues of the port authority
26 from any bridge or tunnel or both so issued or incurred and so secured,
27 and said revenues may be applied by the port authority to the fulfill-
28 ment of any other undertakings which it may assume to or for the benefit
29 of the holders of such bonds, securities or other obligations.

30 In the event that at any time the balance of moneys theretofore paid
31 into the general reserve fund and not applied therefrom shall exceed an
32 amount equal to one-tenth of the par value of all bonds legal for
33 investment, as defined and limited in the said statutes authorizing said
34 fund, issued by the port authority and currently outstanding at such
35 time, by reason of the retirement of bonds or other securities or obli-
36 gations issued or incurred from time to time for any of the purposes of
37 this article or secured in whole or in part by the pledge of the reven-
38 ues of the port authority from any bridge or tunnel or both so issued or
39 incurred and so secured, the par value of which had theretofore been
40 included in the computation of said one-tenth, then the port authority
41 may pledge or apply such excess for and only for the purposes for which
42 it is authorized by the said statutes authorizing said fund to pledge
43 the moneys in the general reserve fund and such pledge may be made in
44 advance of the time when such excess may occur.

45 S 308. Bonds. 1. The two said states covenant and agree with each
46 other and with the holders of any bonds or other securities or obli-
47 gations of the port authority, issued or incurred for bridge or tunnel
48 purposes and as security for which there may or shall be pledged the
49 tolls and revenues or any part thereof of any vehicular bridge or tunnel
50 (including the said Holland tunnel and the said Midtown Hudson tunnel),
51 that the two said states will not, so long as any of such bonds or other
52 obligations remain outstanding and unpaid, diminish or impair the power
53 of the port authority to establish, levy and collect tolls and other
54 charges in connection therewith; and that the two said states will not,
55 so long as any of such bonds or other obligations remain outstanding and
56 unpaid, authorize the construction of any vehicular bridges or tunnels

1 over or under interstate waters as herein defined within the said port
2 of New York district, by any person or body other than the port authori-
3 ty, in competition with those whose tolls or other revenues are pledged
4 as aforesaid; provided that nothing herein contained shall be deemed to
5 refer to the bridge authorized by the act of congress of July eleven,
6 eighteen hundred ninety, chapter six hundred and sixty-nine, and acts
7 amendatory thereof and supplemental thereto; and provided further that
8 nothing herein contained shall preclude the authorization of the
9 construction of such competitive tunnels or bridges by other persons or
10 bodies if and when adequate provision shall be made by law for the
11 protection of those advancing money upon such obligations.

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

32 S 309. Compact. 1. 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 any
38 powers granted to the port authority by this article shall be deemed to
39 be in aid of and supplementary to and in no case a limitation upon the
40 powers heretofore vested in the port authority by the two said states
41 and/or by congress, except as herein otherwise provided.

42 2. Any declarations contained in this article with respect to the
43 governmental nature of bridges and tunnels and to the exemption of
44 bridge and tunnel property from taxation and to the discretion of the
45 port authority with respect to bridge and tunnel operations shall not be
46 construed to imply that other port authority property and operations are
47 not of a governmental nature, or that they are subject to taxation, or
48 that the determinations of the port authority with respect thereto are
49 not conclusive.

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

55 4. Nothing herein contained shall be construed to affect, diminish or
56 impair the rights and obligations created by, or to repeal any of the

provisions of chapter three hundred and fifty-two of the laws of New Jersey of nineteen hundred twenty and chapter two hundred and sixty-two of the laws of New Jersey of nineteen hundred twenty-four.

5. If, however, any loss shall be suffered by or accrue to the said sinking fund, and if, after the making of the payment by the port authority to the state of New Jersey as hereinbefore provided, the moneys in the said sinking fund shall at any time be or become less than an amount equal to the principal amount of the then currently outstanding New Jersey Camden bridge-Holland tunnel bonds, or if the income and interest currently received from or currently accruing upon the moneys in the said sinking fund shall be or become insufficient to pay the interest currently accruing upon or currently payable in connection with the aforesaid New Jersey Camden bridge-Holland tunnel bonds, the state of New Jersey represents and agrees that it will make good such deficits out of sources other than revenues from the said Holland tunnel.

6. The said payment by the port authority to the state of New Jersey constitutes repayment for all moneys contributed by the said state toward the cost of construction of the said Holland tunnel, including the moneys diverted and appropriated by chapter three hundred and nineteen of the laws of New Jersey of nineteen hundred twenty-six and chapter fifty-eight of the laws of New Jersey of nineteen hundred twenty-seven from the road fund, created by chapter fifteen of the laws of New Jersey of nineteen hundred seventeen. The requirement of chapter fifty-eight of the laws of New Jersey of nineteen hundred twenty-seven that the said moneys diverted and appropriated by the said statutes of the state of New Jersey shall be returned and credited to the said road fund, with interest, shall be and shall be deemed to be satisfied and discharged so far as it relates to the revenues arising from the operation of the said Holland tunnel.

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

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

ARTICLE IV
THE WATERFRONT AND AIRPORT COMMISSION OF NEW YORK AND
NEW JERSEY COMPACT
PART I

Section 400. Compact.

401. Findings and declarations.

402. Definitions.

403. Waterfront and airport commission of New York and New Jersey.

404. General powers of commission.

405. Pier superintendent and hiring agents.

406. Stevedores.

407. Prohibition of public loading.

408. Longshoreman.

409. Regularization of longshoremen's employment.

410. Port watchmen.

411. Hearings, determinations and review.

- 412. Employment information centers.
- 413. Expenses of administration.
- 414. General violations; prosecutions; penalties
- 415. Collective bargaining safeguarded.
- 416. Amendments; construction; short title.

PART II

- 417. Waterfront commission compact.
- 418. Expenses of administration.
- 419. Reimbursement.
- 420. Penalties.
- 421. Federal funds.
- 422. Supplementary definitions.
- 423. Additional powers of the commission.
- 424. Regularization of longshoremen's employment.
- 425. Additional violations.
- 426. Hearings.
- 427. Denial of applications.
- 428. Revocation of licenses and registrations.
- 429. Removal of port watchmen's ineligibility.
- 430. Petition for order to remove an ineligibility.
- 431. Denial of stevedore applications.
- 432. Checkers.
- 433. Supplementary violations.
- 434. Suspension or acceptance of applications for inclusion in longshoremen's register; exceptions.
- 435. Temporary suspension of permits, licenses and registrations.
- 436. Continuance of port watchmen's licenses.
- 437. Regularization of port watchmen's employment.
- 438. Duration of stevedore's license.
- 439. Implementation of telecommunications hiring system for longshoremen and checkers and registration of telecommunications system controller.

PART III

- 440. Commission established for New York state.
- 441. Prohibition against loitering.
- 442. Prohibition against union having officers, agents or employees who have been convicted of certain crimes and offenses.
- 443. Exception to section 442 for certain employees.

PART IV

- 444. Compact.
- 445. Findings and declarations.
- 446. Definitions.
- 447. General powers of the commission.
- 448. Airfreightmen and airfreightman supervisors.
- 449. Air freight terminal operators; air freight truck carriers; and airfreightmen labor relations consultants.
- 450. Air freight security area.
- 451. Hearings, determinations and review.

- 1 452. Expenses of administration.
2 453. General violations; prosecutions; penalties.
3 454. Amendments; construction; short title.

PART V

- 5 455. Prohibition against unions having officers, agents or
6 employees who have been convicted of certain crimes and
7 offenses.
8 456. Prohibition against employer organizations having officers,
9 agents, or employees who have been convicted of certain
10 crimes and offenses.
11 457. Exceptions to sections four hundred fifty-five and four
12 hundred fifty-six of this part for certain employees.
13 458. Civil penalties.
14 459. Civil enforcement.
15 460. Exemption from arrest and service of process.
16 461. Nonresident witnesses.
17 462. Officers and employees.
18 463. Penalties.
19 464. Short title.

PART I

21 S 400. Compact. The "waterfront and airport commission of New York and
22 New Jersey compact" as first enacted by chapter eight hundred eighty-two
23 of the laws of nineteen hundred fifty-three is hereby continued to read
24 as follows. The state of New York hereby agrees with the state of New
25 Jersey, upon the enactment by the state of New Jersey of legislation
26 having the same effect as this section, to the following compact.

27 S 401. Findings and declarations. The states of New York and New
28 Jersey hereby find and declare that the conditions under which water-
29 front labor is employed within the port of New York district are
30 depressing and degrading to such labor, resulting from the lack of any
31 systematic method of hiring, the lack of adequate information as to the
32 availability of employment, corrupt hiring practices and the fact that
33 persons conducting such hiring are frequently criminals and persons
34 notoriously lacking in moral character and integrity and neither respon-
35 sive or responsible to the employers nor to the uncoerced will of the
36 majority of the members of the labor organizations of the employees;
37 that as a result waterfront laborers suffer from irregularity of employ-
38 ment, fear and insecurity, inadequate earnings, an unduly high accident
39 rate, subjection to borrowing at usurious rates of interest, exploita-
40 tion and extortion as the price of securing employment and a loss of
41 respect for the law; that not only does there result a destruction of
42 the dignity of an important segment of American labor, but a direct
43 encouragement of crime which imposes a levy of greatly increased costs
44 on food, fuel and other necessities handled in and through the port of
45 New York district.

46 2. The states of New York and New Jersey hereby find and declare that
47 many of the evils above described result not only from the causes above
48 described but from the practices of public loaders at piers and other
49 waterfront terminals; that such public loaders serve no valid economic
50 purpose and operate as parasites exacting a high and unwarranted toll on
51 the flow of commerce in and through the port of New York district, and
52 have used force and engaged in discriminatory and coercive practices

1 including extortion against persons not desiring to employ them; and
2 that the function of loading and unloading trucks and other land vehi-
3 cles at piers and other waterfront terminals can and should be
4 performed, as in every other major American port, without the evils and
5 abuses of the public loader system, and by the carriers of freight by
6 water, stevedores and operators of such piers and other waterfront
7 terminals or the operators of such trucks or other land vehicles.

8 3. 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 lack of regulation of the occupation of steve-
11 dores; that such stevedores have engaged in corrupt practices to induce
12 their hire by carriers of freight by water and to induce officers and
13 representatives of labor organizations to betray their trust to the
14 members of such labor organizations.

15 4. The states of New York and New Jersey hereby find and declare that
16 the occupations of longshoremen, stevedores, pier superintendents,
17 hiring agents and port watchmen are affected with a public interest
18 requiring their regulation and that such regulation shall be deemed an
19 exercise of the police power of the two states for the protection of the
20 public safety, welfare, prosperity, health, peace and living conditions
21 of the people of the two states.

22 S 402. Definitions. As used in this compact:

23 1. "The port of New York district" shall mean the district created by
24 article II of the compact dated April thirtieth, nineteen hundred twen-
25 ty-one, between the states of New York and New Jersey, authorized by
26 chapter one hundred fifty-four of the laws of New York of nineteen
27 hundred twenty-one and continued by article I of this chapter, and chap-
28 ter one hundred fifty-one of the laws of New Jersey of nineteen hundred
29 twenty-one.

30 2. "Commission" shall mean the waterfront and airport commission of
31 New York and New Jersey established by section four hundred three of
32 this part.

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

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

38 5. "Person" shall mean not only a natural person but also any partner-
39 ship, joint venture, association, corporation or any other legal entity
40 but shall not include the United States, any state or territory thereof
41 or any department, division, board, commission or authority of one or
42 more of the foregoing.

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

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

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

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

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

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

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

14 10. "Port watchman" shall include any watchman, gateman, roundsman,
15 detective, guard, guardian or protector of property employed by the
16 operator of any pier or other waterfront terminal or by a carrier of
17 freight by water to perform services in such capacity on any pier or
18 other waterfront terminal.

19 11. "Longshoremen's register" shall mean the register of eligible
20 longshoremen compiled and maintained by the commission pursuant to
21 section four hundred eight of this part.

22 12. "Stevedore" shall mean a contractor (not including an employee)
23 engaged for compensation pursuant to a contract or arrangement with a
24 carrier of freight by water, in moving waterborne freight carried or
25 consigned for carriage by such carrier on vessels of such carrier
26 berthed at piers, on piers at which such vessels are berthed or at other
27 waterfront terminals.

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

31 14. "Compact" shall mean this compact and rules or regulations
32 lawfully promulgated thereunder.

33 S 403. Waterfront and airport commission of New York and New Jersey.
34 1. There is hereby created the waterfront and airport commission of New
35 York and New Jersey, which shall be a body corporate and politic, an
36 instrumentality of the states of New York and New Jersey.

37 2. The commission shall consist of four members, two to be chosen by
38 the state of New Jersey and two to be chosen by the state of New York.
39 The members representing each state shall be appointed by the governor
40 of such state with the advice and consent of the senate thereof, without
41 regard to the state of residence of such members, and shall receive
42 compensation to be fixed by the governor of such state. The term of
43 office of each member shall be for four years; provided, however, that
44 the two present members of the commission heretofore appointed shall
45 continue to serve as members until the expiration of the respective
46 terms for which they were appointed, that the term of the two new
47 members shall expire on June thirtieth, nineteen hundred seventy-three,
48 and that the term of the successors to the present members shall expire
49 on June thirtieth, nineteen hundred seventy-five. Each member shall
50 hold office until his successor has been appointed and qualified.
51 Vacancies in office shall be filled for the balance of the unexpired
52 term in the same manner as original appointments.

53 3. Three members of the commission shall constitute a quorum; but the
54 commission shall act only by a majority vote of all its members. Any
55 member may, by written instrument filed in the office of the commission,
56 designate any officer or employee of the commission to act in his place

1 as a member whenever he shall be unable to attend a meeting of the
2 commission. A vacancy in the office of a member shall not impair such
3 designation until the vacancy shall have been filled. The commission
4 shall elect one of its members to serve as chairman for a term of one
5 year; provided, however, that the term of the first chairman shall
6 expire on June thirtieth, nineteen hundred seventy-one. The chairman
7 shall represent a state other than the state represented by the imme-
8 diately preceding chairman.

9 S 404. General powers of commission. In addition to the powers and
10 duties elsewhere prescribed in this compact, the commission shall have
11 the power:

- 12 1. To sue and be sued;
- 13 2. To have a seal and alter the same at pleasure;
- 14 3. To acquire, hold and dispose of real and personal property by gift,
15 purchase, lease, license or other similar manner, for its corporate
16 purposes;
- 17 4. To determine the location, size and suitability of accommodations
18 necessary and desirable for the establishment and maintenance of the
19 employment information centers provided in section four hundred twelve
20 of this part and for administrative offices for the commission;
- 21 5. To appoint such officers, agents and employees as it may deem
22 necessary, prescribe their powers, duties and qualifications and fix
23 their compensation and retain and employ counsel and private consultants
24 on a contract basis or otherwise;
- 25 6. To administer and enforce the provisions of this compact;
- 26 7. To make and enforce such rules and regulations as the commission
27 may deem necessary to effectuate the purposes of this compact or to
28 prevent the circumvention or evasion thereof, to be effective upon
29 publication in the manner which the commission shall prescribe and upon
30 filing in the office of the secretary of state of each state. A certi-
31 fied copy of any such rules and regulations, attested as true and
32 correct by the commission, shall be presumptive evidence of the regular
33 making, adoption, approval and publication thereof;
- 34 8. By its members and its properly designated officers, agents and
35 employees, to administer oaths and issue subpoenas to compel the attend-
36 ance of witnesses and the giving of testimony and the production of
37 other evidence;
- 38 9. To have for its members and its properly designated officers,
39 agents and employees, full and free access, ingress and egress to and
40 from all vessels, piers and other waterfront terminals or other places
41 in the port of New York district, for the purposes of making inspection
42 or enforcing the provisions of this compact; and no person shall
43 obstruct or in any way interfere with any such member, officer, employee
44 or agent in the making of such inspection, or in the enforcement of the
45 provisions of this compact or in the performance of any other power or
46 duty under this compact;
- 47 10. To recover possession of any suspended or revoked license issued
48 under this compact;
- 49 11. To make investigations, collect and compile information concerning
50 waterfront practices generally within the port of New York district and
51 upon all matters relating to the accomplishment of the objectives of
52 this compact;
- 53 12. To advise and consult with representatives of labor and industry
54 and with public officials and agencies concerned with the effectuation
55 of the purposes of this compact, upon all matters which the commission
56 may desire, including but not limited to the form and substance of rules

1 and regulations, the administration of the compact, maintenance of the
2 longshoremen's register, and issuance and revocation of licenses;

3 13. To make annual and other reports to the governors and legislatures
4 of both states containing recommendations for the improvement of the
5 conditions of waterfront labor within the port of New York district, for
6 the alleviation of the evils described in section four hundred one of
7 this part and for the effectuation of the purposes of this compact.
8 Such annual reports shall state the commission's finding and determi-
9 nation as to whether the public necessity still exists for (a) the
10 continued registration of longshoremen, (b) the continued licensing of
11 any occupation or employment required to be licensed hereunder and (c)
12 the continued public operation of the employment information centers
13 provided for in section four hundred twelve of this part.

14 14. To cooperate with and receive from any department, division,
15 bureau, board, commission, or agency of either or both states, or of any
16 county or municipality thereof, such assistance and data as will enable
17 it properly to carry out its powers and duties hereunder; and to
18 request any such department, division, bureau, board, commission, or
19 agency, with the consent thereof, to execute such of its functions and
20 powers, as the public interest may require.

21 15. The powers and duties of the commission may be exercised by offi-
22 cers, employees and agents designated by them, except the power to make
23 rules and regulations. The commission shall have such additional powers
24 and duties as may hereafter be delegated to or imposed upon it from time
25 to time by the action of the legislature of either state concurred in by
26 the legislature of the other.

27 S 405. Pier superintendents and hiring agents. 1. On or after the
28 first day of December, nineteen hundred fifty-three, no person shall act
29 as a pier superintendent or as a hiring agent within the port of New
30 York district without first having obtained from the commission a
31 license to act as such pier superintendent or hiring agent, as the case
32 may be, and no person shall employ or engage another person to act as a
33 pier superintendent or hiring agent who is not so licensed.

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

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

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

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

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

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

51 3. No such license shall be granted

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

54 (b) If the prospective licensee has, without subsequent pardon, been
55 convicted by a court of the United States, or any state or territory
56 thereof, of the commission of, or the attempt or conspiracy to commit,

1 treason, murder, manslaughter or any felony or high misdemeanor or any
2 of the following misdemeanors or offenses: illegally using, carrying or
3 possessing a pistol or other dangerous weapon; making or possessing
4 burglar's instruments; buying or receiving stolen property; unlawful
5 entry of a building; aiding an escape from prison; unlawfully possess-
6 ing, possessing with intent to distribute, sale or distribution of a
7 controlled dangerous substance (controlled substance) or, in New Jersey,
8 a controlled dangerous substance analog (controlled substance analog);
9 and violation of this compact. Any such prospective licensee ineligible
10 for a license by reason of any such conviction may submit satisfactory
11 evidence to the commission that he has for a period of not less than
12 five years, measured as hereinafter provided, and up to the time of
13 application, so conducted himself as to warrant the grant of such
14 license, in which event the commission may, in its discretion, issue an
15 order removing such ineligibility. The aforesaid period of five years
16 shall be measured either from the date of payment of any fine imposed
17 upon such person or the suspension of sentence or from the date of his
18 unrevoked release from custody by parole, commutation or termination of
19 his sentence;

20 (c) If the prospective licensee knowingly or wilfully advocates the
21 desirability of overthrowing or destroying the government of the United
22 States by force or violence or shall be a member of a group which advo-
23 cates such desirability, knowing the purposes of such group include such
24 advocacy.

25 4. When the application shall have been examined and such further
26 inquiry and investigation made as the commission shall deem proper and
27 when the commission shall be satisfied therefrom that the prospective
28 licensee possesses the qualifications and requirements prescribed in
29 this section, the commission shall issue and deliver to the prospective
30 licensee a license to act as pier superintendent or hiring agent for the
31 applicant, as the case may be, and shall inform the applicant of his
32 action. The commission may issue a temporary permit to any prospective
33 licensee for a license under the provisions of this section pending
34 final action on an application made for such a license. Any such permit
35 shall be valid for a period not in excess of thirty days.

36 5. No person shall be licensed to act as a pier superintendent or
37 hiring agent for more than one employer, except at a single pier or
38 other waterfront terminal, but nothing in this section shall be
39 construed to limit in any way the number of pier superintendents or
40 hiring agents any employer may employ.

41 6. A license granted pursuant to this section shall continue through
42 the duration of the licensee's employment by the employer who shall have
43 applied for his license.

44 7. Any license issued pursuant to this section may be revoked or
45 suspended for such period as the commission deems in the public interest
46 or the licensee thereunder may be reprimanded for any of the following
47 offenses:

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

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

53 (c) Violation of any of the provisions of this section;

54 (d) Conviction of a crime involving unlawfully possessing, possession
55 with intent to distribute, sale or distribution of a controlled danger-

ous substance (controlled substance) or, in New Jersey, a controlled dangerous substance analog (controlled substance analog);

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

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

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

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

(i) False impersonation of another licensee under this section;

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

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

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

(m) Membership in a labor organization which represents longshoremen or port watchmen; but nothing in this subdivision shall be deemed to prohibit pier superintendents or hiring agents from being represented by a labor organization or organizations which do not also represent longshoremen or port watchmen. 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 port watchmen within the meaning of this section although one of the federated or constituent labor organizations thereof may represent longshoremen or port watchmen.

S 406. Stevedores. 1. On or after the first day of December, nineteen hundred fifty-three, no person shall act as a stevedore within the port of New York district without having first obtained a license from the commission, and no person shall employ a stevedore to perform services as such within the port of New York district unless the stevedore is so licensed.

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

(a) If the applicant is a natural person, the application shall be signed and verified by such person and if the applicant is a partnership, the application shall be signed and verified by each natural person composing or intending to compose such partnership. The application shall state the full name, age, residence, business address (if any), present and previous occupations of each natural person so signing the same, and any other facts and evidence as may be required by the commission to ascertain the character, integrity and identity of each natural person so signing such application.

(b) If the applicant is a corporation, the application shall be signed and verified by the president, secretary and treasurer thereof, and shall specify the name of the corporation, the date and place of its incorporation, the location of its principal place of business, the names and addresses of, and the amount of the stock held by stockholders

1 owning 5 per cent or more of any of the stock thereof, and of all offi-
2 cers (including all members of the board of directors). The require-
3 ments of paragraph (a) of this subdivision as to a natural person who is
4 a member of a partnership, and such requirements as may be specified in
5 rules and regulations promulgated by the commission, shall apply to each
6 such officer or stockholder and their successors in office or interest
7 as the case may be.

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

13 3. No such license shall be granted

14 (a) If any person whose signature or name appears in the application
15 is not the real party in interest required by subdivision two of this
16 section to sign or to be identified in the application or if the person
17 so signing or named in the application is an undisclosed agent or trus-
18 tee for any such real party in interest;

19 (b) Unless the commission shall be satisfied that the applicant and
20 all members, officers and stockholders required by subdivision two of
21 this section to sign or be identified in the application for license
22 possess good character and integrity;

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

25 (d) Unless the applicant shall be a party to a contract then in force
26 or which will take effect upon the issuance of a license, with a carrier
27 of freight by water for the loading and unloading by the applicant of
28 one or more vessels of such carrier at a pier within the port of New
29 York district;

30 (e) If the applicant or any member, officer or stockholder required by
31 subdivision two of this section to sign or be identified in the applica-
32 tion for license has, without subsequent pardon, been convicted by a
33 court of the United States or any state or territory thereof of the
34 commission of, or the attempt or conspiracy to commit, treason, murder,
35 manslaughter or any felony or high misdemeanor or any of the misdemea-
36 nors or offenses described in paragraph (b) of subdivision three of this
37 section. Any applicant ineligible for a license by reason of any such
38 conviction may submit satisfactory evidence to the commission that the
39 person whose conviction was the basis of ineligibility has for a period
40 of not less than five years, measured as hereinafter provided and up to
41 the time of application, so conducted himself as to warrant the grant of
42 such license, in which event the commission may, in its discretion issue
43 an order removing such ineligibility. The aforesaid period of five years
44 shall be measured either from the date of payment of any fine imposed
45 upon such person or the suspension of sentence or from the date of his
46 unrevoked release from custody by parole, commutation or termination of
47 his sentence;

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

54 (g) If, on or after July first, nineteen hundred fifty-three, the
55 applicant has paid, given, caused to be paid or given or offered to pay
56 or give to any officer or representative of a labor organization any

1 valuable consideration for an improper or unlawful purpose or to induce
2 such officer or representative to subordinate the interests of such
3 labor organization or its members in the management of the affairs of
4 such labor organization to the interests of the applicant.

5 4. When the application shall have been examined and such further
6 inquiry and investigation made as the commission shall deem proper and
7 when the commission shall be satisfied therefrom that the applicant
8 possesses the qualifications and requirements prescribed in this
9 section, the commission shall issue and deliver a license to such appli-
10 cant. The commission may issue a temporary permit to any applicant for
11 a license under the provisions of this article pending final action on
12 an application made for such a license. Any such permit shall be valid
13 for a period not in excess of thirty days.

14 5. A license granted pursuant to this section shall be for a term of
15 two years or fraction of such two year period, and shall expire on the
16 first day of December of each odd numbered year. In the event of the
17 death of the licensee, if a natural person, or its termination or
18 dissolution by reason of the death of a partner, if a partnership, or if
19 the licensee shall cease to be a party to any contract of the type
20 required by paragraph (d) of subdivision three of this section, the
21 license shall terminate ninety days after such event or upon its expira-
22 tion date, whichever shall be sooner. A license may be renewed by the
23 commission for successive two year periods upon fulfilling the same
24 requirements as are set forth in this section for an original applica-
25 tion.

26 6. Any license issued pursuant to this section may be revoked or
27 suspended for such period as the commission deems in the public interest
28 or the licensee thereunder may be reprimanded for any of the following
29 offenses on the part of the licensee or of any person required by subdivi-
30 sion two of this section to sign or be identified in an original
31 application for a license:

32 (a) Conviction of a crime or other cause which would permit or require
33 disqualification of the licensee from receiving a license upon original
34 application;

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

37 (c) Failure by the licensee to maintain a complete set of books and
38 records containing a true and accurate account of the licensee's
39 receipts and disbursements arising out of his activities within the port
40 of New York district;

41 (d) Failure to keep said books and records available during business
42 hours for inspection by the commission and its duly designated represen-
43 tatives until the expiration of the fifth calendar year following the
44 calendar year during which occurred the transactions recorded therein;

45 (e) Any other offense described in paragraphs (c) to (i) inclusive, of
46 subdivision seven of section four hundred five of this part.

47 S 407. Prohibition of public loading. 1. The states of New York and
48 New Jersey hereby find and declare that the transfer of cargo to and
49 from trucks at piers and other waterfront terminals in the port of New
50 York district has resulted in vicious and notorious abuses by persons
51 commonly known as "public loaders." There is compelling evidence that
52 such persons have exacted the payment of exorbitant charges for their
53 services, real and alleged, and otherwise extorted large sums through
54 force, threats of violence, unauthorized labor disturbances and other
55 coercive activities, and that they had been responsible for and abetted
56 criminal activities on the waterfront. These practices which have

developed in the port of New York district impose unjustified costs on the handling of goods in and through the port of New York district, and increase the prices paid by consumers for food, fuel and other necessities, and impair the economic stability of the port of New York district. It is the sense of the legislatures of the states of New York and New Jersey that these practices and conditions must be eliminated to prevent grave injury to the welfare of the people.

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

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

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

(c) Operators of piers or other waterfront terminals (including railroads, truck terminal operators, warehousemen and other persons), but only at piers or other waterfront terminals operated by them;

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

(e) Stevedores licensed under section four hundred seven of this part 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 paragraph (d) of subdivision 3 of section 406 of this part.

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 section to load or unload such freight at such place in his own right.

S 408. 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 paragraph (b) of subdivision

1 three of section 405 of this part or of attempt or conspiracy to commit
2 any of such crimes;

3 (b) Who knowingly or willingly advocates the desirability of over-
4 throwing or destroying the government of the United States by force or
5 violence or who shall be a member of a group which advocates such desir-
6 ability knowing the purposes of such group include such advocacy;

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

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

18 5. The commission shall have power to reprimand any longshoreman
19 registered under this section or to remove him from the longshoremen's
20 register for such period of time as it deems in the public interest for
21 any of any following offenses:

22 (a) Conviction of a crime or other cause which would permit disquali-
23 fication of such person from inclusion in the longshoremen's register
24 upon original application;

25 (b) Fraud, deceit or misrepresentation in securing inclusion in the
26 longshoremen's register;

27 (c) Transfer or surrender of possession to any person either temporar-
28 ily or permanently of any card or other means of identification issued
29 by the commission as evidence of inclusion in the longshoremen's regis-
30 ter, without satisfactory explanation;

31 (d) False impersonation of another longshoreman registered under this
32 article or of another person licensed under this compact;

33 (e) Wilful commission of or wilful attempt to commit at or on a water-
34 front terminal or adjacent highway any act of physical injury to any
35 other person or of wilful damage to or misappropriation of any other
36 person's property, unless justified or excused by law; and

37 (f) Any other offense described in subdivisions (c) to (f) inclusive
38 of subdivision seven of section four hundred five of this part.

39 6. The commission shall have the right to recover possession of any
40 card or other means of identification issued as evidence of inclusion in
41 the longshoremen's register in the event that the holder thereof has
42 been removed from the longshoremen's register.

43 7. Nothing contained in this article shall be construed to limit in
44 any way any rights of labor reserved by section four hundred fifteen of
45 this part.

46 S 409. Regularization of longshoremen's employment. 1. On or after the
47 first day of December, nineteen hundred fifty-four, the commission
48 shall, at regular intervals, remove from the longshoremen's register any
49 person who shall have been registered for at least nine months and who
50 shall have failed during the preceding six calendar months either to
51 have worked as a longshoreman in the port of New York district or to
52 have applied for employment as a longshoreman at an employment informa-
53 tion center established under section four hundred twelve of this part
54 for such minimum number of days as shall have been established by the
55 commission pursuant to subdivision two of this section.

1 2. On or before the first day of June, nineteen hundred fifty-four and
2 on or before each succeeding first day of June or December, the commis-
3 sion shall, for the purposes of subdivision one of this section, estab-
4 lish for the six-month period beginning on each such date a minimum
5 number of days and the distribution of such days during such period.

6 3. In establishing any such minimum number of days or period, the
7 commission shall observe the following standards:

8 (a) To encourage as far as practicable the regularization of the
9 employment of longshoremen;

10 (b) To bring the number of eligible longshoremen more closely into
11 balance with the demand for longshoremen's services within the port of
12 New York district without reducing the number of eligible longshoremen
13 below that necessary to meet the requirements of longshoremen in the
14 port of New York district;

15 (c) To eliminate oppressive and evil hiring practices affecting long-
16 shoremen and waterborne commerce in the port of New York district;

17 (d) To eliminate unlawful practices injurious to waterfront labor;
18 and

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

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

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

34 S 410. Port watchmen. 1. On or after the first day of December, nine-
35 teen hundred fifty-three, no person shall act as a port watchman within
36 the port of New York district without first having obtained a license
37 from the commission, and no person shall employ a port watchman who is
38 not so licensed.

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

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

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

45 (c) The citizenship of the applicant and, if he is a naturalized citi-
46 zen of the United States, the court and date of his naturalization; and

47 (d) Such further facts and evidence as may be required by the commis-
48 sion to ascertain the character, integrity and identity of the appli-
49 cant.

50 3. No such license shall be granted

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

53 (b) If the applicant has, without subsequent pardon, been convicted by
54 a court of the United States or of any state or territory thereof of the
55 commission of, or the attempt or conspiracy to commit, treason, murder,
56 manslaughter or any felony or high misdemeanor or any of the misdemea-

nors or offenses described in paragraph (b) of subdivision three of section four hundred five of this part;

(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 section 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 this article although one of the federated or constituent labor organizations thereof may represent longshoremen or pier superintendents or hiring agents;

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

4. When the application shall have been examined and such further inquiry and investigation made as the commission shall deem proper and when the commission shall be satisfied therefrom that the applicant possesses the qualifications and requirements prescribed by this section and regulations issued pursuant thereto, the commission shall issue and deliver a license to the applicant. The commission may issue a temporary permit to any applicant for a license under the provisions of this section pending final action on an application made for such a license. Any such permit shall be valid for a period not in excess of thirty days.

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

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

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

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

(c) Any other offense described in subdivisions (c) to (i), inclusive, of subdivision seven of section four hundred five of this part.

S 411. Hearings, determinations and review. 1. The commission shall not deny any application for a license or registration without giving the applicant or prospective licensee reasonable prior notice and an opportunity to be heard.

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

3. The commission may on its own initiative or on complaint of any person, including any public official or agency, institute proceedings to revoke, cancel or suspend any license or registration after a hearing

1 at which the licensee or registrant and any person making such complaint
2 shall be given an opportunity to be heard, provided that any order of
3 the commission revoking, cancelling or suspending any license or regis-
4 tration shall not become effective until fifteen days subsequent to the
5 serving of notice thereof upon the licensee or registrant unless in the
6 opinion of the commission the continuance of the license or registration
7 for such period would be inimicable to the public peace or safety. Such
8 hearings shall be held in such manner and upon such notice as may be
9 prescribed by the rules of the commission, but such notice shall be of
10 not less than ten days and shall state the nature of the complaint.

11 4. Pending the determination of such hearing pursuant to subdivision
12 three of this section the commission may temporarily suspend a license
13 or registration if in the opinion of the commission the continuance of
14 the license or registration for such period is inimicable to the public
15 peace or safety.

16 5. The commission, or such member, officer, employee or agent of the
17 commission as may be designated by the commission for such purpose,
18 shall have the power to issue subpoenas to compel the attendance of
19 witnesses and the giving of testimony or production of other evidence
20 and to administer oaths in connection with any such hearing. It shall be
21 the duty of the commission or of any such member, officer, employee or
22 agent of the commission designated by the commission for such purpose to
23 issue subpoenas at the request of and upon behalf of the licensee,
24 registrant or applicant. The commission or such person conducting the
25 hearing shall not be bound by common law or statutory rules of evidence
26 or by technical or formal rules of procedure in the conduct of such
27 hearing.

28 6. Upon the conclusion of the hearing, the commission shall take such
29 action upon such findings and determination as it deems proper and shall
30 execute an order carrying such findings into effect. The action in the
31 case of an application for a license or registration shall be the grant-
32 ing or denial thereof. The action in the case of a licensee shall be
33 revocation of the license or suspension thereof for a fixed period or
34 reprimand or a dismissal of the charges. The action in the case of a
35 registered longshoreman shall be dismissal of the charges, reprimand or
36 removal from the longshoremen's register for a fixed period or perma-
37 nently.

38 7. The action of the commission in denying any application for a
39 license or in refusing to include any person in the longshoremen's
40 register under this compact or in suspending or revoking such license or
41 removing any person from the longshoremen's register or in reprimanding
42 a licensee or registrant shall be subject to judicial review by a
43 proceeding instituted in either state at the instance of the applicant,
44 licensee or registrant in the manner provided by the law of such state
45 for review of the final decision or action of administrative agencies of
46 such state, provided, however, that notwithstanding any other provision
47 of law the court shall have power to stay for not more than thirty days
48 an order of the commission suspending or revoking a license or removing
49 a longshoreman from the longshoremen's register.

50 S 412. Employment information centers. 1. The states of New York and
51 New Jersey hereby find and declare that the method of employment of
52 longshoremen and port watchmen in the port of New York district, common-
53 ly known as the "shape-up", has resulted in vicious and notorious
54 abuses, of which such employees have been the principal victims. There
55 is compelling evidence that the "shape-up" has permitted and encouraged
56 extortion from employees as the price of securing or retaining employ-

1 ment and has subjected such employees to threats of violence, unwilling
2 joinder in unauthorized labor disturbances and criminal activities on
3 the waterfront. The "shape-up" has thus resulted in a loss of fundamen-
4 tal rights and liberties of labor, has impaired the economic stability
5 of the port of New York district and weakened law enforcement therein.
6 It is the sense of the legislatures of the states of New York and New
7 Jersey that these practices and conditions must be eliminated to prevent
8 grave injury to the welfare of waterfront laborers and of the people at
9 large and that the elimination of the "shape-up" and the establishment
10 of a system of employment information centers are necessary to a
11 solution of these public problems.

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

28 3. Every employer of longshoremen or port watchmen within the port of
29 New York district shall furnish such information as may be required by
30 the rules and regulations prescribed by the commission with regard to
31 the name of each person hired as a longshoreman or port watchman, the
32 time and place of hiring, the time, place and hours of work, and the
33 compensation therefor.

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

38 S 413. Expenses of administration. 1. By concurrent legislation
39 enacted by their respective legislatures, the two states may provide
40 from time to time for meeting the commission's expenses. Until other
41 provision shall be made, such expense shall be met as authorized in this
42 section.

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

48 3. After taking into account such funds as may be available to it from
49 reserves, federal grants or otherwise, the balance of the commission's
50 budgeted expenses shall be assessed upon employers of persons registered
51 or licensed under this compact. Each such employer shall pay to the
52 commission as assessment computed upon the gross payroll payments made
53 by such employer to longshoremen, pier superintendents, hiring agents
54 and port watchmen for work or labor performed within the port of New
55 York district, at a rate, not in excess of two per cent, computed by the
56 commission in the following manner; the commission shall annually esti-

1 mate the gross payroll payments to be made by employers subject to
2 assessment and shall compute a rate thereon which will yield revenues
3 sufficient to finance the commission's budget for each year. Such budg-
4 et may include a reasonable amount for a reserve but such amount shall
5 not exceed ten per cent of the total of all other items of expenditure
6 contained therein. Such reserve shall be used for the stabilization of
7 annual assessments, the payment of operating deficits and for the repay-
8 ment of advances made by the two states.

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

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

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

31 S 414. General violations; prosecutions; penalties. 1. The failure of
32 any witness, when duly subpoenaed to attend, give testimony or produce
33 other evidence, whether or not at a hearing, shall be punishable by the
34 superior court in New Jersey and the supreme court in New York in the
35 same manner as said failure is punishable by such court in a case there-
36 in pending.

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

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

47 4. Any person who interferes with or impedes the orderly registration
48 of longshoremen pursuant to this compact or who conspires to or attempts
49 to interfere with or impede such registration shall be punishable as may
50 be provided by the two states by action of the legislature of either
51 state concurred in by the legislature of the other.

52 5. Any person who directly or indirectly inflicts or threatens to
53 inflict any injury, damage, harm or loss or in any other manner prac-
54 tices intimidation upon or against any person in order to induce or
55 compel such person or any other person to refrain from registering
56 pursuant to this compact shall be punishable as may be provided by the

two states by action of the legislature of either state concurred in by the legislature of the other.

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

S 415. Collective bargaining safeguarded. 1. This compact is not designed and shall not be construed to limit in any way any rights granted or derived from any other statute or any rule of law for employees to organize in labor organizations, to bargain collectively and to act in any other way individually, collectively, and through labor organizations or other representatives of their own choosing. Without limiting the generality of the foregoing, nothing contained in this compact shall be construed to limit in any way the right of employees to strike.

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

S 416. Amendments; construction; short title. 1. Amendments and supplements to this compact to implement the purposes thereof may be adopted by the action of the legislature of either state concurred in by the legislature of the other.

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

3. In accordance with the ordinary rules for construction of interstate compacts this compact shall be liberally construed to eliminate the evils described therein and to effectuate the purposes thereof.

42

PART II

S 417. Waterfront commission compact. This compact shall be known and may be cited as the "Waterfront Commission Compact."

S 418. Expenses of administration. 1. Every person subject to the payment of any assessment under the provisions of subdivision three of section four hundred thirteen of this article shall file on or before the fifteenth day of the first month of each calendar quarter-year a separate return, together with the payment of the assessment due, for the preceding calendar quarter-year during which any payroll payments were made to longshoremen, pier superintendents, hiring agents or port watchmen for work performed as such within the district. Returns covering the amount of assessment payable shall be filed with the commission on forms to be furnished for such purpose and shall contain such data,

1 information or matter as the commission may require to be included ther-
2 ein. The commission may grant a reasonable extension of time for filing
3 returns, or for the payment of assessment, whenever good cause exists.
4 Every return shall have annexed thereto a certification to the effect
5 that the statements contained therein are true.

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

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

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

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

45 5. The employment by a nonresident of a longshoreman, or a licensed
46 pier superintendent, hiring agent or port watchman in either state or
47 the designation by a nonresident of a longshoreman, pier superintendent,
48 hiring agent or port watchman to perform work in such state shall be
49 deemed equivalent to an appointment by such nonresident of the secretary
50 of state of such state to be his true and lawful attorney upon whom may
51 be served the process in any action or proceeding against him growing
52 out of any liability for assessments, penalties or interest, and a
53 consent that any such process against him which is so served shall be of
54 the same legal force and validity as if served on him personally within
55 such state and within the territorial jurisdiction of the court from
56 which the process issues. Service of process within either state shall

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

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

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

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

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

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

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

50 S 419. Reimbursement. The commission shall reimburse each state for
51 any funds advanced to the commission exclusive of sums appropriated
52 pursuant to subdivision four of section four hundred thirteen of this
53 article.

54 S 420. Penalties. Any person who shall violate any of the provisions
55 of the compact or of section four hundred eighteen of this part for
56 which no other penalty is prescribed shall be guilty of a misdemeanor,

1 punishable by a fine of not more than five hundred dollars or by impri-
2 sonment for not more than one year, or both.

3 S 421. Federal funds. 1. The waterfront commission of New York harbor
4 is hereby designated on its own behalf or as agent of the state of New
5 York and the state of New Jersey, as provided by the act of the congress
6 of the United States, effective June sixth, nineteen hundred thirty-
7 three, entitled "An act to provide for the establishment of a national
8 employment system and for cooperating with the states in the promotion
9 of such system and for other purposes" as amended, for the purpose of
10 obtaining such benefits of such act of congress as are necessary or
11 appropriate to the establishment and operation of employment information
12 centers authorized by section four hundred twelve of this article.

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

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

25 S 422. Supplementary definitions. As used in the compact established
26 by part I of this article:

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

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

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

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

52 3. "Court of the United States" shall mean all courts enumerated in
53 section four hundred fifty-one of title twenty-eight of the United
54 States code and the courts-martial of the armed forces of the United
55 States.

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

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

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

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

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

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

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

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

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

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

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

51 Whenever, as a result of legislative amendments to this article or of
52 a ruling by the commission, registration as a longshoreman is required
53 for any person to continue in his employment, such person shall be
54 registered as a longshoreman without regard to the provisions of section
55 four hundred thirty-four of this part, provided, however, that such

1 person satisfies all the other requirements of this article for regis-
2 tration as a longshoreman.

3 S 423. Additional powers of the commission. In addition to the powers
4 and duties elsewhere described in this part, the commission shall have
5 the following powers:

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

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

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

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

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

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

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

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

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

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

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

49 S 424. Regularization of longshoremen's employment. 1. Notwithstand-
50 ing any other provisions of section four hundred nine of this article,
51 the commission shall have the power to remove from the longshoremen's
52 register any person (including those persons registered as longshoremen
53 for less than nine months) who shall have failed to have worked as a
54 longshoreman in the port of New York district for such minimum number of
55 days during a period of time as shall have been established by the
56 commission. In administering this section, the commission, in its

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

23 S 425. Additional violations. Any person who, having been duly sworn
24 or affirmed as a witness in any investigation, interview or other
25 proceeding conducted by the commission pursuant to the provisions of
26 this part, shall wilfully give false testimony shall be guilty of a
27 misdemeanor punishable by a fine of not more than one thousand dollars
28 or imprisonment for not more than one year or both.

29 S 426. Hearings. 1. At hearings conducted by the commission pursuant
30 to section four hundred eleven of this article, applicants, prospective
31 licensees, licensees and registrants shall have the right to be accompa-
32 nied and represented by counsel.

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

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

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

52 S 427. Denial of applications. In addition to the grounds elsewhere
53 set forth in this article, the commission may deny an application for a
54 license or registration for any of the following:

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

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

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

10 4. Violation of any provision of this part or commission of any
11 offense thereunder.

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

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

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

46 S 428. Revocation of licenses and registrations. In addition to the
47 grounds elsewhere set forth in this part, any license or registration
48 issued or made pursuant thereto may be revoked or suspended for such
49 period as the commission deems in the public interest or the licensee or
50 registrant may be reprimanded, for:

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

55 2. Wilful commission of, or wilful attempt to commit at or on a water-
56 front terminal or adjacent highway, any act of physical injury to any

1 other person or of wilful damage to or misappropriation of any other
2 person's property, unless justified or excused by law; or

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

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

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

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

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

44 S 429. Removal of port watchmen's ineligibility. Any port watchman
45 ineligible for a license by reason of the provisions of paragraph (b) of
46 subdivision three of section four hundred ten of this article may peti-
47 tion for and the commission may issue an order removing the ineligibil-
48 ity in the manner provided in paragraph (b) of subdivision three of
49 section four hundred five of this article.

50 S 430. Petition for order to remove an ineligibility. A petition for
51 an order to remove an ineligibility under paragraph (b) of subdivision
52 three of section four hundred five, paragraph (e) of subdivision three
53 of section four hundred six, paragraph (b) of subdivision three of
54 section four hundred five of this article, or paragraph (b) of subdivi-
55 sion three of section four hundred thirty-two of this part may be made

1 to the commission before or after the hearing required by section four
2 hundred eleven of this article.

3 S 431. Denial of stevedore applications. In addition to the grounds
4 elsewhere set forth in this part the commission shall not grant an
5 application for a license as stevedore if on or after July first, nine-
6 teen hundred fifty-six, the applicant has paid, given, caused to have
7 been paid or given or offered to pay or give to any agent of any carrier
8 of freight by water any valuable consideration for an improper or unlaw-
9 ful purpose or, without the knowledge and consent of such carrier, to
10 induce such agent to procure the employment of the applicant by such
11 carrier or its agent for the performance of stevedoring services.

12 S 432. Checkers. 1. The commission shall establish within the
13 longshoremen's register a list of all qualified longshoremen eligible,
14 as hereinafter provided, for employment as checkers in the port of New
15 York district. No person shall act as a checker within the port of New
16 York district unless at the time he is included in the longshoremen's
17 register as a checker, and no person shall employ another to work as a
18 checker within the port of New York district unless at the time such
19 other person is included in the longshoremen's register as a checker.

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

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

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

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

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

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

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

1 sentence or from the date of his unrevoked release from custody by
2 parole, commutation or termination of his sentence;

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

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

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

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

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

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

30 (d) Conviction of a crime involving unlawfully possessing, possession
31 with intent to distribute, sale or distribution of a controlled danger-
32 ous substance (controlled substance) or, in New Jersey, a controlled
33 dangerous substance analog (controlled substance analog);

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

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

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

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

46 (i) False impersonation of another longshoreman or of another person
47 licensed under the compact.

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

52 7. Nothing contained in this section shall be construed to limit in
53 any way any rights of labor reserved by section four hundred five of
54 this article.

55 S 433. Supplementary violations. Any person who, without justifica-
56 tion or excuse in law, directly or indirectly intimidates or inflicts

1 any injury, damage, harm, loss or economic reprisal upon any person
2 licensed or registered by the commission, or any other person, or
3 attempts, conspires or threatens so to do, in order to interfere with,
4 impede or influence such licensed or registered person in the perform-
5 ance or discharge of his duties or obligations shall be punishable as
6 provided in section four hundred twenty of this part.

7 S 434. Suspension or acceptance of applications for inclusion in
8 longshoremen's register; exceptions. 1. The commission shall have the
9 power to make determinations to suspend the acceptance of application
10 for inclusion in the longshoremen's register for such periods of time as
11 the commission may from time to time establish and, after any such peri-
12 od of suspension, the commission shall have the power to make determi-
13 nations to accept applications for such period of time as the commission
14 may establish or in such number as the commission may determine, or
15 both. Such determinations to suspend or accept applications shall be
16 made by the commission: (a) on its own initiative or (b) upon the joint
17 recommendation in writing of stevedores and other employers of long-
18 shoremen in the port of New York district, acting through their repre-
19 sentative for the purpose of collective bargaining with a labor organ-
20 ization representing such longshoremen in such district and such labor
21 organization or (c) upon the petition in writing of a stevedore or
22 another employer of longshoremen in the port of New York district which
23 does not have a representative for the purpose of collective bargaining
24 with a labor organization representing such longshoremen. The commission
25 shall have the power to accept or reject such joint recommendation or
26 petition.

27 All joint recommendations or petitions filed for the acceptance of
28 applications with the commission for inclusion in the longshoremen's
29 register shall include:

30 (a) the number of employees requested;
31 (b) the category or categories of employees requested;
32 (c) a detailed statement setting forth the reasons for said joint
33 recommendation or petition;
34 (d) in cases where a joint recommendation is made under this section,
35 the collective bargaining representative of stevedores and other employ-
36 ers of longshoremen in the port of New York district and the labor
37 organization representing such longshoremen shall provide the allocation
38 of the number of persons to be sponsored by each employer of longshore-
39 men in the port of New York district; and

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

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

43 (a) To encourage as far as practicable the regularization of the
44 employment of longshoremen;

45 (b) To bring the number of eligible longshoremen into balance with the
46 demand for longshoremen's services within the port of New York district
47 without reducing the number of eligible longshoremen below that neces-
48 sary to meet the requirements of longshoremen in the port of New York
49 district;

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

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

55 (e) To eliminate oppressive and evil hiring practices injurious to
56 waterfront labor and waterborne commerce in the port of New York

1 district, including, but not limited to, those oppressive and evil
2 hiring practices that may result from either a surplus or shortage of
3 waterfront labor;

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

7 (g) To protect the public interest of the port of New York district.

8 In observing the foregoing standards and before determining to suspend
9 or accept applications for inclusion in the longshoremen's register, the
10 commission shall consult with and consider the views of, including any
11 statistical data or other factual information concerning the size of the
12 longshoremen's register submitted by, carriers of freight by water,
13 stevedores, waterfront terminal owners and operators, any labor organ-
14 ization representing employees registered by the commission, and any
15 other person whose interests may be affected by the size of the
16 longshoremen's register.

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

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

46 This section shall apply, notwithstanding any other provision of this
47 article, provided however, such section shall not in any way limit or
48 restrict the provisions of subdivision five of section four hundred nine
49 of this article empowering the commission to register longshoremen on a
50 temporary basis to meet special or emergency needs or the provisions of
51 subdivision four of section four hundred nine of this article relating
52 to the immediate reinstatement of persons removed from the
53 longshoremen's register pursuant to section four hundred nine of this
54 article. Nothing in this section shall be construed to modify, limit or
55 restrict in any way any of the rights protected by section four hundred
56 fifteen of this article.

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

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

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

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

21 (b) a person defined as a longshoreman in subdivision six of section
22 four hundred twenty-two of this part who is employed by a stevedore
23 defined in paragraph (b) or (c) of subdivision one of section four
24 hundred twenty-two of this part and whose employment is not subject to
25 the guaranteed annual income provisions of any collective bargaining
26 agreement relating to longshoremen;

27 (c) no more than twenty persons issued registration limited to acting
28 as scalemen pursuant to the provisions of chapter 953 of the laws of
29 1969 and chapter 64 of the laws of 1982 who are still so registered by
30 the commission and who are no longer employed as scalemen on the effec-
31 tive date of this subdivision;

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

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

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

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

47 6. The commission may include in the longshoremen's register, under
48 such terms and conditions as the commission may prescribe, persons
49 issued registration on a temporary basis as a longshoreman or a checker
50 to meet special or emergency needs and who are still so registered by
51 the commission upon the enactment of this section.

52 S 435. Temporary suspension of permits, licenses and registrations. 1.
53 The commission may temporarily suspend a temporary permit or a permanent
54 license or a temporary or permanent registration pursuant to the
55 provisions of subdivision four of section four hundred eleven of this
56 article until further order of the commission or final disposition of

1 the underlying case, only where the permittee, licensee or registrant
2 has been indicted for, or otherwise charged with, a crime which is
3 equivalent to a felony in the state of New York or to a crime of the
4 third, second or first degree in the state of New Jersey or only where
5 the permittee or licensee is a port watchman who is charged by the
6 commission pursuant to section four hundred eleven of this article with
7 misappropriating any other person's property at or on a pier or other
8 waterfront terminal.

9 2. In the case of a permittee, licensee or registrant who has been
10 indicted for, or otherwise charged with, a crime, the temporary suspen-
11 sion shall terminate immediately upon acquittal or upon dismissal of the
12 criminal charge. A person whose permit, license or registration has been
13 temporarily suspended may, at any time, demand that the commission
14 conduct a hearing as provided for in section four hundred eleven of this
15 article. Within sixty days of such demand, the commission shall
16 commence the hearing and, within thirty days of receipt of the adminis-
17 trative judge's report and recommendation, the commission shall render a
18 final determination thereon; provided, however, that these time require-
19 ments, shall not apply for any period of delay caused or requested by
20 the permittee, licensee or registrant. Upon failure of the commission to
21 commence a hearing or render a determination within the time limits
22 prescribed herein, the temporary suspension of the licensee or regis-
23 trant shall immediately terminate. Notwithstanding any other provision
24 of this subdivision, if a federal, state, or local law enforcement agen-
25 cy or prosecutor's office shall request the suspension or deferment of
26 any hearing on the ground that such a hearing would obstruct or preju-
27 dice an investigation or prosecution, the commission may in its
28 discretion, postpone or defer such hearing for a time certain or indefi-
29 nitely. Any action by the commission to postpone a hearing shall be
30 subject to immediate judicial review as provided in subdivision seven of
31 section four hundred eleven of this article.

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

42 S 436. Continuance of port watchmen's licenses. Notwithstanding any
43 provision of subdivision five of section four hundred ten of this arti-
44 cle, a license to act as a port watchman shall continue and need not be
45 renewed, provided the licensee shall, as required by the commission:

46 1. Submit to a medical examination and meet the physical and mental
47 fitness standards established by the commission pursuant to subdivision
48 three of section four hundred ten of this article;

49 2. Complete a refresher course of training; and

50 3. Submit supplementary personal history information.

51 S 437. Regularization of port watchmen's employment. The commission
52 shall, at regular intervals, cancel the license or temporary permit of a
53 port watchman who shall have failed during the preceding twelve months
54 to have worked as a port watchman in the port of New York district a
55 minimum number of hours as shall have been established by the commis-
56 sion, except that immediate restoration of such license or temporary

1 permit shall be made upon proper showing that the failure to so work was
2 caused by the fact that the licensee or permittee was engaged in the
3 military service of the United States or was incapacitated by ill
4 health, physical injury or other good cause.

5 S 438. Duration of stevedore's license. A stevedore's license granted
6 pursuant to section four hundred six of this article shall be for a term
7 of five years or fraction of such five year period, and shall expire on
8 the first day of December. In the event of the death of the licensee, if
9 a natural person, or its termination or dissolution by reason of a death
10 of a partner, if a partnership, or if the licensee shall cease to be a
11 party to any contract of the type required by paragraph (d) of subdivi-
12 sion three of section four hundred six of this article, the license
13 shall terminate ninety days after such event or upon its expiration
14 date, whichever shall be sooner. A license may be renewed by the commis-
15 sion for successive five year periods upon fulfilling the same require-
16 ments as are set forth in section four hundred six of this article for
17 an original application for a stevedore's license.

18 S 439. Implementation of telecommunications hiring system for long-
19 shoremen and checkers and registration of telecommunications system
20 controller. 1. The commission may designate one of the employment
21 information centers it is authorized to establish and maintain under
22 section four hundred twelve of this article for the implementation of a
23 telecommunications hiring system through which longshoremen and checkers
24 may be hired and accept employment without any personal appearance at
25 said center. Any such telecommunications hiring system shall incorporate
26 hiring and seniority agreements between the employers of longshoremen
27 and checkers and the labor organization representing longshoremen and
28 checkers in the port of New York district, provided said agreements are
29 not in conflict with the provisions of this part.

30 2. The commission shall permit employees of the association represent-
31 ing employers of longshoremen and checkers and of the labor organization
32 representing longshoremen and checkers in the port of New York district,
33 or of a joint board of such association and labor organization, to
34 participate in the operation of said telecommunications hiring system,
35 provided that any such employee is registered by the commission as a
36 "telecommunications system controller" in accordance with the
37 provisions, standards and grounds set forth in this part with respect to
38 the registration of checkers. No person shall act as a "telecommuni-
39 cations system controller" unless he or she is so registered. Any
40 application for such registration and any registration made or issued
41 may be denied, revoked, cancelled or suspended, as the case may be, only
42 in the manner prescribed in section four hundred eleven of this article.
43 Any and all such participation in the operation of said telecommuni-
44 cations hiring system shall be monitored by the commission.

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

51

PART III

52 S 440. Commission established for New York state. Unless and until the
53 provisions of the compact contained in part I of this article shall have

1 been concurred in by the state of New Jersey, the consent of congress
2 given thereto, and the commission, provided for therein, established:

3 1. The provisions of such compact and sections four hundred eighteen,
4 four hundred nineteen, four hundred twenty and four hundred twenty-one
5 of this article shall apply to and be in full force and effect within
6 the state of New York, except as limited by this section, and any
7 violation of such compact or section shall be a violation of the laws of
8 the state of New York, provided, however, that (with respect to the
9 definitions contained in such compact):

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

12 (b) The "commission", hereinafter referred to in this section as the
13 "New York commission", shall mean and consist of the member appointed by
14 the governor of this state by and with the advice and consent of the
15 senate, and he shall possess and exercise all the powers and duties of
16 the commission set forth in part I of this article and any other powers
17 and duties conferred herein;

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

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

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

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

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

34 (c) To provide that any act or omission by a licensee or registrant in
35 either state which would be a basis for disciplinary action against such
36 licensee or registrant if it occurred in the state in which the license
37 was issued or the person registered shall be the basis for disciplinary
38 action in both states;

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

43 3. Notwithstanding any other provision of law, the officers, employees
44 and agents of the commission established by this section may be
45 appointed or employed without regard to their state of residence. Such
46 commission may appoint or employ the same person to a similar office or
47 employment in this state as he holds in a similar commission or agency
48 of the state of New Jersey.

49 Notwithstanding any other provision of this article, for the purpose
50 of providing for the commission's expenses of administration during the
51 remainder of the calendar year following the effective date of this
52 article, and until June thirtieth, nineteen hundred fifty-four the
53 assessment for such expense shall be at the rate of one and one-half per
54 cent. Such assessment shall be made, collected and enforced in accordance
55 with section four hundred thirteen of this article.

1 S 441. Prohibition against loitering. No person shall, without a
2 satisfactory explanation, loiter upon any vessel, dock, wharf, pier,
3 bulkhead, terminal, warehouse, or other waterfront facility or within
4 five hundred feet thereof in that portion of the port of New York
5 district within the state of New York.

6 S 442. Prohibition against unions having officers, agents or employees
7 who have been convicted of certain crimes and offenses. No person shall
8 solicit, collect or receive any dues, assessments, levies, fines or
9 contributions, or other charges within the state for or on behalf of any
10 labor organization which represents employees registered or licensed
11 pursuant to the provisions of this article or which derives its charter
12 from a labor organization representing one hundred or more of such
13 registered or licensed employees, if any officer, agent or employee of
14 such labor organization, or of a welfare fund or trust administered
15 partially or entirely by such labor organization or by trustees or other
16 persons designated by such labor organization, has been convicted by a
17 court of the United States, or any state or territory thereof, of a
18 felony, any misdemeanor involving moral turpitude or any crime or
19 offense enumerated in subdivision three (b) of section four hundred
20 thirty-two of this article, unless he has been subsequently pardoned
21 therefor by the governor or other appropriate authority of the state or
22 jurisdiction in which such conviction was had or has received a certifi-
23 cate of good conduct from the board of parole pursuant to the
24 provisions of the executive law to remove the disability. No person so
25 convicted shall serve as an officer, agent or employee of such labor
26 organization, welfare fund or trust unless such person has been so
27 pardoned or has received a certificate of good conduct. No person,
28 including such labor organization, welfare fund or trust, shall know-
29 ingly permit such convicted person to assume or hold any office, agency,
30 or employment in violation of this section.

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

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

42 S 443. Exception to section four hundred forty-two of this part for
43 certain employees. If upon application to the commission by an employee
44 who has been convicted of a crime or offense specified in section four
45 hundred forty-two of this part the commission, in its discretion, deter-
46 mines in an order that it would not be contrary to the purposes and
47 objectives of this article for such employee to work in a particular
48 employment for a labor organization, welfare fund or trust within the
49 meaning of section four hundred forty-two of this part, the provisions
50 of section four hundred forty-two of this part shall not apply to the
51 particular employment of such employee with respect to such conviction
52 or convictions as are specified in the commission's order. This section
53 is applicable only to those employees who for wages or salary perform
54 manual, mechanical, or physical work of a routine or clerical nature at
55 the premises of the labor organization, welfare fund or trust by which
56 they are employed.

1

PART IV

2 S 444. Compact. The state of New York hereby agrees with the state of
3 New Jersey, upon the enactment by the state of New Jersey of legislation
4 having the same effect as this section, to the following compact:

5 S 445. Findings and declarations. The states of New York and New
6 Jersey hereby find and declare that the movement of freight through the
7 two states is vital to their economies and prosperity; that ever
8 increasing amounts of such freight are being carried by the air freight
9 industry; that said air freight industry in the two states constitutes
10 an inseparable and integral unit of the commerce of the two states;
11 that criminal and racketeer elements have infiltrated the air freight
12 industry; that such criminal infiltration is threatening the growth of
13 said air freight industry; that one of the means by which such criminal
14 and racketeer elements infiltrate the air freight industry is by posing
15 as labor relations consultants and that firms handling air freight are
16 often forced to employ or engage such persons; that the air freight
17 industry is suffering an alarming rise in the amount of pilferage and
18 theft of air freight; and that it is imperative to the continued growth
19 and economic well-being of the states of New York and New Jersey that
20 every possible effective measure be taken to prevent the pilferage and
21 theft of air freight and the criminal infiltration of the air freight
22 industry.

23 2. The states of New York and New Jersey hereby find and declare that
24 many of the evils existing in the air freight industry result not only
25 from the causes above described but from the lack of regulation of the
26 air freight industry in and about the port of New York district; that
27 the air freight industry is affected with a public interest requiring
28 regulation, just as the states of New York and New Jersey have hereto-
29 fore found and declared in respect to the shipping industry; and that
30 such regulation of the air freight industry shall be deemed an exercise
31 of the police power of the two states for the protection of the public
32 safety, welfare, prosperity, health, peace and living conditions of the
33 people of the states.

34 S 446. Definitions. As used in this compact:

35 1. "Commission" shall mean the waterfront and airport commission of
36 New York and New Jersey established by section four hundred three of
37 this article.

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

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

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

1 5. "Air freight terminal" shall include any warehouse, depot or other
2 terminal (other than an airport) (a) any part of which is located within
3 an airport and any part of which is used for the storage of air freight,
4 or (b) which is operated by an air carrier or a contractor of an air
5 carrier and any part of which is used for the storage of air freight and
6 any part of which is located within the port of New York district.

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

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

17 8. "Air freight security area" shall mean any area located within the
18 airport to which the commission determines that limited ingress and
19 egress is required for the protection and security of any air freight
20 located within the airport.

21 9. "Airfreightman" shall mean a natural person who is employed
22 (a) by any person to physically move or to perform services incidental
23 to the movement of air freight at an airport or in an air freight termi-
24 nal; or
25 (b) by an air carrier or an air freight terminal operator or an air
26 freight truck carrier to transport or to assist in the transportation of
27 air freight to or from an airport or air freight terminal; or
28 (c) by any person to engage in direct and immediate checking of any
29 air freight located in an airport or in an air freight terminal or of
30 the custodial accounting therefor.

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

34 11. "Airfreightman labor relations consultant" shall mean any person
35 who, pursuant to any contract or arrangement, advises or represents an
36 air carrier, an air freight terminal operator, or an air freight truck
37 carrier, or an organization of such employers (whether or not incorpo-
38 rated), or a labor organization representing any airfreightmen or airfr-
39 eightman supervisors, concerning the organization or collective bargain-
40 ing activities of airfreightmen or airfreightman supervisors, but shall
41 not include any person designated by any government official or body to
42 so act or any person duly licensed to practice law as an attorney in any
43 jurisdiction. As used in this paragraph, the term "labor organization"
44 shall mean and include any labor organization to which section four
45 hundred fifty-five of this article is applicable.

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

52 13. "The port of New York district" shall mean the district created by
53 article II of the compact dated April thirtieth, nineteen hundred twen-
54 ty-one, between the states of New York and New Jersey, authorized by
55 chapter one hundred fifty-four of the laws of New York of nineteen
56 hundred twenty-one and continued by article I of this chapter, and chap-

1 ter one hundred fifty-one of the laws of New Jersey of nineteen hundred
2 twenty-one, and any amendments thereto.

3 14. "Court of the United States" shall mean all courts enumerated in
4 section four hundred fifty-one of title twenty-eight of the United
5 States code and the courts-martial of the armed forces of the United
6 States.

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

10 16. "Compact" shall mean this compact and rules and regulations
11 lawfully promulgated thereunder and shall also include any amendments or
12 supplements to this compact to implement the purposes thereof adopted by
13 the action of the legislature of either the state of New York or the
14 state of New Jersey concurred in by the legislature of the other.

15 S 447. General powers of the commission. In addition to the powers
16 and duties of the commission conferred in parts I, II, III, and V of
17 this article, the commission shall have the power:

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

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

24 3. To make and enforce such rules and regulations as the commission
25 may deem necessary to effectuate the purposes of this compact or to
26 prevent the circumvention or evasion thereof including, but not limited
27 to, rules and regulations (which shall be applicable to any person
28 licensed by the commission, his employer, or any other person within an
29 airport) to provide for the maximum protection of air freight, such as
30 checking and custodial accounting, guarding, storing, fencing, gatehous-
31 es, access to air freight, air freight loss reports, and any other
32 requirements which the commission in its discretion may deem to be
33 necessary and appropriate to provide such maximum protection. The rules
34 and regulations of the commission shall be effective upon publication in
35 the manner which the commission shall prescribe and upon filing in the
36 office of the secretary of state of each state. A certified copy of any
37 such rules and regulations, attested as true and correct by the commis-
38 sion, shall be presumptive evidence of the regular making, adoption,
39 approval and publication thereof;

40 4. To have for its members and its properly designated officers,
41 agents and employees, full and free access, ingress and egress to and
42 from all airports, air freight terminals, all aircraft traveling to or
43 from an airport and all trucks or other motor vehicles or equipment
44 which are carrying air freight to or from any airport or air freight
45 terminal for the purposes of conducting investigations, making
46 inspections or enforcing the provisions of this compact; and no person
47 shall obstruct or in any way interfere with any such member, officer,
48 employee or agent in the making of such investigation or inspection or
49 in the enforcement of the provisions of this compact or in the perform-
50 ance of any other power or duty under this compact;

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

54 6. To advise and consult with representatives of labor and industry
55 and with public officials and agencies concerned with the effectuation
56 of the purposes of this compact, upon all matters which the commission

1 may desire, including but not limited to the form and substance of rules
2 and regulations and the administration of the compact and the expe-
3 ditious handling and efficient movement of air freight consistent with
4 the security of such air freight;

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

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

10 9. In any case in which the commission has the power to revoke or
11 suspend any license or permit the commission shall also have the power
12 to impose as an alternative to such revocation or suspension, a penalty,
13 which the licensee or permittee may elect to pay the commission in lieu
14 of the revocation or suspension. The maximum penalty shall be five
15 thousand dollars for each separate offense. The commission may, for good
16 cause shown, abate all or part of such penalty;

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

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

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

26 13. To require any licensee or permittee to exhibit upon demand the
27 license or permit issued to him by the commission or to wear such
28 license or permit.

29 The powers and duties of the commission may be exercised by officers,
30 employees and agents designated by them, except the power to make rules
31 and regulations. The commission shall have such additional powers and
32 duties as may hereafter be delegated to or imposed upon it from time to
33 time by the action of the legislature of either state concurred in by
34 the legislature of the other.

35 S 448. Airfreightmen and airfreightman supervisors. 1. On and after
36 the ninetieth day after the effective date of this compact, no person
37 shall act as an airfreightman or an airfreightman supervisor within the
38 state of New York or the state of New Jersey without having first
39 obtained from the commission a license to act as such airfreightman or
40 airfreightman supervisor, as the case may be, and no person shall employ
41 another person to act as an airfreightman or airfreightman supervisor
42 who is not so licensed.

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

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

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

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

24 (c) Fraud, deceit or misrepresentation in connection with any applica-
25 tion or petition submitted to, or any interview, hearing or proceeding
26 conducted by the commission;

27 (d) Violation of any provision of this section or the commission of
28 any offense thereunder;

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

32 (f) As to an airfreightman, his presence at the airports or air
33 freight terminals is found by the commission on the basis of the facts
34 and evidence before it to constitute a danger to the public peace or
35 safety;

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

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

42 4. When the application shall have been examined and such further
43 inquiry and investigation made as the commission shall deem proper and
44 when the commission shall be satisfied therefrom that the prospective
45 licensee possesses the qualifications and requirements prescribed in
46 this article, the commission shall issue and deliver to the prospective
47 licensee a license to act as an airfreightman or as an airfreightman
48 supervisor, as the case may be, and shall inform the applicant of its
49 action.

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

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

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

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

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

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

13 (f) Violation of any of the provisions of this compact or inducing or
14 otherwise aiding or abetting any person to violate the terms of this
15 compact;

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

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

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

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

27 (k) Coercion of any person who is a licensee or permittee of the
28 commission under this compact by threat of discrimination or violence or
29 economic reprisal to make purchases from or to utilize the services of
30 any person;

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

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

38 (n) Refusal to answer any material question or produce any material
39 evidence lawfully required to be answered or produced at any investi-
40 gation, interview or other proceeding conducted by the commission pursu-
41 ant to the provisions of this compact, or, if such refusal is accompa-
42 nied by a valid plea of privilege against self-incrimination, refusal to
43 obey an order to answer such question or produce such evidence made by
44 the commission pursuant to the power of the commission under this
45 compact to grant immunity from prosecution;

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

49 6. A license granted pursuant to this section shall expire on the
50 expiration date (which shall be at least one year from the date of its
51 issuance) set forth by the commission on the card or other means of
52 identification issued by the commission as evidence of a license or upon
53 the termination of employment with the employer who applied for the
54 license. Upon expiration thereof, a license may be renewed by the
55 commission upon fulfilling the same requirements as are set forth in
56 this compact for an original application.

1 S 449. Air freight terminal operators; air freight truck carriers; and
2 airfreightmen; labor relations consultants. 1. On and after the ninety-
3 eth day after the effective date of this compact, no person, except an
4 air carrier, shall act as an air freight terminal operator or as an air
5 freight truck carrier or as an airfreightman labor relations consultant
6 within the state of New York or the state of New Jersey without having
7 first obtained a license from the commission to act as an air freight
8 terminal operator or as an air freight truck carrier or as an airfr-
9 eightman labor relations consultant, as the case may be, and no person
10 shall employ or engage another person to perform services as an air
11 freight terminal operator or as an air freight truck carrier or as an
12 airfreightman labor relations consultant who is not so licensed.

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

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

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

39 In the event of the death, resignation or removal of any officer, and
40 in the event of any change in the list of stockholders who shall own ten
41 per cent or more of the stock of the corporation, the secretary of such
42 corporation shall forthwith give notice of that fact in writing to the
43 commission, certified by said secretary.

44 3. No such license shall be granted

45 (a) If any person whose signature or name appears in the application
46 is not the real party in interest required by subdivision two of this
47 section to sign or to be identified in the application or if the person
48 so signing or named in the application is an undisclosed agent or trus-
49 tee for any such real party in interest or if any such real party in
50 interest does not sign the application;

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

55 (c) If the applicant or any member, officer or stockholder required by
56 subdivision two of this section to sign or be identified in the applica-

1 tion for license has, without subsequent pardon, been convicted by a
2 court of the United States or any state or territory thereof of the
3 commission of, or the attempt or conspiracy to commit any crime or
4 offense described in paragraph (a) of subdivision three of section four
5 hundred forty-eight of this article. Any applicant ineligible for a
6 license by reason of any such conviction may submit satisfactory
7 evidence to the commission that the person whose conviction was the
8 basis of ineligibility has for a period of not less than five years,
9 measured as hereinafter provided and up to the time of application, so
10 conducted himself as to warrant the grant of such license, in which
11 event the commission may, in its discretion issue an order removing such
12 ineligibility. The aforesaid period of five years shall be measured
13 either from the date of payment of any fine imposed upon such person or
14 the suspension of sentence or from the date of his unrevoked release
15 from custody by parole, commutation or termination of his sentence.
16 Such petition may be made to the commission before or after the hearing
17 on the application;

18 (d) If, on or after the effective date of this compact, the applicant
19 has paid, given, caused to have been paid or given or offered to pay or
20 give to any officer or employee of any other person employing or engag-
21 ing him in his licensed activity any valuable consideration for an
22 improper or unlawful purpose or to induce such officer or employee to
23 procure the employment of the applicant in his licensed activity by such
24 other person;

25 (e) If, on or after the effective date of this compact, the applicant
26 has paid, given, caused to have been paid, or given or offered to pay or
27 give to any officer or representative of a labor organization any valu-
28 able consideration for an improper or unlawful purpose or to induce such
29 officer or representative to subordinate the interest of such labor
30 organization or its members in the management of the affairs of such
31 labor organization to the interests of the applicant or any other
32 person;

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

39 4. When the application shall have been examined and such further
40 inquiry and investigation made as the commission shall deem proper and
41 when the commission shall be satisfied therefrom that the applicant
42 possess the qualifications and requirements prescribed in this section,
43 the commission shall issue and deliver a license to the applicant.

44 5. The commission shall have the power to reprimand any person
45 licensed under this section or to revoke or suspend his license for such
46 period as the commission deems in the public interest for any of the
47 following causes on the part of the licensee or of any person required
48 by section two of this article to sign or be identified in an original
49 application for a license:

50 (a) Any cause set forth in subdivision five of section four hundred
51 forty-eight of this article;

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

55 (c) Failure to keep said books and records available during business
56 hours for inspection by the commission and its duly designated represen-

tatives until the expiration of the fifth calendar year following the calendar year during which occurred the transactions recorded therein;

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

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

S 450. Air freight security area. 1. On or after the effective date of this compact, the commission shall have the power to designate any area located within an airport as an air freight security area. No person who is not licensed by the commission pursuant to this compact shall have ingress to an air freight security area unless issued a permit by the commission.

2. Any person who is not licensed by the commission pursuant to this compact and who desires upon any occasion ingress to an air freight security area shall apply at the entrance to such area for a permit for ingress for that particular occasion. In order to secure a permit, a prospective permittee must show identification establishing his name and address and he may be required by the commission to sign a consent to the surrender of his permit upon egress from such area and, if he is driving a motor vehicle, to an inspection of his motor vehicle upon egress from such area. Any person desiring a permit to enter an air freight security area may be denied such permit by the commission in its discretion if the commission determines that the presence of such person in such area would constitute a danger to the public peace or safety.

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

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

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

S 451. Hearings, determinations and review. 1. The commission shall not deny any application for a license or permit without giving the applicant or prospective licensee or permittee reasonable prior notice and an opportunity to be heard.

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

3. The commission may on its own initiative or on complaint of any person, including any public official or agency, institute proceedings to revoke or suspend any license or permit after a hearing at which the

1 licensee or permittee and any person making such complaint shall be
2 given an opportunity to be heard, provided that any order of the commis-
3 sion revoking or suspending any license or permit shall not become
4 effective until fifteen days subsequent to the serving of notice thereof
5 upon the licensee or permittee unless in the opinion of the commission
6 the continuance of the license or permit for such period would be inimi-
7 cal to the public peace or safety. Such hearings shall be held in such
8 manner and upon such notice as may be prescribed by the rules of the
9 commission, but such notice shall be of not less than ten days and shall
10 state the nature of the complaint.

11 4. Pending the determination of such hearing pursuant to subdivision
12 three of this section, the commission may temporarily suspend a license
13 or permit if in the opinion of the commission the continuance of the
14 license or permit for such period is inimical to the public peace or
15 safety.

16 5. The commission, or such member, officer, employee or agent of the
17 commission as may be designated by the commission for such purpose,
18 shall have the power to issue subpoenas throughout both states to compel
19 the attendance of witnesses and the giving of testimony or production of
20 other evidence and to administer oaths in connection with any such hear-
21 ing. It shall be the duty of the commission or of any such member,
22 officer, employee or agent of the commission designated by the commis-
23 sion for such purpose to issue subpoenas at the request of and upon
24 behalf of the licensee, permittee or applicant. The commission or such
25 person conducting the hearing shall not be bound by common law or statu-
26 tory rules of evidence or by technical or formal rules or procedure in
27 the conduct of such hearing.

28 6. Upon the conclusion of the hearing, the commission shall take such
29 action upon such findings and determinations as it deems proper and
30 shall execute an order carrying such findings into effect. The action
31 in the case of an application for a license or permit shall be the
32 granting or denial thereof. The action in the case of a licensee or
33 permittee shall be revocation of the license or permit or suspension
34 thereof for a fixed period or reprimand or a dismissal of the charges.

35 7. The action of the commission in denying any application for a
36 license or permit or in suspending or revoking such license or permit or
37 in reprimanding a licensee or permittee shall be subject to judicial
38 review by a proceeding instituted in either state at the instance of the
39 applicant, licensee or permittee in the manner provided by the law of
40 such state for review of the final decision or action of administrative
41 agencies of such state, provided, however, that notwithstanding any
42 other provision of law the court shall have power to stay for not more
43 than thirty days an order of the commission suspending or revoking a
44 license or permit.

45 8. At hearings conducted by the commission pursuant to this section,
46 applicants, prospective licensees and permittees, licensees and permit-
47 tees shall have the right to be accompanied and represented by counsel.

48 9. After the conclusion of a hearing but prior to the making of an
49 order by the commission, a hearing may, upon petition and in the
50 discretion of the hearing officer, be reopened for the presentation of
51 additional evidence. Such petition to reopen the hearing shall state in
52 detail the nature of the additional evidence, together with the reasons
53 for the failure to submit such evidence prior to the conclusion of the
54 hearing. The commission may upon its own motion and upon reasonable
55 notice reopen a hearing for the presentation of additional evidence.
56 Upon petition, after the making of an order of the commission, rehearing

1 may be granted in the discretion of the commission. Such a petition for
2 rehearing shall state in detail the grounds upon which the petition is
3 based and shall separately set forth each error of law and fact alleged
4 to have been made by the commission in its determination, together with
5 the facts and arguments in support thereof. Such petition shall be
6 filed with the commission not later than thirty days after service of
7 such order unless the commission for good cause shown shall otherwise
8 direct. The commission may upon its own motion grant a rehearing after
9 the making of an order.

10 S 452. Expenses of administration. 1. In addition to the budget of
11 its expenses under the waterfront commission compact, the commission
12 shall annually adopt a budget of its expenses under this compact for
13 each year. The annual budget shall be submitted to the governors of the
14 two states and shall take effect as submitted provided that either
15 governor may within thirty days disapprove or reduce any item or items,
16 and the budget shall be adjusted accordingly.

17 2. After taking into account such funds as may be available to it from
18 reserves in excess of ten per cent of such budget under this compact,
19 federal grants, or otherwise, the balance of the commission's budgeted
20 expenses shall be obtained by fees payable under this article and by
21 assessments upon employers of persons licensed under this compact as
22 provided in this article.

23 3. With respect to airfreightmen and airfreightman supervisors who are
24 employed by an air freight truck carrier regularly to move freight to or
25 from an airport, the employers shall pay to the commission for each such
26 airfreightman and airfreightman supervisor a license fee to be deter-
27 mined by the commission, not in excess of one hundred dollars for each
28 year, commencing with the first day of April. The employer of every
29 person who is issued a permit of fixed duration by the commission for
30 ingress to an air freight security area, or the permittee himself if he
31 is self-employed, shall pay to the commission a fee to be determined by
32 the commission, not in excess of seventy-five dollars for each year,
33 commencing with the first day of April. The commission shall reduce the
34 maximum fees payable under this section proportionately with any
35 reduction in the maximum assessment rate of two per cent provided for by
36 this section.

37 4. Every employer of airfreightmen and airfreightman supervisors
38 licensed by the commission, except as otherwise provided in section
39 three of this article, shall pay to the commission an assessment
40 computed upon the gross payroll payments made by such employer to airfr-
41 eightmen and airfreightman supervisors for work performed as such, at a
42 rate, not in excess of two per cent, computed by the commission, in the
43 following manner: the commission shall annually estimate the fees paya-
44 ble under this section and the gross payroll payments to be made by
45 employers subject to assessment and shall compute the fees and a rate of
46 assessment which will yield revenues sufficient to finance the balance
47 of the commission's budget for each year as provided in subdivision two
48 of this section. The commission may hold in reserve an amount not to
49 exceed ten per cent of its total budgeted expenses for the year, which
50 reserve shall not be included as part of the budget. Such reserve shall
51 be held for the stabilization of annual assessments, the payment of
52 operating deficits and for the repayment of any advances made by the two
53 states.

54 5. The amount required to balance the commission's budget in excess of
55 the estimated yield of the maximum fees and assessment, shall be certi-
56 fied by the commission, with the approval of the respective governors,

1 to the legislatures of the two states, in proportion to the respective
2 totals of the assessments and fees paid to the commission by persons in
3 each of the two states. The legislatures shall annually appropriate to
4 the commission the amount so certified.

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

8 7. In addition to any other sanction provided by law, the commission
9 may revoke or suspend any license or permit held by any employer under
10 this compact and/or the license or permit held under this compact by any
11 employees of such employer, or the permit held under this compact by any
12 permittee who is self-employed, and in addition the commission may deny
13 ingress to such employers, employees or permittees to air freight secu-
14 rity areas, for nonpayment of any assessment or fee when due.

15 8. Every person subject to the payment of any assessment under this
16 compact shall file on or before the twentieth day of the first month of
17 each calendar quarter-year a separate return, together with the payment
18 of the assessment due, for the preceding calendar quarter-year during
19 which any payroll payments were made to licensed persons for whom
20 assessments are payable for work performed as such. Returns covering the
21 amount of assessment payable shall be filed with the commission on forms
22 to be furnished for such purpose and shall contain such data, informa-
23 tion or matter as the commission may require to be included therein.
24 The commission may grant a reasonable extension of time for filing
25 returns, or for payment of assessment, whenever good cause exists.
26 Every return shall have annexed thereto a certification to the effect
27 that the statements contained therein are true.

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

36 10. (a) The commission shall audit and determine the amount of assess-
37 ment due from the return filed and such other information as is avail-
38 able to it. Whenever a deficiency in payment of the assessment is
39 determined the commission shall give notice of any such determination to
40 the person liable therefor. Such determination shall finally and
41 conclusively fix the amount due, unless the person against whom it is
42 assessed shall, within thirty days after the giving of notice of such
43 determination, apply in writing to the commission for a hearing, or
44 unless the commission on its own motion shall reduce the same. After
45 such hearing, the commission shall give notice of its decision to the
46 person liable therefor. A determination of the commission under this
47 subdivision shall be subject to judicial review, if application for such
48 review is made within thirty days after the giving of notice of such
49 decision. Any determination under this section shall be made within
50 five years from the time the return was filed and if no return was filed
51 such determination may be made at any time.

52 (b) Any notice authorized or required under this section may be given
53 by mailing the same to the person for whom it is intended at the last
54 address given by him to the commission, or in the last return filed by
55 him with the commission under this section, or if no return has been
56 filed then to such address as may be obtainable. The mailing of such

1 notice shall be presumptive evidence of the receipt of same by the
2 person to whom addressed. Any period of time, which is determined
3 according to the provision of this subdivision, for the giving of notice
4 shall commence to run from the date of mailing of such notice.

5 11. Every person required to pay a fee for a license or a permit under
6 this section shall pay the same upon filing of the application with the
7 commission for such license or permit. The fee for such license or
8 permit shall be prorated for the fiscal year for which the same is paya-
9 ble as of the date the application for such license or permit is filed
10 with the commission. The commission shall prorate and make a refund of
11 such fee for the period between the date of application and the date of
12 the issuance of such license or permit. Upon surrender of such license
13 or permit or upon the revocation of any such license or permit issued to
14 an employee before the expiration of the fiscal year, the commission
15 shall make a refund prorated for the unexpired portion of the year, less
16 ten per cent of such refund. In the event of denial of any application
17 for a license or permit, the commission shall refund the fee paid upon
18 application, less ten per cent of such refund.

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

24 13. The employment by a nonresident of a licensed person or permittee
25 for whom assessments or fees are payable in either state or the desig-
26 nation by a nonresident of a licensed person or permittee to perform
27 work in such state shall be deemed equivalent to an appointment by such
28 nonresident of the secretary of state of such state to be his true and
29 lawful attorney upon whom may be served the process in any action or
30 proceeding against him growing out of any liability for assessments or
31 fees, penalties or interest, and a consent that any such process against
32 him which is so served shall be of the same legal force and validity as
33 if served on him personally within such state and within the territorial
34 jurisdiction of the court from which the process issues. Service of
35 process within either state shall be made by either (1) personally
36 delivering to and leaving with the secretary of state or a deputy secre-
37 tary of state of such state duplicate copies thereof at the office of
38 the department of state in the capital city of such state, in which
39 event such secretary of state shall forthwith send by registered mail
40 one of such copies to the person at the last address designated by him
41 to the commission for any purpose under this section or in the last
42 return filed by him under this section with the commission or as shown
43 on the records of the commission, or if no return has been filed, at his
44 last known office address within or without such state, or (2)
45 personally delivering to and leaving with the secretary of state or a
46 deputy secretary of state of such state a copy thereof at the office of
47 the department of state in the capital city of such state and by deliv-
48 ering a copy thereof to the person, personally without such state.
49 Proof of such personal service without such state shall be filed with
50 the clerk of the court in which the process is pending within thirty
51 days after such service and such service shall be complete ten days
52 after proof thereof is filed.

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

1 15. In addition to any other powers authorized hereunder, the commis-
2 sion shall have power to make reasonable rules and regulations to effec-
3 tuate the purposes of this section.

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

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

15 18. All funds of the commission shall be deposited with such responsi-
16 ble banks or trust companies as may be designated by the commission.
17 The commission may require that all such deposits be secured by obli-
18 gations of the United States or of the states of New York or New Jersey
19 of a market value equal at all times to the amount of the deposits, and
20 all banks and trust companies are authorized to give such security for
21 such deposits. The moneys so deposited shall be withdrawn only by check
22 signed by two members of the commission or by such other officers or
23 employees of the commission as it may from time to time designate.

24 19. The accounts, books and records of the commission, including its
25 receipts, disbursements, contracts, leases, investments and any other
26 matters relating to its financial standing shall be examined and audited
27 annually by independent auditors to be retained for such purpose by the
28 commission.

29 20. The commission shall reimburse each state for any funds advanced
30 to the commission exclusive of sums appropriated pursuant to subdivision
31 five of this section.

32 S 453. General violations; prosecutions; penalties. 1. The failure of
33 any witness, when duly subpoenaed to attend, to give testimony or
34 produce other evidence in any investigation, interview or other proceed-
35 ing conducted by the commission pursuant to the provisions of this
36 compact, shall be punishable by the superior court in New Jersey and the
37 supreme court in New York in the same manner as said failure is punisha-
38 ble by such court in a case therein pending.

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

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

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

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

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

14 7. In any prosecution under this compact, it shall be sufficient to
15 prove only a single act (or a single holding out or attempt) prohibited
16 by law without having to prove a general course of conduct, in order to
17 prove a violation.

18 S 454. Amendments; construction; short title. 1. Amendments and
19 supplements to this compact to implement the purposes thereof may be
20 adopted by the action of the legislature of either state concurred in by
21 the legislature of the other.

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

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

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

37

PART V

38 S 455. Prohibition against unions having officers, agents or employ-
39 ees who have been convicted of certain crimes and offenses. No person
40 shall solicit, collect or receive any dues, assessments, levies, fines
41 or contributions, or other charges within the state for or on behalf of
42 any labor organization which receives, directly or indirectly, twenty
43 per cent or more of its dues, assessments, levies, fines or contrib-
44 utions, or other charges from persons who hold licenses issued by the
45 commission pursuant to the airport commission compact, or for or on
46 behalf of a labor organization which derives its charter from a labor
47 organization which receives, directly or indirectly, twenty per cent or
48 more of its dues, assessments, levies, fines or contributions, or other
49 charges from persons who hold licenses issued by the commission pursuant
50 to the airport commission compact, if any officer, agent or employee of
51 such labor organization, or of a welfare fund or trust administered
52 partially or entirely by such labor organization or by trustees or other
53 persons designated by such labor organization, has been convicted by a
54 court of the United States, or any state or territory thereof, of a

1 felony, any misdemeanor involving moral turpitude or any crime or
2 offense enumerated in subdivision (a) of subdivision three of section
3 four hundred forty-eight of this article, unless he has been subsequent-
4 ly pardoned therefor by the governor or other appropriate authority of
5 the state or jurisdiction in which such conviction was had or has
6 received a certificate of good conduct or other relief from disabili-
7 ties arising from the fact of conviction from a board of parole or simi-
8 lar authority. No person so convicted shall serve as an officer, agent
9 or employee of such labor organization, welfare fund or trust unless
10 such person has been so pardoned or has received such a certificate of
11 good conduct. No person, including such labor organization, welfare
12 fund or trust, shall knowingly permit such convicted person to assume or
13 hold any office, agency or employment in violation of this section.

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

23 S 456. Prohibition against employer organizations having officers,
24 agents or employees who have been convicted of certain crimes and
25 offenses. No person shall solicit, collect or receive any dues, assess-
26 ments, levies, fines or contributions, or other charges within the state
27 for or on behalf of any organization of employers (whether incorporated
28 or not) twenty per cent or more of whose members have in their employ-
29 ment any employees who are members of a labor organization to which the
30 prohibition of section four hundred fifty-five of this part is applica-
31 ble, if any officer, agent or employee of such employer organization or
32 of a welfare fund or trust administered partially or entirely by such
33 employer organization or by trustees or other persons designated by such
34 employer organization, has been convicted by a court of the United
35 States, or any state or territory thereof, of a felony, any misdemeanor
36 involving moral turpitude or any crime or offense enumerated in para-
37 graph (a) of subdivision three of section four hundred forty-eight of
38 the compact established pursuant to part IV of this article, unless he
39 has been subsequently pardoned therefor by the governor or other appro-
40 priate authority of the state or jurisdiction in which such conviction
41 was had or has received a certificate of good conduct or other relief
42 from disabilities arising from the fact of conviction from a board of
43 parole or similar authority. No person so convicted shall serve as an
44 officer, agent or employee of such employer organization, welfare fund
45 or trust unless such person has been so pardoned or has received such a
46 certificate of good conduct. No person, including such employer organ-
47 ization, welfare fund or trust, shall knowingly permit such convicted
48 person to assume or hold any office, agency or employment in violation
49 of this section.

50 S 457. Exceptions to sections four hundred fifty-five and four hundred
51 fifty-six of this part for certain employees. If upon application to
52 the commission by an employee who has been convicted of a crime or
53 offense specified in section four hundred fifty-five or section four
54 hundred fifty-six of this part the commission, in its discretion, deter-
55 mines in an order that it would not be contrary to the purposes and
56 objectives of the airport commission compact for such employee to work

1 in a particular employment otherwise prohibited by section four hundred
2 fifty-five or section four hundred fifty-six, the provisions of section
3 four hundred fifty-five or section four hundred fifty-six, as the case
4 may be, shall not apply to the particular employment of such employee
5 with respect to such conviction or convictions as are specified in the
6 commission's order. This section is applicable only to those employees
7 who for wages or salary perform manual, mechanical or physical work of a
8 routine or clerical nature at the premises of the labor organization,
9 employer organization, welfare fund or trust by which they are employed.

10 S 458. Civil penalties. The commission may maintain a civil action on
11 behalf of the state against any person who violates or attempts or
12 conspires to violate any provision of this part or who fails, omits or
13 neglects to obey, observe or comply with any order or direction of the
14 commission issued under this part, to recover a judgment for a money
15 penalty not exceeding five hundred dollars for each and every offense.
16 Every violation of any such provision, order or direction shall be a
17 separate and distinct offense and, in case of a continuing violation,
18 every day's continuance shall be and be deemed to be a separate and
19 distinct offense. Any such action may be settled or discontinued on
20 application of the commission upon such terms as the court may approve
21 and a judgment may be rendered for an amount less than the amount
22 demanded in the complaint as justice may require.

23 S 459. Civil enforcement. The commission may maintain a civil action
24 against any person to compel compliance with any of the provisions of
25 this compact or any order or direction of the commission issued under
26 this compact or to prevent violations, attempts or conspiracies to
27 violate any such provisions, or interference, attempts or conspiracies
28 to interfere with or impede the enforcement of any such provisions or
29 the exercise or performance of any power or duty thereunder, either by
30 mandamus, injunction or action or proceeding in lieu of prerogative
31 writ.

32 S 460. Exemption from arrest and service of process. If a person in
33 obedience to a subpoena, issued pursuant to this part directing him to
34 attend and testify comes into either state party to this part from the
35 other state, he shall not, while in that state pursuant to such subpoe-
36 na, be subject to arrest or the service of process, civil or criminal,
37 in connection with matters which arose before his entrance into such
38 state under the subpoena.

39 S 461. Nonresident witnesses. Any investigation, interview or other
40 proceeding conducted by the commission pursuant to the provisions of
41 this compact shall be deemed to be a civil action pending in the supreme
42 court in New York or in the superior court in New Jersey so as to permit
43 the commission to obtain disclosure, in accordance with the provisions
44 governing disclosure in such civil actions, from any person who may be
45 outside the states.

46 S 462. Officers and employees. Any officer or employee in the state,
47 county or municipal civil service in either state who shall transfer to
48 service with the commission may be given one or more leaves of absence
49 without pay and may, before the expiration of such leave or leaves of
50 absence, and without further examination or qualification, return to his
51 former position or be certified by the appropriate civil service agency
52 for retransfer to a comparable position in such state, county, or munic-
53 ipal civil service if such a position is then available.

54 The commission may, by agreement with any federal agency from which
55 any officer or employee may transfer to service with the commission,

1 make similar provision for the retransfer of such officer or employee to
2 such federal agency.

3 Notwithstanding the provisions of any other law in either state, any
4 officer or employee in the state, county or municipal service in either
5 state who shall transfer to service with the commission and who is a
6 member of any existing state, county or municipal pension or retirement
7 system in New Jersey or New York, shall continue to have all rights,
8 privileges, obligations and status with respect to such fund, system or
9 systems as if he had continued in his state, county or municipal office
10 or employment, but during the period of his service as a member, officer
11 or employee of the commission, all contributions to any pension or
12 retirement fund or system to be paid by the employer on account of such
13 member, officer or employee, shall be paid by the commission. The
14 commission may, by agreement with the appropriate federal agency, make
15 similar provisions relating to continuance of retirement system member-
16 ship for any federal officer or employee so transferred.

17 S 463. Penalties. Any person who shall violate any of the provisions
18 of this compact, for which no other penalty is prescribed, shall be
19 guilty of a misdemeanor, punishable by a fine of not more than one thou-
20 sand dollars or imprisonment for not more than one year or both.

21 S 464. Short title. This part shall be known and may be cited as the
22 "Waterfront and airport commission act".

23 ARTICLE V

24 APPROVAL OR VETO POWER OF THE GOVERNOR

25 Section 500. Approval or veto power.

26 501. Procurement.

27 502. Effect of veto.

28 503. Exception to reporting requirement.

29 S 500. Approval or veto power. Except as provided by this article, no
30 action taken at any meeting of the port authority by any commissioner
31 appointed from the state of New York shall have force or effect until
32 the governor of the state of New York shall have an opportunity to
33 approve or veto the same under the provisions of article sixteen of the
34 port compact or treaty entered into between the states of New York and
35 New Jersey, dated April thirtieth, nineteen hundred and twenty-one and
36 continued by subdivision four of section one hundred nine of this chap-
37 ter.

38 S 501. Procurement. For the purpose of procuring such approval or
39 veto, the secretary or other officer of the port authority in charge of
40 the minutes of the proceedings of that body shall transmit to the gover-
41 nor at the executive chamber in Albany a certified copy of the minutes
42 of every meeting of the port authority as soon after the holding of such
43 meeting as such minutes can be written out. The governor shall, within
44 ten days, Saturdays, Sundays and public holidays excepted, after such
45 minutes shall have been delivered at the executive chamber as aforesaid,
46 cause the same to be returned to the port authority either with his
47 approval or with his veto of any action therein recited as having been
48 taken by any commissioner appointed from the state of New York,
49 provided, however, that if the governor shall not return the said
50 minutes within the said period then at the expiration thereof any action
51 therein recited will have full force and effect according to the wording
52 thereof.

53 S 502. Effect of veto. If the governor within the said period returns
54 the said minutes with a veto against the action of any commissioner from

1 New York as recited therein, then such action of such commissioner shall
2 be null and void.

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

9 ARTICLE VI
10 MOTOR TRUCK TERMINALS

11 Section 601. Motor truck terminals.

12 602. Acquisition of real property for public use.

13 S 601. Motor truck terminals. The bonds or other obligations which
14 may be issued by the port authority from time to time to provide funds
15 for the establishment, acquisition and rehabilitation of motor truck
16 terminals (by which are meant terminals consisting of one or more plat-
17 forms, sheds, buildings, structures, facilities or improvements neces-
18 sary, convenient or desirable in the opinion of the port authority for
19 the accommodation of motor trucks for the loading or unloading of
20 freight upon or from motor trucks or the receipt, delivery, storage or
21 handling of freight transported or to be transported by motor trucks or
22 the interchange or transfer thereof between carriers) located at such
23 point or points within the port of New York district as the port author-
24 ity may deem to be desirable and in the public interest, or for the
25 acquisition of real or personal property in connection therewith, or for
26 any other purpose in connection with the establishment, acquisition,
27 construction, rehabilitation, maintenance or operation of such truck
28 terminals or any of them, are hereby made securities in which all state
29 and municipal officers and bodies, all banks, bankers, trust companies,
30 savings banks, building and loan associations, savings and loan associ-
31 ations, investment companies and other persons carrying on a banking
32 business, all insurance companies, insurance associations, and other
33 persons carrying on an insurance business, and all administrators, exec-
34 utors, guardians, trustees and other fiduciaries, and all other persons
35 whatsoever, who are now or may hereafter be authorized to invest in
36 bonds or other obligations of the state, may properly and legally invest
37 any funds, including capital, belonging to them or within their control;
38 and said obligations are hereby made securities which may properly and
39 legally be deposited with and shall be received by any state or municip-
40 al officer or agency for any purpose for which the deposit of bonds or
41 other obligations of this state is now or may hereafter be authorized.

42 S 602. Acquisition of real property for public use. If, for the
43 purpose of effectuating, acquiring, constructing, rehabilitating or
44 improving any motor truck terminal, the port authority shall find it
45 necessary or convenient to acquire any real property, as herein defined
46 in this state, whether for immediate or future use, the port authority
47 may find and determine that such property, whether a fee simple absolute
48 or a lesser interest, is required for 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 If the port authority is unable to agree for the acquisition of any
52 such real property for any reason whatsoever, then the port authority
53 may acquire and is hereby authorized to acquire such property, whether a
54 fee simple absolute or a lesser interest, by the exercise of the right

1 of eminent domain under and pursuant to the provisions of the eminent
2 domain procedure law.

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

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

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

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

48 ARTICLE VII

49 PAYMENT AND ACCEPTANCE OF A FAIR AND REASONABLE SUM

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

51 702. Acceptance of payment.

52 S 701. Payment of a fair and reasonable sum. To the end that counties,
53 cities, boroughs, villages, towns, townships and other municipalities in
54 the port of New York district, may not suffer undue loss of taxes and

1 assessments by reason of the acquisition and ownership of property ther-
2 ein by the port authority, the port authority is hereby authorized and
3 empowered, in its discretion, to enter into a voluntary agreement or
4 agreements with any county, city, borough, village, town, township or
5 other municipality in said port district, whereby it will undertake to
6 pay a fair and reasonable sum or sums annually in connection with any
7 marine or inland terminal property owned by it, not in excess of the sum
8 last paid as taxes upon such property prior to the time of its acquisi-
9 tion by the port authority. Such payment or payments which the port
10 authority is hereby authorized and empowered to make, shall be in such
11 amount or amounts and shall be payable at such time or times and under
12 such terms and conditions as shall be agreed upon by and between the
13 port authority and such county, city, village, borough, town, township
14 or other municipality concerned.

15 S 702. Acceptance of payment. Every county, city, village, borough,
16 town, township or other municipality in the port of New York district
17 aforesaid is hereby authorized and empowered to enter into such agree-
18 ment or agreements with the port authority to accept the payment or
19 payments which the port authority is hereby authorized and empowered to
20 make. The sums so received by any county, city, village, borough, town,
21 township or other municipality shall be devoted to purposes to which
22 taxes may be applied, unless and until otherwise directed by the law of
23 the state in which such municipality is located.

24 ARTICLE VIII

25 PAYMENT AND ACCEPTANCE OF A FAIR AND 26 REASONABLE SUM FOR A CHANGE IN GRADE

27 Section 801. Change of grade.

28 S 801. Change of grade. To the end that the owners of property in the
29 port of New York district abutting upon streets, avenues or other high-
30 ways, the grade of which will be changed by reason of the construction
31 by the port authority of any public improvement in the port of New York
32 district, may not suffer undue loss and injury by reason of such change
33 of grade, the authority is hereby authorized and empowered, in its
34 discretion, to enter into voluntary agreements with such abutting owners
35 of property which is built upon or otherwise improved in conformity with
36 the grade of any street, avenue or other highway established by lawful
37 authority in the port of New York district, whereby it will undertake to
38 pay a fair and reasonable sum to such abutting owners for the damage
39 occasioned by such change of grade to the buildings and improvements on
40 such property. The term "owners" as used in this section shall include
41 all persons having any estate, interest, or easement in such property,
42 or any lien, charge or encumbrance thereon. Such payments which the
43 authority is hereby authorized and empowered to make, shall be in such
44 amounts and shall be payable at such times and under such terms and
45 conditions as shall be agreed upon by and between the authority and such
46 owners concerned.

47 ARTICLE IX

48 THE SALE OF REAL PROPERTY ACQUIRED BY THE PORT AUTHORITY

49 Section 901. Procedure.

50 902. Conveyances.

51 S 901. Procedure. Whenever the port authority shall determine to sell
52 any real property which may have been acquired by the port authority by

1 purchase, condemnation or otherwise, pursuant to any of its powers and
2 authorities, but which real property is no longer required for such
3 purposes, the following procedure shall be followed:

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

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

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

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

17 ARTICLE X
18 MONEYS FOR PRELIMINARY STUDIES

19 Section 1001. Moneys advanced.

20 1002. Delivery of bonds and/or moneys.

21 1003. Direct and general obligations of the port authority.

22 1004. Securities.

23 1005. Initial reimbursement of moneys advanced by the states.

24 1006. Further reimbursement of moneys advanced by the states.

25 1007. Deposit of bonds or moneys by the comptroller.

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

47 S 1002. Delivery of bonds and/or moneys. Bonds, or moneys, or both,
48 in an aggregate principal amount of two million fifty thousand dollars
49 shall be delivered to each state within three months after the date on
50 which chapter 352 of the laws of 1946 and the concurrent article of the
51 state of New Jersey take effect. Within fifteen months after the date on
52 which chapter 352 of the laws of 1946 and the concurrent article of the
53 state of New Jersey take effect, an additional two million ninety-nine
54 thousand nine hundred eighteen dollars and twenty cents in aggregate

1 principal amount of bonds or moneys, or both, shall be delivered to the
2 state of New York and an additional two million one hundred thousand
3 dollars in aggregate principal amount of bonds, or moneys, or both shall
4 be delivered to the state of New Jersey provided, that if, in the opin-
5 ion of the commissioners of the port authority, financial conditions are
6 such as to make it desirable to postpone such delivery, then delivery of
7 said additional amounts shall be postponed in whole or in part until
8 such time, not later than five years from the effective date of chapter
9 352 of the laws of 1946, as in the judgment of said commissioners finan-
10 cial conditions permit such delivery.

11 The port authority shall determine whether payments made pursuant to
12 this article and the concurrent article of the state of New Jersey shall
13 be made by delivery of bonds or of moneys, or both, and, if both, in
14 what proportions. The moneys may, at the option of the port authority,
15 be paid in cash or by check. Delivery of bonds or moneys to the state of
16 New York shall be made by delivering or tendering delivery thereof to
17 the comptroller of the state of New York at his office at Albany during
18 regular business hours. Delivery of bonds or moneys to the state of New
19 Jersey shall be made by delivering or tendering delivery thereof to the
20 state treasurer at his office at Trenton during regular business hours.

21 S 1003. Direct and general obligations of the port authority. The
22 bonds delivered to the two states pursuant to this article and the
23 concurrent article of the state of New Jersey shall be direct and gener-
24 al obligations of the port authority, and its full faith and credit
25 shall be pledged for the prompt payment of the principal and interest
26 thereof. The payment of the principal and interest thereof shall be
27 secured by the general reserve fund of the port authority, authorized by
28 chapter forty-eight of the laws of New York of nineteen hundred and
29 thirty-one and continued by article XXX of this chapter, and chapter
30 five of the laws of New Jersey of nineteen hundred and thirty-one; and
31 said general reserve fund shall be pledged as security for the payment
32 of the principal and interest of said bonds and for the fulfillment of
33 other undertakings assumed by the port authority to or for the benefit
34 of the holders of said bonds. Such pledge, however, shall be subject to
35 the right of the port authority to pledge said general reserve fund as
36 security for any other bonds, notes or evidences of indebtedness whatso-
37 ever hereafter issued by the authority as security for which it may at
38 the time be authorized to pledge the said general reserve fund, and also
39 subject to the right of the port authority to use the moneys in said
40 general reserve fund to meet, pay or otherwise fulfill any of its obli-
41 gations under or in connection with any bonds, notes or other evidences
42 of indebtedness as security for which said general reserve fund has
43 heretofore been or is now pledged or for which said general reserve fund
44 may hereafter be pledged. Moreover, no greater rights in or to said
45 general reserve fund shall be granted to or conferred upon the holders
46 of the bonds delivered to the two states pursuant to this article and
47 the concurrent article of the state of New Jersey than have been granted
48 to and conferred upon the holders of general and refunding bonds of the
49 port authority issued pursuant to the resolution of the port authority
50 adopted March eighteenth, nineteen hundred and thirty-five, and amended
51 March twenty-fifth, nineteen hundred and thirty-five and September
52 sixteenth, nineteen hundred and forty-three.

53 The bonds delivered to the two states pursuant to chapter 352 of the
54 laws of 1946 and continued by this article and the concurrent article of
55 the state of New Jersey shall be dated as of a date not more than thirty
56 days subsequent to the date on which delivery is made or tendered, shall

1 mature forty years from their date, and shall bear interest at the rate
2 of one and one-half per centum per annum. Said bonds shall be subject to
3 redemption at the option of the port authority, in whole or in part, on
4 any interest payment date or dates at one hundred percent of their par
5 value, plus accrued interest to the date set for redemption.

6 Except as hereinbefore specifically provided, the port authority
7 shall, by resolution, determine the form, characteristics and all other
8 matters in connection with said bonds, including without limiting the
9 generality hereof, the denominations in which they shall be issued,
10 provisions with respect to the exchange of bonds of one denomination
11 into bonds of another denomination, provisions with respect to the issu-
12 ance of temporary bonds and the exchange thereof for definitive bonds,
13 provisions with respect to the establishment of a sinking fund or sink-
14 ing funds and for the use of the moneys in sinking fund to purchase or
15 redeem bonds prior to their maturity, provisions with respect to the
16 place of payment, provisions with respect to notice of redemption,
17 provisions with respect to the paying agent or the registrar and
18 provisions with respect to the method of signature.

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

40 S 1005. Initial reimbursement of moneys advanced by the states. The
41 first two million fifty thousand dollars paid to each state pursuant to
42 this article and the concurrent article of the state of New Jersey shall
43 be deemed to be on account of the moneys advanced by such state for
44 preliminary studies upon and in aid of the construction of the Bayonne
45 bridge (formerly known as the Kill von Kull bridge); and from and after
46 the date on which the port authority shall have delivered to each state
47 pursuant to this article and the concurrent article of the state of New
48 Jersey, bonds or moneys or both in the aggregate principal amount of two
49 million fifty thousand dollars, the duty and obligation of the port
50 authority to pay back to the two states the moneys advanced for prelimi-
51 nary studies upon and in aid of the construction of said bridge by chap-
52 ter two hundred seventy-nine of the laws of New York of nineteen hundred
53 and twenty-six, chapter ninety-seven of the laws of New Jersey of nine-
54 teen hundred and twenty-five, chapter three hundred of the laws of New
55 York of nineteen hundred and twenty-seven and chapter three of the laws
56 of New Jersey of nineteen hundred and twenty-seven, together with the

1 claims of the two states and of each of them for such repayment, shall
2 be and shall be deemed to be fully satisfied and discharged, and any
3 lien or claim of the two states or either of them upon the tolls and
4 revenues of the said bridge arising out of, under or because of the
5 aforesaid statutes shall be and shall be deemed to be void and without
6 force or effect.

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

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

42 ARTICLE XI
43 MOTOR BUS TERMINAL

44 Section 1101. Establishment.
45 1102. Funding.
46 1103. Maintenance and operation.
47 1104. Powers.
48 1105. Acquisition of real property.

49 S 1101. Establishment. Upon the concurrence of the state of New
50 Jersey, the states of New York and New Jersey hereby agree that the
51 moneys in the general reserve fund of the port authority, authorized by
52 chapter forty-eight of the laws of New York of one thousand nine hundred
53 thirty-one and chapter five of the laws of New Jersey of one thousand
54 nine hundred thirty-one, as amended, may be pledged in whole or in part

1 by the port authority as security for or applied by it to the repayment
2 with interest of any moneys which it may raise upon bonds, notes or
3 other obligations or evidences of indebtedness, issued by it from time
4 to time to provide funds for the establishment, acquisition or rehabili-
5 tation of a motor bus terminal (by which is meant a terminal consisting
6 of one or more buildings, structures, improvements, loading or unloading
7 areas, parking areas or other facilities, necessary, convenient or
8 desirable in the opinion of the port authority for the accommodation of
9 omnibuses and other motor vehicles operated by carriers engaged in the
10 transportation of passengers, or for the loading, unloading, interchange
11 or transfer of such passengers or their baggage, or otherwise for the
12 accommodation, use or convenience of such passengers or such carriers or
13 their employees) or for purposes incidental thereto; and that the
14 moneys in said general reserve fund may be applied by the port authority
15 to the fulfillment of any other undertakings which it may assume to or
16 for the benefit of the holders of any of such bonds; and the two said
17 states further agree that the port authority may acquire by condemnation
18 or the right of eminent domain such real property in each state as it
19 may from time to time deem necessary for or in connection with the
20 establishment, acquisition and rehabilitation of such motor bus termi-
21 nal.

22 S 1102. Funding. The bonds, notes or other obligations or evidences
23 of indebtedness issued by the port authority to provide funds for the
24 establishment, acquisition and rehabilitation of such motor bus terminal
25 are hereby made securities in which all state and municipal officers and
26 bodies of both states, all banks, bankers, trust companies, savings
27 banks, building and loan associations, savings and loan associations,
28 investment companies and other persons carrying on a banking business,
29 all insurance companies, insurance associations and other persons carry-
30 ing on an insurance business, and all administrators, executors, guardi-
31 ans, trustees and other fiduciaries, and all other persons whatsoever,
32 who are now or may hereafter be authorized by either state to invest in
33 bonds or other obligations of such state, may properly and legally
34 invest any funds, including capital, belonging to them or within their
35 control; and said obligations are hereby made securities which may prop-
36 erly and legally be deposited with and shall be received by any state or
37 municipal officer or agency of either state for any purpose for which
38 the deposit of bonds or other obligations of such state is now or may
39 hereafter be authorized.

40 S 1103. Maintenance and operation. The establishment, maintenance and
41 operation of such motor bus terminal within the port of New York
42 district is and will be in all respects for the benefit of the people of
43 the states of New York and New Jersey, for the increase of their
44 commerce and prosperity and for the improvement of their health and
45 living conditions; and the port authority shall be regarded as perform-
46 ing an essential governmental function in undertaking the construction,
47 maintenance and operation thereof and in carrying out the provisions of
48 law relating thereto.

49 S 1104. Powers. Any powers granted to the port authority by this
50 article and the concurrent act of the state of New Jersey shall be
51 regarded as in aid of and supplemental to and in no sense as a limita-
52 tion upon any of the other powers vested in it by the two states or
53 either of them; and the port authority shall be authorized not only to
54 establish, acquire, rehabilitate, maintain, operate and from time to
55 time improve such motor bus terminal, but also to make incidental uses

1 of properties acquired for or in connection with such motor bus termi-
2 nal.

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

18 If the port authority is unable to agree for the acquisition of any
19 such real property for any reason whatsoever, then the port authority
20 may acquire and is hereby authorized to acquire such property whether a
21 fee simple absolute or a lesser interest, by the exercise of the right
22 of eminent domain under and pursuant to the provisions of the eminent
23 domain procedure law.

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

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

52 The term "real property" as used in this article is defined to include
53 lands, structures, franchises and interests in land, including lands
54 under water and riparian rights, and any and all things and rights
55 usually included within the said term, and includes not only fees simple
56 absolute but also any and all lesser interests, such as easements,

1 rights of way, uses, leases, licenses and all other incorporeal heredi-
2 taments and every estate, interest or right, legal or equitable, includ-
3 ing terms of years, and liens thereon by way of judgments, mortgages or
4 otherwise, and also claims for damages to real estate.

5 ARTICLE XII
6 MARINE TERMINALS

7 Section 1201. Authorization.

8 1202. Restrictions.

9 1203. Definitions.

10 1204. Municipality consent; legal process.

11 1205. Agreement between the states.

12 1206. Acquisition of land by eminent domain or condemnation.

13 1207. Unappropriated lands.

14 1208. Funding; bonds.

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

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

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

45 1. "Marine terminals" shall mean developments, consisting of one or
46 more piers, wharves, docks, bulkheads, slips, basins, vehicular road-
47 ways, railroad connections, side tracks, sidings or other buildings,
48 structures, facilities or improvements, necessary or convenient to the
49 accommodation of steamships or other vessels and their cargoes or
50 passengers and shall also mean waterfront development projects. It
51 shall also include such highway projects in the vicinity of a marine
52 terminal providing improved access to such marine terminal as shall be
53 designated in legislation adopted by the two states. Notwithstanding any
54 contrary provision of law, general, special or local, it shall also mean

1 railroad freight projects related or of benefit to a marine terminal or
2 which are necessary, convenient or desirable in the opinion of the port
3 authority for the protection or promotion of the commerce of the port
4 district, consisting of railroad freight transportation facilities or
5 railroad freight terminal facilities; and any equipment, improvement,
6 structure or facility or any land, and any building, structure, facility
7 or other improvement thereon, or any combination thereof, and all real
8 and personal property in connection therewith or incidental thereto,
9 deemed necessary or desirable in the opinion of the port authority,
10 whether or not now in existence or under construction, for the undertak-
11 ing of such railroad freight projects.

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

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

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

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

43 S 1204. Municipality consent; legal process. 1. Notwithstanding any
44 contrary provision of law, any municipality located within the Port of
45 New York district is authorized and empowered to consent to the use by
46 the Port Authority of any marine terminal owned by such municipality or
47 of any real or personal property owned by such municipality and neces-
48 sary, convenient or desirable in the opinion of the Port Authority for
49 marine terminal purposes, including such real property as has already
50 been devoted to a public use, and as an incident to such consent, to
51 grant, convey, lease or otherwise transfer to the Port Authority any
52 such marine terminal or real or personal property, upon such terms as
53 may be determined by the Port Authority and such municipality. Every
54 such municipality is also authorized and empowered to vest in the Port
55 Authority the control, operation, maintenance, rents, tolls, charges and
56 any and all other revenues of any marine terminal now owned by such

1 municipality, the title to such marine terminal remaining in such muni-
2 cipality. Such consent shall be given, and the execution of any agree-
3 ment, deed, lease, conveyance or other instrument evidencing such
4 consent or given as an incident thereto shall be authorized in the
5 manner provided in article twenty-two of the compact of April thirtieth,
6 nineteen hundred twenty-one between the two states creating the Port
7 Authority and continued by subdivision 2 of section 104 of this chapter.
8 2. The states of New York and New Jersey hereby consent to suits,
9 actions or proceedings of any form or nature in law, equity or otherwise
10 by any municipality against the Port Authority upon, in connection with
11 or arising out of any such agreement, agreements or any modification
12 thereof or supplement thereto, for the following types of relief and for
13 such purposes only:
14 (a) for money damages for breach thereof;
15 (b) for money damages for torts arising out of the operation of the
16 municipal marine terminal;
17 (c) for rent;
18 (d) for specific performance;
19 (e) for reformation thereof;
20 (f) for an accounting;
21 (g) For declaratory judgment;
22 (h) for judgments, orders or decrees restraining or enjoining the Port
23 Authority from transferring title to real property to third persons in
24 cases where it has contracted with such municipality to transfer such
25 title to such municipality; and
26 (i) for judgments, orders or decrees restraining or enjoining the Port
27 Authority from committing or continuing to commit other breaches of such
28 agreements with such municipality, provided that such judgment, order or
29 decree shall not be entered except upon two days' prior written notice
30 to the Port Authority of the proposed entry thereof and provided
31 further, that upon an appeal taken by the Port Authority from such judg-
32 ment, order or decree the service of the notice of appeal shall perfect
33 the appeal and shall stay the execution of such judgment, order or
34 decree appealed from, without an undertaking or other security.
35 3. When rules of venue are applicable, the venue of any such suit,
36 action or proceeding shall be laid in the county or judicial district in
37 which the marine terminal, which is the subject matter of such agreement
38 between the Port Authority and such municipality, or any part thereof,
39 is located.
40 4. If any clause, sentence, paragraph, or part of this subdivision or
41 the application thereof to any person or circumstances, shall, for any
42 reason, be adjudged by a court of competent jurisdiction to be invalid,
43 such judgment shall not affect, impair, or invalidate the remainder of
44 this subdivision, and the application thereof to any other person or
45 circumstances, but shall be confined in its operation to the clause,
46 sentence, paragraph or part thereof directly involved in the controversy
47 in which such judgment shall have been rendered and to the person or
48 circumstances involved.
49 S 1205. Agreement between the states. This section and the preceding
50 sections hereof constitute an agreement between the states of New York
51 and New Jersey supplementary to the compact between the two states dated
52 April thirtieth, nineteen hundred twenty-one, and amendatory thereof and
53 continued by article I of this chapter and shall be liberally construed
54 to effectuate the purposes of said compact and of the comprehensive plan
55 heretofore adopted by the two states pursuant thereto, and the powers
56 vested in the Port Authority hereby shall be construed to be in aid of

1 and supplemental to and not in limitation or derogation of any of the
2 powers heretofore conferred upon or delegated to the Port Authority.

3 S 1206. Acquisition of land by eminent domain of condemnation.
4 Subject to the limitation provided for in section twelve hundred two of
5 this article that the Port Authority may not acquire any marine terminal
6 owned or operated by any municipality or any other property vested in or
7 held by any municipality without the authority or consent of such muni-
8 cipality, the Port Authority may, at its option, exercise the right of
9 eminent domain or condemnation to acquire real property in the state of
10 New York for marine terminal purposes as set forth in this section:

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

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

36 2. Unless and until the state of New York otherwise provides by law,
37 the Port Authority shall not have the power to acquire real property in
38 the state of New York for marine terminal purposes by condemnation or
39 the right of eminent domain except for real property within the two
40 tracts in the borough of Brooklyn, county of Kings, city and state of
41 New York, hereinafter bounded and described, necessary, convenient or
42 desirable, in the opinion of the Port Authority, for the purpose of
43 making additions, extensions or improvements to the Port Authority
44 marine terminal known as the Brooklyn-Port Authority piers:

45 (a) TRACT I

46 BEGINNING at a point formed by the intersection of the centerline of
47 Fulton Street and the centerline of Furman Street running thence (1)
48 southwesterly along the centerline of Furman Street to the northeasterly
49 side of Joralemon Street; thence (2) northwesterly along the northeast-
50 erly side of Joralemon Street three hundred twenty five and twenty-five
51 one hundredths feet more or less, to the point of intersection of said
52 northeasterly side of Joralemon Street with the southeasterly boundary
53 of the land granted by the people of the state of New York to New York
54 Dock Company by grant dated April 1, 1902 and recorded in the office of
55 the Regster of Kings county on April 19, 1902 in liber 16, section 1 of
56 conveyances, page 52; thence (3) southwesterly along said southeasterly

1 boundary of the grant to New York Dock Company thirty feet to the point
2 of intersection of said southeasterly boundary of the grant to New York
3 Dock Company with the northeasterly boundary of the grant made by the
4 people of the state of New York to John Schenck and others dated August
5 2, 1851 and recorded in the office of the Register of Kings county in
6 liber 532 of conveyances at page 310; thence (4) northwesterly along the
7 northeasterly boundary line of said grant to Schenck and others, forty-
8 three and eighty-nine one-hundredths feet to the point of intersection
9 of said course number (4) with a line drawn parallel with and distant
10 one and eighty-five one-hundredths feet northwesterly from the northwes-
11 terly boundary (or a northeasterly projection of said boundary) of lands
12 conveyed by New York Dock Company to New York Dock Trade Facilities
13 Corporation by deed dated August 1, 1928 and recorded in the office of
14 the Register of Kings county in liber 4957 of conveyances at page 239;
15 thence (5) southwesterly along said line above-mentioned parallel with
16 the northwesterly boundary (or a northeasterly projection of said bound-
17 ary) of said lands conveyed to New York Dock Trade Facilities Corpo-
18 ration, thirty-three and seventy one-hundredths feet to the point of
19 intersection of said course number (5) with the southwesterly face of
20 the column standing at the northwesterly corner of the building known as
21 the Trade Facilities Building; thence (6) southeasterly at right angles
22 to said course no. (5) along the southwesterly face of the above-men-
23 tioned column, one and eighty-five one-hundredths feet to the point of
24 intersection of said course number (6) with the northwesterly boundary
25 of the above-mentioned lands conveyed by New York Dock Company to New
26 York Dock Trade Facilities Corporation; thence (7) southwesterly along
27 said northwesterly boundary of lands conveyed to New York Dock Trade
28 Facilities Corporation, three hundred sixty-nine and seventy one-hun-
29 dredths feet, to the point of intersection of said course number (7)
30 with the southwesterly boundary of lands granted by the people of the
31 state of New York to Harriet D. Talmage by grant dated August 2, 1851
32 and recorded in the office of the Register of Kings county in liber 4937
33 of conveyances at page 185; thence (8) northwesterly along said south-
34 westerly boundary of the land of Harriet D. Talmage and along the south-
35 westerly boundary of grant made by the people of the state of New York
36 to Franklin Woodruff by deed dated November 22, 1881 and recorded in the
37 office of the Register of Kings county in liber 1445 of conveyances at
38 page 247; and along the southwesterly boundary line of lands granted by
39 the people of the state of New York to New York Dock Company by grant
40 dated April 1, 1902 and recorded in the office of the Register of Kings
41 county in liber 16, section 1 of conveyances, page 52, for a total
42 distance of seven hundred sixty-six and seventeen one-hundredths feet,
43 more or less, as measured along said southwesterly boundary lines of the
44 aforesaid grants to the point of intersection of said southwesterly
45 boundary line of lands granted to New York Dock Company by grants dated
46 April 1, 1902 and November 14, 1907 with the exterior pierhead line
47 established by the New York Harbor Line Board on November 4, 1897 and
48 confirmed by chapter 776 of the laws of 1900; thence (9) northeasterly
49 along said exterior pierhead line to the intersection thereof with the
50 centerline of Fulton Street projected westerly; thence (10) southeaster-
51 ly along the centerline of Fulton Street as projected to the inter-
52 section thereof with the centerline of Furman Street at the point or
53 place of beginning.

54 (b) TRACT II

55 BEGINNING at a point formed by the intersection of the southerly line
56 of Atlantic Avenue and the centerline of Columbia Street running thence

(1) southwesterly along the centerline of Columbia Street to the intersection thereof with the centerline of Kane Street; thence (2) northwesterly along the centerline of Kane Street to the intersection thereof with the centerline of Van Brunt Street; thence (3) southwesterly along the centerline of Van Brunt Street to the intersection thereof with the centerline of Summit Street; thence (4) northwesterly along the centerline of Summit Street to the intersection thereof with the centerline of Imlay Street; thence (5) southwesterly along the centerline of Imlay Street to a point where said centerline of Imlay Street intersects the centerline of Bowne Street (sixty feet wide) projected northwesterly across Imlay Street and the line of lands conveyed by New York Dock Company to Imlay Corporation by deed dated July 28, 1950; thence (6) northwesterly along said centerline of Bowne Street projected northwesterly from the centerline of Imlay Street a distance of one hundred thirty-three feet seven inches more or less; thence (7) southwesterly parallel with the northwesterly side of Imlay Street five hundred twenty feet to a point in a line which is the center line of Commerce Street projected northwesterly from the northwesterly side of Imlay Street; thence (8) northwesterly along said line which is the center line of Commerce Street projected northwesterly from the northwesterly side of Imlay Street twenty-three feet six inches; thence (9) southwesterly parallel with the northwesterly side of Imlay Street four hundred fifty-seven feet eight inches; thence (10) northwesterly parallel with the northeasterly side of Verona Street projected northwesterly across Imlay Street four feet eight inches; thence (11) southwesterly parallel with the northwesterly side of Imlay Street ninety-two feet four inches to the intersection of said course number (11) with the southwesterly side of Verona Street projected northwesterly across Imlay Street; thence (12) northwesterly along the southwesterly side of Verona Street projected northwesterly from the northwesterly side of Imlay Street forty-three feet three inches to the southeasterly boundary of Commercial Wharf; thence (13) southwesterly along the southeasterly boundary of Commercial Wharf four hundred ninety feet to the centerline of Pioneer Street (sixty feet wide); thence (14) northwesterly along the centerline of Pioneer Street ten feet to the centerline of Conover Street as extended; thence (15) southwesterly along the centerline of Conover Street two hundred sixty feet more or less to the intersection thereof with the centerline of King Street; thence (16) northwesterly along the centerline of King Street five hundred sixty feet more or less to the intersection thereof with the centerline of Ferris Street; thence (17) southwesterly along the centerline of Ferris Street one hundred forty-four feet more or less; thence (18) northwesterly and parallel with the centerline of Sullivan Street four hundred twenty-six feet; thence (19) northeasterly parallel with the northwesterly side of Ferris Street three hundred thirty-one feet three and one half inches; thence (20) northwesterly along a line forming an exterior angle of ninety-nine degrees fifty-four minutes and forty-one seconds with course number (19) hereof, two hundred thirty-eight feet two inches to the United States pierhead line thence (21) northeasterly along the United States pierhead line to the point of intersection of said pierhead line with a line drawn in continuation of the southerly side of Atlantic Avenue; thence (22) southeasterly along said line drawn in continuation of the southerly side of Atlantic Avenue and along the said southerly side of Atlantic Avenue, one thousand three hundred seventy-five and sixty-seven one-hundredths feet, more or less to the point or place of beginning.

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

6 S 1207. Unappropriated lands. In the event that the Port Authority
7 shall find it necessary or desirable to acquire any unappropriated state
8 land or lands under water in the state of New York for marine terminal
9 purposes, the commissioner of general services may grant, transfer or
10 convey such unappropriated state land or lands under water to the Port
11 Authority under such terms and conditions as may be determined by said
12 commissioner.

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

37 ARTICLE XIII
38 AIR TERMINALS

39 Section 1301. Authorization.
40 1302. Restrictions.
41 1303. Definitions.
42 1304. Purpose.
43 1304-a. Operation of air terminals; noise prohibition.
44 1305. Taxes; assessments.
45 1306. General reserve fund; repayment.
46 1307. Bonds.
47 1308. Municipality consent.
48 1309. Acquisition limitations.
49 1310. Federal aid.
50 1311. Lands under water.
51 1312. Repayment of bonds and obligations.
52 1313. Contrary declarations.
53 1314. Agreement between the states.
54 1315. Federal aid procedure; application.

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

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

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

34 S 1303. Definitions. The following terms as used herein shall mean:
35 1. "Air terminals" shall mean developments consisting of runways,
36 hangars, control towers, ramps, wharves, bulkheads, buildings, struc-
37 tures, parking areas, improvements, facilities or other real property
38 necessary, convenient or desirable for the landing, taking off, accommo-
39 dation and servicing of aircraft of all types, including but not limited
40 to airplanes, airships, dirigibles, helicopters, gliders, amphibians,
41 seaplanes, or any other contrivance now or hereafter used for the navi-
42 gation of or flight in air or space, operated by carriers engaged in the
43 transportation of passengers or cargo, or for the loading, unloading,
44 interchange or transfer of such passengers or their baggage, or such
45 cargo, or otherwise for the accommodation, use or convenience of such
46 passengers, or such carriers or their employees (facilities and accommo-
47 dations at sites removed from landing fields and other landing areas,
48 however, except as otherwise provided in this section, to be limited to
49 ticket stations and passenger stations for air passengers, to express
50 and freight stations for air express and air freight, and to beacons and
51 other aids to air navigation), or for the landing, taking off, accommo-
52 dation and servicing of aircraft owned or operated by persons other than
53 carriers. It shall also mean facilities providing access to an air
54 terminal, consisting of rail, rapid transit or other forms of mass
55 transportation which furnish a connection between the air terminal and
56 other points in the port district, including appropriate mass transpor-

1 tation terminal facilities at and within the air terminal itself and
2 suitable offsite facilities for the accommodation of air passengers,
3 baggage, mail, express, freight and other users of the connecting facil-
4 ity. It shall also mean such highway project or projects in the vicini-
5 ty of an air terminal providing improved access to such air terminal as
6 shall be designated in legislation adopted by the two states. Notwith-
7 standing any contrary provision of law, general, special or local, it
8 shall also mean railroad freight projects related or of benefit to an
9 air terminal or which are necessary, convenient or desirable in the
10 opinion of the port authority for the protection or promotion of the
11 commerce of the port district, consisting of railroad freight transpor-
12 tation facilities or railroad freight terminal facilities; and any
13 equipment, improvement, structure or facility or any land, and any
14 building, structure, facility or other improvement thereon, or any
15 combination thereof, and all real and personal property in connection
16 therewith or incidental thereto, deemed necessary or desirable in the
17 opinion of the port authority, whether or not now in existence or under
18 construction, for the undertaking of such railroad freight projects.

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

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

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

29 5. "General reserve fund" shall mean the general reserve fund of the
30 port authority authorized by chapter forty-eight of the laws of New York
31 of nineteen hundred thirty-one as amended and continued by article XXX
32 of this chapter, and chapter five of the laws of New Jersey of nineteen
33 hundred thirty-one, as amended.

34 6. "General reserve fund statutes" shall mean chapter forty-eight of
35 the laws of New York of nineteen hundred thirty-one as amended and
36 continued by article XXX of this chapter, and chapter five of the laws
37 of New Jersey of nineteen hundred thirty-one, as amended.

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

40 8. "Real property" shall mean lands, structures, franchises and inter-
41 ests in land, including air space and air rights, waters, lands under
42 water and riparian rights, and any and all things and rights included
43 within the said term, and includes not only fees simple absolute but
44 also any and all lesser interests, including but not limited to ease-
45 ments, rights of way, uses, leases, licenses and all other incorporeal
46 hereditaments and every estate, interest or right, legal or equitable,
47 including terms for years and liens thereon by way of judgments, mort-
48 gages or otherwise.

49 S 1304. Purpose. The effectuation, establishment, acquisition,
50 construction, rehabilitation, improvement, maintenance and operation of
51 air terminals by the port authority is and will be in all respects for
52 the benefit of the people of the states of New York and New Jersey, for
53 the increase of their commerce and prosperity, and for the improvement
54 of their health and living conditions; and the port authority shall be
55 regarded as performing an essential governmental function in undertaking
56 the effectuation, establishment, acquisition, construction, rehabili-

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

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

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

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

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

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

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

37 S 1305. Taxes; assessments. The port authority shall be required to
38 pay no taxes or assessments upon any of the property acquired or used by
39 it for air terminal purposes; but this shall not be construed to
40 prevent the port authority and municipalities from entering into agree-
41 ments for the payment of fair and reasonable sums by the port authority
42 annually in accordance with legislation heretofore adopted by the two
43 states, to the end that such municipalities may not suffer undue loss of
44 taxes and assessments by reason of the acquisition and ownership of
45 property by the port authority for air terminal purposes.

46 S 1306. General reserve fund; repayment. The moneys in the general
47 reserve fund of the port authority may be pledged in whole or in part by
48 the port authority as security for or applied by it to the repayment
49 with interest of any moneys which it may raise upon bonds issued by it
50 from time to time to provide funds for air terminal purposes; and the
51 moneys in said general reserve fund may be applied by the port authority
52 to the fulfillment of any other undertakings which it may assume to or
53 for the benefit of the holders of any such bonds.

54 Subject to prior liens and pledges, (and to the obligation of the port
55 authority to apply revenues to the maintenance of its general reserve
56 fund in the amount prescribed by the general reserve fund statutes), the

1 revenues of the port authority from facilities established, constructed,
2 acquired or effectuated through the issuance or sale of bonds of the
3 port authority secured by a pledge of its general reserve fund may be
4 pledged in whole or in part as security for or applied by it to the
5 repayment with interest of any moneys which it may raise upon bonds
6 issued by it to provide funds for air terminal purposes, and said reven-
7 ues may be applied by the port authority to the fulfillment of any other
8 undertakings which it may assume to or for the benefit of the holders of
9 such bonds.

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

26 S 1308. Municipality consent. 1. Notwithstanding any contrary
27 provision of law, every municipality in the Port of New York District is
28 authorized and empowered to consent to the use by the port authority of
29 any air terminal owned by such municipality or of any real or personal
30 property owned by such municipality and necessary, convenient or desira-
31 ble in the opinion of the port authority for air terminal purposes,
32 including such real property as has already been devoted to a public
33 use, and as an incident to such consent, to grant, convey, lease, or
34 otherwise transfer to the port authority any such air terminal or real
35 or personal property, upon such terms as may be determined by the port
36 authority and such municipality. Every such municipality is also
37 authorized and empowered as an incident to such consent to vest in the
38 port authority the control, operation, maintenance, rents, tolls, charg-
39 es and any and all other revenues of any air terminal now owned by such
40 municipality, the title to such air terminal remaining in such munici-
41 pality. Such consent shall be given and the execution of any agreement,
42 deed, lease, conveyance, or other instrument evidencing such consent or
43 given as an incident thereto shall be authorized in the manner provided
44 in article twenty-two of the compact of April thirtieth, nineteen
45 hundred twenty-one, and continued by article I of this chapter, between
46 the two states creating the port authority.

47 2. Notwithstanding any contrary provision of law, every municipality
48 outside the port district is authorized and empowered to consent to the
49 use of real property owned by such municipality and necessary, conven-
50 ient or desirable in the opinion of the port authority for beacons or
51 other aids to navigation, or to the use of any air space over real prop-
52 erty owned by such municipality; and as an incident to such consent, to
53 grant, lease, convey or otherwise transfer to the port authority such
54 real property or air space.

55 Such consent shall be given and the execution of any agreement, deed,
56 lease, conveyance or other instrument evidencing such consent or given

1 as an incident thereto, shall be given by the officer, board or body
2 authorized by law to convey such property, or if no officer, board or
3 body be otherwise authorized so to do, by the governing body of such
4 municipality.

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

- 11 (a) For money damages for breach thereof,
- 12 (b) For money damages for torts arising out of the operation of the
13 municipal air terminal,
- 14 (c) For rent,
- 15 (d) For specific performance,
- 16 (e) For reformation thereof,
- 17 (f) For accounting,
- 18 (g) For declaratory judgment,
- 19 (h) For judgments, orders or decrees restraining or enjoining the port
20 authority from transferring title to real property to third persons in
21 cases where it has contracted with such city or other municipality to
22 transfer such title to such city or municipality, and
- 23 (i) For judgments, orders or decrees restraining or enjoining the port
24 authority from committing or continuing to commit other breaches of such
25 agreements with such municipality, provided that such judgment, order or
26 decree shall not be entered except upon two days' prior written notice
27 to the port authority of the proposed entry thereof and provided
28 further, that upon an appeal taken by the port authority from such judg-
29 ment, order or decree the service of the notice of appeal shall perfect
30 the appeal and shall stay the execution of such judgment, order or
31 decree appealed from, without an undertaking or other security.

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

37 5. If any clause, sentence, paragraph, or part of this subdivision, or
38 the application thereof to any person or circumstances, shall, for any
39 reason, be adjudged by a court of competent jurisdiction to be invalid,
40 such judgment shall not affect, impair, or invalidate the remainder of
41 this subdivision, and the application thereof to any other person or
42 circumstances, but shall be confined in its operation to the clause,
43 sentence, paragraph, or part thereof directly involved in the controver-
44 sy in which such judgment shall have been rendered and to the person or
45 circumstances involved.

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

51 1. Unless and until the state of New York otherwise provides by law,
52 the port authority shall not have power to acquire real property in that
53 state for air terminal purposes by condemnation or the right of eminent
54 domain except for the purpose of making additions, extensions and
55 improvements to the three air terminals in New York city known as La
56 Guardia airport, John F. Kennedy international airport (formerly known

1 as Idlewild airport), and Floyd Bennett airport, for the purpose of
2 acquiring air rights or preventing or removing actual or potential
3 hazards to air navigation within three miles of the runways at said air
4 terminals as such runways may now or hereafter exist, and for the
5 purpose of establishing or maintaining beacons and other aids to air
6 navigation in connection with said three air terminals, whether or not
7 within three miles of said runways. The port authority shall not have
8 power to acquire by condemnation or the right of eminent domain real
9 property in or under the waters of Jamaica Bay for the purpose of adding
10 to, expanding, extending or constructing runway extensions, or incorpo-
11 rating such lands into the airport operation; however, this section
12 shall not prohibit the port authority from acquiring such lands for
13 installing flight control and safety equipment to service its existing
14 runways, nor from installing anti-pollution devices and equipment in
15 accordance with its anti-pollution program adopted for the air terminals
16 in New York city known as John F. Kennedy international airport or Floyd
17 Bennett airport.

18 2. Unless and until the state of New Jersey otherwise provides by law,
19 the port authority shall not have the power to acquire real property in
20 the state of New Jersey for air terminal purposes by condemnation or the
21 right of eminent domain except for the purpose of making additions,
22 extensions and improvements to the air terminal known as Newark airport
23 (including additions, extensions and improvements thereto located in the
24 city of Elizabeth), for the purpose of acquiring air rights or prevent-
25 ing or removing actual or potential hazards to air navigation within
26 three miles of the runways at said air terminal as such runways may now
27 or hereafter exist, and for the purpose of establishing or maintaining
28 beacons and other aids to air navigation in connection with said air
29 terminal, whether or not within three miles of said runways.

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

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

44 5. Subject to the foregoing limitations, if the port authority shall
45 find it necessary or convenient to acquire any real property for air
46 terminal purposes, whether for immediate or future use, the port author-
47 ity may find and determine that such property, whether a fee simple
48 absolute or a lesser interest, is required for a public use, and upon
49 such determination the said property shall be and shall be deemed to be
50 required for such public use until otherwise determined by the port
51 authority, and such determination shall not be affected by the fact that
52 such property has theretofore been taken for and is then devoted to a
53 public use; but the public use in the hands or under the control of the
54 port authority shall be deemed superior to the public use in the hands
55 of any other person, association or corporation except a municipality
56 within or without the port district. The port authority may acquire and

1 is hereby authorized to acquire such property, whether a fee simple
2 absolute or a lesser estate, by the exercise of the right of eminent
3 domain under and pursuant to the eminent domain procedure law of the
4 state of New York, in the case of property located in such state, and
5 revised statutes of New Jersey, Title 20:1-1 et seq., in the case of
6 property situated in such state, or at the option of the port authority
7 pursuant to such other and alternate procedure in each state as may be
8 provided by law by such state. The port authority shall have such power
9 of eminent domain not only in respect to real property located within
10 the Port of New York District but also as to any real property located
11 outside of the port district which is necessary, incidental or conven-
12 ient for the effectuation, establishment, acquisition, construction,
13 rehabilitation or improvement, and maintenance and operation of air
14 terminals within the port district. Nothing herein contained shall be
15 construed to prevent the port authority from bringing any proceedings to
16 remove a cloud on title or such other proceedings as it may, in its
17 discretion, deem proper and necessary, or acquiring any such property by
18 negotiation or purchase.

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

41 S 1311. Lands under water. In the event that the port authority shall
42 find it necessary or desirable to acquire any unappropriated state lands
43 or lands under water in the state of New York for air terminal purposes,
44 the commissioner of general services of that state may grant, transfer
45 or convey such unappropriated state lands or lands under water to the
46 port authority upon such consideration, terms and conditions as may be
47 determined by said commissioner, except that no lands under the waters
48 of Jamaica Bay may be granted, transferred or conveyed to the port
49 authority for air terminal purposes by said commissioner except as
50 provided in paragraph one of section thirteen hundred nine of this arti-
51 cle.

52 In the event that the port authority shall find it necessary or desir-
53 able to acquire any lands under water in the state of New Jersey for air
54 terminal purposes, the division of navigation of the department of
55 conservation of that state may grant, transfer or convey such lands
56 under water to the port authority in accordance with the statutes of

1 that state governing the making of riparian grants and leases, upon such
2 terms and conditions as may be determined by said division.

3 In the event that the port authority shall find it necessary or desir-
4 able to acquire any real property required or used for state highway
5 purposes in the state of New Jersey, the state highway department of the
6 state of New Jersey may grant, transfer or convey such real property to
7 the port authority upon such terms and conditions as may be determined
8 by said state highway department.

9 S 1312. Repayment of bonds and obligations. The two states covenant
10 and agree with each other and with the holders of any bonds of the port
11 authority issued or incurred for air terminal purposes and as security
12 for which there may or shall be pledged (directly or indirectly, or
13 through the medium of its general reserve fund or otherwise), the reven-
14 ues, or any part thereof, of any air terminal or other facility owned or
15 operated by the port authority, that the two states will not, so long as
16 any of such bonds or other obligations remain outstanding and unpaid,
17 diminish or impair the power of the port authority to establish, levy
18 and collect landing fees, charges, rents, tolls or other fees in
19 connection therewith.

20 S 1313. Contrary declarations. Any declarations contained herein and
21 in the concurrent act of the state of New Jersey with respect to the
22 governmental nature of air terminals and to the exemption of air termi-
23 nal property from taxation and to the discretion of the port authority
24 with respect to air terminal operations shall not be construed to imply
25 that other port authority property and operations are not of a govern-
26 mental nature, or that they are subject to taxation, or that the deter-
27 minations of the port authority with respect thereto are not conclusive.

28 S 1314. Agreement between the states. This section and the preceding
29 sections of this article constitute an agreement between the states of
30 New York and New Jersey supplementary to the compact between the two
31 states dated April thirtieth, nineteen hundred twenty-one, and amendato-
32 ry thereof, and continued by article I of this chapter, and shall be
33 liberally construed to effectuate the purposes of said compact and of
34 the comprehensive plan heretofore adopted by the two states, and the
35 powers vested in the port authority hereby shall be construed to be in
36 aid of and supplemental to and not in limitation of or in derogation of
37 any of the powers heretofore conferred upon or delegated to the port
38 authority.

39 S 1315. Federal aid procedure; application. The state of New York
40 hereby elects to exercise the option reserved to each state by section
41 thirteen hundred ten of this article (and by the corresponding section
42 of the New Jersey statute concurring herein); and accordingly, if by
43 the effective date of chapter 802 of the laws of 1947, this state has
44 adopted, or if thereafter it shall adopt general legislation governing
45 applications for federal aid for air terminals by municipalities of this
46 state or the receipt or disbursement of such federal aid by or on behalf
47 of such municipalities, such legislation shall apply to applications by
48 the port authority for federal aid for air terminals located in this
49 state in the same manner and to the same extent as other municipalities
50 of this state, provided, that if such legislation shall require such
51 applications for federal aid to be approved by any officer, board,
52 commission, department or other agency of this state or shall require
53 the consent of any such agency of this state to the submission thereof
54 to the federal government, or shall require any such agency of this
55 state to be designated by municipalities as their agent to collect or
56 disburse such federal aid, or shall contain any other requirement vest-

1 ing any such agency of this state with power or discretion with respect
2 to the making of such applications for federal aid or the receipt or
3 disbursement thereof, then such officer, board, commission, department
4 or other agency of this state shall have power to waive such requirement
5 in whole or in part temporarily or permanently insofar as the port
6 authority is concerned.

7 ARTICLE XIV
8 EMINENT DOMAIN

9 Section 1401. Right of eminent domain.

10 S 1401. Right of eminent domain. The powers granted to the port
11 authority by this article shall be deemed to be in aid of and supple-
12 mental to and not in limitation or derogation of the powers otherwise
13 conferred upon it; and nothing herein contained shall be construed to
14 prevent the port authority from exercising the right of eminent domain
15 under and pursuant to the eminent domain procedure law of the state of
16 New York, or any other applicable law of this state, in any case where
17 it is authorized so to do.

18 ARTICLE XV
19 SUITS AGAINST THE PORT AUTHORITY

20 Section 1501. Suits against the port authority.

21 1502. Prior causes of action.

22 1503. Contract causes of action.

23 1504. Civil suits; statutory penalties.

24 1505. Further restrictions.

25 1506. Venue.

26 1507. Statute of limitations.

27 1508. Notice of claim.

28 1509. Limits of liability.

29 1510. Other suits, actions or proceedings.

30 1511. Agreement between the states.

31 S 1501. Suits against the port authority. Upon the concurrence of
32 the state of New Jersey, the states of New York and New Jersey consent
33 to suits, actions or proceedings of any form or nature at law, in equity
34 or otherwise (including proceedings to enforce arbitration agreements)
35 against the port authority, and to appeals therefrom and reviews there-
36 of, except as hereinafter provided in sections fifteen hundred two
37 through fifteen hundred five of this article, inclusive.

38 S 1502. Prior causes of action. The foregoing consent does not extend
39 to suits, actions or proceedings upon any causes of action whatsoever
40 accruing before the effective date of chapter 301 of the laws of 1950,
41 other than causes of actions upon, in connection with, or arising out of
42 notes, bonds or other obligations or securities secured by a pledge of
43 the general reserve fund of the port authority.

44 S 1503. Contract causes of action. The foregoing consent does not
45 extend to suits, actions or proceedings upon any causes of action what-
46 soever, upon, in connection with, or arising out of any contract,
47 express or implied, entered into or assumed by or assigned to the port
48 authority before the effective date of this article (including any
49 supplement to, or amendment, extension or renewal of any such contract,
50 even if such supplement, amendment, extension or renewal is made on or
51 after the effective date of chapter 301 of the laws of 1950), regardless
52 of whether such cause of action accrued before or after that date, other

1 than causes of action upon, in connection with or arising out of notes,
2 bonds or other obligations or securities secured by a pledge of the
3 general reserve fund of the port authority.

4 S 1504. Civil suits; statutory penalties. The foregoing consent does
5 not extend to civil suits, actions or proceedings for the recovery of
6 statutory penalties.

7 S 1505. Further restrictions. The foregoing consent does not extend
8 to suits, actions or proceedings for judgments, orders or decrees
9 restraining, enjoining or preventing the port authority from committing
10 or continuing to commit any act or acts, other than suits, actions or
11 proceedings by the attorney general of New York or by the attorney
12 general of New Jersey--each of whom is hereby authorized to bring such
13 suits, actions or proceedings in his discretion on behalf of any person
14 or persons whatsoever who requests him so to do except in the cases
15 excluded by sections fifteen hundred two, fifteen hundred three and
16 fifteen hundred four of this article; provided, that in any such suit,
17 action or proceeding, no judgment, order or decree shall be entered
18 except upon at least two days' prior written notice to the port authori-
19 ty of the proposed entry thereof.

20 S 1506. Venue. The foregoing consent is granted upon the condition
21 that venue in any suit, action or proceeding against the port authority
22 shall be laid within a county or a judicial district, established by one
23 of said states or by the United States, and situated wholly or partially
24 within the port of New York district. The port authority shall be deemed
25 to be a resident of each such county or judicial district for the
26 purpose of such suits, actions or proceedings. Although the port author-
27 ity is engaged in the performance of governmental functions, the said
28 two states consent to liability on the part of the port authority in
29 such suits, actions or proceedings for tortious acts committed by it and
30 its agents to the same extent as though it were a private corporation.

31 S 1507. Statute of limitations. The foregoing consent is granted upon
32 the condition that any suit, action or proceeding prosecuted or main-
33 tained under this article shall be commenced within one year after the
34 cause of action therefor shall have accrued, and upon the further condi-
35 tion that in the case of any suit, action or proceeding for the recovery
36 or payment of money, prosecuted or maintained under this article, a
37 notice of claim shall have been served upon the port authority by or on
38 behalf of the plaintiff or plaintiffs at least sixty days before such
39 suit, action or proceeding is commenced. The provisions of this section
40 shall not apply to claims arising out of provisions of any workmen's
41 compensation law of either state.

42 S 1508. Notice of claim. The notice of claim required by section
43 fifteen hundred seven of this article shall be in writing, sworn to by
44 or on behalf of the claimant or claimants, and shall set forth (1) the
45 name and post office address of each claimant and of his attorney, if
46 any, (2) the nature of the claim, (3) the time when, the place where and
47 the manner in which the claim arose, and (4) the items of damage or
48 injuries claimed to have been sustained so far as then practicable. Such
49 notice may be served in the manner in which process may be served, or in
50 lieu thereof, may be sent by registered mail to the port authority at
51 its principal office. Where the claimant is a person under the age of
52 eighteen years or is mentally or physically incapacitated and by reason
53 of such disability no notice of claim is filed or suit, action or
54 proceeding commenced within the time specified in section fifteen
55 hundred seven of this article, or where a person entitled to make a
56 claim dies and by reason of his death no notice of claim is filed or

1 suit, action or proceeding commenced within the time specified in
2 section fifteen hundred seven of this article then any court in which
3 such suit, action or proceeding may be brought may in its discretion
4 grant leave to serve the notice of claim and to commence the suit,
5 action or proceeding within a reasonable time but in any event within
6 three years after the cause of action accrued. Application for such
7 leave must be made upon an affidavit showing the particular facts which
8 caused the delay and shall be accompanied by a copy of the proposed
9 notice of claim if such notice has not been served, and such application
10 shall be made only upon notice to the port authority.

11 S 1509. Limits of liability. The commissioners, officers or employees
12 of the port authority shall not be subject to suits, actions or
13 proceedings for judgments, orders or decrees restraining, preventing or
14 enjoining them in their official or personal capacities from committing
15 or continuing to commit any act or acts on behalf of the port authority
16 other than suits, actions and proceedings brought by the attorney gener-
17 al of New York or by the attorney general of New Jersey or by the port
18 authority itself--each of said attorneys general being hereby authorized
19 to bring such suits, actions or proceedings in his discretion on behalf
20 of any person or persons whatsoever who requests him so to do except in
21 the cases excluded by sections fifteen hundred two, fifteen hundred
22 three and fifteen hundred four of this article; provided, that in any
23 such suit, action or proceeding brought by either attorney general, no
24 judgment, order or decree shall be entered except upon at least two
25 days' notice to the defendant of the proposed entry thereof.

26 S 1510. Other suits, actions or proceedings. Nothing herein shall be
27 deemed to revoke, rescind or affect any consents to suits, actions or
28 proceedings against the port authority heretofore given by the two said
29 states in chapter eight hundred two of the laws of New York of nineteen
30 hundred forty-seven, as amended, and continued by article XIII of this
31 chapter, and chapter forty-three of the laws of New Jersey of nineteen
32 hundred forty-seven, as amended; chapter six hundred thirty-one of the
33 laws of New York of nineteen hundred forty-seven, as amended, and
34 continued by article XII of this chapter; chapter forty-four of the laws
35 of New Jersey of nineteen hundred forty-seven, as amended, and chapter
36 five hundred thirty-four of the laws of New York of nineteen hundred
37 forty-eight, and continued by article XII of this chapter, and chapter
38 ninety-seven of the laws of New Jersey of nineteen hundred forty-eight.

39 S 1511. Agreement between the states. This article together with the
40 act of the state of New Jersey concurring herein, shall constitute an
41 agreement between the states of New York and New Jersey supplementary to
42 and amendatory of the compact between the two said states dated April
43 thirtieth, nineteen hundred twenty-one and continued by article I of
44 this chapter.

45 ARTICLE XVI

46 TRAFFIC REGULATIONS FOR VEHICULAR CROSSINGS

- 47 Section 1601. Governing authority.
48 1602. Tolls; other charges.
49 1603. Operation restrictions.
50 1604. Port authority police force.
51 1605. Driving procedure.
52 1606. Operation requirements.
53 1607. Accident protocol.
54 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.
- 1617. Owner liability for failure of operator to comply with toll collection regulations of the port authority.
- 1618. Imposition of liability for failure of operator to comply with toll collection regulations of the port authority.
- 1619. 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.

S 1605. Driving procedure. Unless otherwise directed, vehicles shall at all times stay to the right of the center of all roadways 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 1606. Operation requirements. No person shall operate a motor vehicle in or upon any part of a vehicular crossing unless he is duly authorized to operate motor vehicles in the state in which such part of the vehicular crossing is located. No motor vehicle shall be permitted in or upon any part of a vehicular crossing which is not registered in accordance with the provisions of the law of the state in which such part of the vehicular crossing is located.

1 S 1607. Accident protocol. The operator of any vehicle involved in an
2 accident resulting in injury or death to any person or damage to any
3 property shall immediately stop such vehicle at the scene of the acci-
4 dent, render such assistance as may be needed, and give his name,
5 address, and operator's license and registration number to the person
6 injured or to any officer or witness of the injury. The operator of such
7 vehicle shall make a report of such accident in accordance with the law
8 of the state in which such accident occurred.

9 S 1608. Transport restrictions. No person shall transport in or upon
10 a vehicular crossing, any dynamite, nitroglycerin, black powder, fire-
11 works, blasting caps or other explosives, gasoline, alcohol, ether,
12 liquid shellac, kerosene, turpentine, formaldehyde or other inflammable
13 or combustible liquids, ammonium nitrate, sodium chlorate, wet hemp,
14 powdered metallic magnesium, nitro-cellulose film, peroxides or other
15 readily inflammable solids or oxidizing materials, hydrochloric acid,
16 sulfuric acid or other corrosive liquids, prussic acid, phosgene, arsen-
17 ic, carbolic acid, potassium cyanide, tear gas, lewisite or any other
18 poisonous substances, liquids or gases, or any compressed gas, or any
19 radio-active article, substance or material, at such time or place or in
20 such manner or condition as to endanger unreasonably or as to be likely
21 to endanger unreasonably persons or property.

22 S 1609. Violations. Violations of the rules and regulations set forth
23 in sections sixteen hundred two through sixteen hundred eight of this
24 article committed within the territorial limits of either state shall be
25 punishable as may be provided by the laws of such state but the penal-
26 ties prescribed by either state shall not preclude the port authority
27 from excluding from vehicular crossings permanently or for a specified
28 time, all vehicles violating any of the said rules and regulations, as
29 well as other vehicles owned or operated by the owner or operator of
30 such vehicle.

31 S 1610. Definitions. The following terms as used herein shall have
32 the indicated meanings:

33 1. "Traffic" shall include pedestrians, ridden animals, herded animals
34 and vehicles whether moved by human power or otherwise.

35 2. "Vehicular crossings" shall include not only bridges and tunnels
36 operated by the port authority, but also their plazas and approaches,
37 but shall not include any lands granted by the port authority to the
38 states of New York or New Jersey or to a municipality for street or
39 highway purposes even though such street or highway constitutes a means
40 of access to or egress from such vehicular crossing.

41 S 1611. Severability. If any term or provision of this article shall
42 be declared unconstitutional or ineffective in whole or in part by a
43 court of competent jurisdiction, then to the extent that it is not
44 unconstitutional or ineffective, such term or provisions shall be
45 enforced and effectuated, nor shall such determination be deemed to
46 invalidate the remaining terms or provisions thereof.

47 S 1612. Repeal of previous rules and regulations. The two said states
48 agree that chapter two hundred fifty-one of the laws of New York of
49 nineteen hundred thirty-four, entitled "An act establishing rules and
50 regulations for the control of traffic on the interstate bridges and
51 tunnels operated by the Port of New York Authority and prescribing
52 proceedings and penalties for their violations", and chapter one hundred
53 forty-six of the pamphlet laws of New Jersey, nineteen hundred thirty-
54 two, entitled "An act establishing rules and regulations for the control
55 of traffic on the inter-state bridges and tunnels operated by the Port
56 of New York Authority and prescribing proceedings and penalties for

1 their violations", shall be and are repealed as of the date this article
2 takes effect.

3 S 1613. Agreement between the states. This section and the preceding
4 sections of this article, together with the corresponding sections of
5 the act of the state of New Jersey concurring herein, shall constitute
6 an agreement between the states of New York and New Jersey supplementary
7 to the compact between the two states dated April thirtieth, nineteen
8 hundred twenty-one, and amendatory thereof, and shall be liberally
9 construed to effectuate the purposes of said compact and of the agree-
10 ments of the two states amendatory thereof or supplemental thereto; and
11 shall be construed to be in aid of and supplemental to and not in limi-
12 tation of or in derogation of the powers heretofore conferred upon or
13 delegated to the port authority.

14 S 1614. Compliance with state law. If the violation within the state
15 of any of the rules and regulations set forth in sections sixteen
16 hundred two through sixteen hundred eight of this article including but
17 not limited to those regarding the payment of tolls, would have been a
18 felony, misdemeanor or other punishable offense if committed on any
19 public road, street, highway or turnpike in the municipality in which
20 such violation occurred, it shall be tried and punished in the same
21 manner as if it had been committed on such public road, street, highway
22 or turnpike.

23 S 1615. Felonies. Notwithstanding the provisions of section sixteen
24 hundred fourteen of this article, if the violation within the state of
25 the rule and regulation set forth in section sixteen hundred nine of
26 this article shall result in injury or death to a person or persons or
27 damage to property in excess of the value of five thousand dollars, such
28 violation shall constitute a felony.

29 S 1616. Misdemeanors. Except as provided in sections sixteen hundred
30 fourteen and sixteen hundred fifteen of this article, any violation
31 within the state of any of the rules and regulations set forth in
32 sections sixteen hundred two through sixteen hundred eight of this arti-
33 cle including but not limited to those regarding the payment of tolls,
34 shall constitute a misdemeanor and shall be punishable as an offense
35 triable in a magistrate's court by a fine not exceeding five hundred
36 dollars or by imprisonment not exceeding sixty days or by both such fine
37 and imprisonment.

38 S 1617. Owner liability for failure of operator to comply with toll
39 collection regulations of the port authority. Notwithstanding any other
40 provision of law and in accordance with the provisions of section
41 sixteen hundred eighteen of this article, an owner of a vehicle may be
42 held liable for failure of an operator thereof to comply with the toll
43 collection regulations of the port authority of New York and New Jersey
44 (hereinafter called port authority). The owner of a vehicle shall be
45 liable pursuant to this section if such vehicle was used or operated
46 with the permission of the owner, express or implied, in violation of
47 the toll collection regulations of the port authority, and such
48 violation is evidenced by information obtained from a photo-monitoring
49 system, provided, however, that no owner of a vehicle shall be liable
50 where the operator of such vehicle has been convicted of a violation of
51 those toll collection regulations for the same incident.

52 S 1618. Imposition of liability for failure of operator to comply with
53 toll collection regulations of the port authority. The liability set
54 forth in section sixteen hundred seventeen of this article, shall be
55 imposed upon an owner for a violation by an operator of the toll

collection regulations of the port authority occurring within the territorial limits of the state of New York in accordance with the following:

1. For the purposes of this section, the term "owner" shall mean any person, corporation, partnership, firm, agency, association, lessor, or organization who, at the time of the violation in any city in which a vehicle is operated: (a) is the beneficial or equitable owner of such vehicle; or (b) has title to such vehicle; or (c) is the registrant or co-registrant of such vehicle which is registered with the department of motor vehicles of this state or any other state, territory, district, province, nation or other jurisdiction; or (d) subject to the limitations set forth in subdivision six of this section, uses such vehicle in its vehicle renting and/or leasing business; and includes (e) a person entitled to the use and possession of a vehicle subject to a security interest in another person. For the purposes of this section, the term "operator" shall mean any person, corporation, firm, partnership, agency, association, organization or lessee that uses or operates a vehicle with or without the permission of the owner, and an owner who operates his or her own vehicle. For purposes of this section, the term "photo-monitoring system" shall mean a vehicle sensor installed to work in conjunction with a toll collection facility which automatically produces one or more photographs, one or more microphotographs, a videotape or other recorded images of each vehicle at the time it is used or operated in violation of the toll collection regulations of the port authority. For purposes of this section, the term "toll collection regulations of the port authority" shall refer to the traffic regulations for interstate vehicular crossings operated by the port authority as set forth in this article and in chapter one hundred ninety-two of the laws of New Jersey of nineteen hundred fifty, and specifically that section of the laws which prohibits traffic in or upon vehicular crossings operated by the port authority except upon the payment of such tolls and other charges as may from time to time be prescribed by the port authority and which further makes it unlawful for any person to refuse to pay, or to evade or to attempt to evade the payment of such tolls or other charges. For purposes of this section, the term "vehicle" shall mean every device in, upon, or by which a person or property is or may be transported or drawn upon a highway, except devices used exclusively upon stationary rails or tracks.

2. A certificate, sworn to or affirmed by an agent of the port authority, or a facsimile thereof, based upon inspection of photographs, microphotographs, videotape or other recorded images produced by a photo-monitoring system shall be prima facie evidence of the facts contained therein and shall be admissible in any proceeding charging a violation of toll collection regulations of the port authority, provided that any photographs, microphotographs, videotape or other recorded images evidencing such a violation shall be available for inspection and admission into evidence in any proceeding to adjudicate the liability for such violation.

3. An imposition of liability pursuant to this section shall be based upon a preponderance of evidence as submitted. An imposition of liability pursuant to this section shall not be deemed a conviction of an operator and shall not be made part of the motor vehicle operating record, furnished pursuant to section three hundred fifty-four of the vehicle and traffic law of the state of New York, of the person upon whom such liability is imposed nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage.

1 4. (a) A notice of liability shall be sent by first class mail to each
2 person alleged to be liable as an owner for a violation pursuant to this
3 section of the toll collection regulations of the port authority. Such
4 notice shall be mailed no later than thirty days after the alleged
5 violation. Personal delivery on the owner shall not be required. A manu-
6 al or automatic record of mailing prepared in the ordinary course of
7 business shall be prima facie evidence of the mailing of the notice.

8 (b) A notice of liability shall contain the name and address of the
9 person alleged to be liable as an owner for a violation of the toll
10 collection regulations of the port authority pursuant to this section,
11 the registration number of the vehicle involved in such violation, the
12 location where such violation took place, the date and time of such
13 violation and the identification number of the photo-monitoring system
14 which recorded the violation or other document locator number.

15 (c) The notice of liability shall contain information advising the
16 person charged of the manner and the time in which he may contest the
17 liability alleged in the notice. Such notice of liability shall also
18 contain a warning to advise the persons charged that failure to contest
19 in the manner and time provided shall be deemed an admission of liabil-
20 ity and that a default judgment may be entered thereon.

21 (d) The notice of liability shall be prepared and mailed by the port
22 authority or its duly authorized agent.

23 5. If an owner receives a notice of liability pursuant to this section
24 for any time period during which the vehicle was reported to the police
25 department as having been stolen, it shall be a valid defense to an
26 allegation of liability for a violation of the toll collection regu-
27 lations of the port authority that the vehicle had been reported to the
28 police as stolen prior to the time the violation occurred and had not
29 been recovered by such time. If an owner receives a notice of liability
30 pursuant to this section for any time period during which the vehicle
31 was stolen, but not as yet reported to the police as having been stolen,
32 it shall be a valid defense to an allegation of liability for a
33 violation of toll collection regulations of the port authority pursuant
34 to this section that the vehicle was reported as stolen within two hours
35 after discovery of the theft by the owner. For purposes of asserting the
36 defense provided by this subdivision, it shall be sufficient that a
37 certified copy of the police report on the stolen vehicle be sent by
38 first class mail to the court or other entity having jurisdiction.

39 6. An owner, as defined in paragraph (a) of subdivision one of this
40 section, who is a lessor of a vehicle to which a notice of liability was
41 issued pursuant to subdivision four of this section shall not be liable
42 pursuant to this section for the violation of the toll collection regu-
43 lations of the port authority provided that he or she sends to the port
44 authority serving the notice of liability and to the court or other
45 entity having jurisdiction a copy of the rental, lease or other such
46 contract document covering such vehicle on the date of the violation,
47 with the name and address of the lessee clearly legible, within thirty
48 days after receiving from the port authority or its duly authorized
49 agent the original notice of liability. Failure to send such information
50 within such thirty day time period shall render the lessor liable for
51 the penalty prescribed by this section. Where the lessor complies with
52 the provisions of this subdivision, the lessee of such vehicle on the
53 date of such violation shall be deemed to be the owner of such vehicle
54 for purposes of this section and shall be subject to liability for the
55 violation of toll collection regulations of the port authority provided
56 that the port authority or its duly authorized agent mails a notice of

1 liability to the lessee within ten days after the court, or other entity
2 having jurisdiction, deems the lessee to be the owner. For purposes of
3 this subdivision the term "lessor" shall mean any person, corporation,
4 firm, partnership, agency, association or organization engaged in the
5 business of renting or leasing vehicles to any lessee under a rental
6 agreement, lease or otherwise wherein the said lessee has the exclusive
7 use of said vehicle for any period of time. For the purposes of this
8 subdivision, the term "lessee" shall mean any person, corporation, firm,
9 partnership, agency, association or organization that rents, leases or
10 contracts for the use of one or more vehicles and has exclusive use
11 thereof for any period of time.

12 7. Except as provided in subdivision six of this section, if a person
13 receives a notice of liability pursuant to this section it shall be a
14 valid defense to an allegation of liability for a violation of toll
15 collection regulations of the port authority that the individual who
16 received the notice of liability pursuant to this section was not the
17 owner of the vehicle at the time the violation occurred. If the owner
18 liable for a violation of the toll collection regulations of the port
19 authority pursuant to this section was not the operator of the vehicle
20 at the time of the violation, the owner may maintain an action for
21 indemnification against the operator. The operator of the vehicle may
22 apply to the court or other entity having jurisdiction to adjudicate the
23 liability imposed under this section to accept responsibility for the
24 violation and satisfactorily discharge all applicable tolls, charges,
25 and penalties related to the violation.

26 8. "Electronic toll collection system" shall mean a system of collect-
27 ing tolls or charges which is capable of charging an account holder the
28 appropriate toll or charge by transmission of information from an elec-
29 tronic device on a motor vehicle to the toll lane, which information is
30 used to charge the account the appropriate toll or charge. In adopting
31 procedures for the preparation and mailing of a notice of liability, the
32 port authority or its duly authorized agent shall adopt guidelines to
33 ensure adequate and timely notice to all electronic toll collection
34 system account holders to inform them when their accounts are delin-
35 quent. An owner who is an account holder under the electronic toll
36 collection system shall not be found liable for a violation of this
37 section unless such authority has first sent a notice of delinquency to
38 such account holder and the account holder was in fact delinquent at the
39 time of the violation.

40 9. Nothing in this section shall be construed to limit the liability
41 of an operator of a vehicle for any violation of the toll collection
42 regulations of the port authority. Nothing in this section shall author-
43 ize or preclude the port authority from excluding from any of its facil-
44 ities, in its sole discretion, any or all vehicles found liable under
45 this section as well as other vehicles owned or operated by the owner or
46 operator of such vehicle.

47 10. Notwithstanding any other provision of law, all photographs,
48 microphotographs, videotape or other recorded images prepared pursuant
49 to this section shall be for the exclusive use of the port authority in
50 the discharge of its duties under this section and shall not be open to
51 the public nor be used in any court in any action or proceeding pending
52 therein unless such action or proceeding relates to the imposition of or
53 indemnification for liability pursuant to this section. The port author-
54 ity or its duly authorized agent shall not sell, distribute or make
55 available in any way, the names and addresses of electronic toll
56 collection system account holders, or any information compiled from

1 transactions with such account holders, without such account holders'
2 consent to any entity that will use such information for any commercial
3 purpose provided that the foregoing restriction shall not be deemed to
4 preclude the exchange of such information between any entities with
5 jurisdiction over and or operating a toll highway bridge and/or tunnel
6 facility.
7 S 1619. Adjudication of liability. Adjudication of the liability
8 imposed upon an owner by section sixteen hundred seventeen of this arti-
9 cle for a violation of the toll collection regulations of the port
10 authority occurring within the territorial limits of the state of New
11 York shall be in accordance with sections two hundred thirty-five, two
12 hundred thirty-six, two hundred thirty-seven, two hundred thirty-nine,
13 two hundred forty, two hundred forty-one, five hundred ten and eighteen
14 hundred nine of the vehicle and traffic law, or by such entity having
15 jurisdiction over violations of the toll collection regulations of the
16 port authority occurring within the territorial limits of the state of
17 New York, provided that all violations shall be heard and determined in
18 the county in which the violation is alleged to have occurred, or by
19 consent of both parties, in any county in the state of New York in which
20 the port authority operates or maintains a facility. An owner found
21 liable for a violation of toll collection regulations pursuant to this
22 section shall for a first violation thereof be liable for a monetary
23 penalty not to exceed fifty dollars or two times the toll evaded which-
24 ever is greater; for a second violation thereof both within eighteen
25 months be liable for a monetary penalty not to exceed one hundred
26 dollars or five times the toll evaded whichever is greater; for a third
27 or subsequent violation thereof all within eighteen months be liable for
28 a monetary penalty not to exceed one hundred fifty dollars or ten times
29 the toll evaded whichever is greater.

30 ARTICLE XVII

31 RULES AND REGULATIONS GOVERNING TRAFFIC ON HIGHWAYS IN PORT AUTHORITY 32 AIR AND MARINE TERMINALS

33 Section 1701. Definitions.
34 1702. Vehicle operation.
35 1703. Adherence to traffic signs and signals.
36 1704. Requiring use of right side of roadway.
37 1705. Authorization for operation.
38 1706. Procedures in case of causing injury.
39 1707. Prohibited items.
40 1708. Parking.
41 1709. Prosecution for violations.
42 1710. Felony for transport of prohibited items.
43 1711. Misdemeanor for certain violations.
44 1712. Exclusion of vehicles in violations.
45 1713. Reserve clause.

46 S 1701. Definitions. The following terms as used herein shall have
47 the indicated meanings:

48 "Air terminals" shall mean developments operated by the port authority
49 consisting of runways, hangars, control towers, ramps, wharves, bulk-
50 heads, buildings, structures, parking areas, improvements, facilities or
51 other real property necessary, convenient or desirable for the landing,
52 taking off, accommodation and servicing of aircraft of all types,
53 including but not limited to airplanes, airships, dirigibles, helicop-
54 ters, gliders, amphibians, seaplanes, or any other contrivance now or

1 hereafter used for the navigation of or flight in air or space, operated
2 by carriers engaged in the transportation of passengers or cargo, or for
3 the loading, unloading, interchange or transfer of such passengers or
4 their baggage, or such cargo, or otherwise for the accommodation, use or
5 convenience of such passengers, or such carriers or their employees, or
6 for the landing, taking off, accommodation and servicing of aircraft
7 owned or operated by persons other than carriers.

8 "Air terminal highway" shall mean and include those portions of an air
9 terminal designated and made available temporarily or permanently by the
10 port authority to the public for general or limited highway use.

11 "Marine terminals" shall mean developments operated by the port
12 authority consisting of one or more piers, wharves, docks, bulkheads,
13 slips, basins, vehicular roadways, railroad connections, side tracks,
14 sidings or other buildings, structures, facilities or improvements,
15 necessary or convenient to the accommodation of steamships or other
16 vessels and their cargoes or passengers.

17 "Marine terminal highway" shall mean and include those portions of a
18 marine terminal designated and made available temporarily or permanently
19 by the port authority to the public for general or limited highway use.

20 "Traffic" shall mean and include pedestrians, animals and vehicles.

21 S 1702. Vehicle operation. No vehicle shall be operated on any air
22 terminal highway or marine terminal highway carelessly or negligently,
23 or in disregard of the rights or safety of others, or without due
24 caution and circumspection, or at a speed or in a manner so as to endan-
25 ger unreasonably or to be likely to endanger unreasonably persons or
26 property, or while the operator thereof is under the influence of intox-
27 icating liquors or any narcotic or habit-forming drug, nor shall any
28 vehicle be operated thereon if it is so constructed, equipped or loaded
29 as to endanger unreasonably or to be likely to endanger unreasonably
30 persons or property.

31 S 1703. Adherence to traffic signs and signals. All persons on any
32 air terminal highway or marine terminal highway must at all times comply
33 with any lawful order, signal or direction by voice or hand of any
34 member of the port authority police force. When traffic is controlled by
35 traffic lights, signs or by mechanical or electrical signals, such
36 lights, signs and signals shall be obeyed unless a port authority police
37 officer directs otherwise.

38 S 1704. Requiring use of right side of roadway. Unless otherwise
39 directed, all vehicles on any air terminal highway or marine terminal
40 highway shall at all times stay to the right of the center of the road-
41 way, except in the case of one-way roadways; slow-moving vehicles shall
42 remain as close as possible to the right-hand edge or curb of the road-
43 way; and where a roadway is marked with traffic lanes vehicles shall
44 not cross markings.

45 S 1705. Authorization for operation. No person shall operate a motor
46 vehicle on an air terminal highway or marine terminal highway unless he
47 is duly authorized to operate such vehicle on state and municipal high-
48 ways in the state in which such air terminal highway or marine terminal
49 highway is located, or unless he is especially authorized by the port
50 authority to operate motor vehicles on such air terminal highway or
51 marine terminal highway. No motor vehicle shall be permitted on any air
52 terminal highway or marine terminal highway unless it is registered in
53 accordance with the provisions of the law of the state in which such air
54 terminal highway or marine terminal highway is located, or unless it is
55 especially authorized by the port authority to be operated on such air
56 terminal highway or marine terminal highway.

1 S 1706. Procedures in case of causing injury. The operator of any
2 vehicle involved in an accident on an air terminal highway or marine
3 terminal highway which results in injury or death to any person or
4 damage to any property shall immediately stop such vehicle at the scene
5 of the accident, render such assistance as may be needed, and give his
6 name, address, and operator's license and registration number to the
7 person injured or to any officer or witness of the injury. The operator
8 of such vehicle shall make a report of such accident in accordance with
9 the law of the state in which such accident occurred.

10 S 1707. Prohibited items. No person shall transport on any air termi-
11 nal highway or marine terminal highway any dynamite, nitroglycerin,
12 black powder, fireworks, blasting caps or other explosives, gasoline,
13 alcohol, ether, liquid shellac, kerosene, turpentine, formaldehyde or
14 other inflammable or combustible liquids, ammonium nitrate, sodium chlo-
15 rate, wet hemp, powdered metallic magnesium, nitro-cellulose film,
16 peroxides or other readily inflammable solids or oxidizing materials,
17 hydrochloric acid, sulfuric acid or other corrosive liquids, prussic
18 acid, phosgene, arsenic, carbolic acid, potassium cyanide, tear gas,
19 lewisite, or any other poisonous substances, liquids or gases, or any
20 compressed gas, or any radioactive article, substance or material, at
21 such time or place or in such manner or condition as to endanger unrea-
22 sonably or as to be likely to endanger unreasonably persons or property;
23 nor shall any person park any vehicle, or permit the same to remain
24 halted on any air terminal highway or marine terminal highway containing
25 any of the foregoing, at such time or place or in such manner or condi-
26 tion as to endanger unreasonably or as to be likely to endanger unrea-
27 sonably persons or property.

28 S 1708. Parking. No person shall park a vehicle or permit the same to
29 remain halted on any air terminal highway or marine terminal highway
30 except at such places and for such periods of time as may be prescribed
31 or permitted by the port authority.

32 S 1709. Prosecution for violations. If the violation within the state
33 of any of the rules and regulations set forth in this article, would
34 have been a felony, misdemeanor or other punishable offense if committed
35 on any public road, street, highway or turnpike in the municipality in
36 which such violation occurred, it shall be tried and punished in the
37 same manner as if it had been committed on such public road, street,
38 highway or turnpike.

39 S 1710. Felony for transport of prohibited items. Notwithstanding the
40 provisions of section seventeen hundred two of this article, if the
41 violation within the state of the rule and regulation promulgated pursu-
42 ant to this article shall result in injury or death to a person or
43 persons or damage to property in excess of the value of five thousand
44 dollars, such violation shall constitute a felony.

45 S 1711. Misdemeanor for certain violations. Except as provided in
46 sections seventeen hundred two and seventeen hundred three of this
47 article, any violation within the state of any of the rules and regu-
48 lations promulgated pursuant to this article, shall constitute a misde-
49 meanor and shall be punishable as an offense triable in a magistrate's
50 court by a fine not exceeding five hundred dollars or by imprisonment
51 not exceeding sixty days or by both such fine and imprisonment.

52 S 1712. Exclusion of vehicles in violations. The penalties prescribed
53 in this article shall not preclude the port authority from excluding
54 from any air terminal highway or marine terminal highway, permanently or
55 for a specified time, all vehicles violating any of the rules and regu-

lations promulgated pursuant to this article, as well as other vehicles owned or operated by the owner or operator of such vehicle.

S 1713. Reserve clause. Nothing herein contained shall be construed to affect, diminish or impair the power of this state to enact any law, or to impair or diminish, or as recognition of the impairment or diminution of any power of this state, legislative or otherwise, with respect to the port authority, its properties, or persons or property thereon.

ARTICLE XVIII

NEW YORK - NEW JERSEY AGREEMENT

Section 1801. Enforcement authority.

1802. Guidelines for interpretation.

S 1801. Enforcement authority. Upon the concurrence of the state of New Jersey, the states of New York and New Jersey agree that each state, in the discretion of its legislature, and without further consent or concurrence by the other state, may from time to time prescribe, amend, modify or rescind penalties for violations within its territorial limits of any rule or regulation, otherwise authorized, of the port of New York authority (hereinafter called the "port authority"), and procedures for the enforcement of such penalties.

S 1802. Guidelines for interpretation. This section and section eighteen hundred one of this article, together with corresponding sections of the act of the state of New Jersey concurring herein shall constitute an agreement between the states of New York and New Jersey supplemental to the compact between the two states dated April thirtieth, nineteen hundred twenty-one, and shall be liberally construed to effectuate the purposes of said compact and of the agreements of the two states amendatory thereof and supplemental thereto, and not in limitation of or in derogation of any powers heretofore or hereinafter conferred upon or delegated to the port authority, and not as granting any power to the port authority to make rules and regulations except as elsewhere provided in said compact and agreements, and shall not be construed to affect, diminish or impair the power of either state to prescribe, amend, modify or rescind such penalties, or to enact any other law, or to imply that the concurrence of the other state therein is necessary, or was necessary prior to the enactment of this article, or to impair or diminish, or as recognition of the impairment or diminution of any power of either state, legislative or otherwise, with respect to the port authority, its properties, or persons or property thereon, or to affect the interpretation of the aforesaid compact and agreements between the two states.

ARTICLE XIX

SMOKING REGULATION FOR TERMINALS

Section 1901. Smoking prohibition.

1902. Penalties.

S 1901. Smoking prohibition. No person shall smoke, carry, or possess a lighted cigarette, cigar, pipe, match or other lighted instrument capable of causing naked flame in or about any area, building or appurtenance of an air terminal, owned or operated by the port authority, or in or upon any area, bulkhead, dock, pier, wharf, warehouse, building, structure or shed of a marine terminal, owned or operated by the port authority, where smoking has been prohibited by the port authority and where appropriate signs to that effect have been posted,

1 or on the open deck of any ship, lighter, carfloat, scow or other simi-
2 lar floating craft or equipment when berthed or moored at such dock,
3 wharf, pier or to a vessel made fast thereto.
4 S 1902. Penalties. Any violation of the rule and regulation set forth
5 in section one thousand nine hundred one of this article shall be
6 punishable as an offense triable in a magistrate's court, for a first
7 offense, by a fine of not more than fifty dollars or imprisonment for
8 not more than thirty days or both; for a second offense, by a fine of
9 not less than twenty-five dollars nor more than one hundred dollars or
10 imprisonment for not more than sixty days or both; for a third or any
11 other subsequent offense, by a fine of not less than fifty dollars nor
12 more than two hundred dollars or by imprisonment for not more than sixty
13 days or both.

ARTICLE XX

SUITS ON LEASE AT INTERNATIONAL AIRPORT

14
15
16 Section 2001. Suits on lease at International Airport.
17 2002. Effect.
18 2003. Venue.
19 2004. Consent.
20 2005. Agreement.

21 S 2001. Suits on lease at International Airport. Upon the concurrence
22 of the state of New Jersey, the states of New York and New Jersey
23 consent to suits, actions or proceedings (including proceedings to
24 enforce arbitration agreements and to enter judgments upon awards
25 resulting therefrom) of any form or nature, at law, in equity or other-
26 wise by any person or corporation engaged in the business of scheduled
27 transportation by aircraft, against the port authority, and to appeals
28 therefrom and reviews thereof, upon or for the enforcement of any writ-
29 ten contract for the use or occupancy of space, premises or facilities
30 at New York International Airport, in the county of Queens, city of New
31 York, state of New York, executed on or after January first, nineteen
32 hundred fifty-three between the port authority and any such person or
33 corporation, or by any such person or corporation so contracting with
34 the port authority upon any cause of action arising out of such use or
35 occupancy pursuant to any such written contract.

36 S 2002. Effect. The consent pursuant to section two thousand one of
37 this article is granted upon the condition that in suits, actions or
38 proceedings thereunder for judgments, orders or decrees restraining or
39 enjoining the port authority from committing or continuing to commit
40 breaches of such written contract, no such judgment, order or decree
41 shall be entered except upon at least two days' prior written notice to
42 the port authority of the proposed entry thereof; and upon an appeal
43 taken by the port authority from such judgment, order or decree, the
44 service of the notice of appeal shall perfect the appeal, without an
45 undertaking or other security.

46 S 2003. Venue. The venue in any suit, action or proceeding against
47 the port authority to which consent is given by this article shall be
48 laid within a county or a judicial district, established by one of said
49 two states or by the United States and situated wholly or partially
50 within the port of New York district. The port authority shall be deemed
51 to be a resident of each such county or judicial district for the
52 purpose of such suits, actions or proceedings and shall be deemed to be
53 a citizen of both of said two states.

1 S 2004. Consent. Nothing herein contained shall be deemed to revoke,
2 rescind or affect any consents to suits, actions or proceedings against
3 the port authority heretofore given by the two said states or the terms
4 and conditions upon which such consents are given.

5 S 2005. Agreement. This article together with the act of the state of
6 New Jersey concurring herein, shall constitute an agreement between the
7 states of New York and New Jersey supplementary to and amendatory of the
8 compact between the two said states dated April thirtieth, nineteen
9 hundred twenty-one.

10 ARTICLE XXI
11 NARROWS BRIDGE

12 Section 2101. Determination to build bridge.
13 2102. Authorization for construction.
14 2103. Definitions.
15 2104. Authorization for agreement with the Triborough Authority.
16 2105. Funding.
17 2106. Bi-state covenant.
18 2107. Security bonds.
19 2108. Authorization to acquire real property.
20 2109. Prior consent required.
21 2110. Authorization of agents to enter property.
22 2111. Essential government function.
23 2112. Tax exemption on acquired property.
24 2113. Governmental nature.
25 2114. Agreement.

26 S 2101. Determination to build bridge. Upon the concurrence of the
27 state of New Jersey, the states of New York and New Jersey find, deter-
28 mine and agree that a bridge between Staten Island and Long Island,
29 constituting a part of the highway system of the port district, created
30 by their compact of April thirty, nineteen hundred twenty-one, will
31 facilitate the flow of traffic between the two states, will alleviate
32 congestion in the vehicular crossings of the Hudson river and will
33 promote the movement of commerce between the two states by providing a
34 direct connection between the state of New Jersey and Long Island in the
35 state of New York by way of Staten Island and that it is therefore the
36 policy of the two said states to provide such bridge.

37 S 2102. Authorization for construction. In furtherance of the afore-
38 said policy, and in partial effectuation of the comprehensive plan here-
39 tofore adopted by the two said states for the development of the said
40 port district, the Port of New York Authority is hereby authorized and
41 empowered to construct, own, maintain and operate a bridge (hereinafter
42 called the Narrows bridge) over the Narrows of New York bay, and, in its
43 discretion (and so long as it shall retain title to such bridge), such
44 additions and improvements thereto and such approaches thereto and
45 connections with highways and with the bridges between New Jersey and
46 Staten Island as the Port Authority may deem necessary or desirable.
47 The Port Authority may effectuate such approaches or connections, in its
48 discretion, by agreement with any other public agency, which agreement
49 may provide for the construction, ownership, maintenance or operation of
50 such approaches or connections by such other public agency.

51 The Port Authority shall not commence the construction of the Narrows
52 bridge until after the execution of an agreement between the Port
53 Authority and the Triborough Bridge and Tunnel Authority (hereinafter

called the Triborough Authority) pursuant to section twenty-one hundred four of this article.

S 2103. Definitions. The following terms as used in this article shall mean:

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

"General reserve fund statutes" shall mean chapter forty-eight of the laws of New York of nineteen hundred thirty-one, as amended and continued by article XXX of this chapter, and chapter five of the laws of New Jersey of nineteen hundred thirty-one, as amended, and "general reserve fund" shall mean the general reserve fund of the Port Authority authorized by said statutes.

"Narrows bridge" shall mean not only the bridge itself but also its approaches, connections, additions and improvements.

"Narrows bridge bonds" shall mean bonds issued by the Port Authority to provide funds for Narrows bridge purposes or bonds secured in whole or in part by a pledge of the revenues of the Port Authority from the Narrows bridge or bonds so issued and secured.

"Narrows bridge purposes" shall mean the effectuation, establishment, construction, rehabilitation, improvement, maintenance or operation of the Narrows bridge and purposes incidental thereto.

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

S 2104. Authorization for agreement with the Triborough Authority. (a) The Port Authority is authorized and empowered to enter into an agreement with the Triborough Authority (and from time to time to enter into agreements amending the same) for the design, location, financing, construction, maintenance and operation of the Narrows bridge and any other matters of like or different character with respect to the Narrows bridge, and by which the Port Authority may grant, convey, lease or otherwise transfer to the Triborough Authority or to the city of New York for the use and occupancy of the Triborough Authority any right, title or interest of the Port Authority in the Narrows bridge and in any part or parts thereof, upon such terms as may be determined by the Port Authority and the Triborough Authority, including but not limited to agreement as to the method of fixing the tolls, rents, charges and other fees and the rules for the regulation of the use of the bridge.

(b) So long as the Port Authority shall retain title to the Narrows bridge, it shall, so far as it deems it practicable, treat as a single unified operation the effectuation of the Narrows bridge, the interstate bridges and tunnels now operated by the Port Authority and any other bridges or tunnels which it may construct or operate, raising moneys for the construction thereof and for the making of additions and improvements thereto in whole or in part upon its own obligations, and, except as provided in such agreement or any amendment thereof, establishing and levying such tolls, rents, charges and other fees as it may deem necessary to secure from all of such bridges and tunnels as a group at least sufficient revenue to meet the expenses of the effectuation of such bridges and tunnels as a group, and to provide for the payment of the interest upon and amortization and retirement of and the fulfillment of

1 the terms of all bonds which it may have issued in connection therewith.
2 Except as provided in such agreement or any amendment thereof, no other
3 agency or commission of either state shall have jurisdiction over the
4 Narrows bridge so long as the Port Authority shall retain title thereto,
5 and, except as so provided, all details of the design, location, financ-
6 ing, construction, leasing, tolls, rents, charges and other fees,
7 contracts, maintenance and operation of and rules for the regulation of
8 the use of the Narrows bridge so long as the Port Authority shall retain
9 title thereto shall be within its sole discretion and its decision in
10 connection with any and all matters concerning such bridge shall be
11 controlling and conclusive.

12 (c) The states of New York and New Jersey hereby consent to suits,
13 actions or proceedings against the Port Authority upon, in connection
14 with or arising out of such agreement or any amendment thereof, by the
15 Triborough Authority, or by the city of New York if and to the extent
16 that such agreement or any amendment thereof shall create rights in the
17 city of New York, as follows:

18 (1) For judgments, orders or decrees restraining or enjoining the Port
19 Authority from transferring title to real property to other persons in
20 cases where it has agreed with the Triborough Authority to transfer such
21 title to the Triborough Authority or to the city of New York for the use
22 and occupancy of the Triborough Authority, and

23 (2) For judgments, orders or decrees restraining or enjoining the Port
24 Authority from committing or continuing to commit other breaches of such
25 agreement or any amendment thereof; provided, that such judgment, order
26 or decree shall not be entered except upon two days' prior written
27 notice to the Port Authority of the proposed entry thereof and provided
28 further, that upon an appeal taken by the Port Authority from such judg-
29 ment, order or decree the service of the notice of appeal shall perfect
30 the appeal and shall stay the execution of such judgment, order or
31 decree appealed from, without an undertaking or other security.

32 Nothing herein contained shall be deemed to revoke, rescind or affect
33 any consents to suits, actions or proceedings against the Port Authority
34 heretofore given by the two said states in chapter three hundred one of
35 the laws of New York of nineteen hundred fifty and continued by article
36 XV of this chapter and chapter two hundred four of the laws of New
37 Jersey of nineteen hundred fifty-one.

38 S 2105. Funding. The moneys in the general reserve fund of the Port
39 Authority may be pledged in whole or in part by the Port Authority as
40 security for or applied by it to the repayment with interest of any
41 moneys which it may raise upon Narrows bridge bonds issued by it from
42 time to time and the moneys in said general reserve fund may be applied
43 by the Port Authority to the fulfillment of any other undertakings which
44 it may assume to or for the benefit of the holders of any such bonds.

45 Subject to prior liens and pledges (and to the obligation of the Port
46 Authority to apply revenues to the maintenance of its general reserve
47 fund in the amount prescribed by the general reserve fund statutes), the
48 revenues of the Port Authority from facilities established, constructed,
49 acquired or effectuated through the issuance or sale of bonds of the
50 Port Authority secured by a pledge of its general reserve fund may be
51 pledged in whole or in part as security for or applied by it to the
52 repayment with interest of any moneys which it may raise upon Narrows
53 bridge bonds, and said revenues may be applied by the Port Authority to
54 the fulfillment of any other undertakings which it may assume to or for
55 the benefit of the holders of such bonds.

1 In the event that at any time the balance of moneys theretofore paid
2 into the general reserve fund and not applied therefrom shall exceed an
3 amount equal to one-tenth of the par value of all bonds legal for
4 investment, as defined and limited in the general reserve fund statutes,
5 issued by the Port Authority and currently outstanding at such time, by
6 reason of the retirement of Narrows bridge bonds the par value of which
7 had theretofore been included in the computation of said one-tenth, then
8 the Port Authority may pledge or apply such excess for and only for the
9 purposes for which it is authorized by the general reserve fund statutes
10 to pledge the moneys in the general reserve fund, and such pledge may be
11 made in advance of the time when such excess may occur.

12 S 2106. Bi-state covenant. The two states covenant and agree with
13 each other and with the holders of Narrows bridge bonds as security for
14 which there may or shall be pledged (directly or indirectly, or through
15 the medium of its general reserve fund or otherwise) the revenues, or
16 any part thereof, of the Narrows bridge or any other facility owned or
17 operated by the Port Authority, that the two states will not, so long as
18 any of such bonds remain outstanding and unpaid, diminish or impair the
19 power of the Port Authority to establish, levy and collect tolls, rents,
20 charges or other fees in connection with the Narrows bridge (so long as
21 the Port Authority shall retain title to such bridge) or any such other
22 facility; and that the two said states will not, so long as any of such
23 bonds remain outstanding and unpaid and so long as the Port Authority
24 shall retain title to the Narrows bridge, authorize the construction of
25 any other vehicular bridges or tunnels (other than bridges or tunnels
26 exclusively for railway rapid transit purposes) between Staten Island
27 and Long Island by any person or body other than the Port Authority.

28 S 2107. Security bonds. Narrows bridge bonds are hereby made securi-
29 ties in which all state and municipal officers and bodies of both
30 states, all banks, bankers, trust companies, savings banks, building and
31 loan associations, savings and loan associations, investment companies
32 and other persons carrying on a banking business, all insurance compa-
33 nies, insurance associations and other persons carrying on an insurance
34 business, and all administrators, executors, guardians, trustees and
35 other fiduciaries, and all other persons whatsoever, who are now or may
36 hereafter be authorized by either state to invest in bonds of such
37 state, may properly and legally invest any funds, including capital,
38 belonging to them or within their control; and said bonds are hereby
39 made securities which may properly and legally be deposited with and
40 shall be received by any state or municipal officer or agency of either
41 state for any purpose for which the deposit of bonds of such state is
42 now or may hereafter be authorized.

43 S 2108. Authorization to acquire real property. If the Port Authority
44 shall find it necessary or convenient to acquire any real property for
45 Narrows bridge purposes (including temporary construction, rehabili-
46 tation or improvement), whether for immediate or future use, the Port
47 Authority may find and determine that such property, whether a fee
48 simple absolute or a lesser interest, is required for a public use, and
49 upon such determination the said property shall be and shall be deemed
50 to be required for such public use until otherwise determined by the
51 Port Authority, and such determination shall not be affected by the fact
52 that such property has theretofore been taken for and is then devoted to
53 a public use; but the public use in the hands of or under the control of
54 the Port Authority shall be deemed superior to the public use in the
55 hands of any other person, association or corporation. If the Port
56 Authority shall find it necessary or convenient hereunder to acquire any

1 real property which is then devoted to a public use, the Port Authority
2 shall have power to exchange or substitute any other real property for
3 such real property upon terms agreed to by the Port Authority and the
4 owner of such property then devoted to a public use, and to find and
5 determine that such other real property is also required for a public
6 use; upon such determination the said other property shall be and shall
7 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 the 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 S 2109. Prior consent required. Anything in this article to the
27 contrary notwithstanding, no property now or hereafter vested in or held
28 by the city of New York shall be taken by the Port Authority without the
29 authority or consent of the city as provided in said compact of April
30 thirty, nineteen hundred twenty-one. The Port Authority is also hereby
31 authorized and empowered to acquire from said city by agreement there-
32 with, and the city, notwithstanding any contrary provision of law, is
33 hereby authorized and empowered to grant and convey upon reasonable
34 terms and conditions any real property which the Port Authority shall
35 find to be necessary for Narrows bridge purposes, including such real
36 property as has already been devoted to a public use. The state of New
37 York hereby consents to the use and occupation of the real property of
38 such state which the Port Authority shall find to be necessary for
39 Narrows bridge purposes, including lands of the state lying under water,
40 and the department, board or division or other agency of the state exer-
41 cising supervision of such property shall execute such documents as it
42 may deem necessary to evidence the right to such use and occupation.

43 S 2110. Authorization of agents to enter property. The Port Authority
44 and its duly authorized agents, and all persons acting under its author-
45 ity and by its direction, may enter in the daytime into and upon any
46 real property which it shall be necessary so to enter, for the purpose
47 of making such surveys, diagrams, maps or plans, or for the purpose of
48 making such soundings or borings as the Port Authority may deem neces-
49 sary or convenient for the purposes of this article and the concurrent
50 act of the state of New Jersey.

51 S 2111. Essential government function. The construction, maintenance
52 and operation of the Narrows bridge are and will be in all respects for
53 the benefit of the people of the states of New York and New Jersey, for
54 the increase of their commerce and prosperity and for the improvement of
55 their health and living conditions and shall be deemed to be public
56 purposes; and the Port Authority shall be regarded as performing an

1 essential governmental function in undertaking the construction, maintenance and operation thereof and in carrying out the provisions of law relating thereto.

4 S 2112. Tax exemption on acquired property. No taxes or assessments shall be levied or collected upon any property acquired or used for Narrows bridge purposes.

7 S 2113. Governmental nature. Any declarations contained herein and in the concurrent act of the state of New Jersey with respect to the governmental nature and public purpose of the Narrows bridge and to the exemption of Narrows bridge property from taxation and to the discretion of the Port Authority with respect to the operation thereof shall not be construed to imply that other Port Authority property and operations are not of a governmental nature or do not constitute public purposes, or that they are subject to taxation, or that the determinations of the Port Authority with respect thereto are not conclusive. The powers vested in the Port Authority herein and in the concurrent act of the state of New Jersey (including but not limited to the powers to acquire real property by condemnation and to make or effectuate additions, improvements, approaches and connections) shall, except as herein otherwise expressly stated, be continuing powers and no exercise thereof shall be deemed to exhaust them or any of them.

22 The provisions of chapter forty-seven of the laws of New York of nineteen hundred thirty-one as continued by article III of this chapter and chapter four of the laws of New Jersey of nineteen hundred thirty-one shall not apply to the Narrows bridge.

26 S 2114. Agreement. This section and the preceding sections of this article constitute an agreement between the states of New York and New Jersey supplementary to the compact between the two states dated April thirty, nineteen hundred twenty-one, and amendatory thereof, and shall be liberally construed to effectuate the purposes of said compact and of the comprehensive plan heretofore adopted by the two states, and the powers vested in the Port Authority hereby shall be construed to be in aid of and supplemental to and not in limitation of or in derogation of any of the powers heretofore conferred upon or delegated to the Port Authority.

36 ARTICLE XXII

37 NEW JERSEY TURNPIKE CONNECTIONS

38 Section 2201. Definitions.

39 2202. Authorization for agreement with New Jersey agencies.

40 2203. Securities.

41 S 2201. Definitions. As used in this article:

42 1. "Port authority" shall mean the Port of New York Authority;

43 2. "Bonds" shall mean bonds, notes, securities or other obligations or evidences of indebtedness;

45 3. "Newark bay-Hudson county extension" shall mean the turnpike project of the New Jersey Turnpike Authority extending between the vicinity of Port street and Newark airport in the city of Newark and the vicinity of the Holland tunnel in Hudson county, authorized by subdivision (c) of section one of chapter forty-one of the laws of New Jersey of one thousand nine hundred forty-nine, as amended by chapter two hundred eighty-six of the laws of New Jersey of one thousand nine hundred fifty-one;

53 4. "Newark bay-Hudson county extension terminal connections" shall mean the connections to the Newark bay-Hudson county extension at the

following locations: (a) at or in the vicinity of the westerly end of the Newark bay-Hudson county extension to interconnect United States Highway route 1, the turnpike toll plaza, Port street and Newark airport, and (b) at or in the vicinity of the Holland tunnel plaza and thence northerly in Hudson county to a point at grade at or in the vicinity of Paterson avenue in the city of Hoboken.

S 2202. Authorization for agreement with New Jersey agencies. The port authority is hereby authorized and empowered, in its discretion, to enter into an agreement or agreements upon such terms and conditions as it may deem in the public interest, with the New Jersey Turnpike Authority, or the New Jersey state highway department, or both, whereby the port authority may undertake to pay to such other party or parties to such agreement or agreements such portion or portions of the cost of constructing either or both of said Newark bay-Hudson county extension terminal connections as the port authority shall determine to be proportionate to the benefit to facilities owned or operated by the port authority from such connections, whether or not such connections shall constitute approaches or connections to such port authority facilities.

S 2203. Securities. The bonds which may be issued by the port authority to provide funds to make all or any portion of the payment or payments required by an agreement or agreements authorized by section twenty-two hundred two of this article and for purposes incidental thereto are hereby made securities in which all state and municipal officers and bodies of New Jersey and New York, all banks, bankers, trust companies, savings banks, building and loan associations, saving 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 are now or may hereafter be authorized by either the state of New Jersey or the state of New York 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 bonds 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 the state of New Jersey or the state of New York for any purpose for which the deposit of bonds or other obligations of such state is now or may hereafter be authorized.

ARTICLE XXIII COMMUTER RAILROAD CARS

Section 2301. Commuter railroad cars.

S 2301. Commuter railroad cars. 1. Upon the concurrence of the state of New Jersey, the states of New York and New Jersey agree that each such state may elect by appropriate legislation to provide for the purchase and rental by the port of New York authority of railroad cars for passenger transportation in accordance with this article.

2. For the purpose of this article:

(a) "Port authority" shall mean the port of New York authority.

(b) "Commuter railroad of an electing state" shall mean a railroad transporting passengers between municipalities in the portion of the port of New York district within such state, the majority of the trackage of which within the port of New York district utilized for the transportation of passengers shall be in such state.

1 (c) "Railroad cars" shall mean railroad passenger cars, including
2 self-propelled cars, and locomotives and other rolling stock used in
3 passenger transportation.

4 3. (a) Upon the election by either state as provided in subdivision
5 one of this section, the port authority shall be authorized and
6 empowered to:

7 (i) purchase and own railroad cars for the purpose of leasing them to
8 any commuter railroad of such state; provided, however, that no rail-
9 road cars shall be so purchased except with advances received or money
10 borrowed pursuant to subparagraphs (ii) and (iii) of this paragraph, nor
11 shall the port authority incur expenses in connection with such purchase
12 and ownership except out of such advances or borrowed money or the
13 rentals received from such leasing;

14 (ii) receive and accept advances from such state for such purchase
15 upon such terms and conditions as such state may specify;

16 (iii) borrow money from any source for such purchase or for the repay-
17 ment of such advances or money borrowed, subject to the provisions of
18 paragraph (b) of this subdivision;

19 (iv) secure the repayment of principal of and interest upon any such
20 borrowed money by and only by a lien upon such railroad cars, a pledge
21 of the rentals therefrom and the liability of the electing state for the
22 repayment of such principal and interest;

23 (v) lease such railroad cars directly or indirectly to any commuter
24 railroad of such state upon such terms and conditions as the port
25 authority shall deem in the public interest, including postponement of
26 receipt of rentals by the port authority in the interest of increasing
27 and improving the service rendered to the commuting public; provided,
28 however, that no such lease shall become effective until it has been
29 approved in writing by the officer of the electing state designated by
30 appropriate legislation; and

31 (vi) sell or otherwise dispose of such cars upon such terms and condi-
32 tions and to such persons as the port authority shall deem in the public
33 interest, except as may be otherwise directed by such electing state.

34 (b) The port authority shall not borrow money pursuant to subparagraph
35 (iii) of paragraph (a) of this subdivision unless and until the electing
36 state shall have duly amended its constitution, if necessary, making or
37 authorizing making the state liable for the repayment of the money so
38 borrowed and interest thereon or for the fulfillment of the rental obli-
39 gations to the port authority, or both; and the port authority shall
40 not borrow any such money unless and until the electing state shall be
41 made liable for the repayment of any such money.

42 4. The purchase and ownership by the port authority of railroad cars
43 and the rental thereof to commuter railroads of the states of New York
44 or New Jersey are and will be in all respects for the benefit of the
45 people of the said two states for the increase of their commerce and
46 prosperity and for the improvement of their health, safety and living
47 conditions and shall be deemed to be public purposes; and the port
48 authority shall be regarded as performing an essential governmental
49 function in undertaking such purchase, ownership and rental and in
50 carrying out the provisions of law relating thereto.

51 5. The bonds or other evidences of indebtedness which may be issued by
52 the port authority pursuant to this article are hereby made securities
53 in which all state and municipal officers and bodies, all banks, bank-
54 ers, trust companies, savings banks, savings and loan associations,
55 investment companies and other persons carrying on a banking business,
56 all insurance companies, insurance associations and other persons carry-

1 ing on an insurance business, and all administrators, executors, guardi-
2 ans, trustees and other fiduciaries and all other persons whatsoever who
3 are now or may hereafter be authorized to invest in bonds or other obli-
4 gations of the electing state, may properly and legally invest any
5 funds, including capital, belonging to them or within their control;
6 and said bonds or other evidences of indebtedness are hereby made secu-
7 rities which may properly and legally be deposited with and shall be
8 received by any state or municipal officer or agency for any purpose for
9 which the deposit of bonds or other evidences of indebtedness of the

10 electing state is now or may hereafter be authorized. Such bonds or
11 other evidences of indebtedness shall constitute negotiable instruments.

12 Notwithstanding the provisions of this or any other legislation the
13 rentals received by the port authority from the leasing of any railroad
14 cars under this article shall not be pooled or applied to the establish-
15 ment or maintenance of any reserve fund of the port authority pledged as
16 security for any bonds or other evidences of indebtedness other than
17 those issued pursuant to this article, and the bonds or other evidences
18 of indebtedness issued pursuant to this article shall not be included in
19 measuring the principal amount of bonds or other evidences of indebt-
20 edness upon which the amount of any such reserve fund is calculated.

21 6. No taxes or assessments shall be levied or collected upon any rail-
22 road cars owned by the port authority pursuant to this article or upon
23 any leasehold interest therein.

24 7. (a) The state of New York hereby elects pursuant to subdivision one
25 of this section to provide for the purchase and rental by the port
26 authority of railroad cars on the commuter railroads of this state. The
27 commissioner of the department of transportation is hereby designated as
28 the officer of this state for the approval of leases pursuant to subpar-
29 agraph (v) of paragraph (a) of subdivision three of this section.

30 (b) In the event that this state shall make advances to the port
31 authority for the purchase and rental of railroad cars, the port author-
32 ity shall repay any such advances, pursuant to an appropriate written
33 agreement with the director of the budget entered into prior to the
34 requisitioning of such advances, out of money borrowed for such purpose
35 under subparagraph (iii) of paragraph (a) of subdivision three of this
36 section. Except as so repaid, such advances shall be repaid annually by
37 the port authority to the extent and only to the extent that the port
38 authority shall have received rentals, directly or indirectly, from all
39 the commuter railroads of this state to which railroad cars have been
40 leased under this article in excess of the components of such rentals
41 which represent the port authority's administrative, legal and financial
42 expenses in connection with the purchase, ownership and lease.

43 (c) In the event that railroad cars purchased by the port authority
44 are sold upon the default of any lessee thereof, the port authority
45 shall deduct from the proceeds of such sale its unpaid administrative,
46 legal and financial expenses in connection with such lease and sale and
47 an amount equal to the unpaid principal and interest and mandatory
48 redemption premiums, whenever payable, upon its outstanding bonds or
49 other evidences of indebtedness, the proceeds of the issuance of which
50 shall have been applied to the purchase of the railroad cars sold and
51 shall pay the balance to this state, but the port authority shall have
52 full authority to agree with any other creditors of such lessee, either
53 in advance of or after default, as to the order of payment to the port
54 authority and such other creditors, either out of the assets of such
55 lessee available for such creditors, including the port authority, or
56 out of the proceeds of the joint sale of various properties of such

1 creditors theretofore used by such lessee, including such railroad cars
2 of the port authority.

3 (d) Except as provided in paragraph (c) of this subdivision, any rail-
4 road cars purchased by the port authority with the proceeds of the issu-
5 ance by the port authority of any series of bonds or other evidences of
6 indebtedness shall become the property of this state after the final
7 payment of all the bonds or other evidences of indebtedness of such
8 series, and thereafter shall be held by the port authority subject to
9 the disposition of this state, and any railroad cars purchased by the
10 port authority with any advances from this state shall become the prop-
11 erty of this state upon the repayment of all such advances solely out of
12 rentals in excess of the port authority's administrative, legal and
13 financial expenses in connection therewith; or if the proceeds of port
14 authority bonds or other evidences of indebtedness of any series shall
15 have been applied to repay all or any portion of such advances, then
16 such cars shall become the property of this state upon the final payment
17 of all such bonds or other evidences of such indebtedness of such
18 series.

19 (e)(i) To the extent authorized by the constitution at the time of the
20 issuance of bonds or notes of the port authority for any of the purposes
21 of this article, the punctual payment of such bonds and notes shall be,
22 and the same hereby is, fully and unconditionally guaranteed by the
23 state of New York, both as to principal and interest, according to their
24 terms; and such guaranty shall be expressed upon the face thereof by
25 the signature or facsimile signature of the comptroller or a deputy
26 comptroller of the state of New York. If the port authority shall fail
27 to pay, when due, the principal of, or interest upon, such bonds or
28 notes, such comptroller shall pay the holder thereof. In furtherance of
29 such guaranty of punctual payment, if the comptroller of this state
30 shall receive written notice from the trustee or other fiduciary or
31 other duly authorized representative of the holder or holders of such
32 bonds and notes designated in any agreement between the port authority
33 and such holder or holders that the port authority has failed to make or
34 deposit any payment of interest or principal required by such agreement
35 to or with such trustee or fiduciary or otherwise at or before the time
36 specified in such agreement, then such comptroller shall within three
37 days of the receipt of such notice pay to such trustee or fiduciary or
38 other duly authorized representative the amount necessary to meet any
39 deficiency in the payment of such interest and principal, when due.

40 If the comptroller shall make a payment or payments pursuant to this
41 subparagraph, the state shall be subrogated to the rights of the bond-
42 holders or noteholders to whom, or on account of whom, such payment or
43 payments were made, in and to the revenues pledged to such holders; and
44 for such purpose, to the extent any such revenues in the hands of the
45 port authority may be inadequate to repay such payment or payments made
46 by the state, the state shall be further subrogated to the rights of the
47 port authority to recover any rentals due and unpaid to the port author-
48 ity as of the date of such payment or payments and pledged to such hold-
49 ers as aforesaid.

50 (ii) Such bonds and notes shall be sold by the port authority in such
51 manner and at such time as the port authority, with the approval of the
52 comptroller, shall determine. The proceeds of each sale of bonds or
53 notes shall be applied to the purpose or purposes set forth in the
54 resolution of the port authority authorizing the issuance of such bonds
55 or notes. If, after having accomplished the purpose or purposes set
56 forth in such resolution there remains any unexpended balance (including

1 interest earned by the port authority on such proceeds), such unexpended
2 balance shall be applied by the port authority, to the extent practica-
3 ble, to the purchase for retirement or to the redemption of bonds or
4 notes included in such sale, or otherwise as the port authority may
5 determine for the purposes of this article. If any commuter car, the
6 acquisition of which is financed or refinanced by the issuance of bonds
7 or notes under this article, be lost, damaged or destroyed, the proceeds
8 of any insurance policies covering such loss, damage or destruction or
9 any payments made to the port authority by the lessee of such car on
10 account of such loss, damage or destruction shall be applied by the port
11 authority, to the extent practicable, to the purchase for retirement or
12 to the redemption of bonds or notes of such series, or otherwise as the
13 port authority may determine for the purposes of this article.

14 (iii) The port authority is designated as the agent of the state of
15 New York for the purpose of selling, leasing or otherwise disposing of
16 any railroad cars which shall become the property of the state pursuant
17 to paragraph (d) of this subdivision. As such agent the port authority
18 may agree, upon such terms and conditions as may be deemed appropriate
19 by it, with any lessee of railroad cars or with any other person, either
20 in advance of or after the time when such cars shall become the property
21 of the state, so to sell, lease or otherwise dispose of such cars. In
22 the event any such cars are so sold, leased or otherwise disposed of by
23 the port authority, the port authority shall pay over to the state, as
24 promptly after receipt as may be practicable, any balance of the
25 proceeds thereof, which remain after deduction of the port authority's
26 administrative, legal and financial expenses in connection with or aris-
27 ing out of such sale, lease or other disposition.

28 ARTICLE XXIV

29 WORLD TRADE CENTER

30 Section 2401. World trade center.

31 S 2401. World trade center. 1. The states of New York and New Jersey
32 hereby find and determine:

33 (a) that the transportation of persons to, from and within the port of
34 New York, and the flow of foreign and domestic cargoes to, from and
35 through the port of New York are vital and essential to the preservation
36 of the economic well-being of the northern New Jersey-New York metropol-
37 itan area;

38 (b) that in order to preserve the northern New Jersey-New York metro-
39 politan area from economic deterioration, adequate facilities for the
40 transportation of persons must be provided, preserved and maintained and
41 that rail services are and will remain of extreme importance to such
42 transportation of persons;

43 (c) that the interurban electric railway now or heretofore operated by
44 the Hudson & Manhattan railroad company is an essential railroad facili-
45 ty serving the northern New Jersey-New York metropolitan area, that its
46 physical plant is in a severely deteriorated condition, and that it is
47 in extreme financial condition;

48 (d) that the immediate need for the maintenance and development of
49 adequate railroad facilities for the transportation of persons between
50 northern New Jersey and New York would be met by the acquisition, reha-
51 bilitation and operation of the said Hudson & Manhattan interurban elec-
52 tric railway by a public agency, and improvement and extensions of the
53 rail transit lines of said railway to permit transfer of its passengers

1 to and from other transportation facilities and in the provision of
2 transfer facilities at the points of such transfers;

3 (e) that in order to preserve and protect the position of the port of
4 New York as the nation's leading gateway for world commerce it is incum-
5 bent on the states of New York and New Jersey to make every effort to
6 insure that their port receives its rightful share of the oceanborne
7 cargo volumes generated by the economy of the nation;

8 (f) that the servicing functions and activities connected with the
9 oceanborne and overseas airborne trade and commerce of the port of New
10 York district as defined in the compact between the said two states
11 dated April thirty, nineteen hundred twenty-one (hereinafter called the
12 port district), including customs clearance, shipping negotiations,
13 cargo routing, freight forwarding, financing, insurance arrangements and
14 other similar transactions which are presently performed in various,
15 scattered locations in the city of New York, state of New York, should
16 be centralized to provide for more efficient and economical transporta-
17 tion of persons and more efficient and economical facilities for the
18 exchange and buying, selling and transportation of commodities and other
19 property in world trade and commerce;

20 (g) that unification, at a single, centrally located site, of the
21 principal New York terminal of the aforesaid interurban electric railway
22 and a facility of commerce accommodating the said functions and activ-
23 ities described in paragraph (f) of this subdivision and the appropriate
24 governmental, administrative and other services connected with or inci-
25 dental to transportation of persons and property and the promotion and
26 protection of port commerce, and providing a central locale for exhibit-
27 ing and otherwise promoting the exchange and buying and selling of
28 commodities and property in world trade and commerce, will materially
29 assist in preserving for the two states and the people thereof the mate-
30 rial and other benefits of a prosperous port community;

31 (h) that the port authority, which was created by agreement of the two
32 states as their joint agent for the development of the transportation
33 and terminal facilities and other facilities of commerce of the port
34 district and for the promotion and protection of the commerce of their
35 port, is the proper agency to act in their behalf (either directly or by
36 or through wholly-owned subsidiary corporations) to effectuate, as a
37 unified project, the said interurban electric railway and its extensions
38 and the facility of commerce described in paragraph (g) of this subdivi-
39 sion; and

40 (i) that the undertaking of the aforesaid unified project by the port
41 authority has the single object of preserving, and is part of a unified
42 plan to aid in the preservation of, the economic well-being of the
43 northern New Jersey-New York metropolitan area and is found and deter-
44 mined to be in the public interest.

45 2. The following terms as used in this act shall have the following
46 meanings:

47 (a) "Bonds" shall mean bonds, notes, securities or other obligations
48 or evidences of indebtedness;

49 (b) "Effectuation" of a project or any facility or part of a facility
50 constituting a portion of a project shall include but not be limited to
51 its establishment, acquisition, construction, development, maintenance,
52 operation, improvement (by way of betterments, additions or otherwise)
53 and rehabilitation;

54 (c) "Exchange place terminal area" shall mean the area in the city of
55 Jersey City, state of New Jersey, bounded generally by Exchange place
56 and Montgomery street, by Warren street, by Pearl street, by Greene

1 street, and by Morgan street as extended to the bulkhead line and by
2 said bulkhead line, together with such additional contiguous area as may
3 be agreed upon from time to time between the port authority and the said
4 city;

5 (d) "General reserve fund statutes" shall mean chapter forty-eight of
6 the laws of New York of nineteen hundred thirty-one as amended and
7 continued by article XXX of this chapter, and chapter five of the laws
8 of New Jersey of nineteen hundred thirty-one as amended, and "general
9 reserve fund" shall mean the general reserve fund of the port authority
10 authorized by said statutes;

11 (e) "Hudson tubes" shall mean that portion of the port development
12 project constituting a railroad facility consisting of the four inter-
13 state rail tunnels under the Hudson river now or heretofore owned or
14 operated by the Hudson & Manhattan railroad company, the rail transit
15 lines of the Hudson tubes, the balance of the interurban electric rail-
16 way system in and through said tunnels and over said lines and inci-
17 dental thereto (including but not limited to the portion of such lines
18 and system now or heretofore operated jointly by said railroad company
19 and the Pennsylvania railroad company), terminals, including but not
20 limited to terminals in the Hudson tubes-world trade center area, in the
21 Journal square terminal area and in the Exchange place terminal area,
22 and other related railroad property;

23 (f) "Hudson tubes extensions" shall mean those portions of the port
24 development project constituting passenger railroad facilities (1)
25 extending directly from the rail transit lines of the Hudson tubes, over
26 new rail transit lines or on or over the existing rail transit lines of
27 other railroads, to transfer facilities in the rail passenger transfer
28 area, for the transfer of passengers of the Hudson tubes to and from
29 other railroads, and (2) extending from Pennsylvania station in the city
30 of Newark, state of New Jersey, over new rail transit lines or on or
31 over the existing rail transit lines of other railroads, to the vicinity
32 of the city of Plainfield, state of New Jersey, including construction,
33 reconstruction and improvement of necessary stations in and between the
34 city of Newark and the vicinity of the city of Plainfield, together with
35 such additional rail or other mass transportation, terminal, station,
36 parking, storage and service facilities as operations may require, and
37 shall include a connection to provide improved access to Newark interna-
38 tional airport if and to the extent such connection shall not be other-
39 wise provided by the port authority as air terminal facilities for said
40 airport, and (3) consisting of the following improvements to passenger
41 railroad lines connecting with the Hudson tubes: (i) direct track
42 connections between the rail transit lines of the Morris & Essex divi-
43 sion of the Erie-Lackawanna railroad and the Penn Central transportation
44 company in the vicinity of the town of Kearny in the state of New
45 Jersey, (ii) replacement of the railroad bridge (known as the "portal
46 bridge") operated by the Penn Central transportation company across the
47 Hackensack river, (iii) direct track connections between the rail trans-
48 it lines of the Bergen branch and the mail line of the Erie-Lackawanna
49 railroad in the vicinity of the town of Secaucus in the state of New
50 Jersey and between the new joint line resulting from such connections
51 and the rail transit lines of the Penn Central transportation company in
52 the vicinity of the town of Secaucus in the state of New Jersey, (iv) a
53 new railroad yard in the vicinity of the town of Secaucus in the state
54 of New Jersey for the accommodation of railroad passenger equipment, (v)
55 improvements to Pennsylvania station in the city of New York, state of
56 New York, and to its railroad approaches from the state of New Jersey,

1 as necessary or desirable to improve operations and to increase train
2 and passenger handling capacity, and (vi) such additional rail or other
3 mass transportation, terminal, station, parking, storage and service
4 facilities as operations may require with respect to any of the projects
5 identified in this subparagraph or any of the foregoing or any portion
6 thereof; and, in addition thereto, other related railroad property;

7 (g) "Hudson tubes-world trade center area" shall mean the area in the
8 borough of Manhattan, city and state of New York, bounded generally by
9 the east side of Church street on the east, the south side of Liberty
10 street and the south side of Liberty street extended on the south, the
11 Hudson river on the west, and on the north by a line beginning at the
12 point of intersection of the Hudson river and the north side of Vesey
13 street extended, running along the north side of Vesey street extended
14 and the north side of Vesey street to the west side of Washington
15 street, then along the west side of Washington street to the north side
16 of Barclay street, then along the north side of Barclay street to the
17 east side of West Broadway, then along the east side of West Broadway to
18 the north side of Vesey street, then along the north side of Vesey
19 street to the east side of Church street, together with such additional
20 contiguous area as may be agreed upon from time to time between the port
21 authority and the said city;

22 (h) "Journal square terminal area" shall mean the area in the city of
23 Jersey City, state of New Jersey, bounded generally by Journal square,
24 Hudson boulevard, Pavonia avenue, Summit avenue and Sip avenue, together
25 with such additional contiguous area as may be agreed upon from time to
26 time between the port authority and the said city;

27 (i) "Municipality" shall mean a county, city, borough, village, town,
28 township or other similar political subdivision of New York or New
29 Jersey;

30 (j) "Parking facilities" forming a part of the Hudson tubes or Hudson
31 tubes extensions shall mean one or more areas, buildings, structures,
32 improvements or other accommodations or appurtenances at or in the
33 vicinity of any terminal or station of the Hudson tubes or Hudson tubes
34 extensions and necessary, convenient or desirable in the opinion of the
35 port authority for the parking of motor vehicles of users of the Hudson
36 tubes or the Hudson tubes extensions and of members of the general
37 public and for the parking and storage of omnibuses and railroad cars
38 serving users of the Hudson tubes or the Hudson tubes extensions and for
39 the transfer of the operators and passengers of such motor vehicles,
40 omnibuses and railroad cars to and from the railroad cars of the Hudson
41 tubes or the Hudson tubes extensions, and for purposes incidental there-
42 to;

43 (k) "Purposes of this article" shall mean the effectuation of the port
44 development project and of each facility constituting a portion thereof
45 and of each part of each such facility, and purposes incidental thereto;

46 (l) "Rail passenger transfer area" shall mean the area in the state of
47 New Jersey bounded as follows: beginning on the west bank of the Hudson
48 river at the southerly side of the right-of-way of the Central railroad
49 of New Jersey easterly of the Communipaw station in the city of Jersey
50 City, thence northwestwardly along said southerly side of the right-of-
51 way of the Central railroad of New Jersey through the cities of Jersey
52 City and Kearny to Broad street in the city of Newark; thence northward-
53 ly along Broad street to Clay street, thence eastwardly along Clay
54 street to the boundary between the counties of Hudson and Essex in the
55 Passaic river, thence northwardly along said boundary to its inter-
56 section with the boundary line between the counties of Bergen and

1 Hudson, thence eastwardly and northwardly along said boundary to New
2 Jersey state highway route three, thence eastwardly along said route
3 three, the Lincoln tunnel viaduct and a line in continuation of said
4 viaduct and tunnel to the west bank of the Hudson river, thence south-
5 wardly along said west bank to the point and place of beginning;

6 (m) "Rail transit lines" shall mean right-of-way and related trackage,
7 and the "rail transit lines of the Hudson tubes" shall mean the rail
8 transit lines beginning at the Market street station of the Pennsylvania
9 railroad company in the city of Newark, state of New Jersey and extend-
10 ing generally (i) eastwardly along the joint service and operating route
11 now or heretofore used by the Hudson & Manhattan railroad company and
12 the Pennsylvania railroad company to the point of connection thereof
13 with the tracks now or formerly of the Hudson & Manhattan railroad
14 company in or about the Journal square terminal area; thence (ii)
15 continuing eastwardly along the tracks and right-of-way now or hereto-
16 fore used by the Hudson & Manhattan railroad company through the city of
17 Jersey City, state of New Jersey and through the tunnels under the
18 waters of the Hudson river and through Cortlandt and Fulton streets in
19 the borough of Manhattan, city and state of New York to the Hudson
20 terminal in the Hudson tubes-world trade center area; with a branch from
21 the aforesaid route from a point located between the Grove street and
22 Exchange place stations in said city of Jersey City northwardly and
23 eastwardly to the Hoboken terminal station in the city of Hoboken, state
24 of New Jersey and with a second branch from said first branch eastwardly
25 and through the tunnels under the waters of the Hudson river to the said
26 borough of Manhattan passing through or adjacent to Morton street,
27 Greenwich street, Christopher street and the avenue of the Americas
28 (formerly Sixth avenue) to the West Thirty-third street terminal in said
29 borough of Manhattan; and rail transit lines of the Hudson tubes and of
30 the Hudson tubes extensions shall in each case include such rail transit
31 lines as the port authority may deem necessary, convenient or desirable
32 to and from parking facilities, storage yards, maintenance and repair
33 shops and yards forming part thereof;

34 (n) "Real property" shall mean lands, structures, franchises and
35 interests in land, waters, lands under water and riparian rights and any
36 and all things and rights included within said term, and includes not
37 only fees simple absolute but also any and all lesser interests, includ-
38 ing but not limited to easements, rights-of-way, uses, leases, licenses
39 and all other incorporeal hereditaments and every estate, interest or
40 right, legal or equitable, including terms for years, and liens thereon
41 by way of judgments, mortgages or otherwise;

42 (o) "Related railroad property" shall mean any property, real,
43 personal or mixed, necessary, convenient or desirable, in the opinion of
44 the port authority, to the effectuation of a railroad facility which is
45 a portion of the port development project and shall include but not be
46 limited to rail transit lines; terminals and stations; power, fuel,
47 communication, signal and ventilation systems; cars and other rolling
48 stock; storage yards; repair and maintenance shops, yards, equipment and
49 parts; parking facilities; transfer facilities for transfer of passen-
50 gers between such railroad facility and other railroads or omnibuses;
51 offices; and other buildings, structures, improvements, areas, equipment
52 or supplies; and, in the case of buildings, structures, improvements or
53 areas in which any one or more of such railroad functions are accommo-
54 dated shall include all of such buildings, structures, improvements or
55 areas notwithstanding that portions thereof may not be devoted to any of
56 the purposes of the port development project other than the production

1 of incidental revenue available for the expenses of all or part of the
2 port development project, except that in the Hudson tubes-world trade
3 center area the portions of such buildings, structures, improvements or
4 areas constructed or established pursuant to this article which are not
5 devoted primarily to railroad functions, activities or services or to
6 functions, activities or services for railroad passengers shall be
7 deemed a part of the world trade center and not related railroad proper-
8 ty;

9 (p) "Surplus revenues" from any facility shall mean the balance of the
10 revenues from such facility (including but not limited to the revenues
11 of any subsidiary corporation incorporated for any of the purposes of
12 this act) remaining at any time currently in the hands of the port
13 authority after the deduction of the current expenses of the operation
14 and maintenance thereof, including a proportion of the general expenses
15 of the port authority as it shall deem properly chargeable thereto,
16 which general expenses shall include but not be limited to the expense
17 of protecting and promoting the commerce of the port district, and after
18 the deduction of any amounts which the port authority may or shall be
19 obligated or may or shall have obligated itself to pay to or set aside
20 out of the current revenues therefrom for the benefit of the holders of
21 any bonds legal for investment as defined in the general reserve fund
22 statutes;

23 (q) "Surplus revenues of the port development project" shall mean the
24 surplus revenues of the Hudson tubes, the Hudson tubes extensions and
25 the world trade center; and

26 (r) "World trade center" shall mean that portion of the port develop-
27 ment project constituting a facility of commerce consisting of one or
28 more buildings, structures, improvements and areas necessary, convenient
29 or desirable in the opinion of the port authority for the centralized
30 accommodation of functions, activities and services for or incidental to
31 the transportation of persons, the exchange, buying, selling and trans-
32 portation of commodities and other property in world trade and commerce,
33 the promotion and protection of such trade and commerce, governmental
34 services related to the foregoing and other governmental services,
35 including but not limited to custom houses, customs stores, inspection
36 and appraisal facilities, foreign trade zones, terminal and transporta-
37 tion facilities, parking areas, commodity and security exchanges,
38 offices, storage, warehouse, marketing and exhibition facilities and
39 other facilities and accommodations for persons and property and, in the
40 case of buildings, structures, improvements and areas in which such
41 accommodation is afforded, shall include all of such buildings, struc-
42 tures, improvements and areas other than portions devoted primarily to
43 railroad functions, activities or services or to functions, activities
44 or services for railroad passengers, notwithstanding that other portions
45 of such buildings, structures, improvements and areas may not be devoted
46 to purposes of the port development project other than the production of
47 incidental revenue available for the expenses of all or part of the port
48 development project.

49 3. In furtherance of the aforesaid findings and determinations and in
50 partial effectuation of and supplemental to the comprehensive plan here-
51 tofore adopted by the two said states for the development of the said
52 port district, the port authority is hereby authorized and empowered to
53 establish, acquire, construct, effectuate, develop, own, lease, main-
54 tain, operate, improve and rehabilitate a project herein referred to as
55 the port development project, which shall consist of a facility of
56 commerce herein referred to as the world trade center, to be located

1 within the Hudson tubes-world trade center area, and railroad facilities
2 herein referred to as the Hudson tubes and the Hudson tubes extensions.
3 The port authority shall proceed as rapidly as may be practicable to
4 accomplish the purposes of this article.

5 The port authority is hereby authorized and empowered to establish,
6 levy and collect such rentals, tolls, fares, fees and other charges as
7 it may deem necessary, proper or desirable in connection with any facil-
8 ity or part of any facility constituting a portion of the port develop-
9 ment project and to issue bonds for any of the purposes of this article
10 and to provide for payment thereof, with interest upon and the amorti-
11 zation and retirement of such bonds, and to secure all or any portion of
12 such bonds by a pledge of such rentals, tolls, fares, fees, charges and
13 other revenues or any part thereof (including but not limited to the
14 revenues of any subsidiary corporation incorporated for any of the
15 purposes of this article), and to secure all or any portion of such
16 bonds by mortgages upon any property held or to be held by the port
17 authority (or by any such subsidiary corporation) for any of the
18 purposes of this article, and for any of the purposes of this article to
19 exercise all appropriate powers heretofore or hereafter delegated to it
20 by the states of New York and New Jersey, including, but not limited to,
21 those expressly set forth in this article. The surplus revenues of the
22 port development project may be pledged in whole or in part as herein-
23 after provided.

24 Unless and until hereafter expressly authorized by the two states the
25 port authority shall not: (a) operate or permit operation by others of
26 its Hudson tubes railroad cars or other rolling stock or equipment or
27 Hudson tubes extensions railroad cars or other rolling stock or equip-
28 ment except upon the rail transit lines of the Hudson tubes or of the
29 Hudson tubes extensions and also between the Market street station and
30 the South street station of the Pennsylvania railroad company in the
31 city of Newark, state of New Jersey; or (b) except by way of Hudson
32 tubes extensions as herein defined, make additions, betterments or other
33 improvements to or of said Hudson tubes or Hudson tubes extensions by
34 way of extensions of their rail transit lines. Nothing herein contained
35 shall be deemed to prevent the making by the port authority of such
36 joint service or other agreements with railroads as it shall deem neces-
37 sary, convenient or desirable for the use of the Hudson tubes and Hudson
38 tubes extensions by the railroad cars or other rolling stock or equip-
39 ment of such railroads and the acquisition of the rights of any or all
40 parties in any joint service or other agreements the Hudson & Manhattan
41 railroad company or its successors shall have made with other railroads
42 for such use of the Hudson tubes. The port authority shall not proceed
43 with the effectuation of any railroad or railroad facility in addition
44 to the Hudson tubes and the Hudson tubes extensions until hereafter
45 expressly authorized by the two states. Nothing contained in this arti-
46 cle shall authorize or empower the port authority to establish,
47 construct or otherwise effectuate an air terminal.

48 4. The moneys in the general reserve fund may be pledged in whole or
49 in part by the port authority as security for or applied by it to the
50 repayment with interest of any moneys which it may raise upon bonds
51 issued or incurred by it from time to time for any of the purposes of
52 this article or upon bonds secured in whole or in part by the pledge of
53 the revenues from the port development project or any portion thereof or
54 upon bonds both so issued or incurred and so secured; and the moneys in
55 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 such bonds.

Subject to prior liens and pledges (and to the obligation of the port authority to apply revenues to the maintenance of its general reserve fund in the amount prescribed by the general reserve fund statutes), the revenues from facilities established, constructed, acquired or otherwise effectuated through the issuance or sale of bonds of the port authority secured in whole or in part by a pledge of its general reserve fund or any portion thereof may be pledged in whole or in part as security for or applied by it to any of the purposes of this article, including the repayment with interest of any moneys which it may raise upon bonds issued or incurred from time to time for any of the purposes of this article or upon bonds secured in whole or in part by the pledge of the revenues of the port authority from the port development project or any portion thereof or upon bonds both so issued or incurred and so secured; and said revenues 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 such bonds.

5. In all cases where the port authority has raised or shall hereafter raise moneys for any of the purposes of this article by the issue and sale of bonds which are secured in whole or in part by a pledge of the general reserve fund or any portion thereof, the surplus revenues from any facility constituting a portion of the port development project and financed in whole or in part out of the proceeds of such bonds and the surplus revenue from any other port authority facility the surplus revenues of which at such time may be payable into the general reserve fund shall be pooled and applied by the port authority to the establishment and maintenance of the general reserve fund in an amount equal to one-tenth of the par value of all bonds legal for investment, as defined in the general reserve fund statutes, issued by the port authority and currently outstanding, including such bonds issued for any of the purposes of this article; and all such moneys in said general reserve fund may be pledged and applied in the manner provided in the general reserve fund statutes.

In the event that any time the balance of moneys theretofore paid into the general reserve fund and not applied therefrom shall exceed an amount equal to one-tenth of the par value of all bonds upon the principal amount of which the amount of the general reserve fund is calculated, by reason of the retirement of bonds issued or incurred from time to time for any of the purposes of this article the par value of which had theretofore been included in the computation of said amount of the general reserve fund, then the port authority may pledge or apply such excess for and only for the purposes for which it is authorized by the general reserve fund statutes to pledge the moneys in the general reserve fund and such pledge may be made in advance of the time when such excess may occur.

6. The two states covenant and agree with each other and with the holders of any affected bonds, as hereinafter defined, that so long as any of such bonds remain outstanding and unpaid and the holders thereof shall not have given their consent as provided in their contract with the port authority, the two states will not diminish or impair the power of the port authority (or any subsidiary corporation incorporated for any of the purposes of this article) to establish, levy and collect rentals, tolls, fares, fees or other charges in connection with any facility constituting a portion of the port development project or any other facility owned or operated by the port authority of which the

1 revenues have been or shall be pledged in whole or in part as security
2 for such bonds (directly or indirectly, or through the medium of the
3 general reserve fund or otherwise), or to determine the quantity, quali-
4 ty, frequency or nature of the service provided in connection with each
5 such facility.

6 "Affected bonds" as used in this subdivision shall mean bonds of the
7 port authority issued or incurred by it from time to time for any of the
8 purposes of this article or bonds as security for which there may or
9 shall be pledged, in whole or in part, the general reserve fund or any
10 reserve fund established by or pursuant to contract between the port
11 authority and the holders of such bonds, or the revenues of the world
12 trade center, Hudson tubes, Hudson tubes extensions or any other facili-
13 ty owned or operated by the port authority any surplus revenues of which
14 would be payable into the general reserve fund, or bonds both so issued
15 or incurred and so secured.

16 7. The port authority is authorized and empowered to co-operate with
17 the states of New York and New Jersey, with any municipality, with the
18 federal government and with any agency or commission of any one or more
19 of the foregoing, or with any one or more of them, for and in connection
20 with the acquisition, clearance, replanning, rehabilitation, recon-
21 struction or redevelopment of the Hudson tubes-world trade center area
22 or of any other area forming part of the port development project for
23 the purpose of renewal and improvement of said area and for any of the
24 purposes of this article, and to enter into an agreement or agreements
25 (and from time to time to enter into agreements amending or supplement-
26 ing the same) with any such municipality, commission or agency and with
27 the states of New York and New Jersey and with the federal government,
28 or with any one or more of them, for or relating to such purposes,
29 including but not limited to agreements with respect to financial
30 assistance, loans and grants as provided in title one of the housing act
31 of nineteen hundred forty-nine and all federal laws amendatory and
32 supplemental thereto and with respect to occupancy of space in the port
33 development project. The port authority is hereby authorized and
34 empowered to apply for and accept financial assistance, loans and grants
35 for such purposes under federal, state or local laws, and to make appli-
36 cation directly to the proper officials or agencies for and receive
37 federal, state or local loans or grants in aid of any of the purposes of
38 this article.

39 8. If the port authority shall find it necessary or convenient to
40 acquire any real property for Narrows bridge purposes (including tempo-
41 rary construction, rehabilitation or improvement), whether for immediate
42 or future use, the port authority may find and determine that such prop-
43 erty, whether a fee simple absolute or a lesser interest, is required
44 for a public use, and upon such determination the said property shall be
45 and shall be deemed to be required for such public use until otherwise
46 determined by the port authority, and such determination shall not be
47 affected by the fact that such property has theretofore been taken for
48 and is then devoted to a public use; but the public use in the hands of
49 or under the control of the port authority shall be deemed superior to
50 the public use in the hands of any other person, association or corpo-
51 ration. If the port authority shall find it necessary or convenient
52 hereunder to acquire any real property which is then devoted to a public
53 use, the port authority shall have power to exchange or substitute any
54 other real property for such real property upon terms agreed to by the
55 port authority and the owner of such property then devoted to a public
56 use, and to find and determine that such other real property is also

1 required for a public use; upon such determination the said other prop-
2 erty shall be and shall be deemed to be required for such public use.

3 The port authority may acquire and is hereby authorized to acquire any
4 real property in the state of New York required for a public use under
5 the preceding paragraph, whether a fee simple absolute or a lesser
6 estate, by the exercise of the right of eminent domain under and pursu-
7 ant to the eminent domain procedure law of the state of New York, or at
8 the option of the port authority pursuant to any other and alternate
9 procedure provided by law by such state. Nothing herein contained shall
10 be construed to prevent the port authority from bringing any proceedings
11 in either state to remove a cloud on title or such other proceedings as
12 it may, in its discretion, deem proper and necessary, or from acquiring
13 any such property in either state by negotiation or purchase.

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

21 9. The states of New York and New Jersey hereby consent to suits,
22 actions or proceedings by any municipality against the port authority
23 upon, in connection with or arising out of any agreement, or any amend-
24 ment thereof, entered into for any of the purposes of this article, as
25 follows:

26 (a) for judgments, orders or decrees restraining or enjoining the port
27 authority from transferring title to real property to other persons in
28 cases where it has agreed with said municipality for transfer of such
29 title to the municipality; and

30 (b) 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
35 provided further that upon appeal taken by the port authority from such
36 judgment, order or decree the service of the notice of appeal shall
37 perfect the appeal and 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 consent 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 XXV of this chapter, and chapter two hundred four of the laws of New
44 Jersey of nineteen hundred fifty-one.

45 10. The effectuation of the world trade center, the Hudson tubes and
46 the Hudson tubes extensions, or any of such facilities constituting a
47 portion of the port development project, are and will be in all respects
48 for the benefit of the people of the states of New York and New Jersey,
49 for the increase of their commerce and prosperity and for the improve-
50 ment of their health and living conditions; and the port authority and
51 any subsidiary corporation incorporated for any of the purposes of this
52 article shall be regarded as performing an essential governmental func-
53 tion in undertaking the effectuation thereof, and in carrying out the
54 provisions of law relating thereto.

55 11. The port authority shall be required to pay no taxes or assess-
56 ments upon any of the property acquired or used by it for any of the

1 purposes of this article or upon any deed, mortgage or other instrument
2 affecting such property or upon the recording of any such instrument.
3 However, to the end that no municipality shall suffer undue loss of
4 taxes and assessments by reason of the acquisition and ownership of
5 property by the port authority for any of the purposes of this article,
6 the port authority is hereby authorized and empowered, in its
7 discretion, to enter into a voluntary agreement or agreements with any
8 municipality whereby the port authority will undertake to pay in lieu of
9 taxes a fair and reasonable sum or sums annually in connection with any
10 real property acquired and owned by the port authority for any of the
11 purposes of this article. Such sums in connection with any real proper-
12 ty acquired and owned by the port authority for any of the purposes of
13 this article shall not be more than the sum last paid as taxes upon such
14 real property prior to the time of its acquisition by the port authori-
15 ty; provided, however, that in connection with any portion of the
16 Hudson tubes-world trade center area acquired and owned by the port
17 authority for any of the purposes of this article, after such property
18 is improved pursuant to this article with world trade center buildings,
19 structures or improvements greater in value than the buildings, struc-
20 tures or improvements on such Hudson tubes-world trade center area at
21 the time of its acquisition by the port authority, then, with regard to
22 such greater value, such sum or sums may be increased by such additional
23 sum or sums annually as may be agreed upon between the port authority
24 and the city of New York which will not include any consideration of the
25 exhibit areas of the world trade center or of any areas which would be
26 tax exempt in their own right if title were in the governmental occu-
27 pants or of other areas accommodating services for the public or devoted
28 to general public use. Each such municipality is hereby authorized and
29 empowered to enter into such agreement or agreements with the port
30 authority and to accept the payment or payments which the port authority
31 is hereby authorized and empowered to make, and the sums so received by
32 such municipality shall be devoted to purposes to which taxes may be
33 applied unless and until otherwise directed by law of the state in which
34 such municipality is located.

35 12. All details of the effectuation, including but not limited to
36 details of financing, leasing, rentals, tolls, fares, fees and other
37 charges, rates, contracts and service, of the world trade center, the
38 Hudson tubes and the Hudson tubes extensions by the port authority shall
39 be within its sole discretion and its decision in connection with any
40 and all matters concerning the world trade center, the Hudson tubes and
41 the Hudson tubes extensions shall be controlling and conclusive. The
42 local laws, resolutions, ordinances, rules and regulations of the city
43 of New York shall apply to such world trade center if so provided in any
44 agreement between the port authority and the city and to the extent
45 provided in any such agreement.

46 So long as any facility constituting a portion of the port development
47 project shall be owned, controlled or operated by the port authority
48 (either directly or through a subsidiary corporation incorporated for
49 any of the purposes of this article), no agency, commission or munici-
50 pality of either or both of the two states shall have jurisdiction over
51 such facility nor shall any such agency, commission or municipality have
52 any jurisdiction over the terms or method of effectuation of all or any
53 portion thereof by the port authority (or such subsidiary corporation)
54 including but not limited to the transfer of all or any portion thereof
55 to or by the port authority (or such subsidiary corporation).

1 Nothing in this article shall be deemed to prevent the port authority
2 from establishing, acquiring, owning, leasing, constructing, effectuat-
3 ing, developing, maintaining, operating, rehabilitating or improving all
4 or any portion of the port development project through wholly owned
5 subsidiary corporations of the port authority or from transferring to or
6 from any such corporations any moneys, real property or other property
7 for any of the purposes of this article. If the port authority shall
8 determine from time to time to form such a subsidiary corporation it
9 shall do so by executing and filing with the secretary of state of New
10 York and the secretary of state of New Jersey a certificate of incorpo-
11 ration, which may be amended from time to time by similar filing, which
12 shall set forth the name of such subsidiary corporation, its duration,
13 the location of its principal office, and the purposes of the incorpo-
14 ration which shall be one or more of the purposes of establishing,
15 acquiring, owning, leasing, constructing, effectuating, developing,
16 maintaining, operating, rehabilitating or improving all or any portion
17 of the port development project. The directors of such subsidiary
18 corporation shall be the same persons holding the offices of commission-
19 ers of the port authority. Such subsidiary corporation shall have all
20 the powers vested in the port authority itself for the purposes of this
21 article except that it shall not have the power to contract indebt-
22 edness. Such subsidiary corporation and any of its property, functions
23 and activities shall have all of the privileges, immunities, tax
24 exemptions and other exemptions of the port authority and of the port
25 authority's property, functions and activities. Such subsidiary corpo-
26 ration shall be subject to the restrictions and limitations to which the
27 port authority may be subject, including, but not limited to the
28 requirement that no action taken at any meeting of the board of direc-
29 tors of such subsidiary corporation shall have force or effect until the
30 governors of the two states shall have an opportunity, in the same
31 manner and within the same time as now or hereafter provided by law for
32 approval or veto of actions taken at any meeting of the port authority
33 itself, to approve or veto such action. Such subsidiary corporation
34 shall be subject to suit in accordance with subdivision nine of this
35 section and chapter three hundred one of the laws of New York of nine-
36 teen hundred fifty as continued by article XXV of this chapter, and
37 chapter two hundred four of the laws of New Jersey of nineteen hundred
38 fifty-one as if such subsidiary corporation were the port authority
39 itself. Such subsidiary corporation shall not be a participating
40 employer under the New York retirement and social security law or any
41 similar law of either state and the employees of any such subsidiary
42 corporation, except those who are also employees of the port authority,
43 shall not be deemed employees of the port authority.

44 Whenever any state, municipality, commission, agency, officer, depart-
45 ment, board or division is authorized and empowered for any of the
46 purposes of this article to co-operate and enter into agreements with
47 the port authority or to grant any consent to the port authority or to
48 grant, convey, lease or otherwise transfer any property to the port
49 authority or to execute any document, such state, municipality, commis-
50 sion, agency, officer, department, board or division shall have the same
51 authorization and power for any of such purposes to co-operate and enter
52 into agreements with such subsidiary corporation and to grant consents
53 to such subsidiary corporation and to grant, convey, lease or otherwise
54 transfer property to such subsidiary corporation and to execute docu-
55 ments for such subsidiary corporation.

1 13. The bonds issued by the port authority to provide funds for any of
2 the purposes of this article are hereby made securities in which all
3 state and municipal officers and bodies of both states, all trust compa-
4 nies and banks other than savings banks, all building and loan associ-
5 ations, savings and loan associations, investment companies and other
6 persons carrying on a commercial banking business, all insurance compa-
7 nies, insurance associations and other persons carrying on an insurance
8 business, and all administrators, executors, guardians, trustees and
9 other fiduciaries, and all other persons whatsoever (other than savings
10 banks), who are now or may hereafter be authorized by either state to
11 invest in bonds of such state, may properly and legally invest any
12 funds, including capital, belonging to them or within their control, and
13 said bonds are hereby made securities which may properly and legally be
14 deposited with and shall be received by any state or municipal officer
15 or agency of either state for any purpose for which the deposit of bonds
16 of such state is now or may hereafter be authorized. The bonds issued
17 by the port authority to provide funds for any of the purposes of this
18 article as security for which the general reserve fund shall have been
19 pledged in whole or in part are hereby made securities in which all
20 savings banks also may properly and legally invest any funds, including
21 capital, belonging to them or within their control.

22 14. If the port authority shall find it necessary, convenient or
23 desirable to acquire (either directly or through a subsidiary corpo-
24 ration) 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 intangible personal property and railroad cars or other rolling stock,
27 maintenance and repair equipment and parts, fuel and other tangible
28 personal property), for any of the purposes of this article, whether for
29 immediate or future use (including temporary construction, rehabili-
30 tation or improvement), the port authority may find and determine that
31 such property, whether a fee simple absolute or a lesser interest, is
32 required for a public use, and upon such determination the said property
33 shall be and shall be deemed to be required for such public use until
34 otherwise determined by the port authority, and such determination shall
35 not be affected by the fact that such property has theretofore been
36 taken for and is then devoted to a public use; but the public use in the
37 hands of or under the control of the port authority shall be deemed
38 superior to the public use in the hands of any other person, association
39 or corporation.

40 The port authority may acquire and is hereby authorized so to acquire
41 from time to time, for any of the purposes of this article, such proper-
42 ty, whether a fee simple absolute or a lesser estate, (including the
43 exercise of the right of eminent domain) under and pursuant to the
44 provisions of the eminent domain procedure law of the state of New York
45 in the case of property located in or having its situs in such state,
46 and revised statutes of New Jersey, title twenty: one-one et seq., in
47 the case of property located in or having its situs in such state, or,
48 at the option of the port authority, as provided in section fifteen of
49 chapter forty-three of the laws of New Jersey of nineteen hundred
50 forty-seven, as amended, in the case of property located in or having
51 its situs in such state, or pursuant to such other and alternate proce-
52 dure as may be provided by law of the state in which such property is
53 located or has its situs; and all of said statutes for the acquisition
54 of real property shall, for any of the purposes of this article, be
55 applied also to the acquisition of other property authorized by this
56 subdivision, except that such provisions as pertain to surveys,

1 diagrams, maps, plans or profiles, assessed valuation, lis pendens,
2 service of notice and papers, filing in the office of the clerk in which
3 the real property affected is situated and such other provisions as by
4 their nature cannot be applicable to property other than real property,
5 shall not be applicable to the acquisition of such other property. In
6 the event that any property other than real property is acquired by
7 acquisition then, with respect to such other property, notice of such
8 proceeding and all subsequent notices or court processes shall be served
9 upon the owners of such other property and upon the port authority by
10 personal service or by registered or certified mail, except as may be
11 otherwise directed by the court.

12 Anything herein to the contrary notwithstanding, any property to be
13 acquired for any of the purposes of this article, which property shall
14 not have been used by its owner or owners or any of his or their prede-
15 cessors in connection with and shall not have been acquired by its owner
16 or owners or any of his or their predecessors for use in connection with
17 the effectuation by a railroad company or companies of the Hudson tubes
18 or the Hudson tubes extensions prior to port authority acquisition,
19 shall, if such property is personal property, be acquired only by agree-
20 ment with the owner or owners and shall, if such property is not
21 personal property, be acquired in an action or proceeding in the state
22 in which such property is located or has its situs. Except as so
23 provided, the port authority is hereby authorized and empowered, in its
24 discretion, from time to time to combine any property which is to be
25 acquired as aforesaid for any of the purposes of this article for acqui-
26 sition in a single action or proceeding notwithstanding that part of the
27 the property so to be acquired is located or has its situs in New Jersey
28 and part in New York or is personal property or mixed real and personal
29 property or may be owned by more than one owner; and, except as herein-
30 after provided, each such single action or proceeding to acquire proper-
31 ty located or having it situs part in New Jersey and part in New York
32 shall be pursuant to the laws of whichever of the two said states the
33 port authority shall estimate contains the greater part in value of all
34 the property to be acquired in such action or proceeding (hereinafter
35 sometimes called the forum state) and in the court or courts specified
36 in the laws of the forum state for the acquisition by the port authority
37 of property located or having its situs in the forum state pursuant to
38 this article, in which event, notwithstanding the location or situs of
39 said property, each of said two states hereby confers upon it said court
40 or courts jurisdiction of such action or proceeding and the port author-
41 ity and any subsidiary corporation so acquiring such property and the
42 owners of such property shall be bound by the judgments, orders or
43 decrees therein. In any such action or proceeding the court or courts of
44 the forum state shall apply the laws of valuation of the other state
45 (hereinafter sometimes called the nonforum state) to the valuation of
46 the property which is located or has it situs in the nonforum state and
47 shall include in the total compensation to be made to any owner of prop-
48 erty in both states being acquired in such action or proceeding the
49 increment, if any, in the value of such property in both states, by
50 reason of its being in a single ownership. If a judgment, order or
51 decree in such an action or proceeding shall best title in or otherwise
52 award to the authority the right to possession of property located or
53 having its situs in the nonforum state, then the court or courts of the
54 nonforum state shall grant full faith and credit to such judgment, order
55 or decree and upon petition by the authority to the court or courts of
56 the non forum state specified in the laws thereof for the acquisition by

1 the port authority of property located or having its situs in the nonfo-
2 rum state pursuant to this act, presenting a true copy of such judgment,
3 order or decree and proof that it is in effect, that any conditions
4 thereof have been met, that at least five days' notice of such petition
5 has been served by registered or certified mail upon all owners of the
6 property affected who appeared in the original action or proceeding in
7 the forum state or who may be owners of record, and without further
8 proof, a judgment, order or decree of such court or courts of the nonfo-
9 rum state shall be entered granting the authority possession of the
10 property located or having its situs in the nonforum state and confirm-
11 ing any title which shall have vested in the authority or its subsidiary
12 by the judgment, order or decree of the court or courts of the forum
13 state.

14 The owner of any property acquired for any of the purposes of this
15 article shall not be awarded for such property any increment above the
16 just compensation required by the constitutions of the United States and
17 of the state or states in which the property is located or has its situs
18 by reason of any circumstances whatsoever.

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

24 Where a person entitled to an award in the proceedings to acquire any
25 property for any of the purposes of this article remains in possession
26 of such property after the time of the vesting of title in the authority
27 or its subsidiary, the reasonable value of his use and occupancy of such
28 property subsequent to such time, as fixed by agreement or by the court
29 in such proceedings or by any court of competent jurisdiction, shall be
30 a lien against such award, subject only to liens of record at the time
31 of the vesting of title in the authority or its subsidiary.

32 15. The port authority and its duly authorized agents, and all persons
33 acting under its authority and by its direction, may enter in the
34 daytime into and upon any real property for the purpose of making such
35 surveys, diagrams, maps, plans, soundings or borings as the port author-
36 ity may deem necessary, convenient or desirable for any of the purposes
37 of this act.

38 16. Any declarations contained herein with respect to the governmental
39 nature and public purpose of the world trade center, Hudson tubes and
40 Hudson tubes extensions and to the exemption of the world trade center,
41 Hudson tubes and Hudson tubes extensions property and instruments relat-
42 ing thereto from taxation and to the discretion of the port authority
43 with respect to said facilities shall not be construed to imply that
44 other port authority facilities, property and operations are not of a
45 governmental nature or do not serve public purposes, or that they are
46 subject to taxation, or that the determinations of the port authority
47 with respect thereto are not conclusive. The powers hereby vested in
48 the port authority and in any subsidiary corporation incorporated for
49 any of the purposes of this article (including but not limited to the
50 power to acquire real property by condemnation) shall be continuing
51 powers and no exercise thereof by the port authority or a subsidiary
52 corporation incorporated for any of the purposes of this article shall
53 be deemed to exhaust them or any of them.

54 17. This subdivision and the preceding subdivisions hereof constitute
55 an agreement between the states of New York and New Jersey supplementary
56 to the compact between the two states dated April thirty, nineteen

1 hundred twenty-one and amendatory thereof, and shall be liberally
2 construed to effectuate the purposes of said compact and of the compre-
3 hensive plan heretofore adopted by the two states, and the powers grant-
4 ed to the port authority shall be construed to be in aid of and not in
5 limitation or in derogation of any other powers heretofore conferred
6 upon or granted to the port authority.

7 18. If any subdivision, part, phrase, or provision of this article or
8 the application thereof to any person or circumstances be adjudged
9 invalid by any court of competent jurisdiction, so long as the article
10 or remainder of the article shall nonetheless permit the effectuation,
11 as a unified project, of the Hudson tubes, Hudson tubes extensions and
12 the world trade center, such judgment shall be confined in its operation
13 to the subdivision, part, phrase, provision or application directly
14 involved in the controversy in which such judgment shall have been
15 rendered and shall not affect or impair the validity of the remainder of
16 this article or the application thereof to other persons or circum-
17 stances and the two states hereby declare that they would have entered
18 into this article or the remainder thereof had the invalidity of such
19 provision or application thereof been apparent.

20 ARTICLE XXV

21 SUITS AGAINST THE PORT AUTHORITY

22 Section 2501. Suits against the port authority.

23 2502. Agreement between the states.

24 S 2501. Suits against the port authority. 1. Upon the concurrence of
25 the state of New Jersey in accordance with chapter three hundred one of
26 the laws of nineteen hundred fifty, the states of New York and New
27 Jersey consent to suits, actions or proceedings of any form or nature at
28 law, in equity or otherwise (including proceedings to enforce arbi-
29 tration agreements) against the port authority, and to appeals therefrom
30 and reviews thereof, except as hereinafter provided in subdivisions two
31 through five of this section.

32 2. The foregoing consent does not extend to suits, actions or
33 proceedings upon any causes of action whatsoever accruing before the
34 effective date of this article, other than causes of actions upon, in
35 connection with, or arising out of notes, bonds or other obligations or
36 securities secured by a pledge of the general reserve fund of the port
37 authority.

38 3. The foregoing consent does not extend to suits, actions or
39 proceedings upon any causes of action whatsoever, upon, in connection
40 with, or arising out of any contract, express or implied, entered into
41 or assumed by or assigned to the port authority before the effective
42 date of this article (including any supplement to, or amendment, exten-
43 sion or renewal of any such contract, even if such supplement, amend-
44 ment, extension or renewal is made on or after the effective date of
45 this article), regardless of whether such cause of action accrued before
46 or after that date, other than causes of action upon, in connection with
47 or arising out of notes, bonds or other obligations or securities
48 secured by a pledge of the general reserve fund of the port authority.

49 4. The foregoing consent does not extend to civil suits, actions or
50 proceedings for the recovery of statutory penalties.

51 5. The foregoing consent does not extend to suits, actions or
52 proceedings for judgments, orders or decrees restraining, enjoining or
53 preventing the port authority from committing or continuing to commit
54 any act or acts, other than suits, actions or proceedings by the attor-

1 ney general of New York or by the attorney general of New Jersey--each
2 of whom is hereby authorized to bring such suits, actions or proceedings
3 in his discretion on behalf of any person or persons whatsoever who
4 requests him so to do except in the cases excluded by subdivisions two,
5 three and four of this section; provided, that in any such suit, action
6 or proceeding, no judgment, order or decree shall be entered except upon
7 at least two days' prior written notice to the port authority of the
8 proposed entry thereof.

9 6. The foregoing consent is granted upon the condition that venue in
10 any suit, action or proceeding against the port authority shall be laid
11 within a county or a judicial district, established by one of said
12 states or by the United States, and situated wholly or partially within
13 the port of New York district. The port authority shall be deemed to be
14 a resident of each such county or judicial district for the purpose of
15 such suits, actions or proceedings. Although the port authority is
16 engaged in the performance of governmental functions, the said two
17 states consent to liability on the part of the port authority in such
18 suits, actions or proceedings for tortious acts committed by it and its
19 agents to the same extent as though it were a private corporation.

20 7. The foregoing consent is granted upon the condition that any suit,
21 action or proceeding prosecuted or maintained under this article shall
22 be commenced within one year after the cause of action therefor shall
23 have accrued, and upon the further condition that in the case of any
24 suit, action or proceeding for the recovery or payment of money, prose-
25 cuted or maintained under this article, a notice of claim shall have
26 been served upon the port authority by or on behalf of the plaintiff or
27 plaintiffs at least sixty days before such suit, action or proceeding is
28 commenced. The provisions of this section shall not apply to claims
29 arising out of provisions of any workmen's compensation law of either
30 state.

31 8. The notice of claim required by subdivision seven of this section
32 shall be in writing, sworn to by or on behalf of the claimant or claim-
33 ants, and shall set forth (1) the name and post office address of each
34 claimant and of his attorney, if any, (2) the nature of the claim, (3)
35 the time when, the place where and the manner in which the claim arose,
36 and (4) the items of damage or injuries claimed to have been sustained
37 so far as then practicable. Such notice may be served in the manner in
38 which process may be served, or in lieu thereof, may be sent by regis-
39 tered mail to the port authority at its principal office. Where the
40 claimant is a person under the age of eighteen years or is mentally or
41 physically incapacitated and by reason of such disability no notice of
42 claim is filed or suit, action or proceeding commenced within the time
43 specified in subdivision seven of this section, or where a person enti-
44 tled to make a claim dies and by reason of his death no notice of claim
45 is filed or suit, action or proceeding commenced within the time speci-
46 fied in subdivision seven of this section then any court in which such
47 suit, action or proceeding may be brought may in its discretion grant
48 leave to serve the notice of claim and to commence the suit, action or
49 proceeding within a reasonable time but in any event within three years
50 after the cause of action accrued. Application for such leave must be
51 made upon an affidavit showing the particular facts which caused the
52 delay and shall be accompanied by a copy of the proposed notice of claim
53 if such notice has not been served, and such application shall be made
54 only upon notice to the port authority.

55 9. The commissioners, officers or employees of the port authority
56 shall not be subject to suits, actions or proceedings for judgments,

1 orders or decrees restraining, preventing or enjoining them in their
2 official or personal capacities from committing or continuing to commit
3 any act or acts on behalf of the port authority other than suits,
4 actions and proceedings brought by the attorney general of New York or
5 by the attorney general of New Jersey or by the port authority itself--
6 each of said attorneys general being hereby authorized to bring such
7 suits, actions or proceedings in his discretion on behalf of any person
8 or persons whatsoever who requests him so to do except in the cases
9 excluded by subdivisions two, three and four of this section; provided,
10 that in any such suit, action or proceeding brought by either attorney
11 general, no judgment, order or decree shall be entered except upon at
12 least two days' notice to the defendant of the proposed entry thereof.

13 10. Nothing herein contained shall be deemed to revoke, rescind or
14 affect any consents to suits, actions or proceedings against the port
15 authority heretofore given by the two said states in chapter eight
16 hundred two of the laws of New York of nineteen hundred forty-seven, as
17 amended and continued by article XIII of this chapter, and chapter
18 forty-three of the laws of New Jersey of nineteen hundred forty-seven,
19 as amended; chapter six hundred thirty-one of the laws of New York of
20 nineteen hundred forty-seven, as amended and continued by article XII of
21 this chapter; chapter forty-four of the laws of New Jersey of nineteen
22 hundred forty-seven, as amended, and chapter five hundred thirty-four of
23 the laws of New York of nineteen hundred forty-eight and continued by
24 article XII of this chapter and chapter ninety-seven of the laws of New
25 Jersey of nineteen hundred forty-eight.

26 S 2502. Agreement between the states. This article together with the
27 act of the state of New Jersey concurring herein, shall constitute an
28 agreement between the states of New York and New Jersey supplementary to
29 and amendatory of the compact between the two said states dated April
30 thirtieth, nineteen hundred twenty-one.

31 ARTICLE XXVI

32 RULES AND REGULATIONS GOVERNING OPERATION OF HUDSON TUBES

33 Section 2601. Rules and regulations governing operation of Hudson tubes.

34 S 2601. Rules and regulations governing operation of Hudson tubes. 1.
35 The port authority having duly adopted the following rules and regu-
36 lations, hereinafter set forth in this subdivision in relation to
37 conduct within the territorial limits of the state of New York and at,
38 on or in the Hudson tubes and Hudson tubes extensions operated by its
39 wholly-owned subsidiary the port authority trans-Hudson corporation
40 (hereinafter called "PATH"), the penalties and procedures for their
41 enforcement prescribed in subdivision two shall apply to violations
42 thereof.

43 RULES AND REGULATIONS

44 (a) No person shall smoke, carry or possess a lighted cigarette,
45 cigar, pipe, match or any lighted instrument causing naked flame in or
46 about any area, building or appurtenance or in any cars or other rolling
47 stock of the Hudson tubes or Hudson tubes extensions where smoking has
48 been prohibited by PATH and where appropriate signs to that effect have
49 been posted.

50 (b) No person, unless duly authorized by PATH, shall in or upon any
51 area, building, appurtenance, car or other rolling stock of the Hudson
52 tubes or Hudson tubes extensions sell or offer for sale any article of

1 merchandise or solicit any business or trade, including the carrying of
2 bags for hire, the shining of shoes or bootblacking, or shall entertain
3 any persons by singing, dancing or playing any musical instrument or
4 solicit alms. No person, unless duly authorized by PATH, shall post,
5 distribute or display commercial signs, circulars or other printed or
6 written matter in or upon the Hudson tubes or Hudson tubes extensions.

7 (c) No person, who is unable to give satisfactory explanation of his
8 presence, shall loiter about any car, or other rolling stock, area,
9 building or appurtenance of the Hudson tubes or Hudson tubes extensions,
10 or sleep therein or thereon.

11 (d) No person not authorized by PATH shall be permitted in or upon any
12 car or other rolling stock or station or platform or parking facility
13 within the Hudson tubes or Hudson tubes extensions, except upon payment
14 in full of such fares, fees and other charges as may from time to time
15 be prescribed by PATH. No person shall refuse to pay or evade or
16 attempt to evade the payment in full of such fares, fees and other
17 charges.

18 (e) No person shall spit upon, litter or create a nuisance or other
19 insanitary condition in or on any car or other rolling stock, area,
20 building or appurtenance of the Hudson tubes or Hudson tubes extensions.

21 (f) No person shall enter any car or other rolling stock, area, build-
22 ing or appurtenance of the Hudson tubes or Hudson tubes extensions with
23 any animal, except an animal properly confined in an appropriate
24 container or a guide dog properly harnessed and muzzled, accompanying a
25 blind person carrying a certificate of identification issued by a guide
26 dog school.

27 (g) No person shall get on any car or other rolling stock of the
28 Hudson tubes or Hudson tubes extensions while it is in motion for the
29 purpose of obtaining transportation thereon as a passenger nor shall any
30 person wilfully obstruct, hinder or delay the passage of any such car or
31 rolling stock. No person not authorized by PATH shall walk upon or
32 along any right-of-way or related trackage of the Hudson tubes or Hudson
33 tubes extensions.

34 2. Any violation of the provisions of paragraph (a) of subdivision one
35 of this section, shall be an offense and shall be punishable for a first
36 conviction thereof by a fine of not more than fifty dollars or imprison-
37 ment for not more than thirty days or both; for a second such
38 conviction by a fine of not less than twenty-five dollars nor more than
39 one hundred dollars or imprisonment for not more than sixty days or
40 both; for a third or any other subsequent such conviction, by a fine of
41 not less than fifty dollars nor more than two hundred dollars or by
42 imprisonment for not more than sixty days or both. Any person who is
43 guilty of violating any other provision of section one of this section
44 shall be guilty of an offense and shall be punishable by a fine not
45 exceeding ten dollars or by imprisonment not exceeding thirty days or by
46 both such fine and imprisonment for each conviction thereof.

47 ARTICLE XXVII

48 MASS TRANSPORTATION FACILITIES TO AIR TERMINALS

49 Section 2701. Mass transportation facilities to air terminals.

50 S 2701. Mass transportation facilities to air terminals. 1. The
51 states of New York and New Jersey hereby find and determine that:

52 (a) Each air terminal within the port of New York district serves the
53 entire district, and the problem of furnishing proper and adequate air

1 terminal facilities within the district is a regional and interstate
2 problem;

3 (b) Access by land travel to the great airports serving the port of
4 New York district, particularly John F. Kennedy and Newark international
5 airports, is becoming increasingly difficult, and such access is neces-
6 sary for the continued development of such airports which development is
7 vital and essential to the preservation of the economic well-being of
8 the northern New Jersey-New York metropolitan area;

9 (c) Additional highway construction to serve these great airports is
10 not feasible and creates severe problems in terms of increased air
11 pollution and the preemption of land which might otherwise be devoted to
12 park purposes and other desirable uses;

13 (d) Access to these airports by railroads or other forms of mass
14 transportation must be undertaken if they are to maintain their preemi-
15 nence and continue to serve the economic well-being of the northern New
16 Jersey-New York metropolitan area;

17 (e) Such mass transportation facilities may properly be regarded as
18 constituting a part of each air terminal, the development of which
19 should be the responsibility of those charged with the duties of air
20 terminal development;

21 (f) It is the purpose of this article to authorize and direct the port
22 authority of New York and New Jersey to undertake one or more mass
23 transportation access projects specifically with respect to John F.
24 Kennedy and Newark international airports in order to preserve and
25 develop the economic well-being of the northern New Jersey-New York
26 metropolitan area, and such undertakings are found and determined to be
27 in the public interest.

28 2. In furtherance of the aforesaid findings and determinations and in
29 partial effectuation of the comprehensive plan heretofore adopted by the
30 two states for the development of terminal and transportation facilities
31 in the port of New York district, the port authority of New York and New
32 Jersey is hereby specifically authorized to undertake pursuant to chap-
33 ter forty-three of the laws of New Jersey of nineteen hundred forty-sev-
34 en, as amended, and chapter eight hundred two of the laws of New York of
35 nineteen hundred forty-seven, as amended and continued by article XIII
36 of this chapter, the following separate air terminal facilities:

37 (a) To provide access to Newark international airport. A railroad
38 line connecting Newark international airport, including (i) appropriate
39 mass transportation terminal facilities at and within the said airport;
40 (ii) construction, reconstruction and improvement of suitable offsite
41 facilities for the accommodation of air passengers, baggage, mail,
42 express, freight and other users of the connecting facility; and (iii)
43 such additional rail or other mass transportation, terminal, station,
44 parking, storage and service facilities as operations may require.

45 (b) To provide access to John F. Kennedy international airport. A
46 railroad line connecting John F. Kennedy international airport to the
47 main line of the Long Island railroad in the county of Queens, including
48 (i) a spur or branch to the Montauk line of the said railroad in the
49 said county; (ii) appropriate mass transportation terminal facilities
50 at and within the said airport; (iii) suitable offsite facilities for
51 the accommodation of air passengers, baggage, mail, express, freight and
52 other users of the connecting facility; and (iv) such additional rail or
53 other mass transportation, terminal, station, parking, storage and
54 service facilities, including improvements to the railroad approaches to
55 Pennsylvania Station and Jamaica Terminal in the city of New York, as
56 operations may require.

1 3. The port authority of New York and New Jersey is hereby authorized
2 and empowered to acquire real property located within the port district
3 by condemnation or the right of eminent domain pursuant to and in
4 accordance with any of the procedures authorized by chapter forty-three
5 of the laws of New Jersey of nineteen hundred forty-seven, as amended,
6 in the case of property having its situs in the state of New Jersey, and
7 by chapter eight hundred two of the laws of New York of nineteen hundred
8 forty-seven, as amended and continued by article XIII of this chapter,
9 in the case of property having its situs in the state of New York, for
10 and in connection with the undertaking of the air terminal access facil-
11 ities set forth in subdivision three of this section. Such authori-
12 zation and power to acquire real property by condemnation or the right
13 of eminent domain may not be exercised in connection with the undertak-
14 ing of access facilities, other than the access facilities set forth in
15 subdivision three of this section, unless authorized by the laws of the
16 state in which such facilities are to be located.

17 4. The port authority of New York and New Jersey is hereby authorized
18 and empowered in its discretion to enter into an agreement or agreements
19 upon such terms and conditions as it may deem in the public interest,
20 with the United States, the state of New Jersey, the state of New York,
21 or any agency, department, commission, public authority, board or divi-
22 sion of any of the foregoing, or any municipality or other public corpo-
23 ration in the state of New Jersey or in the state of New York, or any
24 person, firm, association, company or corporation, or any two or more of
25 the foregoing, to effectuate any one or more of the purposes of this
26 article; and the state of New Jersey, the state of New York, or any
27 agency, department, commission, public authority, board or division of
28 either of the foregoing, or any municipality or other public corporation
29 in the state of New Jersey or the state of New York, or any two or more
30 of the foregoing, are hereby authorized and empowered to enter into an
31 agreement or agreements with the port authority to effectuate any one or
32 more of the purposes of this article.

33 5. If any section, part, phrase, or provision of this article, as
34 hereby amended and supplemented or the application thereof to any
35 person, project or circumstances, be adjudged invalid by any court of
36 competent jurisdiction, such judgment shall be confined in its operation
37 to the section, part, phrase, provision or application directly involved
38 in the controversy in which such judgment shall have been rendered and
39 shall not affect or impair the validity of the remainder of this article
40 or the application thereof to other persons, projects or circumstances
41 and the two states hereby declare that they would have entered into this
42 article or the remainder thereof had the invalidity of such provision or
43 application thereof been apparent.

44 ARTICLE XXVIII

45 INDUSTRIAL DEVELOPMENT PROJECTS AND FACILITIES

46 Section 2801. Findings and determinations.

47 2802. Definitions.

48 2803. Industrial development projects and facilities.

49 S 2801. Findings and determinations. 1. The states of New York and
50 New Jersey hereby find and determine:

51 a. that to prevent further deterioration of the economy of the port
52 district and thereby to promote, preserve and protect trade and commerce
53 in and through the port of New York district as defined in the compact
54 between the two states dated April thirtieth, nineteen hundred twenty-

1 one (hereinafter called the port district), it is the policy of each of
2 the two states actively to promote, attract, encourage and develop
3 economically sound commerce and industry through governmental action;
4 b. that in order to preserve and protect the position of the port of
5 New York as the nation's leading gateway for world commerce, it is
6 incumbent on the states of New York and New Jersey to make every effort
7 to insure that the port receives its rightful share of interstate and
8 international commerce generated by the manufacturing, industrial, trade
9 and commercial segments of the economy of the nation and of the port
10 district;
11 c. that since nineteen hundred fifty the number of available jobs in
12 the port district, particularly within the older central cities thereof,
13 has decreased, thereby resulting in the underutilization of available
14 land and other resources, the erosion of the port district's tax bases
15 and a rate of unemployment substantially in excess of the national aver-
16 age;
17 d. that in order to preserve the port district from further economic
18 deterioration, adequate industrial development projects and facilities
19 must be provided, preserved and maintained to attract and retain indus-
20 try within the port district;
21 e. that a number of new industrial development projects and facilities
22 should be organized into industrial parks or districts;
23 f. that the construction of such industrial parks or districts shall
24 conform to the policies of the two states with respect to affirmative
25 action and equal employment opportunities;
26 g. that providing port district industrial development projects and
27 facilities is in the public interest and involves the exercise of public
28 and essential governmental functions which may include appropriate and
29 reasonable limitations on competition and which must be performed by the
30 two states, or any municipality, public authority, agency or commission
31 of either state and by a joint agency of the two states to accomplish
32 the purposes of this article;
33 h. that it is an objective of the two states, acting through the port
34 authority, to facilitate reemployment of residents of the older cities
35 through job training programs and employment opportunity priorities in
36 connection with industrial development parks in their respective cities;
37 i. that the acquisition and the use by such joint agency of abandoned,
38 undeveloped or underutilized land or land owned by governmental entities
39 within the port district for the generation of jobs and to reduce the
40 hazards of unemployment would promote, preserve and protect the indus-
41 try, trade and commerce of the port district, and will materially assist
42 in preserving for the two states and the people thereof the material and
43 other benefits of a prosperous port community;
44 j. that the collection, disposal and utilization of refuse, solid
45 waste or waste resulting from other treatment processes is an activity
46 of concern to all citizens within the port district, that the health,
47 safety and general welfare of the citizens within the port district
48 require efficient and reasonable collection and disposal services and
49 efficient utilization of such refuse, solid waste or waste resulting
50 from other treatment processes with adequate consideration given to
51 regional planning and coordination, and, therefore, that the
52 construction and operation of any port district industrial development
53 project and facility should conform to the environmental and solid waste
54 disposal standards and state and county plans therefor in the state in
55 which such project or facility is located;

1 k. that the dedication by the municipalities of the port district of
2 refuse, solid waste or waste resulting from other treatment processes to
3 resource recovery to permit the generation of lower priced energy and
4 the recovery of useful materials, together with the commitment by such
5 municipalities to pay fees to permit the delivery and removal after
6 processing of such refuse or solid waste at rates and for periods of
7 time at least sufficient to assure the continued furnishing of such
8 lower priced energy and material is in the public interest and would be
9 a major incentive for the attraction and retention of industry within
10 the port district;

11 l. that the port authority of New York and New Jersey (hereinafter
12 called the port authority), which was created by agreement of the two
13 states as a joint agent for the development of terminal, transportation
14 and other facilities of commerce of the port district and for the
15 promotion and protection of the commerce of the port, is a proper agency
16 to act in their behalf (either directly or by any subsidiary corpo-
17 ration) to finance and effectuate such industrial development projects
18 and facilities;

19 m. that it is desirable for the port authority, after consultation
20 with the governing body of each municipality and within the city of New
21 York the appropriate community board or boards and elsewhere another
22 government entity or entities designated by such municipality in which
23 industrial development projects or facilities are proposed to be located
24 and with other persons, including but not limited to private real estate
25 developers, to prepare and adopt a master plan providing for the devel-
26 opment of such industrial development projects and facilities in the
27 port district, which plan shall give consideration to the extent of
28 unemployment and the general economic conditions of the respective
29 portions of the port district and shall include among other things the
30 locations and the nature and scope of such projects and facilities as
31 may be included in the plan;

32 n. that the undertaking of such industrial development projects and
33 facilities by the port authority has the single object of and is part of
34 a unified plan to aid in preserving the economic well-being of the port
35 district and is found and determined to be in the public interest;

36 o. that no such port district industrial development projects and
37 facilities are to be constructed if the sole intent of the construction
38 thereof would be the removal of an industrial or manufacturing plant of
39 an occupant of such projects and facilities from one location to another
40 location or in the abandonment of one or more plants or facilities of
41 such occupant, unless such port district industrial development projects
42 and facilities are reasonably necessary to discourage such occupant from
43 removing such plant or facility to a location outside the port district
44 or are reasonably necessary to preserve the competitive position of such
45 project occupant in its industry;

46 p. that no such port district industrial development projects or
47 facilities are to be constructed unless and until the port authority has
48 entered into an agreement or agreements with the municipality in which
49 any such project or facility is to be located with respect to payments
50 in lieu of real estate taxes and the location, nature and scope of any
51 project or facility;

52 q. that, subject to entering into said agreement or agreements, the
53 port authority should have the ability to acquire, lease, vacate, clear
54 and otherwise develop abandoned, undeveloped or underutilized property
55 or property owned by governmental entities within the port district and
56 to finance and construct industrial development projects and facilities.

1 S 2802. Definitions. The following terms as used in this article
2 shall have the following meanings:

3 a. "Bonds" shall mean bonds, notes, securities or other obligations or
4 evidences of indebtedness;

5 b. "Effectuation" of any project or facility or part of any such
6 project or facility shall include but not be limited to its establish-
7 ment, acquisition, construction, development, maintenance, operation,
8 improvement (by way of betterments, additions or otherwise) and rehabil-
9 itation by the port authority or any other person and the provision of
10 funds therefor through the issuance of obligations, the making or grant-
11 ing of loans or otherwise;

12 c. "General reserve fund statutes" shall mean chapter forty-eight of
13 the laws of New York of nineteen hundred thirty-one as amended and
14 continued by article XXX of this chapter, and chapter five of the laws
15 of New Jersey of nineteen hundred thirty-one as amended, and "general
16 reserve fund" shall mean the general reserve fund of the port authority
17 authorized by said statutes;

18 d. "Governing body" shall mean the board or body vested with the
19 general legislative powers of the municipality in which an industrial
20 development project or facility will be financed or effectuated pursuant
21 to this article;

22 e. "Industrial development project or facility" or "port district
23 industrial development project or facility" shall mean any equipment,
24 improvement, structure or facility or any land, and any building, struc-
25 ture, facility or other improvement thereon, or any combination thereof,
26 and all real and personal property, located within the New York portion
27 of the port district or within a municipality in the New Jersey portion
28 of the port district which qualified for state aid under the provisions
29 of P.L., 1971, C.64 as most recently supplemented by P.L., 1978, C.14 or
30 which may hereafter qualify for such aid, including, but not limited to,
31 machinery, equipment and other facilities deemed necessary or desirable
32 in connection therewith, or incidental thereto, whether or not now in
33 existence or under construction, which shall be considered suitable by
34 the port authority for manufacturing, research, non-retail commercial or
35 industrial purposes within an industrial park, or for purposes of ware-
36 housing or consumer and supporting services directly related to any of
37 the foregoing or to any other port authority project or facility; and
38 which may also include or be an industrial pollution control facility or
39 a resource recovery facility, provided that no such industrial develop-
40 ment project or facility may include or be a facility used for the stor-
41 age of chemicals, fuel or liquified natural gas unless incidental to the
42 effectuation of such industrial development project or facility;

43 f. "Industrial pollution control facility" shall mean any equipment,
44 improvement, structure or facility or any land, and any building, struc-
45 ture, facility or other improvement thereon, or any combination thereof,
46 and all real and personal property, located within the port district,
47 including, but not limited to, machinery, equipment and other facilities
48 deemed necessary or desirable in the opinion of the port authority in
49 connection therewith, or incidental thereto, whether or not now in
50 existence or under construction, having to do with or the end purpose of
51 which is the control, abatement or prevention of land, sewer, water,
52 air, noise or general environmental pollution deriving from the opera-
53 tion of industrial, manufacturing, warehousing, commercial and research
54 facilities, including, but not limited to any air pollution control
55 facility, noise abatement facility, water management facility, waste
56 water collecting system, waste water treatment works, sewage treatment

1 works system, sewage treatment system or solid waste disposal facility
2 or site, provided that no such industrial pollution control facility may
3 include or be used as a site for organic landfill or be of a character
4 or nature generally furnished or supplied by any other governmental
5 entity where such industrial pollution control facility is located with-
6 out the consent of such governmental entity;

7 g. "Municipality" means a city, county, town or village all or any
8 part of which is located within the New York portion of the port
9 district, or a city, county, town, borough or township all or any part
10 of which is located within the New Jersey portion of the port district;

11 h. "Person" means any person, including individuals, firms, partner-
12 ships, associations, societies, trusts, public utilities, public or
13 private corporations, or other legal entities, including public or
14 governmental bodies, which may include the port authority, as well as
15 natural persons. "Person" shall include the plural as well as the
16 singular;

17 i. "Port authority" shall include the port authority and any subsid-
18 iary corporation now or hereafter incorporated for any of the purposes
19 of this article; provided, however, as used in subdivisions 4 and 5 of
20 section 2803 of this article it shall not include any such subsidiary
21 corporation;

22 j. "Purposes of this article" shall mean the effectuation of indus-
23 trial development projects and facilities and of each project or facili-
24 ty constituting a portion thereof and of each part of each project or
25 facility, and purposes incidental thereto;

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

35 l. "Resource recovery facility" shall mean any equipment, improvement,
36 structure or facility or any land, and any building, structure, facility
37 or other improvement thereon, or any combination thereof, and all real
38 and personal property located within the port district, including, but
39 not limited to, machinery, equipment and other facilities deemed neces-
40 sary or desirable in the opinion of the port authority in connection
41 therewith, or incidental thereto, whether or not now in existence or
42 under construction, for the disposal of refuse or other solid wastes or
43 wastes resulting from other treatment processes and for the recovery and
44 sale or use of energy and other resources from such refuse or other
45 solid wastes or wastes resulting from other treatment processes,
46 provided that no such resource recovery facility may include or be used
47 as a site for organic landfill;

48 m. "Surplus revenues" from any facility shall mean the balance of the
49 revenues from such facility (including but not limited to the revenues
50 of any subsidiary corporation incorporated for any of the purposes of
51 this article) remaining at any time currently in the hands of the port
52 authority after the deduction of the current expenses of the operation
53 and maintenance thereof, including a proportion of the general expenses
54 of the port authority as it shall deem properly chargeable thereto,
55 which general expenses shall include but not be limited to the expense
56 of protecting and promoting the commerce of the port district, and after

1 the deduction of any amounts which the port authority may or shall be
2 obligated or may or shall have obligated itself to pay to or set aside
3 out of the current revenues therefrom for the benefit of the holders of
4 any bonds legal for investment as defined in the general reserve fund
5 statutes;

6 n. "Surplus revenues of port district industrial development projects
7 or facilities" shall mean the surplus revenues of all industrial devel-
8 opment projects or facilities effectuated pursuant to the terms of this
9 article.

10 S 2803. Industrial development projects and facilities. 1. In furth-
11 erance of the findings and determinations detailed by section 2801 of
12 this article, in partial effectuation of and supplemental to the compre-
13 hensive plan heretofore adopted by the two said states for the develop-
14 ment of the said port district, and subject to the preparation and
15 adoption of the plan authorized in subdivision two of this section and
16 the execution of an agreement or agreements authorized by subdivisions
17 eleven and twelve of this section, the port authority is hereby author-
18 ized, empowered and directed to establish, acquire, construct, effectu-
19 ate, develop, own, lease, maintain, operate, improve, rehabilitate,
20 sell, transfer and mortgage projects or facilities herein referred to as
21 port district industrial development projects or facilities, as defined
22 in this article.

23 The port authority is hereby authorized and empowered to establish,
24 levy and collect such rentals, fares, fees and other charges as it may
25 deem necessary, proper or desirable in connection with any facility or
26 part of any facility constituting a portion of any port district indus-
27 trial development project or facility and to issue bonds for any of the
28 purposes of this article and to provide for payment thereof, with inter-
29 est thereon, and for the amortization and retirement of such bonds, and
30 to secure all or any portion of such bonds by a pledge of such rentals,
31 fares, fees, charges and other revenues or any part thereon (including
32 but not limited to the revenues of any subsidiary corporation incorpo-
33 rated for any of the purposes of this article) and to secure all or any
34 portion of such bonds by mortgages upon any property held or to be held
35 by the port authority for any of the purposes of this article, and for
36 any of the purposes of this article to exercise all appropriate powers
37 heretofore or hereafter delegated to it by the states of New York and
38 New Jersey, including, but not limited to, those expressly set forth in
39 this article. The surplus revenues of port district industrial develop-
40 ment projects or facilities may be pledged in whole or in part as here-
41 inafter provided.

42 2. The port authority is hereby authorized to initiate studies and
43 prepare and adopt a master plan providing for the development of port
44 district industrial development projects and facilities which shall
45 include the location of such projects and facilities as may be included
46 in the plan and shall to the maximum extent practicable include inter
47 alia a general description of each of such projects and facilities, the
48 land use requirements necessary therefor, and estimates of project
49 costs, of project employment potential and of a schedule for commence-
50 ment of each such project. Prior to adopting such master plan, the port
51 authority shall give written notice to, afford a reasonable opportunity
52 for comment, consult with and consider any recommendation made by the
53 governing body of municipalities and within the city of New York the
54 appropriate community board or boards and elsewhere another governmental
55 entity or entities designated by such municipality in which industrial
56 development projects or facilities are proposed to be located and with

1 such other persons, including but not limited to private real estate
2 developers, which in the opinion of the port authority is either neces-
3 sary or desirable. The master plan shall include the port authority's
4 estimate of the revenues to be derived by municipalities from each such
5 industrial development project or facility and also a description of the
6 proposed additional arrangements with municipalities necessary or desir-
7 able for each such project or facility. The port authority may modify
8 or change any part of such plan in the same form and manner as provided
9 for the adoption of such original plan. At the time the port authority
10 authorizes any industrial development project or facility, the port
11 authority shall include with such authorization a statement as to the
12 status of each project included in such master plan and any amendment
13 thereof.

14 3. No industrial development project proposed to be located within the
15 city of New York may be included in such master plan unless and until
16 the mayor of the city of New York requests the port authority to conduct
17 a comprehensive study of the feasibility of the effectuation of one or
18 more industrial development projects or any parts thereof (including
19 resource recovery or industrial pollution control facilities) in such
20 city, which request shall specify the borough in which such comprehen-
21 sive study is to take place; provided, however, that the president of
22 any borough in which an industrial development project or facility is
23 proposed to be located may within sixty days of receipt of notice of
24 such request, and after consulting with and considering any recommenda-
25 tion made by the local borough improvement board, notify the port
26 authority not to include any proposed industrial development project or
27 facility within that county in such feasibility study. Any such request
28 by the mayor of the city of New York may specify the facilities to be
29 included in such industrial park project.

30 4. The moneys in the general reserve fund may be pledged in whole or
31 in part by the port authority as security for or applied by it to the
32 repayment with interest of any moneys which it may raise upon bonds
33 issued or incurred by it from time to time for any of the purposes of
34 this article or upon bonds secured in whole or in part by the pledge of
35 the revenues from any industrial development project or facility or any
36 portion thereof or upon bonds both so issued or incurred and so secured;
37 and the moneys in said general reserve fund may be applied by the port
38 authority to the fulfillment of any other undertakings which it may
39 assume to or for the benefit of the holders of any such bonds.

40 Subject to prior liens and pledges (and to the obligation of the port
41 authority to apply revenues to the maintenance of its general reserve
42 fund in the amount prescribed by the general reserve fund statutes), the
43 revenues from facilities established, constructed, acquired or otherwise
44 effectuated through the issuance or sale of bonds of the port authority
45 secured in whole or in part by a pledge of its general reserve fund or
46 any portion thereof may be pledged in whole or in part as security for
47 or applied by it to any of the purposes of this article, including the
48 repayment with interest of any moneys which it may raise upon bonds
49 issued or incurred from time to time for any of the purposes of this
50 article or upon bonds secured in whole or in part by the pledge of the
51 revenues of the port authority from any industrial development project
52 or facility or any portion thereof or upon bonds both so issued or
53 incurred and so secured; and said revenues may be applied by the port
54 authority to the fulfillment of any other undertakings which it may
55 assume to or for the benefit of the holders of such bonds.

1 5. In all cases where the port authority has raised or shall hereafter
2 raise moneys for any of the purposes of this article by the issue and
3 sale of bonds which are secured in whole or in part by a pledge of the
4 general reserve fund or any portion thereof, the surplus revenues from
5 industrial development projects or facilities financed in whole or in
6 part out of the proceeds of such bonds and the surplus revenues from any
7 other port authority facility the surplus revenues of which at such time
8 may be payable into the general reserve fund shall be pooled and applied
9 by the port authority to the establishment and maintenance of the gener-
10 al reserve fund in an amount equal to one-tenth of the par value of all
11 bonds legal for investment, as defined in the general reserve fund stat-
12 utes, issued by the port authority and currently outstanding, including
13 such bonds issued for any of the purposes of this article; and all such
14 moneys in said general reserve fund may be pledged and applied in the
15 manner provided in the general reserve fund statutes.

16 In the event that any time the balance of moneys theretofore paid into
17 the general reserve fund and not applied therefrom shall exceed an
18 amount equal to one-tenth of the par value of all bonds upon the princi-
19 pal amount of which the amount of the general reserve fund is calcu-
20 lated, by reason of the retirement of bonds issued or incurred from time
21 to time for any of the purposes of this article the par value of which
22 had theretofore been included in the computation of said amount of the
23 general reserve fund, then the port authority may pledge or apply such
24 excess for and only for the purposes for which it is authorized by the
25 general reserve fund statutes to pledge the moneys in the general
26 reserve fund and such pledge may be made in advance of the time when
27 such excess may occur.

28 6. The two states covenant and agree with each other and with the
29 holders of any bonds issued by the port authority for the purposes of
30 this article, that so long as any of such bonds remain outstanding and
31 unpaid and the holders thereof shall not have given their consent as
32 provided in their contract with the port authority, the two states will
33 not diminish or impair the power of the port authority to establish,
34 levy and collect rentals, fares, fees or other charges in connection
35 with industrial development projects or facilities or any other facility
36 owned or operated by the port authority the revenues of which have been
37 or shall be pledged in whole or in part as security for such bonds
38 (directly or indirectly, or through the medium of the general reserve
39 fund or otherwise), or to determine the quantity, quality, frequency or
40 nature of any services provided by the port authority in connection with
41 the operation of each project or facility. This subdivision shall not
42 affect or diminish the provisions of subdivision twelve of this section.

43 7. The port authority is authorized and empowered to co-operate with
44 the states of New York and New Jersey, with any municipality thereof,
45 with any person, with the federal government and with any agency, public
46 authority or commission or any one or more of the foregoing, or with any
47 one or more of them, for and in connection with the acquisition, clear-
48 ance, replanning, rehabilitation, reconstruction or redevelopment of any
49 industrial development project or facility or of any other area forming
50 part of any industrial development project or facility for the purpose
51 of renewal and improvement of said area and for any of the purposes of
52 this article, and to enter into an agreement or agreements (and from
53 time to time to enter into agreements amending or supplementing the
54 same) with any such person, municipality, commission, public authority
55 or agency and with the states of New York and New Jersey and with the
56 federal government, or with any one or more of them, for or relating to

1 such purposes, including but not limited to agreements with respect to
2 the dedication by the municipalities of the port district of refuse,
3 solid waste or waste resulting from other treatment processes to
4 resource recovery to permit the generation of lower priced energy and
5 the recovery of useful materials; with respect to a commitment by such
6 municipalities to pay fees to permit the delivery and removal after
7 processing of such refuse or solid waste at rates and for periods of
8 time at least sufficient to assure the continued availability of such
9 energy and recovered materials; with respect to financial assistance,
10 loans and grants pursuant to any federal law now in effect or hereinaft-
11 er enacted which would provide such financial assistance, loans and
12 grants in connection with any of the purposes of this article, provided,
13 that if either state shall have or adopt general legislation governing
14 applications for such federal aid by municipalities, public authorities,
15 agencies or commissions of such state or the receipt or disbursement of
16 such federal aid by or on behalf of such municipalities, public authori-
17 ties, agencies or commissions, then such legislation shall at the option
18 of such state apply to applications by the port authority for such
19 federal aid in connection with an industrial development project or
20 facility located in such state and to the receipt and disbursement of
21 such federal aid by or on behalf of the port authority, in the same
22 manner and to the same extent as other municipalities, public authori-
23 ties, agencies or commissions of such state; and, with respect to occu-
24 pancy of space in any industrial development project or facility. The
25 port authority is hereby authorized and empowered to apply for and
26 accept financial assistance, loans and grants for such purposes under
27 federal, state or local laws, and to make application directly to the
28 proper officials or agencies for and receive federal, state or local
29 loans or grants in aid of any of the purposes of this article. Nothing
30 contained in this article shall be construed to limit or impair the
31 power of the governor of the state of New York and the governor of the
32 state of New Jersey to review the actions of the commissioners of the
33 port authority as provided for in chapter seven hundred of the laws of
34 New York of nineteen hundred twenty-seven, as amended and as continued
35 by article V of this chapter, and in chapter three hundred thirty-three
36 of the laws of New Jersey of nineteen hundred twenty-seven, as amended,
37 or to authorize the port authority to commence the effectuation of any
38 industrial development project or facility unless and until the munici-
39 pality in which such project or facility is to be located has consented
40 to the commencement of such effectuation, with such consent to be
41 provided for in the agreement authorized by subdivision 11 or subdivi-
42 sion 12 of this section. The port authority is authorized and empowered
43 to enter into an agreement or agreements (and from time to time to enter
44 into agreements amending or supplementing the same) with any public
45 authority, agency or commission of either or both states to provide for
46 the effectuation of any of the purposes of this article through a
47 subsidiary corporation owned jointly by the port authority and any such
48 public authority, agency or commission, and any such public authority,
49 agency or commission is authorized and empowered to enter into such
50 agreement or agreements with the port authority.

51 8. Notwithstanding any contrary provision of law, general, special or
52 local, either state and any municipality thereof and any commission,
53 public authority or agency of either or both of said two states is
54 authorized and empowered to co-operate with the port authority and to
55 enter into an agreement or agreements (and from time to time to enter
56 into agreements amending or supplementing the same) with the port

1 authority or with any other person for and in connection with or relat-
2 ing to the acquisition, clearance, replanning, rehabilitation, recon-
3 struction, redevelopment, sale, transfer or mortgage of any industrial
4 development project or facility or of any other area forming part of any
5 industrial development project or facility for the purpose of renewal
6 and improvement of said area as aforesaid or for any of the other
7 purposes of this article, including but not limited to the dedication by
8 the municipalities of the port district of refuse, solid waste or waste
9 resulting from other treatment processes to resource recovery to permit
10 the generation of lower priced energy and the recovery of useful materi-
11 als and a commitment by such municipalities to pay fees to permit the
12 delivery and removal after processing of such refuse or solid waste at
13 rates and for periods of time at least sufficient to assure the contin-
14 ued availability of such energy and recovered materials, upon such
15 reasonable terms and conditions as may be determined by such state,
16 municipality, public authority, agency or commission and the port
17 authority. Such agreement may, without limiting the generality of the
18 foregoing, further include consent to the use by the port authority or
19 any other person of any real property owned or to be acquired by said
20 state, municipality, public authority, agency or commission and consent
21 to the use by such state, municipality, public authority, agency or
22 commission of any real property owned or to be acquired by the port
23 authority or by any other person which in either case is necessary,
24 convenient or desirable in the opinion of the port authority for any of
25 the purposes of this article, including such real property, improved or
26 unimproved, as has already been devoted to or has been or is to be
27 acquired for urban renewal or other public use, and as an incident to
28 such consent such state, municipality, public authority, agency or
29 commission may grant, convey, lease or otherwise transfer any such real
30 property to the port authority or to any other person and the port
31 authority may grant, convey, lease or otherwise transfer any such real
32 property to such state, municipality, public authority, agency, commis-
33 sion or any other person for such term and upon such conditions as may
34 be agreed upon. If real property of such state, municipality, public
35 authority, agency or commission be leased to the port authority or to
36 any other person for any of the purposes of this article, such state,
37 municipality, public authority, agency or commission may consent to the
38 port authority or any other person having the right to mortgage the fee
39 of such property and thus enable the port authority or such other person
40 to give as security for its bond or bonds a lien upon the land and
41 improvements, but such state, municipality, public authority, agency or
42 commission by consenting to the execution by the port authority or such
43 other person of a mortgage upon the leased property shall not thereby
44 assume and such consent shall not be construed as imposing upon such
45 state, municipality, public authority, agency or commission any liabil-
46 ity upon the bond or bonds secured by the mortgage. In connection with
47 any of the purposes of this article, either state and any municipality
48 thereof, any commission, public authority or agency of either or both of
49 said two states, the port authority and any other person are empowered
50 to enter into any other agreement or agreements (and from time to time
51 to enter into agreements amending or supplementing same) which may
52 provide inter alia for the establishment of prices or rates, a require-
53 ment that any person sell, lease or purchase any commodity or service
54 from any other person, or any other similar arrangement.

55 Nothing contained in this subdivision shall impair or diminish the
56 powers vested in either state or in any municipality, public authority,

1 agency or commission to acquire, clear, replan, reconstruct, rehabili-
2 tate or redevelop abandoned, undeveloped or underutilized land and the
3 powers herein granted to either state or any municipality, public
4 authority, agency or commission shall be construed to be in aid of and
5 not in limitation or in derogation of any such powers heretofore or
6 hereafter conferred upon or granted to such state, municipality, public
7 authority, agency or commission.

8 Nothing contained in this article shall be construed to authorize the
9 port authority to acquire, by condemnation or the exercise of the right
10 of eminent domain, property now or hereafter vested in or held by either
11 state or by any municipality, public authority, agency or commission
12 without the authority or consent by such state, municipality, public
13 authority, agency or commission, provided that the state under whose
14 laws such public authority, agency or commission has been created may
15 authorize by appropriate legislation the port authority to acquire any
16 such property vested in or held by any such public authority, agency or
17 commission by condemnation or the exercise of the right of eminent
18 domain without such authority or consent; nor shall anything herein
19 impair or invalidate in any way any bonded indebtedness of either state
20 or any such municipality, public authority, agency or commission, nor
21 impair the provisions of law regulating the payment into sinking funds
22 of revenues derived from such property, or dedicating the revenues
23 derived from such property to a specific purpose.

24 The port authority, subject to the express authority or consent of any
25 such state, municipality, public authority, agency or commission, is
26 hereby authorized and empowered to acquire from any such state or muni-
27 cipality, or from any other public authority, agency or commission
28 having jurisdiction in the premises, by agreement therewith, and such
29 state or municipality, public authority, agency or commission, notwith-
30 standing any contrary provision of law, is hereby authorized and
31 empowered to grant and convey, upon reasonable terms and conditions, any
32 real property which may be necessary, convenient or desirable for any of
33 the purposes of this article, including such real property as has
34 already been devoted to a public use.

35 Notwithstanding any inconsistent provision of this section or article
36 or any compact or general or special law, the port authority may not
37 acquire any park lands for industrial development projects or facilities
38 unless each such conveyance of such land is specifically authorized by
39 the legislature of the state wherein the land is located.

40 Any consent by a municipality shall be given and the terms, conditions
41 and execution by a municipality of any agreement, deed, lease, convey-
42 ance or other instrument pursuant to this subdivision or any other
43 subdivision of this section shall be authorized in the manner provided
44 in article twenty-two of the compact of April thirtieth, nineteen
45 hundred twenty-one between the two states creating the port authority,
46 except that as to towns in the state of New York, such consent shall be
47 authorized in the manner provided in the town law and as to counties in
48 the state of New Jersey, such consent shall be authorized in the manner
49 provided in New Jersey statutes annotated, forty: one-one, et seq. Any
50 consent by either state shall be effective if given, and the terms and
51 conditions and execution of any agreement, deed, lease, conveyance or
52 other instrument pursuant to this section or any other section of this
53 article shall be effective if authorized by the governor of such state.
54 Any consent by a public authority, agency or commission shall be effec-
55 tive if given by such public authority, agency or commission.

1 9. The states of New York and New Jersey hereby consent to suits,
2 actions or proceedings by any municipality, public authority, agency or
3 commission against the port authority upon, in connection with or arising
4 out of any agreement, or any amendment thereof, entered into for any
5 of the purposes of this article, as follows:

6 a. for judgments, orders or decrees restraining or enjoining the port
7 authority from transferring title to real property to other persons in
8 cases where it has agreed with said municipality, public authority,
9 agency, or commission for transfer of such title to the municipality,
10 public authority, agency or commission; and

11 b. for judgments, orders or decrees restraining or enjoining the port
12 authority from committing or continuing to commit other breaches of such
13 agreement or any amendment thereof; provided, that such judgment, order
14 or decree shall not be entered except upon two days' prior written
15 notice to the port authority of the proposed entry thereof; and
16 provided further that upon appeal taken by the port authority from such
17 judgment, order or decree the service of the notice of appeal shall
18 perfect the appeal and stay the execution of such judgment, order or
19 decree appealed from without an undertaking or other security.

20 Nothing herein contained shall be deemed to revoke, rescind or affect
21 any consent to suits, actions, or proceedings against the port authority
22 heretofore given by the two said states in chapter three hundred one of
23 the laws of New York of nineteen hundred fifty and continued by article
24 XV of this chapter, and chapter two hundred four of the laws of New
25 Jersey of nineteen hundred fifty-one.

26 10. The effectuation of industrial development projects or facilities
27 of any such projects or facilities constituting a portion of any industrial
28 development project or facility, are and will be in all respects
29 for the benefit of the people of the states of New York and New Jersey,
30 for the increase of their commerce and prosperity and for the improvement
31 of their health and living conditions; and the port authority and
32 any subsidiary corporation incorporated for any of the purposes of this
33 article shall be regarded as performing an essential governmental function
34 in undertaking the effectuation thereof, and in carrying out the
35 provisions of law relating thereto.

36 11. The port authority shall be required to pay no taxes or assessments
37 upon any of the property acquired and used by it for any of the
38 purposes of this article or upon any deed, mortgage or other instrument
39 affecting such property or upon the recording of any such instrument.
40 However, to the end that no taxing jurisdiction shall suffer undue loss
41 of taxes and assessments by reason of the acquisition and ownership of
42 property by the port authority for any of the purposes of this article,
43 the port authority is hereby authorized and empowered, in its
44 discretion, to enter into a voluntary agreement or agreements with any
45 city, town, township or village whereby the port authority will undertake
46 to pay in lieu of taxes a fair and reasonable sum, if any, or sums
47 annually in connection with any real property acquired and owned by the
48 port authority for any of the purposes of this article and to provide
49 for the payment as a rental or additional rental charge by any person
50 occupying any portion of any industrial development project or facility
51 either as lessee, vendee or otherwise of such reasonable sum, if any, or
52 sums as hereinafter provided. Such sums in connection with any real
53 property acquired and owned by the port authority for any of the
54 purposes of this article shall not be more than the sum last paid as
55 taxes upon such real property prior to the time of its acquisition by
56 the port authority; provided, however, that in connection with any

1 portion of any industrial development project or facility, which is
2 owned by the port authority or another governmental entity and improved
3 pursuant to this article with buildings, structures or improvements
4 greater in value than the buildings, structures or improvements in
5 existence at the time of its acquisition, development or improvement by
6 the port authority, any person occupying such portion of such industrial
7 development project or facility either as lessee, vendee or otherwise
8 shall, as long as title thereto shall remain in the port authority or in
9 another governmental entity, pay as a rental or additional rental charge
10 an amount in lieu of taxes, if any, not in excess of the taxes on such
11 improvements and on personal property, including water and sewer service
12 charges or assessments, which such person would have been required to
13 pay had it been the owner of such property during the period for which
14 such payment is made; provided further, however, that neither the port
15 authority nor any of its projects, facilities, properties, monies or
16 bonds and notes shall be obligated, liable or subject to lien of any
17 kind whatsoever for the enforcement, collection or payment thereof.
18 Each such city, town, township or village is hereby authorized and
19 empowered to enter into such agreement or agreements with the port
20 authority which agreement or agreements may also include provisions with
21 respect to the joint review of categories of tenants proposed as occu-
22 pants for industrial development projects or facilities with the cities,
23 towns, townships or villages in which they are proposed to be located,
24 and to accept the payment or payments which the port authority is hereby
25 authorized and empowered to make or which are paid by a person occupying
26 any such portion of such industrial development project or facility as
27 rental or as additional rental in lieu of taxes, and the sums so
28 received by such city, town, township or village shall be devoted to
29 purposes to which taxes may be applied in all affected taxing jurisdic-
30 tions unless and until otherwise directed by law of the state in which
31 such city, town, township or village is located. At least ten days prior
32 to the authorization by the port authority of any agreement provided for
33 in this subdivision, the port authority shall notify the chief executive
34 officer of each city in the port district within which an industrial
35 development project or facility has been included in the master plan
36 provided for in subdivision two of this section of the proposed authori-
37 zation of such agreement, shall seek their comments and shall include
38 with such authorization any comments received from such city. The port
39 authority shall not sell or lease substantially all of an industrial
40 development project or facility to a proposed purchaser or lessee with-
41 out the prior approval by the municipality wherein the project or facil-
42 ity is located of such purchaser or lessee.

43 12. Except as otherwise specifically provided, all details of the
44 effectuation, including but not limited to details of financing, leas-
45 ing, rentals, fees and other charges, rates, contracts and service, of
46 industrial development projects or facilities by the port authority
47 shall be within its sole discretion and its decision in connection with
48 any and all matters concerning industrial development projects or facil-
49 ities shall be controlling and conclusive; provided that the
50 construction and operation of any such project or facility shall conform
51 to the environmental and solid waste disposal standards and any state
52 and county plans therefor in the state in which such project or facility
53 is located. At least ninety days prior to the authorization by the port
54 authority of the first contract for the construction of any industrial
55 development project or facility, the port authority shall transmit to
56 the governor of the state in which such project or facility is to be

1 located a statement as to the conformance of such industrial development
2 project or facility with such environmental and solid waste disposal
3 standards and any state and county plans therefor, and shall consult
4 with such governor or his designee with respect thereto. The port
5 authority and the city, town, township or village in which any indus-
6 trial development project or facility is to be located and for whose
7 benefit such project or facility is undertaken are hereby authorized and
8 empowered to enter into an agreement or agreements to provide which
9 local laws, resolutions, ordinances, rules and regulations, if any, of
10 such city, town, township or village affecting any industrial develop-
11 ment project or facility shall apply to such project or facility. All
12 other existing local laws, resolutions, ordinances or rules and regu-
13 lations not provided for in such agreement shall be applicable to such
14 industrial development projects or facilities. All such local laws,
15 resolutions, ordinances or rules and regulations enacted after the date
16 of such agreement or agreements shall not be applicable to such projects
17 or facilities unless made applicable by such agreement or agreements or
18 any modification or modifications thereto.

19 So long as any facility constituting a portion of any industrial
20 development project or facility shall be owned, controlled or operated
21 by the port authority, no public authority, agency, commission or muni-
22 cipality of either or both of the two states shall have jurisdiction
23 over such project or facility nor shall any such public authority, agen-
24 cy, commission or municipality have any jurisdiction over the terms or
25 method of effectuation of all or any portion thereof by the port author-
26 ity including but not limited to the transfer of all or any portion
27 thereof to or by the port authority; provided, however, the port
28 authority is authorized and empowered to submit to the jurisdiction over
29 such project or facility of either state or any department thereof or
30 any such public authority, agency, commission or municipality when the
31 exercise of such jurisdiction is necessary for the administration or
32 implementation of federal environmental or solid waste disposal legis-
33 lation by either state.

34 Nothing in this article shall be deemed to prevent the port authority
35 from establishing, acquiring, owning, leasing, constructing, effectuat-
36 ing, developing, maintaining, operating, rehabilitating, improving,
37 selling, transferring or mortgaging all or any portion of any industrial
38 development project or facility through wholly owned subsidiary corpo-
39 rations of the port authority or subsidiary corporations owned by the
40 port authority jointly with any public authority, agency or commission
41 of either or both of the two states or from transferring to or from any
42 such corporations any moneys, real property or other property for any of
43 the purposes of this article. If the port authority shall determine
44 from time to time to form such a subsidiary corporation it shall do so
45 by executing and filing with the secretary of state of the State of New
46 York and the secretary of state of the State of New Jersey a certificate
47 of incorporation, which may be amended from time to time by similar
48 filing, which shall set forth the name of such subsidiary corporation,
49 its duration, the location of its principal office, any joint owners
50 thereof, and the purposes of the incorporation which shall be one or
51 more of the purposes of establishing, acquiring, owning, leasing,
52 constructing, effectuating, developing, maintaining, operating, rehabil-
53 itating, improving, selling, transferring or mortgaging all or any
54 portion of any industrial development project or facility. The direc-
55 tors of such subsidiary corporation shall be the same persons holding
56 the offices of commissioners of the port authority together with persons

1 representing any joint owner thereof as provided for in the agreement in
2 connection with the incorporation thereof. Such subsidiary corporation
3 shall have all the powers vested in the port authority itself for the
4 purposes of this article except that it shall not have the power to
5 contract indebtedness. Such subsidiary corporation and any of its prop-
6 erty, functions and activities shall have all of the privileges, immuni-
7 ties, tax exemptions and other exemptions of the port authority and of
8 the port authority's property, functions and activities. Such subsid-
9 iary corporation shall be subject to the restrictions and limitations to
10 which the port authority may be subject, including, but not limited to
11 the requirement that no action taken at any meeting of the board of
12 directors of such subsidiary corporation shall have force or effect
13 until the governors of the two states shall have an opportunity, in the
14 same manner and within the same time as now or hereafter provided by law
15 for approval or veto of actions taken at any meeting of the port author-
16 ity itself, to approve or veto such action. Such subsidiary corporation
17 shall be subject to suit in accordance with subdivision nine of this
18 section and chapter three hundred one of the laws of New York of nine-
19 teen hundred fifty and continued by article XV of this chapter, and
20 chapter two hundred four of the laws of New Jersey of nineteen hundred
21 fifty-one as if such subsidiary corporation were the port authority
22 itself. Such subsidiary corporation may be a participating employer
23 under the New York retirement and social security law or any similar law
24 of either state and the employees of any such subsidiary corporation,
25 except those who are also employees of the port authority, shall not be
26 deemed employees of the port authority.

27 Whenever any state, municipality, commission, public authority, agen-
28 cy, officer, department, board or division is authorized and empowered
29 for any of the purposes of this article to co-operate and enter into
30 agreements with the port authority or to grant any consent to the port
31 authority or to grant, convey, lease or otherwise transfer any property
32 to the port authority or to execute any document, such state, municip-
33 ality, commission, public authority, agency, officer, department, board
34 or division shall have the same authorization and power for any of such
35 purposes to co-operate and enter into agreements with such subsidiary
36 corporation and to grant consents to such subsidiary corporation and to
37 grant, convey, lease or otherwise transfer property to such subsidiary
38 corporation and to execute documents for such subsidiary corporation.

39 13. The bonds issued by the port authority to provide funds for any of
40 the purposes of this article are hereby made securities in which all
41 state and municipal officers and bodies of both states, all trust compa-
42 nies and banks other than savings banks, all building and loan associ-
43 ations, savings and loan associations, investment companies and other
44 persons carrying on a commercial banking business, all insurance compa-
45 nies, insurance associations and other persons carrying on an insurance
46 business, and all administrators, executors, guardians, trustees and
47 other fiduciaries, and all other persons whatsoever (other than savings
48 banks), who are now or may hereafter be authorized by either state to
49 invest in bonds of such state, may properly and legally invest any
50 funds, including capital, belonging to them or within their control, and
51 said bonds are hereby made securities which may properly and legally be
52 deposited with and shall be received by any state or municipal officer
53 or agency of either state for any purpose for which the deposit of bonds
54 of such state is now or may hereafter be authorized. The bonds issued
55 by the port authority to provide funds for any of the purposes of this
56 article as security for which the general reserve fund shall have been

pledged in whole or in part are hereby made securities in which all savings banks also may properly and legally invest any funds including capital, belonging to them or within their control.

14. Subsequent to and subject to the execution of the agreement or agreements authorized by subdivisions eleven and twelve of this section the projects and facilities and at the locations specified therein, if the port authority shall find it necessary, convenient or desirable to acquire from time to time any real property or any property other than real property (including but not limited to contract rights and other tangible or intangible personal property), for any of the purposes of this act whether for immediate or future use (including temporary construction, rehabilitation or improvement), the port authority may find and determine that such property, whether a fee simple absolute or a lesser interest, is required for a public use, and upon such determination the said property shall be and shall be deemed to be required for such public use until otherwise determined by the port authority, and such determination shall not be affected by the fact that such property has theretofore been taken for and is then devoted to a public use; but the public use in the hands of or under the control of the port authority shall be deemed superior to the public use in the hands of any other person, association or corporation.

The port authority may acquire and is hereby authorized so to acquire from time to time, for any of the purposes of this article, such property, whether a fee simple absolute or a lesser estate, by condemnation (including the exercise of the right of eminent domain) under and pursuant to the provisions of the eminent domain procedure law of the state of New York in the case of property located in or having its situs in such state, and chapter three hundred sixty-one of the laws of New Jersey of nineteen hundred seventy-one, in the case of property located in or having its situs in such state, or, at the option of the port authority, as provided in section fifteen of chapter forty-three of the laws of New Jersey of nineteen hundred forty-seven, as amended, in the case of property located in or having its situs in such state, or pursuant to such other and alternate procedure as may be provided by law of the state in which such property is located or has its situs; and all of said statutes for the acquisition of real property shall, for any of the purposes of this article, be applied also to the acquisition of other property authorized by this subdivision, except that such provisions as pertain to surveys, diagrams, maps, plans or profiles, assessed valuation, lis pendens, service of notice and papers, filing in the office of the clerk in which the real property affected is situated and such other provisions as by their nature cannot be applicable to property other than real property, shall not be applicable to the acquisition of such other property. In the event that any property other than real property is acquired for any of the purposes of this article under this section then, with respect to such other property, notice of such proceeding and all subsequent notices or court processes shall be served upon the owners of such other property and upon the port authority by personal service or by registered or certified mail, except as may be otherwise directed by the court.

The port authority is hereby authorized and empowered, in its discretion, from time to time to combine any property which is to be acquired as aforesaid by condemnation for any of the purposes of this article for acquisition in a single action or proceeding notwithstanding that part of the property so to be acquired is personal property or mixed real and personal property or may be owned by more than one owner.

1 The owner of any property acquired by condemnation or the exercise of
2 the right of eminent domain for any of the purposes of this act shall
3 not be awarded for such property any increment above the just compen-
4 sation required by the constitutions of the United States and of the
5 state or states in which the property is located or has its situs by
6 reason of any circumstances whatsoever.

7 Nothing herein contained shall be construed to prevent the port
8 authority from bringing any proceedings to remove a cloud on title or
9 such other proceedings as it may, in its discretion, deem proper and
10 necessary, or from acquiring any such property by negotiation or
11 purchase.

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

21 15. The port authority and its duly authorized agents, and all persons
22 acting under its authority and by its direction, may enter in the
23 daytime into and upon any real property for the purpose of making such
24 surveys, diagrams, maps, plans, soundings or borings as the port author-
25 ity may deem necessary, convenient or desirable for any of the purposes
26 of this article.

27 16. Any declarations contained herein with respect to the governmental
28 nature and public purpose of any industrial development project or
29 facility and to the exemption of any industrial development project or
30 facility property and instruments relating thereto from taxation and to
31 the discretion of the port authority with respect to said projects or
32 facilities shall not be construed to imply that other port authority
33 facilities, property and operations are not of a governmental nature or
34 do not serve public purposes, or that they are subject to taxation, or
35 that the determinations of the port authority with respect thereto are
36 not conclusive. The powers hereby vested in the port authority and in
37 any subsidiary corporation incorporated for any of the purposes of this
38 act (including but not limited to the power to acquire real property by
39 condemnation or the exercise of the right of eminent domain) shall be
40 continuing powers and no exercise thereof by the port authority or a
41 subsidiary corporation incorporated for any of the purposes of this
42 article shall be deemed to exhaust them or any of them.

43 17. This subdivision and the preceding subdivisions hereof constitute
44 an agreement between the states of New York and New Jersey supplementary
45 to the compact between the two states dated April thirtieth, nineteen
46 hundred twenty-one and amendatory thereof, and shall be liberally
47 construed to effectuate the purposes of said compact and of the compre-
48 hensive plan heretofore adopted by the two states, and the powers grant-
49 ed to the port authority shall be construed to be in aid of and not in
50 limitation or in derogation of any other powers, heretofore conferred
51 upon or granted to the port authority.

52 18. If any section, part, phrase, or provision of this article or the
53 application thereof to any person or circumstances be adjudged invalid
54 by any court of competent jurisdiction, so long as the section or
55 remainder of the article shall nonetheless permit the effectuation, as a
56 unified project, of any industrial development project or facility, such

1 judgment shall be confined in its operation to the section, part,
2 phrase, provision or application directly involved in the controversy in
3 which such judgment shall have been rendered and shall not affect or
4 impair the validity of the remainder of this act or the application
5 thereof to other persons or circumstances and the two states hereby
6 declare that they would have entered into this article or the remainder
7 thereof had the invalidity of such provision or application thereof been
8 apparent.

9 19. A copy of the minutes of any action taken at any meeting of the
10 port authority in connection with any modification, addition or deletion
11 in or to any or all of the covenants with or pledges to bondholders
12 contained in a resolution authorizing the issuance of consolidated bonds
13 of the port authority from such covenants or pledges set forth in the
14 immediately preceding resolution of the port authority authorizing the
15 issuance of such bonds shall be filed with the temporary president and
16 minority leader of the senate and the speaker and minority leader of the
17 assembly of the state of New York and the secretary of the senate and
18 clerk of the general assembly of the state of New Jersey within ten
19 calendar days prior to transmitting the same to the governor of each
20 state for review if the legislature of such state be in session and not
21 adjourned for more than two days, and, in the event the legislatures of
22 the respective states are not in session or are adjourned for more than
23 two days, the same shall be filed with such officers thirty calendar
24 days prior to transmitting the same to the governor of each state for
25 review. Notice of such filing shall be provided to the governor of each
26 state at the same time.

27 The temporary president and minority leader of the senate and the
28 speaker and minority leader of the assembly of the state of New York and
29 the speaker of the general assembly and the president of the senate of
30 the state of New Jersey, or their representatives designated by them in
31 writing for this purpose, may by certificate filed with the secretary of
32 the port authority waive the foregoing filing requirement with respect
33 to any specific minutes.

34 20. The port authority shall file with the temporary president and
35 minority leader of the senate, the speaker and minority leader of the
36 assembly, the chairman of the assembly ways and means committee and the
37 chairman of the senate finance committee of the state of New York and
38 the president, minority leader and secretary of the senate and the
39 speaker and minority leader and clerk of the general assembly of the
40 state of New Jersey a copy of the minutes of any action taken at any
41 public meeting of the port authority in connection with any of the
42 purposes of this article. Such filing shall be made at least ten calen-
43 dar days before such minutes are transmitted to the governor of each
44 state for review; and notice of such filing shall be provided to the
45 governor of each state at the same time.

46 The temporary president and minority leader of the senate, the speaker
47 and minority leader of the assembly, the chairman of the assembly ways
48 and means committee and the chairman of the senate finance committee of
49 the state of New York and the speaker and minority leader of the general
50 assembly and the president and the minority leader of the senate of the
51 state of New Jersey, or their representatives designated by them in
52 writing for this purpose, may by certificate filed with the secretary of
53 the port authority waive the foregoing filing requirement with respect
54 to any specific minutes.

55 21. The comptroller of the state of New York and the treasurer of the
56 state of New Jersey may each from time to time request a special report

1 with such information as each such officer may require with respect
2 thereto from the port authority with respect to any or all industrial
3 development projects or facilities.

4 ARTICLE XXIX
5 BUS TRANSPORTATION

6 Section 2901. Findings and determinations.

7 2902. Definitions.

8 2903. Bus transportation.

9 S 2901. Findings and determinations. The states of New York and New
10 Jersey hereby find and determine that:

11 1. The efficient, economical and convenient mass transportation of
12 persons to, from and within the port district as defined in the compact
13 between the two states dated April thirtieth, nineteen hundred twenty-
14 one is vital and essential to the preservation and economic well being
15 of the northern New Jersey-New York metropolitan area;

16 2. In order to deter the economic deterioration of the northern New
17 Jersey-New York metropolitan area adequate facilities for the mass
18 transportation of persons must be provided and buses are and will remain
19 of extreme importance in such transportation;

20 3. The provision of mass transportation including bus transportation
21 in urban areas has become financially burdensome and may result in the
22 additional curtailment of significant portions of this essential public
23 service;

24 4. The economic viability of the existing facilities operated by the
25 port authority is dependent upon the effective and efficient functioning
26 of the transportation network of the northern New Jersey-New York metro-
27 politan area and access to and proper utilization of such port authority
28 facilities would be adversely affected if users of bus transportation
29 were to find such transportation unavailable or significantly curtailed;

30 5. Buses serving regional bus routes and feeder bus routes and ancil-
31 lary bus facilities constitute an essential part of the mass commuter
32 facilities of the port district;

33 6. The continued availability of bus transportation requires substan-
34 tial replacement of and additions to the number of buses presently in
35 use in the northern New Jersey-New York metropolitan area;

36 7. The port authority which was created by agreement of the two states
37 as their joint agent for the development of transportation and terminal
38 facilities and other facilities of commerce of the port district and for
39 the promotion and protection of the commerce of their port, is a proper
40 agency to provide such buses to each of the two states and such
41 provision of buses by the port authority is in the interest of the
42 continued viability of the facilities of the port authority, and is in
43 the public interest;

44 8. The operation of the facilities of the port authority, including
45 but not limited to the port authority bus terminal at forty-first street
46 and eighth avenue in New York county in the city and state of New York
47 and the extension thereto currently under construction (hereinafter
48 called the "bus terminal"), the George Washington bridge bus station and
49 the provision of buses and ancillary bus facilities pursuant to this
50 article involve the exercise of public and essential governmental func-
51 tions which must be performed by the two states or any municipality,
52 public authority, agency, or commission of either or both states;

53 9. The revision to the port authority bridge and tunnel toll schedules
54 which was effective May fifth, nineteen hundred seventy-five, is

1 expected to result in additional revenues to the port authority suffi-
2 cient to support the financing with consolidated bonds of the port
3 authority of approximately four hundred million dollars for passenger
4 mass transportation capital projects (hereinafter called "passenger
5 facilities"), approximately one hundred sixty million dollars thereof
6 being allocated to the extension to the bus terminal, with the remaining
7 two hundred forty million dollars to be allocated on the basis of one
8 hundred twenty million dollars in each state for passenger facilities,
9 including but not limited to the acquisition, development and financing
10 of buses and related facilities, as determined by each such state and
11 the port authority acting pursuant to legislative authorization and
12 commitments to the holders of port authority obligations; and

13 10. The port authority's function as a regional agency of the two
14 states makes it appropriate that line-haul regional bus route passenger
15 facilities be equipped pursuant to this article with buses and ancillary
16 bus facilities and that the need for development and equipment of such
17 routes be satisfied on a priority basis.

18 S 2902. Definitions. For the purpose of this article:

19 1. "Ancillary bus facilities" shall mean any facilities useful in the
20 provision of service for line-haul regional or feeder bus routes includ-
21 ing but not limited to (a) fare collection, communication, signal and
22 identification equipment, (b) equipment to aid in the provision of bus
23 service to the elderly and handicapped, (c) maintenance, repair and
24 storage facilities and equipment, and (d) bus stations for use primarily
25 by passengers traveling between New York and New Jersey; automobile
26 parking lots for use by people who transfer to buses on line-haul
27 regional bus routes or feeder bus routes; and shelters at roadside bus
28 stops to afford waiting bus passengers protection from precipitation and
29 wind;

30 2. "Buses" shall mean vehicles containing seats for twelve or more
31 passengers which are designed for and regularly used in scheduled common
32 carrier passenger mass transportation service on streets, highways and
33 exclusive busways and which are not designed or used for railroad
34 purposes;

35 3. "Consolidated bonds" shall mean consolidated bonds of the issue
36 established by the resolution of the port authority, adopted October
37 ninth, nineteen hundred fifty-two;

38 4. "Develop" shall mean plan, design, construct, improve or rehabili-
39 tate;

40 5. "Feeder bus routes" shall mean those bus routes entirely within the
41 regional bus area which connect within the port district with a bus stop
42 on a line-haul regional bus route, a passenger ferry, or a railroad
43 station;

44 6. "Line-haul regional bus routes" shall mean bus routes which are
45 entirely within the regional bus area and which extend from a point
46 outside the county in which the bus terminal is located to a point in
47 such county;

48 7. "Municipality" shall mean a county, city, borough, village, town,
49 township, or other similar political subdivision of New York or New
50 Jersey;

51 8. "Person" shall mean any person, including individuals, firms, part-
52 nerships, associations, societies, trusts, public utilities, public or
53 private corporations, or other legal entities, including public or
54 governmental bodies, which may include the port authority, as well as
55 natural persons;

1 9. "Railroad station" shall mean a stop on a rail or subway system at
2 which passengers embark or disembark; and

3 10. "Regional bus area" shall mean that area in the states of New York
4 and New Jersey which lies within a radius of seventy-five miles of the
5 bus terminal.

6 S 2903. Bus transportation. 1. The port authority is authorized and
7 empowered to acquire, develop, finance, and transfer buses and ancillary
8 bus facilities for the purpose of leasing, selling, transferring or
9 otherwise disposing of such buses and ancillary bus facilities only to
10 the state of New York and the state of New Jersey or to any public
11 authority, agency, commission, city or county thereof and designated by
12 such state (hereinafter called the "lessee"). Such buses may be used
13 only on line-haul regional bus routes or on feeder bus routes and such
14 ancillary bus facilities shall be developed for and used in connection
15 with buses which travel on line-haul regional bus routes or feeder bus
16 routes; provided, however, that (a) such buses may be used for charter
17 bus trips which originate in the regional bus area, which take place
18 when such buses are not needed for service on line-haul regional bus
19 routes or feeder bus routes, and which comply with all applicable
20 requirements including but not limited to those of the port authority
21 and the lessee; and (b) provided that fare collection, communication and
22 identification equipment and maintenance, repair and storage facilities
23 and equipment acquired pursuant to this act may be utilized in
24 connection with bus service which is not on line-haul regional or feeder
25 bus routes to the extent that such utilization shall comply with all
26 applicable requirements including but not limited to those of the port
27 authority and the lessee. Ancillary bus facilities which are not located
28 on buses or which are not otherwise intended to be moved from place to
29 place shall be located only within the port district.

30 2. Any such lease, sale, transfer or other disposition of buses and
31 ancillary bus facilities shall be on such terms and conditions, includ-
32 ing consideration, consistent with this article as the port authority
33 shall deem in the public interest and which shall be acceptable to the
34 port authority and the lessee. Notwithstanding any contrary provision of
35 law, general, special or local, part of the consideration for any such
36 lease or transfer shall consist of an agreement by the lessee to main-
37 tain and use such buses and ancillary bus facilities, or cause such
38 buses and ancillary bus facilities to be maintained and used by others
39 under agreement with the lessee, in the effective and efficient trans-
40 portation of passengers in accordance with this act and the port author-
41 ity may accept such agreement in lieu of any other consideration for
42 such lease or transfer. The lessee shall be responsible for the proper
43 operation, maintenance, repair and use of the buses and ancillary bus
44 facilities and the port authority shall not be liable in any respect by
45 reason of the ownership, development, operation, maintenance, repair or
46 use of such buses and ancillary bus facilities. Anything contained in
47 this article to the contrary notwithstanding, development of such buses
48 and ancillary bus facilities and introduction into service of such buses
49 shall be subject to the approval of the lessee.

50 3. The two states covenant and agree with each other and with the
51 holders of the present and future obligations of the port authority that
52 (a) the lessee of buses or ancillary bus facilities leased, transferred
53 or otherwise disposed of pursuant to this article shall be required to
54 defend and to provide for indemnification, subject to appropriations or
55 other funds which are or become legally available for this purpose, of
56 the port authority against any liability of whatsoever form or nature as

1 may be imposed upon the port authority by reason of the ownership,
2 development, operation, maintenance, repair or use thereof or arising
3 otherwise out of the port authority's interest therein; (b) the lessee
4 shall be required to provide for and be responsible for the proper oper-
5 ation, maintenance, repair, and use of such buses and ancillary bus
6 facilities leased, transferred or otherwise disposed of pursuant to this
7 article and the port authority shall have no responsibility as to such
8 operation, maintenance, repair or use; and (c) neither the states nor
9 the port authority will apply to any purpose in connection with or
10 relating to the operation, maintenance, repair or use of such bus or
11 ancillary bus facilities leased, transferred or otherwise disposed of
12 pursuant to this article, other than purposes in connection with the
13 utilization of other port authority facilities by such buses and passen-
14 ger information purposes, any of the rentals, tolls, fares, fees, charg-
15 es, revenues, reserves or other funds of the port authority which have
16 been or shall be pledged in whole or in part as security for obligations
17 as security for which there may be or shall be pledged, in whole or in
18 part the general reserve fund of the port authority.

19 4. Any capital expenditures by the port authority for buses and ancil-
20 lary bus facilities to be leased, sold, transferred or otherwise
21 disposed of pursuant to this article shall be made with the proceeds of
22 consolidated bonds of the port authority, which may be issued to finance
23 such capital expenditures, and such capital expenditures shall be a part
24 of and shall not exceed the allocations for passenger facilities to be
25 made from time to time as determined in accordance with subdivision nine
26 of section twenty-nine hundred one of this article.

27 5. The port authority is authorized and empowered to cooperate with
28 the states of New York and New Jersey, with any municipality thereof,
29 with the federal government and any public authority, agency or commis-
30 sion of the foregoing or with any one or more of them or with any other
31 person to the extent that it finds it necessary and desirable to do so
32 in connection with the acquisition, development, financing, leasing,
33 sale, transfer or other disposition of buses and ancillary bus facili-
34 ties and to enter into an agreement or agreements (and from time to time
35 to enter into agreements amending or supplementing the same) with said
36 states, municipalities, federal government, public authorities, agen-
37 cies, commissions and persons or with any one or more of them for or
38 relating to such purposes.

39 6. Notwithstanding any contrary provision of law, general, special or
40 local, either state or any municipality, public authority, agency, or
41 commission of either or both of said two states or any other person is
42 authorized and empowered to cooperate with the port authority and to
43 enter into an agreement or agreements (and from time to time to enter
44 into agreements amending or supplementing the same) with the port
45 authority including but not limited to the agreements with respect to
46 buses and ancillary bus facilities leased, transferred or otherwise
47 disposed of pursuant to this article, upon such reasonable terms and
48 conditions as determined by such state, municipality, public authority,
49 agency, commission or person and the port authority.

50 7. Any consent by a municipality shall be given and the terms, condi-
51 tions and execution by a municipality of any agreement, deed, lease,
52 conveyance or other instrument pursuant to this subdivision or any other
53 subdivision of this section shall be authorized in the manner provided
54 in article twenty-two of the compact of April thirtieth, nineteen
55 hundred twenty-one between the two states creating the port authority,
56 except that as to towns in the state of New York, such consent shall be

1 authorized in the manner provided in the town law and as to counties in
2 the state of New Jersey, such consent shall be authorized in the manner
3 provided in New Jersey statutes annotated, title forty: chapter one,
4 section one, et seq. The terms and conditions and execution by either
5 state of any agreement, consent, designation, determination, deed,
6 lease, conveyance or other instrument pursuant to this subdivision or
7 any other subdivision of this section shall be effective if authorized
8 by the governor of such state. The powers herein granted to either state
9 or any municipality, public authority, agency or commission shall be
10 construed to be in aid of and not in limitation or in derogation of any
11 such powers heretofore or hereafter conferred upon or granted to such
12 state, municipality, public authority, agency or commission. Any consent
13 by a public authority, agency or commission shall be effective if given
14 by such public authority, agency or commission.

15 8. The port authority shall be required to pay no taxes or assessments
16 upon any of the property, real or personal, acquired or used by it for
17 any purpose of this article or upon any lease, deed, mortgage or other
18 instrument affecting such property or upon the recording of any instru-
19 ment made in connection with the acquisition, development, financing,
20 lease, sale, transfer or other disposition or use of such property.

21 9. The port authority shall not be subject to the jurisdiction of any
22 municipality, public authority, agency or commission of either or both
23 of the two states in connection with the acquisition, development,
24 financing, lease, sale, transfer or other disposition of buses, ancil-
25 lary bus facilities or otherwise in connection with the purposes of this
26 article.

27 10. The acquisition, development, financing, leasing, sale, transfer
28 or other disposition by the port authority of buses and ancillary bus
29 facilities in accordance with this article are and will be in all
30 respects for the benefit of the people of the said two states, for the
31 increase of their commerce and prosperity and for the improvement of
32 their health, safety and living conditions and shall be deemed to be
33 public purposes; and the port authority shall be regarded as performing
34 an essential governmental function in undertaking such acquisition,
35 development, financing, leasing, sale, transfer or other disposition or
36 otherwise carrying out the provisions of this article.

37 11. Any declarations contained herein with respect to the governmental
38 nature and public purposes of the facilities authorized by this article
39 and to the exemption of such facilities and instruments relating thereto
40 from taxation and to the discretion of the port authority with respect
41 to said facilities shall not be construed to imply that other port
42 authority facilities, property and operations are not of a governmental
43 nature or do not serve public purposes, or that they are subject to
44 taxation, or that the determinations of the port authority with respect
45 thereto are not conclusive.

46 12. This subdivision and the preceding subdivisions hereof constitute
47 an agreement between the states of New York and New Jersey supplementary
48 to the compact between the two states dated April thirtieth, nineteen
49 hundred twenty-one and amendatory thereof, and shall be liberally
50 construed to effectuate the purposes of said compact and of the compre-
51 hensive plan heretofore adopted by the two states, and the powers grant-
52 ed to the port authority shall be construed to be in aid of and not in
53 limitation or in derogation of any other powers heretofore conferred
54 upon or granted to the port authority.

ARTICLE XXX
GENERAL RESERVE FUND

Section 3001. Definitions.

3002. Establishment of general reserve fund.

3003. Effective date.

S 3001. 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, between the states of New York and New Jersey and continued by article I of this chapter.

(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 as used in the said compact of April thirtieth, nineteen hundred twenty-one, and as defined in 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 or to 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 3002. Establishment of general reserve fund. In all cases where the port authority has raised or shall hereafter raise moneys for the establishment, acquisition, construction or effectuation of terminal and/or transportation facilities by the issue and sale of bonds legal for investment, as herein defined and limited, the surplus revenues received by or accruing to the port authority from or in connection with the operation of such terminal and/or transportation facilities built in whole or in part by the proceeds of the sale of such bonds shall be pooled and applied by it to the establishment and maintenance of a general reserve fund in an amount equal to one-tenth (1/10) of the par value of all bonds legal for investment, as herein defined and limited, issued by the port authority and currently outstanding. The moneys in the said general reserve fund 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 has raised or may hereafter raise upon any bonds, legal or investment, as herein defined and limited, and made and issued by it for any of its lawful purposes; and the said moneys may be applied by the port authority to the fulfillment of any other undertakings which it has assumed or may or shall hereafter assume to or for the benefit of the holders of any of such bonds.

Any surplus revenues not required for the establishment and maintenance of the aforesaid general reserve fund shall be used for such purposes as may hereafter be directed by the two said states.

1 S 3003. Effective date. This article shall take effect upon the enact-
2 ment into law by the state of New Jersey of legislation having an iden-
3 tical effect with this act, but if the State of New Jersey has already
4 enacted such legislation, this act shall take effect immediately.

5 S 31. Chapter 40-A of the consolidated laws constituting the port
6 authority of New York and New Jersey created by section thirty of this
7 act shall be deemed for all purposes to be a continuation of the port
8 authority of New York and New Jersey as it was constituted immediately
9 preceding the effective date of this act and shall not be construed as a
10 newly created authority. All unexpended balances of appropriations of
11 monies heretofore made or allocated to the port authority of New York
12 and New Jersey as such authority was constituted immediately preceding
13 the effective date of this act, whether obligated or unobligated, are
14 hereby transferred to and made available to the port authority of New
15 York and New Jersey as created in section thirty of this act. All
16 rules, regulations, orders, determinations, and decisions of the port
17 authority of New York and New Jersey, as it was constituted immediately
18 preceding the effective date of this act, shall continue in full force
19 and effect as rules, regulations, orders, determinations and decisions
20 of the port authority of New York and New Jersey created by section
21 thirty of this act.

22 S 32. Severability clause. If any clause, sentence, paragraph, subdi-
23 vision, section or part of this act shall be adjudged by any court of
24 competent jurisdiction to be invalid, such judgment shall not affect,
25 impair, or invalidate the remainder thereof, but shall be confined in
26 its operation to the clause, sentence, paragraph, subdivision, section
27 or part thereof directly involved in the controversy in which such judg-
28 ment shall have been rendered. It is hereby declared to be the intent of
29 the legislature that this act would have been enacted even if such
30 invalid provisions had not been included herein.

31 S 33. This act shall take effect upon the enactment into law by the
32 state of New Jersey of legislation having an identical effect with this
33 act, but if the state of New Jersey shall have already enacted such
34 legislation this act shall take effect immediately. The chairman of the
35 port authority shall notify the legislative bill drafting commission
36 upon the enactment into law of such legislation by both such states in
37 order that the commission may maintain an accurate and timely effective
38 data base of the official text of the laws of the state of New York in
39 furtherance of effecting the provision of section 44 of the legislative
40 law and section 70-b of the public officers law.