

STATE OF NEW YORK

10106

IN ASSEMBLY

March 15, 2018

Introduced by M. of A. PAULIN, SEAWRIGHT, D'URSO -- Multi-Sponsored by
-- M. of A. COOK, GLICK -- 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 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 700 of the laws of 1927 relating to the veto power of the governor; to repeal chapter 48 of the laws of 1931 regulating the use of revenues received by the port of New York authority from or in connection with the operation of terminal and transportation facilities relating thereto; to repeal chapter 553 of the laws of 1931 relating to payment of a fair and reasonable sum by the port authority; to repeal chapter 876 of the laws of 1935 relating to the payment of a fair and reasonable sum for a change in grade; to repeal chapter 203 of the laws of 1938 relating to the sale of real property acquired by the port authority; to repeal chapter 163 of the laws of 1945 relating to motor truck terminals; to repeal chapter 352 of the laws of 1946 relating to monies for preliminary studies upon the interstate vehicular bridges known as the Outerbridge crossing, the Goethals bridge and the Bayonne bridge; to repeal chapter 443 of the laws of 1946 relating to the financing and effectuating of a motor bus terminal by the port authority; to repeal chapter 631 of the laws of 1947 relating to the development of marine terminals by the port authority; to repeal chapter 802 of the laws of 1947 relating to the financing of air terminals by the port authority; to repeal chapter 819 of the laws of 1947 relating to the port authority's ability to exercise the right of eminent domain; to repeal chapter 301 of the laws of 1950 relating to suits against the port authority; to repeal chapter 774 of the laws of 1950 relating to the rules and regulations governing traffic on vehicular crossings operated by the port authority; to repeal chapter 206 of the laws of 1951 relating to traffic regulations for air and 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

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

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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 rail-road 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; to repeal chapter 882 of the laws of 1953 relating to waterfront employment and air freight industry regulation; and relating to constituting chapter 28 of the consolidated laws, in relation to the interstate authorities law

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 § 2. Chapter 43 of the laws of 1922 relating to the development of the
4 port of New York is REPEALED.
- 5 § 3. Chapter 47 of the laws of 1931 relating to bridges and tunnels in
6 New York and New Jersey is REPEALED.
- 7 § 4. Chapter 700 of the laws of 1927 relating to the veto power of the
8 governor is REPEALED.
- 9 § 5. Chapter 48 of the laws of 1931 regulating the use of revenues
10 received by the port of New York authority from or in connection with
11 the operation of terminal and transportation facilities is REPEALED.
- 12 § 6. Chapter 553 of the laws of 1931 relating to the payment of a fair
13 and reasonable sum by the port authority is REPEALED.
- 14 § 7. Chapter 876 of the laws of 1935 relating to the payment of a fair
15 and reasonable sum for a change in grade is REPEALED.
- 16 § 8. Chapter 203 of the laws of 1938 relating to the sale of real
17 property acquired by the port authority is REPEALED.
- 18 § 9. Chapter 163 of the laws of 1945 relating to motor truck terminals
19 is REPEALED.
- 20 § 10. Chapter 352 of the laws of 1946 relating to monies for prelimi-
21 nary studies upon the interstate vehicular bridges known as the Outer-
22 bridge crossing, the Goethals bridge and the Bayonne bridge is REPEALED.
- 23 § 11. Chapter 443 of the laws of 1946 relating to the financing and
24 effectuating of a motor bus terminal by the port authority is REPEALED.

§ 12. Chapter 631 of the laws of 1947 relating to the development of marine terminals by the port authority is REPEALED.

§ 13. Chapter 802 of the laws of 1947 relating to the financing of air terminals by the port authority is REPEALED.

§ 14. Chapter 819 of the laws of 1947 relating to the port authority's ability to exercise the right of eminent domain is REPEALED.

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

§ 16. Chapter 774 of the laws of 1950 relating to the rules and regulations governing traffic on vehicular crossings operated by the port authority is REPEALED.

§ 17. Chapter 206 of the laws of 1951, relating to traffic regulations for air and marine terminals, is REPEALED.

§ 18. Chapter 207 of the laws of 1951, relating to penalties for violation of rules and regulations, is REPEALED.

§ 19. Chapter 142 of the laws of 1953, relating to smoking regulations for air and marine terminals, is REPEALED.

§ 20. Chapter 143 of the laws of 1953, relating to suits on leases at International Airport, is REPEALED.

§ 21. Chapter 808 of the laws of 1955, relating to the Narrows bridge, is REPEALED.

§ 22. Chapter 444 of the laws of 1956, relating to New Jersey turnpike connections, is REPEALED.

§ 23. 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, is REPEALED.

§ 24. 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, is REPEALED.

§ 25. 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, is REPEALED.

§ 26. 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, is REPEALED.

§ 27. 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, is REPEALED.

§ 28. 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, is REPEALED.

§ 29. Chapter 882 of the laws of 1953 relating to waterfront employment and air freight industry regulation is REPEALED.

§ 30. Chapter 28 of the consolidated laws is added to read as follows:

CHAPTER 28 OF THE CONSOLIDATED LAWS
INTERSTATE AUTHORITIES LAW

Article

1. Port Authority of New York and New Jersey

1 2. The Waterfront and Airport Commission of New York and New Jersey
2 Compact

3 Article 1 - PORT AUTHORITY OF NEW YORK AND NEW JERSEY
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34		(§2501)
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41 AND NEW JERSEY COMPACT
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50 ARTICLE I
51 PORT AUTHORITY OF NEW YORK AND NEW JERSEY

PART I
GENERAL PROVISIONS

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116. Port authority as an agency.

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

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

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

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

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

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

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

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

They agree to and pledge, each to the other, faithful co-operation in the future planning and development of the port of New York, holding in

1 high trust for the benefit of the nation the special blessings and
2 natural advantages thereof.

3 § 103. Definitions. The following terms shall have the following
4 meanings unless otherwise provided:

5 1. "Board" means the board of commissioners of the port authority of
6 New York and New Jersey.

7 2. "Consent, approval or recommendation of municipality" means wherev-
8 er the consent, approval or recommendation of a "municipality" is
9 required, the word "municipality" shall be taken to include any city or
10 incorporated village within the port district, and in addition in the
11 state of New Jersey any borough, town, township or any municipality
12 governed by an improvement commission within the district. Such consent,
13 approval or recommendation whenever required in the case of the city of
14 New York shall be deemed to have been given or made whenever the board
15 of estimate and apportionment of said city or any body hereafter
16 succeeding to its duties shall by a majority vote pass a resolution
17 expressing such consent, approval or recommendation; and in the case of
18 any municipality now or hereafter governed by a commission, whenever the
19 commission thereof shall by majority vote pass such a resolution; and in
20 all other cases whenever the body authorized to grant consent to the use
21 of the streets or highways of such municipality shall by a majority vote
22 pass such a resolution.

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

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

28 5. "Meeting" means any gathering, whether corporeal or by means of
29 communication equipment, which is attended by, or open to, the board,
30 held with the intent, on the part of the board members present, to
31 discuss or act as a unit upon the specific public business of the
32 authority. "Meeting" does not mean a gathering (a) attended by less than
33 an effective majority of the board, or (b) attended by or open to all
34 the members of three or more similar public bodies at a convention or
35 similar gathering.

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

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

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

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

50 10. "Rule or regulation", until and unless otherwise determined by the
51 legislatures of both states, shall mean any rule or regulation not
52 inconsistent with the constitution of the United States or of either
53 state, and, subject to the exercise of the power of congress, for the
54 improvement of the conduct of navigation and commerce within the
55 district, and shall include charges, rates, rentals or tolls fixed or
56 established by the port authority; and until otherwise determined as

1 aforesaid, shall not include matters relating to harbor or river
2 pollution. Wherever action by the legislature of either state is herein
3 referred to, it shall mean an act of the legislature duly adopted in
4 accordance with the provisions of this chapter.

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

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

19 § 104. Port authority of New York and New Jersey. There is hereby
20 continued "the port authority of New York and New Jersey" ("port author-
21 ity"), which shall be a body corporate and politic, having the powers
22 and jurisdiction hereinafter enumerated, and such other and additional
23 powers as shall be conferred upon it by the legislature of either state
24 concurred in by the legislature of the other, or by act or acts of
25 congress, as hereinafter provided.

26 § 105. Port of New York district. To that end the two states do agree
27 that there shall be created and they do hereby create a district to be
28 known as the "port of New York district" (hereinafter referred to as
29 "the district") which shall embrace the territory bounded and described
30 as follows:

31 The district is included within the boundary lines located by connect-
32 ing points of known latitude and longitude. The approximate courses and
33 distances of the lines enclosing the district are recited in the
34 description, but the district is determined by drawing lines through the
35 points of known latitude and longitude. Beginning at a point A of lati-
36 tude forty-one degrees and four minutes north and longitude seventy-
37 three degrees and fifty-six minutes west, said point being about sixty-
38 five-hundredths of a mile west of the westerly bank of the Hudson river
39 and about two and one-tenth miles northwest of the pier at Piermont, in
40 the county of Rockland, state of New York; thence due south one and
41 fifteen-hundredths miles more or less to a point B of latitude forty-one
42 degrees and three minutes north and longitude seventy-three degrees and
43 fifty-six minutes west; said point being about one and three-tenths
44 miles northwest of the pier at Piermont, in the county of Rockland,
45 state of New York; thence south fifty-six degrees and thirty-four
46 minutes west six and twenty-six-hundredths miles more or less to a point
47 C of latitude forty-one degrees and no minutes north and longitude
48 seventy-four degrees and two minutes west, said point being about
49 seven-tenths of a mile north of the railroad station at Westwood, in the
50 county of Bergen, state of New Jersey; thence south sixty-eight degrees
51 and twenty-four minutes west nine and thirty-seven-hundredths miles more
52 or less to a point D of latitude forty degrees and fifty-seven minutes
53 north and longitude seventy-four degrees and twelve minutes west, said
54 point being about three miles northwest of the business center of the
55 city of Paterson, in the county of Passaic, state of New Jersey; thence
56 south forty-seven degrees and seventeen minutes west eleven and eighty-

1 seven-hundredths miles more or less to a point E of latitude forty
2 degrees and fifty minutes north and longitude seventy-four degrees and
3 twenty-two minutes west, said point being about four and five-tenths
4 miles west of the borough of Caldwell, in the county of Morris, state of
5 New Jersey; thence due south nine and twenty-hundredths miles more or
6 less to a point F of latitude forty degrees and forty-two minutes north
7 and longitude seventy-four degrees and twenty-two minutes west, said
8 point being about one and two-tenths miles southwest of the passenger
9 station of the Delaware, Lackawanna and Western railroad in the city of
10 Summit, in the county of Union, state of New Jersey; thence south
11 forty-two degrees and twenty-four minutes west, seven and seventy-eight-
12 hundredths miles more or less to a point G of latitude forty degrees and
13 thirty-seven minutes north and longitude seventy-four degrees and twen-
14 ty-eight minutes west, said point being about two and two-tenths miles
15 west of the business center of the city of Plainfield, in the county of
16 Somerset, state of New Jersey; thence due south twelve and sixty-five-
17 hundredths miles more or less on a line passing about one mile west of
18 the business center of the city of New Brunswick to a point H of lati-
19 tude forty degrees and twenty-six minutes north and longitude seventy-
20 four degrees and twenty-eight minutes west, said point being about four
21 and five-tenths miles southwest of the city of New Brunswick, in the
22 county of Middlesex, state of New Jersey; thence south seventy-seven
23 degrees and forty-two minutes east ten and seventy-nine-hundredths miles
24 more or less to a point I of latitude forty degrees and twenty-four
25 minutes north and longitude seventy-four degrees and sixteen minutes
26 west, said point being about two miles southwest of the borough of Mata-
27 wan, in the county of Middlesex, state of New Jersey; thence due east
28 twenty-five and forty-eight-hundredths miles more or less, crossing the
29 county of Monmouth, state of New Jersey, and passing about one and four-
30 tenths miles south of the pier of the Central Railroad of New Jersey at
31 Atlantic Highlands to a point J of latitude forty degrees and twenty-
32 four minutes north and longitude seventy-three degrees and forty-seven
33 minutes west, said point being in the Atlantic ocean; thence north elev-
34 en degrees fifty-eight minutes east twenty-one and sixteen-hundredths
35 miles more or less to a point K, said point being about five miles east
36 of the passenger station of the Long Island railroad at Jamaica and
37 about one and three-tenths miles east of the boundary line of the city
38 of New York, in the county of Nassau, state of New York; thence in a
39 northeasterly direction passing about one-half mile west of New Hyde
40 Park and about one and one-tenth miles east of the shore of Manhasset
41 bay at Port Washington, crossing Long Island sound to a point L, said
42 point being the point of intersection of the boundary line between the
43 states of New York and Connecticut and the meridian of seventy-three
44 degrees, thirty-nine minutes and thirty seconds west longitude, said
45 point being also about a mile northeast of the village of Port Chester;
46 thence northwesterly along the boundary line between the states of New
47 York and Connecticut to a point M, said point being the point of inter-
48 section between said boundary line between the states of New York and
49 Connecticut and the parallel of forty-one degrees and four minutes north
50 latitude, said point also being about four and five-tenths miles north-
51 east of the business center of the city of White Plains; thence due west
52 along said parallel, of forty-one degrees and four minutes north lati-
53 tude, the line passing about two and one-half miles north of the busi-
54 ness center of the city of White Plains and crossing the Hudson river to
55 the point A, the place of beginning.

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

4 § 106. Commissioners. 1. The port authority shall consist of twelve
5 commissioners, six resident voters from the state of New York, at least
6 four of whom shall be resident voters of the city of New York, and six
7 resident voters from the state of New Jersey, at least four of whom
8 shall be resident voters within the New Jersey portion of the district,
9 the New York members to be chosen by the state of New York and the New
10 Jersey members by the state of New Jersey in the manner and for the
11 terms fixed and determined from time to time by the legislature of each
12 state respectively, except as provided in this part. Each commissioner
13 may be removed or suspended from office as provided by the law of the
14 state from which he or she shall be appointed.

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

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

20 § 107. Power of the port authority. 1. The port authority shall
21 constitute a body, both corporate and politic, with full power and
22 authority to purchase, construct, lease and/or operate any terminal or
23 transportation facility within said district; and to make charges for
24 the use thereof: and for any of such purposes to own, hold, lease and/or
25 operate real or personal property, to borrow money and secure the same
26 by bonds or by mortgages upon any property held or to be held by it. No
27 property now or hereafter vested in or held by either state, or by any
28 county, city, borough, village, township or other municipality, shall be
29 taken by the port authority, without the authority or consent of such
30 state, county, city, borough, village, township or other municipality,
31 nor shall anything herein impair or invalidate in any way any bonded
32 indebtedness of such state, county, city, borough, village, township or
33 other municipality, nor impair the provisions of law regulating the
34 payment into sinking funds of revenues derived from municipal property,
35 or dedicating the revenues derived from any municipal property to a
36 specific purpose.

37 2. The powers granted in this part shall not be exercised by the port
38 authority until the legislatures of both states shall have approved of a
39 comprehensive plan for the development of the port as hereinafter
40 provided.

41 3. The port authority shall have such additional powers and duties as
42 may hereafter be delegated to or imposed upon it from time to time by
43 the action of the legislature of either state concurred in by the legis-
44 lature of the other. Unless and until otherwise provided, it shall make
45 an annual report to the legislature of both states, setting forth in
46 detail the operations and transactions conducted by it pursuant to this
47 agreement and any legislation thereunder. The port authority shall not
48 pledge the credit of either state except by and with the authority of
49 the legislature thereof.

50 § 108. Public meetings. 1. The legislature finds and declares that
51 the right of the public to be present at meetings of the port authority
52 of New York and New Jersey, and to witness in full detail all phases of
53 the deliberation, policy formulation, and decision making of the author-
54 ity, is vital to the enhancement and proper functioning of the democrat-
55 ic process, and that secrecy in public affairs undermines the faith of
56 the public in government and the public's effectiveness in fulfilling

1 its role in a democratic society; and declares it to be the public poli-
2 cy of this state to insure the right of its citizens to have adequate
3 advance notice of and the right to attend all meetings of the authority
4 at which any business affecting the public is discussed or acted upon in
5 any way except only in those circumstances where otherwise the public
6 interest would be clearly endangered or the personal privacy of guaran-
7 teed rights of individuals would be clearly in danger of unwarranted
8 invasion.

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

14 3. Any rules or regulations adopted hereunder shall become a part of
15 the minutes of the port authority of New York and New Jersey and shall
16 be subject to the approval of the governor of New Jersey and the gover-
17 nor of New York.

18 4. Unless and until otherwise determined by the action of the legisla-
19 tures of the two states, no action of the port authority shall be bind-
20 ing unless taken at a meeting at which at least three of the members
21 from each state are present, and unless a majority of the members from
22 each state present at such meeting but in any event at least three of
23 the members from each state, shall vote in favor thereof. Each state
24 reserves the right to provide by law for the exercise of a veto power by
25 the governor thereof over any action of any commissioner appointed ther-
26 efrom.

27 § 109. Minutes of public meetings. 1. The port authority shall file
28 with the temporary president and minority leader of the senate and the
29 speaker and minority leader of the assembly, the chairman of the assem-
30 bly ways and means committee and the chairman of the senate finance
31 committee of the state of New York and the president, minority leader
32 and secretary of the senate and the speaker, minority leader and clerk
33 of the general assembly of the state of New Jersey a copy of the minutes
34 of any action taken at any public meeting of the port authority. Such
35 filing shall be made on the same day such minutes are transmitted to the
36 governor of each state for review; and notice of such filing shall be
37 provided to the governor of each state at the same time. Failure to
38 effectuate any such filing shall not impair the ability of the authority
39 to act pursuant to a resolution of its board. Such filing shall not
40 apply to any minutes required to be filed pursuant to section twenty of
41 chapter six hundred fifty-one of the laws of nineteen hundred seventy-
42 eight and continued by part XXVII of this article.

43 2. The temporary president and minority leader of the senate, the
44 speaker and minority leader of the assembly, the chairman of the assem-
45 bly ways and means committee and the chairman of the senate finance
46 committee of the state of New York and the speaker and minority leader
47 of the general assembly and the president and the minority leader of the
48 senate of the state of New Jersey, or representatives designated by them
49 in writing for this purpose, may by certificate filed with the secretary
50 of the port authority waive the foregoing filing requirement with
51 respect to any specific minutes.

52 § 110. Jurisdiction. Unless and until otherwise provided, all laws
53 now or hereafter vesting jurisdiction or control in the public service
54 commission, or the public utilities commission, or like body, within
55 each state respectively, shall apply to railroads and to any transporta-
56 tion, terminal or other facility owned, operated, leased or constructed

1 by the port authority, with the same force and effect as if such rail-
2 road, or transportation, terminal or other facility were owned, leased,
3 operated or constructed by a private corporation.

4 § 111. Powers of municipalities to develop or improve. Nothing
5 contained in this agreement shall impair the powers of any municipality
6 to develop or improve port and terminal facilities.

7 § 112. Comprehensive development. 1. The legislatures of the two
8 states, prior to the signing of this agreement, or thereafter as soon as
9 may be practicable, will adopt a plan or plans for the comprehensive
10 development of the port of New York.

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

17 3. The port authority may petition any interstate commerce commission
18 (or like body), commissioner of transportation, public utilities commis-
19 sion (or like body), or any other federal, municipal, state or local
20 authority, administrative, judicial or legislative, having jurisdiction
21 in the premises, after the adoption of the comprehensive plan as
22 provided for in subdivision one of this section, for the adoption and
23 execution of any physical improvement, change in method, rate of trans-
24 portation, system of handling freight, warehousing, docking, lightering
25 or transfer of freight, which, in the opinion of the port authority, may
26 be designed to improve or better the handling of commerce in and through
27 the port of New York district, or improve terminal and transportation
28 facilities therein. It may intervene in any proceeding affecting the
29 commerce of the port.

30 § 113. Recommendations. The port authority may from time to time make
31 recommendations to the legislatures of the two states or to the congress
32 of the United States, based upon study and analysis, for the better
33 conduct of the commerce passing in and through the port of New York, the
34 increase and improvement of transportation and terminal facilities ther-
35 ein, and the more economical and expeditious handling of such commerce.

36 § 114. Expense of operations. 1. Unless and until the revenues from
37 operations conducted by the port authority are adequate to meet all
38 expenditures, the legislatures of the two states shall appropriate, in
39 equal amounts, annually, for the salaries, office and other administra-
40 tive expenses, such sum or sums as shall be recommended by the port
41 authority and approved by the governors of the two states, but each
42 state obligates itself hereunder only to the extent of one hundred thou-
43 sand dollars in any one year.

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

49 § 115. Records of the port authority. 1. Notwithstanding any
50 provision to the contrary, the records of the port authority shall be
51 open to the public in accordance with the laws of New York, articles 6
52 and 6-A of the public officers law, and New Jersey, P.L. 1963, c. 73 (C.
53 47:1A-1 et seq.), pertaining to the disclosure of government records.

54 2. When there is an inconsistency between the law of the state of New
55 York and the law of the state of New Jersey, the law of the state that

1 provided the greatest rights of access on the date that the chapter of
2 the laws of 2016 that added this section became a law shall apply.

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

7 § 116. Port authority as an agency. Notwithstanding any law to the
8 contrary, the port authority shall be deemed an "agency" and treated as
9 such under the laws of New York, for all purposes under articles six and
10 six-A of the public officers law, and shall be deemed a "public agency"
11 and treated as such under New Jersey, P.L. 1963, c. 73 (C.47:1A-1 et
12 seq.), pertaining to the disclosure of government records.

13 § 117. Notice of claim. Notwithstanding any other provision of law to
14 the contrary, every action against the authority for damages or injuries
15 to real or personal property, or for the destruction thereof, or for
16 personal injuries or wrongful death shall not be commenced unless a
17 notice of claim shall have been served on the authority in the manner
18 provided for in the state where the action is commenced, and in compli-
19 ance with the pertinent statutes of the state relating generally to
20 actions commenced against that state and in compliance with all the
21 requirements of the laws of that state. Where such state's law permits
22 service upon a department of that state in lieu of service upon the
23 public entity, service may be made pursuant to such law. Except in an
24 action for wrongful death against such an entity, an action for damages
25 or for injuries to real or personal property, or for the destruction
26 thereof, or for personal injuries, alleged to have been sustained, shall
27 not be commenced more than one year and ninety days after the cause of
28 action therefor shall have accrued or within the time period otherwise
29 prescribed by any special provision of law of that state, whichever is
30 longer.

31 § 118. Regulations. 1. The port authority is hereby authorized to
32 make suitable rules and regulations not inconsistent with the constitu-
33 tion of the United States or of either state, and subject to the exer-
34 cise of the power of congress, for the improvement of the conduct of
35 navigation and commerce, which, when concurred in or authorized by the
36 legislatures of both states, shall be binding and effective upon all
37 persons and corporations affected thereby.

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

41 PART II

42 DEVELOPMENT OF THE PORT OF NEW YORK

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

44 202. Investigations.

45 203. Hearings.

46 204. Orders.

47 205. Terminal stations.

48 206. Preference.

49 § 201. Development of the port of New York. 1. Pursuant to subdivi-
50 sion two of section one hundred seven of this article the following be
51 and is hereby adopted as the comprehensive plan for the development of
52 the port of New York:

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

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

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

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

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

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

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

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

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

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

39 3. (a) A tunnel or tunnels connecting the New Jersey shore and the
40 Brooklyn shore of New York to provide through line connection between
41 the transcontinental railroads now having their terminals in New Jersey
42 with the Long Island railroad and the New York connecting railroad on
43 Long Island and with the New York Central and Hudson River railroad and
44 the New York, New Haven and Hartford railroad in the Bronx, and to
45 provide continuous transportation of freight between the Queens, Brook-
46 lyn and Bronx sections of the port to and from all parts of the westerly
47 section of the port, for all of the transcontinental railroads.

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

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

1 4. The island of Manhattan to be connected with New Jersey by bridge
2 or tunnel, or both, and freight destined to and from Manhattan to be
3 carried underground, so far as practicable, by such system, automatic
4 electric as hereinafter described or otherwise, as will furnish the most
5 expeditious, economical and practicable transportation of freight, espe-
6 cially meat, produce, milk and other commodities comprising the daily
7 needs of the people. Suitable markets, union inland terminal stations
8 and warehouses to be laid out at points most convenient to the homes and
9 industries upon the island, the said system to be connected with all the
10 trans-continental railroads terminating in New Jersey and by appropriate
11 connection with the New York Central and Hudson River railroad, the New
12 York, New Haven and Hartford and the Long Island railroads.

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

16 (a) Number 1. Middle belt line. Connects New Jersey and Staten Island
17 and the railroads on the westerly side of the port with Brooklyn,
18 Queens, the Bronx and the railroads on the easterly side of the port.
19 Connects with the New York Central railroad in the Bronx; with the New
20 York, New Haven and Hartford railroad in the Bronx; with the Long Island
21 railroad in Queens and Brooklyn; with the Baltimore and Ohio railroad
22 near Elizabethport and in Staten Island; with the Central Railroad
23 Company of New Jersey at Elizabethport and at points in Newark and
24 Jersey City; with the Pennsylvania railroad in Newark and Jersey City;
25 with the Lehigh Valley railroad in Newark and Jersey City; with the
26 Delaware, Lackawanna and Western railroad in Jersey City and the Secau-
27 cus meadows; with the Erie railroad in Jersey City and the Secaucus
28 meadows; with the New York, Susquehanna and Western, the New York,
29 Ontario and Western and the West Shore railroads on the westerly side of
30 the Palisades above the Weehawken tunnel.

31 The route of the middle belt line as shown on said map is in general
32 as follows: Commencing at the Hudson river at Spuyten Duyvil running
33 easterly and southerly generally along the easterly side of the Harlem
34 river, utilizing existing lines so far as practicable and improving and
35 adding where necessary, to a connection with Hell Gate bridge and the
36 New Haven railroad, a distance of approximately seven miles; thence
37 continuing in a general southerly direction, utilizing existing lines
38 and improving and adding where necessary, to a point near Bay Ridge, a
39 distance of approximately eighteen and one-half miles; thence by a new
40 tunnel under New York bay in a northwesterly direction to a portal in
41 Jersey City or Bayonne, a distance of approximately five miles, to a
42 connection with the tracks of the Pennsylvania and Lehigh Valley rail-
43 roads; thence in a generally northerly direction along the easterly side
44 of Newark bay and the Hackensack river at the westerly foot of the Pali-
45 sades, utilizing existing tracks and improving and adding where neces-
46 sary, making connections with the Jersey Central, Pennsylvania, Lehigh
47 Valley, Delaware, Lackawanna and Western, Erie, New York, Susquehanna
48 and Western, New York, Ontario and Western, and West Shore railroads, a
49 distance of approximately ten miles. From the westerly portal of the Bay
50 tunnel and from the line along the easterly side of Newark bay by the
51 bridges of the Central railroad of New Jersey (crossing the Hackensack
52 and Passaic rivers) and of the Pennsylvania and Lehigh Valley railroads
53 (crossing Newark bay) to the line of the central railroad of New Jersey
54 running along the westerly side of Newark bay and thence southerly along
55 this line to a connection with the Baltimore and Ohio railroad south of
56 Elizabethport, utilizing existing lines so far as practicable and

1 improving and adding where necessary, a distance of approximately twelve
2 miles; thence in an easterly direction crossing the Arthur kill, utiliz-
3 ing existing lines so far as practicable and improving and adding where
4 necessary, along the northerly and easterly shores of Staten Island to
5 the new city piers and to a connection, if the city of New York consent
6 thereto, with the tunnel under the Narrows to Brooklyn provided for
7 under chapter seven hundred of the laws of the state of New York for
8 nineteen hundred and twenty-one.

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

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

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

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

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

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

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

34 (i) Number 9. A marginal railroad extending along the westerly shore
35 of Staten Island and a branch connection with number eight. Connects
36 with the middle belt line (number one), and with a branch from the outer
37 belt line (number fifteen).

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

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

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

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

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

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

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

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

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

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

8. The port of New York authority is hereby authorized and directed to proceed with the development of the port of New York in accordance with said comprehensive plan as rapidly as may be economically practicable and is hereby vested with all necessary and appropriate powers not inconsistent with the constitution of the United States or of either state, to effectuate the same, except the power to levy taxes or assessments. It shall request the congress of the United States to make such appropriations for deepening and widening channels and to make such grants of power as will enable the said plan to be effectuated. It shall have power to apply to all federal agencies, including the interstate commerce commission, the war department, and the United States shipping board, for suitable assistance in carrying out said plan. It shall cooperate with the state highway commissioners of each state so that trunk line highways as and when laid out by each state shall fit in with said comprehensive plan. It shall render such advice, suggestion and assistance to all municipal officials as will permit all local and municipal port and harbor improvements, so far as practicable, to fit in with said plan. All municipalities within the district are hereby authorized and empowered to cooperate in the effectuation of said plan, and are hereby

1 vested with such powers as may be appropriate or necessary so to cooper-
2 ate. The bonds or other securities issued by the port authority shall at
3 all times be free from taxation by either state. The port authority
4 shall be regarded as the municipal corporate instrumentality of the two
5 states for the purpose of developing the port and effectuating the
6 pledge of the states in the said compact, but it shall have no power to
7 pledge the credit of either state or to impose any obligation upon
8 either state, or upon any municipality, except as and when such power is
9 expressly granted by statute, or the consent by any such municipality is
10 given.

11 § 202. Investigations. 1. (a) To facilitate the determination of the
12 economic practicability of any step in the comprehensive plan, or of any
13 other fact or matter which the port authority is authorized and
14 empowered to decide or determine, the port authority may conduct inves-
15 tigations, inquiries or hearings at such place or places and at such
16 times as it shall appoint. Such investigations, inquiries or hearings
17 may be held by or before one or more of the commissioners of the port
18 authority, or by or before any person or persons appointed as its repre-
19 sentative, and when ratified, approved or confirmed by the port authori-
20 ty on its action shall be and be deemed to be the investigation, inquiry
21 or hearing of the port authority.

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

28 2. The port authority shall have the power to compel the attendance of
29 witnesses and the production of any papers, books or other documents,
30 and to administer oaths to all witnesses who may be called before it.
31 Subpoenas issued by the port authority shall be signed by a commissioner
32 or by the secretary of the port authority. No witness subpoenaed at the
33 instance of parties other than the port authority shall be entitled to
34 compensation therefrom for attendance or travel, but the cost thereof
35 shall be borne by the party at whose instance the witness is summoned,
36 unless the port authority otherwise orders. A subpoena issued under this
37 section shall be regulated by the civil practice law and rules of the
38 state of New York.

39 § 203. Hearings. 1. All hearings before the port authority, including
40 the taking of testimony, shall be governed by rules to be adopted and
41 prescribed by it.

42 2. In any investigation, inquiry or hearing before the port authority,
43 a commissioner or an officer conducting the investigation, inquiry or
44 hearing may confer immunity in accordance with the provisions of section
45 50.20 of the criminal procedure law of the state of New York.

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

50 § 204. Orders. 1. Every order of the port authority shall be served
51 upon every person, association or corporation to be affected thereby,
52 either by personal delivery of a certified copy thereof, or by mailing a
53 certified copy thereof, in a sealed package with postage prepaid, to the
54 person to be affected thereby; or in the case of a corporation to any
55 officer or agent thereof upon whom a summons might be served, either
56 within or without the state, in accordance with law. It shall be the

1 duty of every person, association or corporation, to notify the port
2 authority forthwith, in writing, of the receipt of the certified copy of
3 every order so served, and in the case of a corporation such notifica-
4 tion must be signed and acknowledged by a person or officer duly author-
5 ized by the corporation to admit such service. Within a time specified
6 in the order of the port authority, such person, association or corpo-
7 ration, upon whom it is served, must, if so required in the order, noti-
8 fy the port authority in like manner whether the terms of the order are
9 accepted and will be obeyed. Every order of the port authority shall
10 take effect at a time therein specified and shall continue in force
11 either for a period which may be designated therein, or until changed or
12 abrogated by the port authority, unless such order be unauthorized by
13 law, or be in violation of a provision of the constitution of the state,
14 or of the United States.

15 2. No order staying or suspending an order of the port authority shall
16 be made by any court otherwise than upon notice and after hearing, and
17 if the order of the port authority is suspended, the order suspending
18 the same shall contain a specific finding based upon evidence submitted
19 to the court and identified by reference thereto that great and irrepar-
20 able damage would otherwise result to the petitioner and specifying the
21 nature of the damage.

22 3. (a) Whenever the port authority shall be of the opinion that any
23 person, association or corporation subject to its jurisdiction is fail-
24 ing or omitting, or about to fail or omit to do anything required of it
25 by the laws governing the development and regulation of the port of New
26 York, or by its order, or is doing or is about to do anything, or
27 permitting, or about to permit anything to be done contrary to, or in
28 violation of, such law or orders, it shall direct its legal represen-
29 tative to commence an action or proceeding in the name of the port
30 authority, in an appropriate court having jurisdiction, for the purpose
31 of having such violations, or threatened violations, stopped and
32 prevented either by mandamus or injunction. Such an action or proceeding
33 may be brought in the supreme court of this state, and the said court
34 shall have and is hereby given the necessary and appropriate jurisdic-
35 tion to grant mandamus or injunction, as the case may require, or any
36 other relief appropriate to the case.

37 (b) Failure of such person, association or corporation to notify the
38 port authority, as required in the preceding section, of its acceptance
39 of and willingness to obey any order of the port authority shall be and
40 be deemed to be prima facie proof that such person, association or
41 corporation is guilty of such violation, or threatened violation. The
42 legal representative of the port authority shall begin such action or
43 proceeding by a petition to the appropriate court, alleging the
44 violation complained of and praying for appropriate relief by way of
45 mandamus or injunction. If the petition is directed to a court of this
46 state, it shall thereupon be the duty of the court to specify the time,
47 not exceeding twenty days after the service of a copy of the petition,
48 within which the person, association or corporation complained of must
49 answer the petition. In case of default in answer, or after answer, the
50 court shall immediately inquire into the facts and circumstances, in
51 such manner as the court shall direct, without other or formal pleadings
52 and without respect to any technical requirement. Such other persons,
53 associations or corporations as the court shall deem necessary or proper
54 to join as parties, in order to make its order, judgment or writs effec-
55 tive, may be joined as parties upon application of the legal represen-
56 tative of the port authority. The final judgment in any such action or

1 proceeding shall either dismiss the action or proceeding, or direct that
2 a writ of mandamus, or an injunction, or both, issue as prayed for in
3 the petition, or in such modified or other form as the court may deter-
4 mine will afford the appropriate relief.

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

15 (b) If such findings or determination shall require the use of exist-
16 ing facilities or any part thereof described in the law, owned or oper-
17 ated by any carrier or carriers, then the port authority may order and
18 require the carrier or carriers owning or operating said railroad facil-
19 ities or part thereof to permit the use of such facilities or part ther-
20 eof upon the payment of reasonable compensation therefor. If the carrier
21 or carriers affected or to be affected by such order shall not be able,
22 within the time to be specified in its order by the port authority, to
23 agree among themselves upon the compensation to be paid by a user to a
24 proprietor or operator for the use of such existing facilities or part
25 thereof, then the port authority shall make determination of the amount
26 to be paid by the user to the proprietary carrier or carriers, taking
27 all the facts and circumstances into account, including the public use
28 to which such facilities have been put; or, at its option, the port
29 authority may apply to the supreme court of this state, either in a
30 separate proceeding or in proceedings by mandamus or injunction to
31 enforce its order, to fix and determine the fair and reasonable compen-
32 sation to be paid by the user to the proprietary carrier or carriers for
33 such use. If any carrier shall be dissatisfied with the findings of the
34 port authority in the matter of the compensation to be paid for the use
35 of any existing facility, it shall have the right to review the same in
36 the supreme court of this state by taking appropriate proceedings for
37 such review within sixty days from the service of the order of the port
38 authority, but pending such review the order for the use of such facili-
39 ties shall be operative, the determination of the compensation by the
40 court to relate back to the time of the commencement of such user,
41 unless the court shall for good and proper reasons enjoin the operation
42 of such order.

43 § 205. Terminal stations. If, in the determination of steps to effec-
44 tuate the comprehensive plan, the port authority shall determine that
45 one or more union terminal stations are then, or in the near future,
46 economically practicable, it shall call a conference of all the carriers
47 affected or to be affected by the use of such terminal stations or
48 station and shall submit to them a plan or plans for the construction,
49 maintenance and use thereof. If the carriers or any of them shall fail
50 or refuse to agree upon such plan, the port authority shall make and
51 certify its findings and conclusions to the supreme court of this state,
52 and the said court is vested with appropriate and adequate jurisdiction
53 to determine whether or not such plan or plans for a union station or
54 stations effectuate the comprehensive plan, and to make such conditions
55 and impose such terms as will carry out the same in accordance with the

1 principles embraced in the comprehensive plan and the laws governing the
2 same.

3 § 206. Preference. All actions and proceedings to which the port
4 authority may be a party and in which any question arises under the laws
5 relating to the port authority, or under or concerning any of its orders
6 or actions, shall be preferred over all other civil causes, except
7 election causes, in all courts of this state and shall be heard and
8 determined in preference to all other civil business pending therein,
9 except election causes, irrespective of position on the calendar. The
10 same preference shall be granted upon application of the legal represen-
11 tative of the port authority, in any action or proceeding in which he or
12 she may be allowed to intervene.

13 PART III

14 BRIDGES AND TUNNELS IN NEW YORK AND NEW JERSEY

15 Section 301. Legislative intent.

16 302. Tunnels.

17 303. Bridges.

18 304. Studies and reporting.

19 305. Inspections.

20 306. Construction, maintenance and operation.

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

22 308. Bonds.

23 309. Compact.

24 § 301. Legislative intent. The state of New Jersey by appropriate
25 legislation concurring herein, the states of New York and New Jersey
26 hereby declare and agree that the vehicular traffic moving across the
27 interstate waters within the port of New York district, created by the
28 compact of April thirty, nineteen hundred twenty-one, between the said
29 states, which said phrase "interstate waters" as used in this part shall
30 include the portion of the Hudson river within the said port of New York
31 district north of the New Jersey state line, constitutes a general move-
32 ment of traffic which follows the most accessible and practicable
33 routes, and that the users of each bridge or tunnel over or under the
34 said waters benefit by the existence of every other bridge or tunnel
35 since all such bridges and tunnels as a group facilitate the movement of
36 such traffic and relieve congestion at each of the several bridges and
37 tunnels. Accordingly the two said states, in the interest of the users
38 of such bridges and tunnels and the general public, hereby agree that
39 the construction, maintenance, operation and control of all such bridges
40 and tunnels, heretofore or hereafter authorized by the two said states,
41 shall be unified under the port authority, to the end that the tolls and
42 other revenues therefrom shall be applied so far as practicable to the
43 costs of the construction, maintenance and operation of said bridges and
44 tunnels as a group and economies in operation effected, it being the
45 policy of the two said states that such bridges and tunnels shall as a
46 group be in all respects self-sustaining.

47 § 302. Tunnels. 1. In furtherance of the policy stated in section
48 three hundred one of this part, and in partial effectuation of the
49 comprehensive plan adopted by the two said states for the development of
50 the said port of New York district pursuant to this chapter, the
51 control, operation, tolls and other revenues of the vehicular tunnel,
52 known as the Holland tunnel, under the Hudson river between the city of
53 Jersey City and the city of New York, shall be vested in the port
54 authority as hereinafter provided; and the port authority is hereby
55 authorized and empowered to construct, own, maintain and operate an

1 interstate vehicular crossing under the Hudson river to consist of three
2 tubes (hereinafter called the Midtown Hudson tunnel), together with such
3 approaches thereto and connections with highways as the port authority
4 may deem necessary or desirable.

5 2. The entrances, exits and approaches to the said Midtown Hudson
6 tunnel, on the New York side, shall be between West Thirty-fifth street
7 and West Forty-first street and in the vicinity of Ninth avenue and to
8 the west thereof, in the borough of Manhattan, city of New York. The
9 approaches to the said Midtown Hudson tunnel on the New Jersey side
10 shall be so located and constructed as to permit tunnel traffic to pass
11 over or under the tracks of the New York, Susquehanna and Western Rail-
12 road Company and the Northern Railroad Company of New Jersey, immedi-
13 ately west of the Palisades, without crossing the said tracks at grade, and
14 as to permit connections with New Jersey state highway routes in the
15 vicinity of the said tracks. The said Midtown Hudson tunnel shall have
16 an appropriate entrance and exit in the township of Weehawken, county of
17 Hudson, state of New Jersey.

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

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

28 (b) Less, however, the share of such state in the net revenues of the
29 said tunnel to the date of the said payment, and less interest on such
30 net revenues at the rate of four and one-quarter per centum per annum
31 from the dates on which the said net revenues were received by such
32 state to the date of the said payment;

33 (c) And in the case of the payment to the state of New York, less an
34 amount equal to the moneys which the said state has agreed to advance to
35 the port authority (but which have not as yet been advanced to the port
36 authority) in aid of bridge construction, during the fiscal years
37 commencing in nineteen hundred thirty-one and nineteen hundred thirty-
38 two, pursuant to chapter seven hundred and sixty-one of the laws of New
39 York of nineteen hundred twenty-six and chapter three hundred of the
40 laws of New York of nineteen hundred twenty-seven and acts amendatory
41 thereof and supplemental thereto, discounted, however, in the case of
42 each advance at the rate of four and one-quarter per centum per annum,
43 from the date of the said payment to the state of New York to the date
44 upon which such advance is to be available pursuant to the aforesaid
45 statutes.

46 In computing interest as aforesaid upon the moneys contributed by each
47 of the said two states toward the cost of construction of the said
48 Holland tunnel, such moneys shall be deemed to have been contributed by
49 such state upon the first day of the month following the month during
50 which there were presented to the comptroller of such state for audit
51 and payment, the schedules and vouchers pursuant to which such moneys
52 were paid. In computing interest as aforesaid upon the net revenues
53 received by each of the said two states, such net revenues shall be
54 deemed to have been received by such state upon the date when such
55 revenues were credited to such state or to the commission of such state

1 pursuant to paragraph eleven of article fourteen of the compact of
2 December thirty, nineteen hundred nineteen, between the two said states.

3 4. If the amount paid by the port authority to the state of New Jersey
4 pursuant to subdivision three of this section shall be less than an
5 amount which, together with the moneys then in the sinking fund estab-
6 lished by chapter three hundred and fifty-two of the laws of New Jersey
7 of nineteen hundred twenty and chapter two hundred and sixty-two of the
8 laws of New Jersey of nineteen hundred twenty-four, hereinafter called
9 the New Jersey Camden bridge-Holland tunnel sinking fund (other than
10 moneys set apart to pay interest for the then current year upon the
11 bonds of the state of New Jersey authorized by the aforesaid acts of the
12 state of New Jersey, hereinafter called New Jersey Camden bridge-Holland
13 tunnel bonds), will be equal to the principal amount of the then
14 outstanding New Jersey Camden bridge-Holland tunnel bonds, then and in
15 such event, the port authority shall in addition pay to the state of New
16 Jersey an amount which, together with the amount paid under and pursuant
17 to the preceding section hereof and the moneys then in said New Jersey
18 Camden bridge-Holland tunnel sinking fund, will be equal to the princi-
19 pal amount of the then outstanding New Jersey Camden bridge-Holland
20 tunnel bonds; and shall, moreover, pay to the state of New York a like
21 amount.

22 5. The amount payable by the port authority to the state of New York
23 pursuant to subdivisions three and four of this section shall be paid by
24 the port authority into the treasury of the state of New York upon the
25 thirtieth day of June, nineteen hundred thirty-one, or at an earlier
26 date at the option of the port authority on five days' notice to the
27 comptroller of the state of New York, upon a voucher signed and audited
28 by the said comptroller, who is hereby authorized to consummate the said
29 transaction.

30 6. The amount payable by the port authority to the state of New Jersey
31 pursuant to subdivisions three and four of this section shall be paid by
32 the port authority to the sinking fund commission created by said chap-
33 ter three hundred and fifty-two of the laws of New Jersey of nineteen
34 hundred twenty and said chapter two hundred and sixty-two of the laws of
35 New Jersey of nineteen hundred twenty-four, hereinafter called the New
36 Jersey Camden bridge-Holland tunnel sinking fund commission upon the
37 thirtieth day of June, nineteen hundred thirty-one, or such other date
38 as may be agreed upon by the said sinking fund commission and the port
39 authority, upon a voucher signed and audited by the said sinking fund
40 commission, which said commission is hereby authorized to consummate
41 said transaction; and the said moneys shall be deposited in the said New
42 Jersey Camden bridge-Holland tunnel sinking fund, and shall for all
43 purposes be deemed to be a part thereof and subject to the appropriation
44 of the moneys in the said sinking fund, made by the aforesaid statutes
45 of the state of New Jersey.

46 7. The income and interest received from or accruing upon the moneys
47 in the aforesaid New Jersey Camden bridge-Holland tunnel sinking fund,
48 and from the investment thereof, shall be set apart and held by the said
49 New Jersey Camden bridge-Holland tunnel sinking fund commission for the
50 payment of interest on New Jersey Camden bridge-Holland tunnel bonds,
51 and shall be subject to the appropriation made of moneys so set apart
52 and held, by the aforesaid statutes of the state of New Jersey, and
53 shall be applied to the payment of such interest.

54 8. Upon the making of the foregoing payments by the port authority to
55 the two said states, the provisions of the compact of December thirty,
56 nineteen hundred nineteen, between the said two states, relating to the

1 construction and operation of the said Holland tunnel, as amended, so
2 far as inconsistent herewith or with the rules, practice and procedure
3 or general authority of the port authority, shall be and shall be deemed
4 to be abrogated; and chapter four hundred and twenty-one of the laws of
5 New York of nineteen hundred thirty, and chapter two hundred and forty-
6 seven of the laws of New Jersey of nineteen hundred thirty, making the
7 port authority the agent of the two states in connection with the opera-
8 tion of the said Holland tunnel shall cease to be effective.

9 § 303. Bridges. 1. Except as may be agreed upon between the port
10 authority and the municipality in which they shall be located, the
11 approaches to the George Washington bridge hereafter constructed on the
12 New York side shall be located as follows: between Amsterdam avenue and
13 Pinehurst avenue, the approaches shall be located between West One
14 hundred seventy-eighth street and West One hundred seventy-ninth street;
15 between Pinehurst avenue and Cabrini boulevard, the approaches shall be
16 between West One hundred seventy-eighth street and West One hundred
17 eightieth street; between Cabrini boulevard and Haven avenue, the
18 approaches shall be between West One hundred seventy-seventh street and
19 the line parallel to the northerly side of West One hundred eightieth
20 street and one hundred twenty-five feet north of the building line on
21 the north side thereof; between Haven avenue and Service street north of
22 the George Washington bridge, the approaches shall be between the bridge
23 and an extension of the building line on the northerly side of West One
24 hundred eightieth street. Except as so limited, the port authority may
25 effectuate such approaches, connections, highway extensions or highway
26 improvements as it shall deem necessary or desirable in relation to the
27 George Washington bridge, located in or extending across the counties in
28 which such bridge is located, and, in its discretion, may do so by
29 agreement with any other public agency; such agreement may provide for
30 the construction, ownership, maintenance or operation of such
31 approaches, connections or highway extensions or highway improvements by
32 such other public agency.

33 2. The port authority is hereby authorized and empowered, in its
34 discretion, to construct, own, maintain and operate in Washington
35 Heights in the borough of Manhattan, New York city, as an addition and
36 improvement to the vehicular bridge over the Hudson river at Fort Lee,
37 known as and hereinafter in this section referred to as the George Wash-
38 ington bridge, a bus passenger facility, by which is meant a facility
39 consisting of one or more buildings, structures, improvements, loading
40 or unloading areas, parking areas or other facilities necessary, conven-
41 ient or desirable in the opinion of the port authority for the accommo-
42 dation of omnibuses and other motor vehicles operated by carriers
43 engaged in the transportation of passengers, or for the loading, unload-
44 ing, interchange or transfer of such passengers or their baggage, or
45 otherwise for the accommodation, use or convenience of such passengers
46 or such carriers or their employees and for purposes incidental thereto.

47 3. Nothing herein contained shall be deemed to prevent the port
48 authority from establishing, levying and collecting tolls and other
49 charges in connection with such bus passenger facility in addition to
50 and other than the tolls or charges established, levied and collected in
51 connection with the George Washington bridge or any other bridge or
52 tunnel.

53 § 304. Studies and reporting. The port authority shall from time to
54 time make studies, surveys and investigations to determine the necessity
55 and practicability of vehicular bridges and tunnels over or under inter-
56 state waters within the port of New York district, in addition to the

1 Midtown Hudson tunnel and Holland tunnel and to the George Washington
2 bridge, Goethals bridge, Outerbridge Crossing and Bayonne bridge, and
3 report to the governors and legislatures of the two states thereon. The
4 port authority shall not proceed with the construction of any such addi-
5 tional vehicular bridges and tunnels over or under said interstate
6 waters until hereafter expressly authorized by the two said states, but
7 the second deck of the George Washington bridge shall be considered an
8 addition and improvement to the said bridge and not such an additional
9 vehicular bridge, and the port authority's power and authorization to
10 construct, own, maintain and operate said second deck for highway vehic-
11 ular or rail rapid transit traffic or both is hereby acknowledged and
12 confirmed.

13 § 305. Inspections. The port authority shall inspect bridges located
14 within the state of New York and under the authority's jurisdiction in
15 accordance with criteria established for other publicly-owned bridges
16 within the state.

17 § 306. Construction, maintenance and operation. 1. The port authority
18 shall, so far as it deems it practicable, treat as a single unified
19 operation the construction, maintenance and operation of the said
20 Midtown Hudson tunnel, the Holland tunnel, the two vehicular bridges
21 over the Arthur Kill, the vehicular bridge over the Kill van Kull, the
22 vehicular bridge over the Hudson river at Fort Lee, and any other vehic-
23 ular bridges or tunnels which it may construct or operate, raising
24 moneys for the construction thereof and for the making of additions and
25 improvements thereto in whole or in part upon its own obligations, and
26 establishing and levying such tolls and other charges as it may deem
27 necessary to secure from all of such bridges and tunnels as a group, at
28 least sufficient revenue to meet the expenses of the construction, main-
29 tenance and operation of such bridges and tunnels as a group, and to
30 provide for the payment of the interest upon and amortization and
31 retirement of and the fulfillment of the terms of all bonds and other
32 securities and obligations which it may have issued or incurred in
33 connection therewith.

34 2. The additions and improvements to bridges and tunnels constructed
35 or operated by it which the port authority is hereby authorized to
36 effectuate shall include but not be limited to parking facilities, by
37 which is meant transportation facilities consisting of one or more
38 areas, buildings, structures, improvements, or other accommodations or
39 appurtenances necessary, convenient or desirable in the opinion of the
40 port authority for the parking or storage of motor vehicles of users of
41 such bridges and tunnels and other members of the general public and for
42 the transfer of the operators and passengers of such motor vehicles to
43 and from omnibuses and other motor vehicles operated by carriers over or
44 through such bridges or tunnels, and for purposes incidental thereto.

45 3. Nothing herein contained shall be deemed to prevent the port
46 authority from establishing, levying and collecting tolls and other
47 charges in connection with any parking facility in addition to and other
48 than the tolls or charges established, levied and collected in
49 connection with the bridge or tunnel to which such parking facility is
50 an addition and improvement or any other bridge or tunnel.

51 4. The port authority shall not proceed with the construction of any
52 parking facility as an addition and improvement to any bridge or tunnel
53 other than a parking facility in the township of North Bergen in the
54 state of New Jersey at or in the vicinity of the Midtown Hudson tunnel
55 and its approaches and connections, except as heretofore or hereafter
56 expressly authorized.

1 5. The plans of the connections with state or municipal highways of
2 any vehicular bridge or tunnel which the port authority may hereafter
3 construct (including the plans of any additional connections of existing
4 bridges or tunnels with state or municipal highways), shall be subject
5 to the approval of the governor of the state in which such connections
6 shall be located. Either state may require by appropriate legislation
7 that such connections shall be subject to the approval of the munici-
8 pality of that state in which they shall be located; and in such event,
9 the approval of such municipality shall be given as provided in subdivi-
10 sion two of section one hundred three of this article. Except as limit-
11 ed herein, the port authority shall determine all matters pertaining to
12 such bridges and tunnels.

13 6. The construction, maintenance and operation of vehicular bridges
14 and tunnels within the said port of New York district (including the
15 said Holland tunnel and the said Midtown Hudson tunnel), are and will be
16 in all respects for the benefit of the people of the states of New York
17 and New Jersey, for the increase of their commerce and prosperity and
18 for the improvement of their health and living conditions; and the port
19 authority shall be regarded as performing an essential governmental
20 function in undertaking the construction, maintenance and operation
21 thereof and in carrying out the provisions of law relating thereto, and
22 shall be required to pay no taxes or assessments upon any of the proper-
23 ty acquired or used by it for such purposes.

24 7. If for any of the purposes of this part (including temporary
25 construction purposes, and the making of additions or improvements to
26 bridges or tunnels already constructed), the port authority shall find
27 it necessary or convenient to acquire any real property as herein
28 defined, whether for immediate or future use, the port authority may
29 find and determine that such property, whether a fee simple absolute or
30 a lesser interest, is required for a public use, and upon such determi-
31 nation, the said property shall be and shall be deemed to be required
32 for such public use until otherwise determined by the port authority;
33 and with the exceptions hereinafter specifically noted, the said deter-
34 mination shall not be affected by the fact that such property has there-
35 tofore been taken for, or is then devoted to, a public use; but the
36 public use in the hands or under the control of the port authority shall
37 be deemed superior to the public use in the hands of any other person,
38 association or corporation.

39 8. The port authority may acquire and is hereby authorized to acquire
40 such property, whether a fee simple absolute or a lesser interest, by
41 the exercise of the right of eminent domain under and pursuant to the
42 provisions of the eminent domain procedure law of the state of New York,
43 in the case of property located in such state, and revised statutes of
44 New Jersey, Title 20:1-1 et seq., in the case of property located in
45 such state, or at the option of the port authority as provided in
46 section fifteen of chapter forty-three of the laws of New Jersey of
47 nineteen hundred forty-seven, as amended, for the condemnation of real
48 property for air terminal purposes, in the case of property located in
49 such state, or pursuant to such other and alternate procedure as may be
50 provided by law.

51 9. Where a person entitled to an award in the proceedings to acquire
52 any real property for any of the purposes of this part, remains in
53 possession of such property after the time of the vesting of title in
54 the port authority, the reasonable value of his use and occupancy of
55 such property subsequent to such time, as fixed by agreement or by the
56 court in such proceedings or by any court of competent jurisdiction,

1 shall be a lien against such award, subject only to liens of record at
2 the time of the vesting of title in the port authority.

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

8 11. Anything in this act to the contrary notwithstanding, no property
9 now or hereafter vested in or held by any county, city, borough,
10 village, township or other municipality shall be taken by the port
11 authority, without the authority or consent of such county, city,
12 borough, village, township or other municipality as provided in part one
13 of this article, provided that the state in which such county, city,
14 borough, village, township or other municipality is located may author-
15 ize such property to be taken by the port authority by condemnation or
16 the exercise of the right of eminent domain without such authority or
17 consent; nor shall anything herein impair or invalidate in any way any
18 bonded indebtedness of the state, or such county, city, borough,
19 village, township or other municipality, nor impair the provisions of
20 law regulating the payment into sinking funds of revenue derived from
21 municipal property, or dedicating the revenues derived from municipal
22 property, to a specific purpose. The port authority is hereby authorized
23 and empowered to acquire from any such county, city, borough, village,
24 township or other municipality, or from any other public agency or
25 commission having jurisdiction in the premises, by agreement therewith,
26 and such county, city, borough, village, township, municipality, public
27 agency or commission, notwithstanding any contrary provision of law, is
28 hereby authorized and empowered to grant and convey upon reasonable
29 terms and conditions, any real property, which may be necessary for the
30 construction, operation and maintenance of such bridges and tunnels,
31 including such real property as has already been devoted to a public
32 use. Each of the two said states hereby consent to the use and occupa-
33 tion of the real property of such state necessary for the construction,
34 operation and maintenance of bridges and tunnels constructed or operated
35 pursuant to the provisions of this part, including lands of the state
36 lying under water.

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

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

50 14. Nothing herein contained shall be construed to authorize or permit
51 the port authority to undertake the construction of any vehicular bridge
52 or tunnel over or under the Arthur Kill, unless or until adequate
53 provision has been made by law for the protection of those advancing
54 money upon the obligations of the port authority for the construction of
55 the bridges mentioned in chapter two hundred and ten of the laws of
56 nineteen hundred twenty-five, or the construction of any vehicular

1 bridge or tunnel over or under the Hudson river, at or north of Sixtieth
2 street in the borough of Manhattan, city of New York, unless or until
3 adequate provision has been made by law for the protection of those
4 advancing money upon the obligations of the port authority for the
5 construction of the bridge mentioned in chapter seven hundred and
6 sixty-one of the laws of nineteen hundred twenty-six, or the
7 construction of any vehicular bridge or tunnel over or under the Kill
8 van Kull unless or until adequate provision has been made by law for the
9 protection of those advancing money upon the obligations of the port
10 authority for the construction of the bridge mentioned in chapter three
11 hundred of the laws of nineteen hundred twenty-seven.

12 § 307. Rules and regulations relating to tunnels and bridges. 1. The
13 port authority is hereby authorized to make and enforce such rules and
14 regulations and to establish, levy and collect such tolls and other
15 charges in connection with any vehicular bridges and tunnels which it
16 may now or hereafter be authorized to own, construct, operate or control
17 (including the said Holland tunnel and the said Midtown Hudson tunnel),
18 as it may deem necessary, proper or desirable, which said tolls and
19 charges shall be at least sufficient to meet the expenses of the
20 construction, operation and maintenance thereof, and to provide for the
21 payment of, with interest upon, and the amortization and retirement of
22 bonds or other securities or obligations issued or incurred for bridge
23 or tunnel purposes. There shall be allocated to the cost of the
24 construction, operation and maintenance of such bridges and tunnels,
25 such proportion of the general expenses of the port authority as it
26 shall deem properly chargeable thereto.

27 2. The moneys in the general reserve fund of the port authority
28 (authorized by chapter five of the laws of New Jersey of nineteen
29 hundred thirty-one, as amended, and chapter forty-eight of the laws of
30 New York of nineteen hundred thirty-one, as amended and continued by
31 part XXIX of this article) may be pledged in whole or in part by the
32 port authority as security for or applied by it to the repayment with
33 interest of any moneys which it may raise upon bonds or other securities
34 or obligations issued or incurred from time to time for any of the
35 purposes of this part or secured in whole or in part by the pledge of
36 the revenues of the port authority from any bridge or tunnel or both so
37 issued or incurred and so secured; and the moneys in said general
38 reserve fund may be applied by the port authority to the fulfillment of
39 any other undertakings which it may assume to or for the benefit of the
40 holders of any such bonds, securities or other obligations.

41 3. Subject to prior liens and pledges (and to the obligation of the
42 port authority to apply revenues to the maintenance of its general
43 reserve fund in the amount prescribed by the said statutes authorizing
44 said fund), the revenues of the port authority from facilities estab-
45 lished, constructed, acquired or effectuated through the issuance or
46 sale of bonds of the port authority secured by a pledge of its general
47 reserve fund may be pledged in whole or in part as security for or
48 applied by it to the repayment with interest of any moneys which it may
49 raise upon bonds or other securities or obligations issued or incurred
50 from time to time for any of the purposes of this part or secured in
51 whole or in part by the pledge of the revenues of the port authority
52 from any bridge or tunnel or both so issued or incurred and so secured,
53 and said revenues may be applied by the port authority to the fulfill-
54 ment of any other undertakings which it may assume to or for the benefit
55 of the holders of such bonds, securities or other obligations.

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 said statutes authorizing said
5 fund, issued by the port authority and currently outstanding at such
6 time, by reason of the retirement of bonds or other securities or obli-
7 gations issued or incurred from time to time for any of the purposes of
8 this part or secured in whole or in part by the pledge of the revenues
9 of the port authority from any bridge or tunnel or both so issued or
10 incurred and so secured, the par value of which had theretofore been
11 included in the computation of said one-tenth, then the port authority
12 may pledge or apply such excess for and only for the purposes for which
13 it is authorized by the said statutes authorizing said fund to pledge
14 the moneys in the general reserve fund and such pledge may be made in
15 advance of the time when such excess may occur.

16 § 308. Bonds. 1. The two said states covenant and agree with each
17 other and with the holders of any bonds or other securities or obli-
18 gations of the port authority, issued or incurred for bridge or tunnel
19 purposes and as security for which there may or shall be pledged the
20 tolls and revenues or any part thereof of any vehicular bridge or tunnel
21 (including the said Holland tunnel and the said Midtown Hudson tunnel),
22 that the two said states will not, so long as any of such bonds or other
23 obligations remain outstanding and unpaid, diminish or impair the power
24 of the port authority to establish, levy and collect tolls and other
25 charges in connection therewith; and that the two said states will not,
26 so long as any of such bonds or other obligations remain outstanding and
27 unpaid, authorize the construction of any vehicular bridges or tunnels
28 over or under interstate waters as herein defined within the said port
29 of New York district, by any person or body other than the port authori-
30 ty, in competition with those whose tolls or other revenues are pledged
31 as aforesaid; provided that nothing herein contained shall be deemed to
32 refer to the bridge authorized by the act of congress of July eleven,
33 eighteen hundred ninety, chapter six hundred and sixty-nine, and acts
34 amendatory thereof and supplemental thereto; and provided further that
35 nothing herein contained shall preclude the authorization of the
36 construction of such competitive tunnels or bridges by other persons or
37 bodies if and when adequate provision shall be made by law for the
38 protection of those advancing money upon such obligations.

39 2. The bonds or other securities or obligations which may be issued or
40 incurred by the port authority pursuant to this part, or as security for
41 which there may be pledged the tolls and other revenues or any part
42 thereof of any vehicular bridge or tunnel (including the said Holland
43 tunnel and the said Midtown Hudson tunnel) now or hereafter authorized
44 by the two said states or both so issued or incurred and so secured, are
45 hereby made securities in which all state and municipal officers and
46 bodies, all banks, bankers, trust companies, savings banks, savings and
47 loan associations, investment companies and other persons carrying on a
48 banking business, all insurance companies, insurance associations and
49 other persons carrying on an insurance business, and all administrators,
50 executors, guardians, trustees and other fiduciaries and all other
51 persons whatsoever who are now or may hereafter be authorized to invest
52 in bonds or other obligations of the state, may properly and legally
53 invest any funds, including capital, belonging to them or within their
54 control; and said bonds or other securities or obligations are hereby
55 made securities which may properly and legally be deposited with and
56 shall be received by any state or municipal officer or agency for any

1 purpose for which the deposit of bonds or other obligations of this
2 state is now or may hereafter be authorized.

3 § 309. Compact. 1. This section and the preceding sections of this
4 part, constitute an agreement between the states of New York and New
5 Jersey supplementary to the compact between the two states dated April
6 thirty, nineteen hundred twenty-one, and amendatory thereof, and shall
7 be liberally construed to effectuate the purposes of said compact and of
8 the comprehensive plan heretofore adopted by the two states, and any
9 powers granted to the port authority by this part shall be deemed to be
10 in aid of and supplementary to and in no case a limitation upon the
11 powers heretofore vested in the port authority by the two said states
12 and/or by congress, except as herein otherwise provided.

13 2. Any declarations contained in this part with respect to the govern-
14 mental nature of bridges and tunnels and to the exemption of bridge and
15 tunnel property from taxation and to the discretion of the port authori-
16 ty with respect to bridge and tunnel operations shall not be construed
17 to imply that other port authority property and operations are not of a
18 governmental nature, or that they are subject to taxation, or that the
19 determinations of the port authority with respect thereto are not
20 conclusive.

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

26 4. Nothing herein contained shall be construed to affect, diminish or
27 impair the rights and obligations created by, or to repeal any of the
28 provisions of chapter three hundred and fifty-two of the laws of New
29 Jersey of nineteen hundred twenty and chapter two hundred and sixty-two
30 of the laws of New Jersey of nineteen hundred twenty-four.

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

43 6. The said payment by the port authority to the state of New Jersey
44 constitutes repayment for all moneys contributed by the said state
45 toward the cost of construction of the said Holland tunnel, including
46 the moneys diverted and appropriated by chapter three hundred and nine-
47 teen of the laws of New Jersey of nineteen hundred twenty-six and chap-
48 ter fifty-eight of the laws of New Jersey of nineteen hundred twenty-
49 seven from the road fund, created by chapter fifteen of the laws of New
50 Jersey of nineteen hundred seventeen. The requirement of chapter fifty-
51 eight of the laws of New Jersey of nineteen hundred twenty-seven that
52 the said moneys diverted and appropriated by the said statutes of the
53 state of New Jersey shall be returned and credited to the said road
54 fund, with interest, shall be and shall be deemed to be satisfied and
55 discharged so far as it relates to the revenues arising from the opera-
56 tion 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.

PART IV

APPROVAL OR VETO POWER OF THE GOVERNOR

Section 401. Approval or veto power.

402. Procurement.

403. Effect of veto.

404. Exception to reporting requirement.

§ 401. Approval or veto power. Except as provided by this part, no action taken at any meeting of the port authority by any commissioner appointed from the state of New York shall have force or effect until the governor of the state of New York shall have an opportunity to approve or veto the same under the provisions of article sixteen of the port compact or treaty entered into between the states of New York and New Jersey, dated April thirtieth, nineteen hundred and twenty-one and continued by subdivision four of section one hundred eight of this article.

§ 402. Procurement. For the purpose of procuring such approval or veto, the secretary or other officer of the port authority in charge of the minutes of the proceedings of that body shall transmit to the governor at the executive chamber in Albany a certified copy of the minutes of every meeting of the port authority as soon after the holding of such meeting as such minutes can be written out. The governor shall, within ten days, Saturdays, Sundays and public holidays excepted, after such minutes shall have been delivered at the executive chamber as aforesaid, cause the same to be returned to the port authority either with his approval or with his veto of any action therein recited as having been taken by any commissioner appointed from the state of New York, provided, however, that if the governor shall not return the said minutes within the said period then at the expiration thereof any action therein recited will have full force and effect according to the wording thereof.

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

§ 404. Exception to reporting requirement. The governor may by order filed with the secretary of the port authority relieve the commissioners from the duty of procuring his approval of their action upon any particular matter or class of matters, and thereupon the secretary or other officer in charge of the minutes of the proceedings of that body shall be relieved from reporting the same to him.

PART V

MOTOR TRUCK TERMINALS

Section 501. Motor truck terminals.

1 502. Acquisition of real property for public use.

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

31 § 502. Acquisition of real property for public use. If, for the
32 purpose of effectuating, acquiring, constructing, rehabilitating or
33 improving any motor truck terminal, the port authority shall find it
34 necessary or convenient to acquire any real property, as herein defined
35 in this state, whether for immediate or future use, the port authority
36 may find and determine that such property, whether a fee simple absolute
37 or a lesser interest, is required for public use, and upon such determi-
38 nation, the said property shall be and shall be deemed to be required
39 for such public use until otherwise determined by the port authority.

40 If the port authority is unable to agree for the acquisition of any
41 such real property for any reason whatsoever, then the port authority
42 may acquire and is hereby authorized to acquire such property, whether a
43 fee simple absolute or a lesser interest, by the exercise of the right
44 of eminent domain under and pursuant to the provisions of the eminent
45 domain procedure law.

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

49 Anything in this part to the contrary notwithstanding, no property now
50 or hereafter vested in or held by the state or any county, city,
51 borough, village, township or other municipality shall be taken by the
52 port authority, without the authority or consent of the state or of such
53 county, city, borough, village, township or other municipality as
54 provided in the compact of April thirty, nineteen hundred twenty-one,
55 between the states of New York and New Jersey and continued by part I of
56 this article, nor shall anything herein impair or invalidate in any way

1 any bonded indebtedness of the state, or such county, city, borough,
2 village, township or other municipality, nor impair the provisions of
3 law regulating the payment into sinking funds of revenue derived from
4 municipal property, or dedicating the revenues derived from municipal
5 property, to a specific purpose. Moreover, no property devoted to
6 public use by any railroad or railway corporation, or public utility
7 corporation, or by any other corporation, shall be taken by the port
8 authority without the authority or consent of such corporation. The
9 port authority is hereby authorized and empowered to acquire from any
10 such county, city, borough, village, township or other municipality, or
11 from any other public agency or commission having jurisdiction in the
12 premises, or from any such corporation, by agreement therewith, and such
13 county, city, borough, village, township, municipality, public agency,
14 commission, or corporation, notwithstanding any contrary provision of
15 law, is hereby authorized and empowered to grant and convey upon reason-
16 able terms and conditions any real property, which may be necessary for
17 the establishment, construction, acquisition, rehabilitation, mainte-
18 nance and operation of such truck terminals, including such real proper-
19 ty as has already been devoted to a public use.

20 The port authority and its duly authorized agents and employees may,
21 in the case of land situate in the state of New York subject to the
22 provisions of the eminent domain procedure law and in any other case as
23 provided by law, enter upon any land in this state for the purpose of
24 making such surveys, maps, or other examinations thereof as it may deem
25 necessary or convenient for the purposes of this part.

26 The term "real property" as used in this part is defined to include
27 lands, structures, franchises and interests in land, including lands
28 under water and riparian rights, and any and all things and rights
29 usually included within the said term, and includes not only fees simple
30 absolute but also any and all lesser interests, such as easements,
31 rights of way, uses, leases, licenses and all other incorporeal heredi-
32 taments and every estate, interest or right, legal or equitable, includ-
33 ing terms of years, and liens thereon by way of judgments, mortgages or
34 otherwise, and also claims for damages to real estate.

35 PART VI

36 PAYMENT AND ACCEPTANCE OF A FAIR AND REASONABLE SUM

37 Section 601. Payment of a fair and reasonable sum.

38 602. Acceptance of payment.

39 § 601. Payment of a fair and reasonable sum. To the end that counties,
40 cities, boroughs, villages, towns, townships and other municipalities in
41 the port of New York district, may not suffer undue loss of taxes and
42 assessments by reason of the acquisition and ownership of property ther-
43 ein by the port authority, the port authority is hereby authorized and
44 empowered, in its discretion, to enter into a voluntary agreement or
45 agreements with any county, city, borough, village, town, township or
46 other municipality in said port district, whereby it will undertake to
47 pay a fair and reasonable sum or sums annually in connection with any
48 marine or inland terminal property owned by it, not in excess of the sum
49 last paid as taxes upon such property prior to the time of its acquisi-
50 tion by the port authority. Such payment or payments which the port
51 authority is hereby authorized and empowered to make, shall be in such
52 amount or amounts and shall be payable at such time or times and under
53 such terms and conditions as shall be agreed upon by and between the

1 port authority and such county, city, village, borough, town, township
2 or other municipality concerned.

3 § 602. Acceptance of payment. Every county, city, village, borough,
4 town, township or other municipality in the port of New York district
5 aforesaid is hereby authorized and empowered to enter into such agree-
6 ment or agreements with the port authority to accept the payment or
7 payments which the port authority is hereby authorized and empowered to
8 make. The sums so received by any county, city, village, borough, town,
9 township or other municipality shall be devoted to purposes to which
10 taxes may be applied, unless and until otherwise directed by the law of
11 the state in which such municipality is located.

12 PART VII

13 PAYMENT AND ACCEPTANCE OF A FAIR AND
14 REASONABLE SUM FOR A CHANGE IN GRADE

15 Section 701. Change of grade.

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

35 PART VIII

36 THE SALE OF REAL PROPERTY ACQUIRED BY THE PORT AUTHORITY

37 Section 801. Procedure.

38 802. Conveyances.

39 § 801. Procedure. Whenever the port authority shall determine to sell
40 any real property which may have been acquired by the port authority by
41 purchase, condemnation or otherwise, pursuant to any of its powers and
42 authorities, but which real property is no longer required for such
43 purposes, the following procedure shall be followed:

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

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

50 3. All or any portion of said real property may be sold at either
51 private or public sale, and all deeds of conveyance therefor shall be by
52 bargain and sale and shall be executed by the chairman, or the vice

1 chairman, or the general manager, or an assistant general manager of the
2 port authority and attested by the secretary thereof.

3 § 802. Conveyances. The validity of all conveyances heretofore made by
4 the port authority is hereby ratified and confirmed.

5 PART IX
6 MONEYS FOR PRELIMINARY STUDIES

7 Section 901. Moneys advanced.

8 902. Delivery of bonds and/or moneys.

9 903. Direct and general obligations of the port authority.

10 904. Securities.

11 905. Initial reimbursement of moneys advanced by the states.

12 906. Further reimbursement of moneys advanced by the states.

13 907. Deposit of bonds or moneys by the comptroller.

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

35 § 902. Delivery of bonds and/or moneys. Bonds, or moneys, or both, in
36 an aggregate principal amount of two million fifty thousand dollars
37 shall be delivered to each state within three months after the date on
38 which chapter three hundred fifty-two of the laws of nineteen hundred
39 forty-six and the concurrent article of the state of New Jersey take
40 effect. Within fifteen months after the date on which chapter three
41 hundred fifty-two of the laws of nineteen hundred forty-six and the
42 concurrent article of the state of New Jersey take effect, an additional
43 two million ninety-nine thousand nine hundred eighteen dollars and twen-
44 ty cents in aggregate principal amount of bonds or moneys, or both,
45 shall be delivered to the state of New York and an additional two
46 million one hundred thousand dollars in aggregate principal amount of
47 bonds, or moneys, or both shall be delivered to the state of New Jersey
48 provided, that if, in the opinion of the commissioners of the port
49 authority, financial conditions are such as to make it desirable to
50 postpone such delivery, then delivery of said additional amounts shall
51 be postponed in whole or in part until such time, not later than five
52 years from the effective date of chapter three hundred fifty-two of the
53 laws of nineteen hundred forty-six, as in the judgment of said commis-
54 sioners financial conditions permit such delivery.

1 The port authority shall determine whether payments made pursuant to
2 this part and the concurrent article of the state of New Jersey shall be
3 made by delivery of bonds or of moneys, or both, and, if both, in what
4 proportions. The moneys may, at the option of the port authority, be
5 paid in cash or by check. Delivery of bonds or moneys to the state of
6 New York shall be made by delivering or tendering delivery thereof to
7 the comptroller of the state of New York at his office at Albany during
8 regular business hours. Delivery of bonds or moneys to the state of New
9 Jersey shall be made by delivering or tendering delivery thereof to the
10 state treasurer at his office at Trenton during regular business hours.

11 § 903. Direct and general obligations of the port authority. The
12 bonds delivered to the two states pursuant to this part and the concur-
13 rent article of the state of New Jersey shall be direct and general
14 obligations of the port authority, and its full faith and credit shall
15 be pledged for the prompt payment of the principal and interest thereof.
16 The payment of the principal and interest thereof shall be secured by
17 the general reserve fund of the port authority, authorized by chapter
18 forty-eight of the laws of New York of nineteen hundred and thirty-one
19 and continued by part XXIX of this article, and chapter five of the laws
20 of New Jersey of nineteen hundred and thirty-one; and said general
21 reserve fund shall be pledged as security for the payment of the princi-
22 pal and interest of said bonds and for the fulfillment of other under-
23 takings assumed by the port authority to or for the benefit of the hold-
24 ers of said bonds. Such pledge, however, shall be subject to the right
25 of the port authority to pledge said general reserve fund as security
26 for any other bonds, notes or evidences of indebtedness whatsoever here-
27 after issued by the authority as security for which it may at the time
28 be authorized to pledge the said general reserve fund, and also subject
29 to the right of the port authority to use the moneys in said general
30 reserve fund to meet, pay or otherwise fulfill any of its obligations
31 under or in connection with any bonds, notes or other evidences of
32 indebtedness as security for which said general reserve fund has hereto-
33 fore been or is now pledged or for which said general reserve fund may
34 hereafter be pledged. Moreover, no greater rights in or to said general
35 reserve fund shall be granted to or conferred upon the holders of the
36 bonds delivered to the two states pursuant to this part and the concur-
37 rent article of the state of New Jersey than have been granted to and
38 conferred upon the holders of general and refunding bonds of the port
39 authority issued pursuant to the resolution of the port authority
40 adopted March eighteenth, nineteen hundred and thirty-five, and amended
41 March twenty-fifth, nineteen hundred and thirty-five and September
42 sixteenth, nineteen hundred and forty-three.

43 The bonds delivered to the two states pursuant to chapter three
44 hundred fifty-two of the laws of nineteen hundred forty-six and contin-
45 ued by this part and the concurrent article of the state of New Jersey
46 shall be dated as of a date not more than thirty days subsequent to the
47 date on which delivery is made or tendered, shall mature forty years
48 from their date, and shall bear interest at the rate of one and one-half
49 per centum per annum. Said bonds shall be subject to redemption at the
50 option of the port authority, in whole or in part, on any interest
51 payment date or dates at one hundred percent of their par value, plus
52 accrued interest to the date set for redemption.

53 Except as hereinbefore specifically provided, the port authority
54 shall, by resolution, determine the form, characteristics and all other
55 matters in connection with said bonds, including without limiting the
56 generality hereof, the denominations in which they shall be issued,

1 provisions with respect to the exchange of bonds of one denomination
2 into bonds of another denomination, provisions with respect to the issu-
3 ance of temporary bonds and the exchange thereof for definitive bonds,
4 provisions with respect to the establishment of a sinking fund or sink-
5 ing funds and for the use of the moneys in sinking fund to purchase or
6 redeem bonds prior to their maturity, provisions with respect to the
7 place of payment, provisions with respect to notice of redemption,
8 provisions with respect to the paying agent or the registrar and
9 provisions with respect to the method of signature.

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

31 § 905. Initial reimbursement of moneys advanced by the states. The
32 first two million fifty thousand dollars paid to each state pursuant to
33 this part and the concurrent article of the state of New Jersey shall be
34 deemed to be on account of the moneys advanced by such state for prelim-
35 inary studies upon and in aid of the construction of the Bayonne bridge
36 (formerly known as the Kill von Kull bridge); and from and after the
37 date on which the port authority shall have delivered to each state
38 pursuant to this part and the concurrent article of the state of New
39 Jersey, bonds or moneys or both in the aggregate principal amount of two
40 million fifty thousand dollars, the duty and obligation of the port
41 authority to pay back to the two states the moneys advanced for prelimi-
42 nary studies upon and in aid of the construction of said bridge by chap-
43 ter two hundred seventy-nine of the laws of New York of nineteen hundred
44 and twenty-six, chapter ninety-seven of the laws of New Jersey of nine-
45 teen hundred and twenty-five, chapter three hundred of the laws of New
46 York of nineteen hundred and twenty-seven and chapter three of the laws
47 of New Jersey of nineteen hundred and twenty-seven, together with the
48 claims of the two states and of each of them for such repayment, shall
49 be and shall be deemed to be fully satisfied and discharged, and any
50 lien or claim of the two states or either of them upon the tolls and
51 revenues of the said bridge arising out of, under or because of the
52 aforesaid statutes shall be and shall be deemed to be void and without
53 force or effect.

54 § 906. Further reimbursement of moneys advanced by the states. After
55 the payment of the first two million fifty thousand dollars to each
56 state, the further amounts paid to each state pursuant to this part and

the concurrent article of the state of New Jersey shall be deemed to be on account of the moneys advanced by such state for preliminary studies upon and in aid of the construction of the Outerbridge crossing (formerly known as the Perth Amboy-Tottenville bridge) and the Goethals bridge (formerly known as the Elizabeth-Howland Hook bridge); and from and after the date on which pursuant to this part and the concurrent article of the state of New Jersey the port authority shall have delivered bonds or moneys, or both, to the state of New York in the aggregate principal amount of two million ninety-nine thousand nine hundred eighteen dollars and twenty cents and to the state of New Jersey in the aggregate principal amount of two million one hundred thousand dollars, in each case in addition to the first two million fifty thousand dollars paid to such state under and pursuant to this part and the concurrent article of the state of New Jersey, then the duty and obligation of the port authority to pay back to the two states the moneys advanced for preliminary studies upon and in aid of the construction of said two bridges by chapters one hundred eighty-six and two hundred thirty of the laws of New York of nineteen hundred twenty-four, chapters one hundred twenty-five and one hundred forty-nine of the laws of New Jersey of nineteen hundred twenty-four, chapter two hundred ten of the laws of New York of nineteen hundred twenty-five and chapter thirty-seven of the laws of New Jersey of nineteen hundred twenty-five, together with the claims of the two states and of each of them for such repayment, shall be and shall be deemed to be fully satisfied and discharged, and any lien or claim of the two states or either of them upon the tolls and revenues of said bridges arising out of, under or because of the aforesaid statutes shall be and shall be deemed to be void and without force or effect.

§ 907. Deposit of bonds or moneys by the comptroller. All bonds or moneys, or both, delivered by the port authority to the comptroller of the state of New York pursuant to this part shall be deposited by him in the post-war reconstruction fund in the state treasury.

PART X

MOTOR BUS TERMINAL

Section 1001. Establishment.

1002. Funding.

1003. Maintenance and operation.

1004. Powers.

1005. Acquisition of real property.

§ 1001. Establishment. Upon the concurrence of the state of New Jersey, the states of New York and New Jersey hereby agree that the moneys in the general reserve fund of the port authority, authorized by chapter forty-eight of the laws of New York of one thousand nine hundred thirty-one and chapter five of the laws of New Jersey of one thousand nine hundred thirty-one, as amended, may be pledged in whole or in part by the port authority as security for or applied by it to the repayment with interest of any moneys which it may raise upon bonds, notes or other obligations or evidences of indebtedness, issued by it from time to time to provide funds for the establishment, acquisition or rehabilitation of a motor bus terminal (by which is meant a terminal consisting of one or more buildings, structures, improvements, loading or unloading areas, parking areas or other facilities, necessary, convenient or desirable in the opinion of the port authority for the accommodation of omnibuses and other motor vehicles operated by carriers engaged in the transportation of passengers, or for the loading, unloading, interchange

1 or transfer of such passengers or their baggage, or otherwise for the
2 accommodation, use or convenience of such passengers or such carriers or
3 their employees) or for purposes incidental thereto; and that the
4 moneys in said general reserve fund may be applied by the port authority
5 to the fulfillment of any other undertakings which it may assume to or
6 for the benefit of the holders of any of such bonds; and the two said
7 states further agree that the port authority may acquire by condemnation
8 or the right of eminent domain such real property in each state as it
9 may from time to time deem necessary for or in connection with the
10 establishment, acquisition and rehabilitation of such motor bus termi-
11 nal.

12 § 1002. Funding. The bonds, notes or other obligations or evidences
13 of indebtedness issued by the port authority to provide funds for the
14 establishment, acquisition and rehabilitation of such motor bus terminal
15 are hereby made securities in which all state and municipal officers and
16 bodies of both states, all banks, bankers, trust companies, savings
17 banks, building and loan associations, savings and loan associations,
18 investment companies and other persons carrying on a banking business,
19 all insurance companies, insurance associations and other persons carry-
20 ing on an insurance business, and all administrators, executors, guardi-
21 ans, trustees and other fiduciaries, and all other persons whatsoever,
22 who are now or may hereafter be authorized by either state to invest in
23 bonds or other obligations of such state, may properly and legally
24 invest any funds, including capital, belonging to them or within their
25 control; and said obligations are hereby made securities which may prop-
26 erly and legally be deposited with and shall be received by any state or
27 municipal officer or agency of either state for any purpose for which
28 the deposit of bonds or other obligations of such state is now or may
29 hereafter be authorized.

30 § 1003. Maintenance and operation. The establishment, maintenance and
31 operation of such motor bus terminal within the port of New York
32 district is and will be in all respects for the benefit of the people of
33 the states of New York and New Jersey, for the increase of their
34 commerce and prosperity and for the improvement of their health and
35 living conditions; and the port authority shall be regarded as perform-
36 ing an essential governmental function in undertaking the construction,
37 maintenance and operation thereof and in carrying out the provisions of
38 law relating thereto.

39 § 1004. Powers. Any powers granted to the port authority by this part
40 and the concurrent act of the state of New Jersey shall be regarded as
41 in aid of and supplemental to and in no sense as a limitation upon any
42 of the other powers vested in it by the two states or either of them;
43 and the port authority shall be authorized not only to establish,
44 acquire, rehabilitate, maintain, operate and from time to time improve
45 such motor bus terminal, but also to make incidental uses of properties
46 acquired for or in connection with such motor bus terminal.

47 § 1005. Acquisition of real property. If, for the purpose of effectuat-
48 ing, acquiring, constructing, rehabilitating or improving such motor
49 bus terminal, the port authority shall find it necessary or convenient
50 to acquire any real property, as herein defined, in this state, whether
51 for immediate or future use, the port authority may find and determine
52 that such property, whether a fee simple absolute or a lesser interest,
53 is required for public use, and upon such determination, the said prop-
54 erty shall be and shall be deemed to be required for such public use
55 until otherwise determined by the port authority; and with the
56 exceptions hereinafter specifically noted, the said determination shall

1 not be affected by the fact that such property has theretofore been
2 taken for, or is then devoted to, a public use; but the public use in
3 the hands or under the control of the port authority shall be deemed
4 superior to the public use in the hands of any other person, association
5 or corporation.

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

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

35 The port authority and its duly authorized agents and employees may
36 pursuant to the provisions of the eminent domain procedure law enter
37 upon any land in this state for the purpose of making such surveys,
38 maps, or other examination thereof as it may deem necessary or conven-
39 ient for the purposes of this part.

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

49 PART XI
50 MARINE TERMINALS

- 51 Section 1101. Authorization.
52 1102. Restrictions.
53 1103. Definitions.
54 1104. Municipality consent; legal process.

1105. Agreement between the states.

1106. Acquisition of land by eminent domain or condemnation.

1107. Unappropriated lands.

1108. Funding; bonds.

§ 1101. Authorization. Upon the concurrence of the state of New Jersey, the states of New York and New Jersey hereby agree that municipalities, as hereinafter defined, located within the Port of New York district shall be and they hereby are authorized to cooperate with the Port Authority in the development of marine terminals, and the two said states further agree that the state of New Jersey may authorize the Port Authority to acquire by condemnation or the exercise of the right of eminent domain real property in the state of New Jersey necessary, convenient or desirable for marine terminal purposes, under and pursuant to the revised statutes of New Jersey, title 20:1-1, et. seq., or at the option of the Port Authority, pursuant to such other or alternate procedure as may be provided by law by such state, and that the state of New York may authorize the Port Authority to acquire real property in the state of New York necessary, convenient or desirable for marine terminal purposes, under and pursuant to the eminent domain procedure law of that state, or at the option of the Port Authority pursuant to such other or alternate procedure as may be provided by law by such state.

§ 1102. Restrictions. Nothing herein contained shall be construed to authorize the Port Authority to acquire any marine terminal owned or operated by any municipality or any other property now or hereafter vested in or held by any municipality, without the authority or consent of such municipality as provided in the compact of April thirtieth, nineteen hundred twenty-one and continued by part I of this article, between the states of New York and New Jersey, nor shall anything herein impair or invalidate in any way any bonded indebtedness of the state, or any municipality, nor impair the provisions of law regulating the payment into sinking funds of revenue derived from municipal property, or dedicating the revenues derived from municipal property to a specific purpose.

§ 1103. Definitions. The following terms as used herein shall mean:

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

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

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

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

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

32 § 1104. Municipality consent; legal process. 1. Notwithstanding any
33 contrary provision of law, any municipality located within the Port of
34 New York district is authorized and empowered to consent to the use by
35 the Port Authority of any marine terminal owned by such municipality or
36 of any real or personal property owned by such municipality and neces-
37 sary, convenient or desirable in the opinion of the Port Authority for
38 marine terminal purposes, including such real property as has already
39 been devoted to a public use, and as an incident to such consent, to
40 grant, convey, lease or otherwise transfer to the Port Authority any
41 such marine terminal or real or personal property, upon such terms as
42 may be determined by the Port Authority and such municipality. Every
43 such municipality is also authorized and empowered to vest in the Port
44 Authority the control, operation, maintenance, rents, tolls, charges and
45 any and all other revenues of any marine terminal now owned by such
46 municipality, the title to such marine terminal remaining in such muni-
47 cipality. Such consent shall be given, and the execution of any agree-
48 ment, deed, lease, conveyance or other instrument evidencing such
49 consent or given as an incident thereto shall be authorized in the
50 manner provided in article twenty-two of the compact of April thirtieth,
51 nineteen hundred twenty-one between the two states creating the Port
52 Authority and continued by subdivision two of section one hundred three
53 of this article.

54 2. The states of New York and New Jersey hereby consent to suits,
55 actions or proceedings of any form or nature in law, equity or otherwise
56 by any municipality against the Port Authority upon, in connection with

1 or arising out of any such agreement, agreements or any modification
2 thereof or supplement thereto, for the following types of relief and for
3 such purposes only:

4 (a) for money damages for breach thereof;

5 (b) for money damages for torts arising out of the operation of the
6 municipal marine terminal;

7 (c) for rent;

8 (d) for specific performance;

9 (e) for reformation thereof;

10 (f) for an accounting;

11 (g) For declaratory judgment;

12 (h) for judgments, orders or decrees restraining or enjoining the Port
13 Authority from transferring title to real property to third persons in
14 cases where it has contracted with such municipality to transfer such
15 title to such municipality; and

16 (i) for judgments, orders or decrees restraining or enjoining the Port
17 Authority from committing or continuing to commit other breaches of such
18 agreements with such municipality, provided that such judgment, order or
19 decree shall not be entered except upon two days' prior written notice
20 to the Port Authority of the proposed entry thereof and provided
21 further, that upon an appeal taken by the Port Authority from such judg-
22 ment, order or decree the service of the notice of appeal shall perfect
23 the appeal and shall stay the execution of such judgment, order or
24 decree appealed from, without an undertaking or other security.

25 3. When rules of venue are applicable, the venue of any such suit,
26 action or proceeding shall be laid in the county or judicial district in
27 which the marine terminal, which is the subject matter of such agreement
28 between the Port Authority and such municipality, or any part thereof,
29 is located.

30 4. If any clause, sentence, paragraph, or part of this subdivision or
31 the application thereof to any person or circumstances, shall, for any
32 reason, be adjudged by a court of competent jurisdiction to be invalid,
33 such judgment shall not affect, impair, or invalidate the remainder of
34 this subdivision, and the application thereof to any other person or
35 circumstances, but shall be confined in its operation to the clause,
36 sentence, paragraph or part thereof directly involved in the controversy
37 in which such judgment shall have been rendered and to the person or
38 circumstances involved.

39 § 1105. Agreement between the states. This section and the preceding
40 sections hereof constitute an agreement between the states of New York
41 and New Jersey supplementary to the compact between the two states dated
42 April thirtieth, nineteen hundred twenty-one, and amendatory thereof and
43 continued by part I of this article and shall be liberally construed to
44 effectuate the purposes of said compact and of the comprehensive plan
45 heretofore adopted by the two states pursuant thereto, and the powers
46 vested in the Port Authority hereby shall be construed to be in aid of
47 and supplemental to and not in limitation or derogation of any of the
48 powers heretofore conferred upon or delegated to the Port Authority.

49 § 1106. Acquisition of land by eminent domain or condemnation.
50 Subject to the limitation provided for in section eleven hundred two of
51 this part that the Port Authority may not acquire any marine terminal
52 owned or operated by any municipality or any other property vested in or
53 held by any municipality without the authority or consent of such muni-
54 cipality, the Port Authority may, at its option, exercise the right of
55 eminent domain or condemnation to acquire real property in the state of
56 New York for marine terminal purposes as set forth in this section:

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

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

26 2. Unless and until the state of New York otherwise provides by law,
27 the Port Authority shall not have the power to acquire real property in
28 the state of New York for marine terminal purposes by condemnation or
29 the right of eminent domain except for real property within the two
30 tracts in the borough of Brooklyn, county of Kings, city and state of
31 New York, hereinafter bounded and described, necessary, convenient or
32 desirable, in the opinion of the Port Authority, for the purpose of
33 making additions, extensions or improvements to the Port Authority
34 marine terminal known as the Brooklyn-Port Authority piers:

35 (a) TRACT I

36 BEGINNING at a point formed by the intersection of the centerline of
37 Fulton Street and the centerline of Furman Street running thence (1)
38 southwesterly along the centerline of Furman Street to the northeasterly
39 side of Joralemon Street; thence (2) northwesterly along the northeast-
40 erly side of Joralemon Street three hundred twenty five and twenty-five
41 one hundredths feet more or less, to the point of intersection of said
42 northeasterly side of Joralemon Street with the southeasterly boundary
43 of the land granted by the people of the state of New York to New York
44 Dock Company by grant dated April 1, 1902 and recorded in the office of
45 the Register of Kings county on April 19, 1902 in liber 16, section 1 of
46 conveyances, page 52; thence (3) southwesterly along said southeasterly
47 boundary of the grant to New York Dock Company thirty feet to the point
48 of intersection of said southeasterly boundary of the grant to New York
49 Dock Company with the northeasterly boundary of the grant made by the
50 people of the state of New York to John Schenck and others dated August
51 2, 1851 and recorded in the office of the Register of Kings county in
52 liber 532 of conveyances at page 310; thence (4) northwesterly along the
53 northeasterly boundary line of said grant to Schenck and others, forty-
54 three and eighty-nine one-hundredths feet to the point of intersection
55 of said course number (4) with a line drawn parallel with and distant
56 one and eighty-five one-hundredths feet northwesterly from the northwes-

terly boundary (or a northeasterly projection of said boundary) of lands conveyed by New York Dock Company to New York Dock Trade Facilities Corporation by deed dated August 1, 1928 and recorded in the office of the Register of Kings county in liber 4957 of conveyances at page 239; thence (5) southwesterly along said line above-mentioned parallel with the northwesterly boundary (or a northeasterly projection of said boundary) of said lands conveyed to New York Dock Trade Facilities Corporation, thirty-three and seventy one-hundredths feet to the point of intersection of said course number (5) with the southwesterly face of the column standing at the northwesterly corner of the building known as the Trade Facilities Building; thence (6) southeasterly at right angles to said course no. (5) along the southwesterly face of the above-mentioned column, one and eighty-five one-hundredths feet to the point of intersection of said course number (6) with the northwesterly boundary of the above-mentioned lands conveyed by New York Dock Company to New York Dock Trade Facilities Corporation; thence (7) southwesterly along said northwesterly boundary of lands conveyed to New York Dock Trade Facilities Corporation, three hundred sixty-nine and seventy one-hundredths feet, to the point of intersection of said course number (7) with the southwesterly boundary of lands granted by the people of the state of New York to Harriet D. Talmage by grant dated August 2, 1851 and recorded in the office of the Register of Kings county in liber 4937 of conveyances at page 185; thence (8) northwesterly along said southwesterly boundary of the land of Harriet D. Talmage and along the southwesterly boundary of grant made by the people of the state of New York to Franklin Woodruff by deed dated November 22, 1881 and recorded in the office of the Register of Kings county in liber 1445 of conveyances at page 247; and along the southwesterly boundary line of lands granted by the people of the state of New York to New York Dock Company by grant dated April 1, 1902 and recorded in the office of the Register of Kings county in liber 16, section 1 of conveyances, page 52, for a total distance of seven hundred sixty-six and seventeen one-hundredths feet, more or less, as measured along said southwesterly boundary lines of the aforesaid grants to the point of intersection of said southwesterly boundary line of lands granted to New York Dock Company by grants dated April 1, 1902 and November 14, 1907 with the exterior pierhead line established by the New York Harbor Line Board on November 4, 1897 and confirmed by chapter 776 of the laws of 1900; thence (9) northeasterly along said exterior pierhead line to the intersection thereof with the centerline of Fulton Street projected westerly; thence (10) southeasterly along the centerline of Fulton Street as projected to the intersection thereof with the centerline of Furman Street at the point or place of beginning.

(b) TRACT II

BEGINNING at a point formed by the intersection of the southerly line 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)

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

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

52 § 1107. Unappropriated lands. In the event that the Port Authority
53 shall find it necessary or desirable to acquire any unappropriated state
54 land or lands under water in the state of New York for marine terminal
55 purposes, the commissioner of general services may grant, transfer or
56 convey such unappropriated state land or lands under water to the Port

1 Authority under such terms and conditions as may be determined by said
2 commissioner.

3 § 1108. Funding; bonds. The obligations issued by the port authority
4 to provide funds for any marine terminal purpose are hereby made securi-
5 ties in which all state and municipal officers and bodies of both
6 states, all trust companies and banks other than savings banks, all
7 building and loan associations, savings and loan associations, invest-
8 ment companies and other persons carrying on a commercial banking busi-
9 ness, all insurance companies, insurance associations and other persons
10 carrying on an insurance business, and all administrators, executors,
11 guardians, trustees and other fiduciaries, and all other persons and
12 legal entities whatsoever (other than savings banks), who are now or may
13 hereafter be authorized by either state to invest in bonds of such
14 state, may properly and legally invest any funds, including capital,
15 belonging to them or within their control, and said obligations are
16 hereby made securities which may properly and legally be deposited with
17 and shall be received by any state or municipal officer or agency of
18 either state for any purpose for which the deposit of bonds of such
19 state is now or may hereafter be authorized. The obligations issued by
20 the port authority to provide funds for any marine terminal purpose as
21 security for which the general reserve fund of the port authority
22 authorized by chapter forty-eight of the laws of New York of nineteen
23 hundred thirty-one as amended and continued by part XXIX of this arti-
24 cle, shall have been pledged in whole or in part are hereby made securi-
25 ties in which all savings banks also may properly and legally invest any
26 funds, including capital, belonging to them or within their control.

27 PART XII
28 AIR TERMINALS

29 Section 1201. Authorization.

30 1202. Restrictions.

31 1203. Definitions.

32 1204. Purpose.

33 1205. Operation of air terminals; noise prohibition.

34 1206. Taxes; assessments.

35 1207. General reserve fund; repayment.

36 1208. Bonds.

37 1209. Municipality consent.

38 1210. Acquisition limitations.

39 1211. Federal aid.

40 1212. Lands under water.

41 1213. Repayment of bonds and obligations.

42 1214. Contrary declarations.

43 1215. Agreement between the states.

44 1216. Federal aid procedure; application.

45 § 1201. Authorization. Upon the concurrence of the state of New
46 Jersey, the states of New York and New Jersey declare and agree that
47 each air terminal within the Port of New York District serves the entire
48 district, and that the problem of furnishing proper and adequate air
49 terminal facilities within the district is a regional and interstate
50 problem, and that it is and shall be the policy of the two states to
51 encourage the integration of such air terminals so far as practicable in
52 a unified system.

53 Accordingly, in furtherance of said policy and in partial effectuation
54 of the comprehensive plan, heretofore adopted by the two states for the

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

§ 1202. Restrictions. Nothing herein contained shall be construed to authorize the port authority to acquire any air terminal owned or operated by any city or other municipality or public authority, or any other property now or hereafter vested in or held by any city or other municipality or public authority, without the authority or consent of such city or other municipality or public authority, as provided in the compact of April thirtieth, nineteen hundred twenty-one, and continued by part I of this article, between the states of New York and New Jersey, nor shall anything herein impair or invalidate in any way any bonded indebtedness of the state, or any city or other municipality or public authority, nor impair the provisions of law regulating the payment into sinking funds of revenue derived from municipal property, or dedicating the revenues derived from municipal property to a specific purpose.

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

1. "Air terminals" shall mean developments consisting of runways, hangars, control towers, ramps, wharves, bulkheads, buildings, structures, parking areas, improvements, facilities or other real property necessary, convenient or desirable for the landing, taking off, accommodation and servicing of aircraft of all types, including but not limited to airplanes, airships, dirigibles, helicopters, gliders, amphibians, seaplanes, or any other contrivance now or hereafter used for the navigation of or flight in air or space, operated by carriers engaged in the transportation of passengers or cargo, or for the loading, unloading, interchange or transfer of such passengers or their baggage, or such cargo, or otherwise for the accommodation, use or convenience of such passengers, or such carriers or their employees (facilities and accommodations at sites removed from landing fields and other landing areas, however, except as otherwise provided in this section, to be limited to ticket stations and passenger stations for air passengers, to express and freight stations for air express and air freight, and to beacons and other aids to air navigation), or for the landing, taking off, accommodation and servicing of aircraft owned or operated by persons other than carriers. It shall also mean facilities providing access to an air terminal, consisting of rail, rapid transit or other forms of mass transportation which furnish a connection between the air terminal and other points in the port district, including appropriate mass transportation terminal facilities at and within the air terminal itself and suitable offsite facilities for the accommodation of air passengers, baggage, mail, express, freight and other users of the connecting facility. It shall also mean such highway project or projects in the vicinity of an air terminal providing improved access to such air terminal as shall be designated in legislation adopted by the two states. Notwithstanding any contrary provision of law, general, special or local, it shall also mean railroad freight projects related or of benefit to an air terminal or which are necessary, convenient or desirable in the opinion of the port authority for the protection or promotion of the

1 commerce of the port district, consisting of railroad freight transpor-
2 tation facilities or railroad freight terminal facilities; and any
3 equipment, improvement, structure or facility or any land, and any
4 building, structure, facility or other improvement thereon, or any
5 combination thereof, and all real and personal property in connection
6 therewith or incidental thereto, deemed necessary or desirable in the
7 opinion of the port authority, whether or not now in existence or under
8 construction, for the undertaking of such railroad freight projects.

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

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

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

19 5. "General reserve fund" shall mean the general reserve fund of the
20 port authority authorized by chapter forty-eight of the laws of New York
21 of nineteen hundred thirty-one as amended and continued by part XXIX of
22 this article, and chapter five of the laws of New Jersey of nineteen
23 hundred thirty-one, as amended.

24 6. "General reserve fund statutes" shall mean chapter forty-eight of
25 the laws of New York of nineteen hundred thirty-one as amended and
26 continued by part XXIX of this article, and chapter five of the laws of
27 New Jersey of nineteen hundred thirty-one, as amended.

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

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

39 § 1204. Purpose. The effectuation, establishment, acquisition,
40 construction, rehabilitation, improvement, maintenance and operation of
41 air terminals by the port authority is and will be in all respects for
42 the benefit of the people of the states of New York and New Jersey, for
43 the increase of their commerce and prosperity, and for the improvement
44 of their health and living conditions; and the port authority shall be
45 regarded as performing an essential governmental function in undertaking
46 the effectuation, establishment, acquisition, construction, rehabili-
47 tation, improvement, maintenance or operation thereof, and in carrying
48 out the provisions of law relating thereto.

49 § 1205. Operation of air terminals; noise prohibition. 1. The port
50 authority shall not permit or contract for the landing or takeoff of any
51 aircraft which emits a noise in excess of 108 EPNdB as measured as set
52 forth herein at any airport it maintains or operates; provided, however,
53 in any case of emergency involving the possible saving of human life,
54 the prohibition of this subdivision may be temporarily suspended.

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

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

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

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

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

27 § 1206. Taxes; assessments. The port authority shall be required to
28 pay no taxes or assessments upon any of the property acquired or used by
29 it for air terminal purposes; but this shall not be construed to
30 prevent the port authority and municipalities from entering into agree-
31 ments for the payment of fair and reasonable sums by the port authority
32 annually in accordance with legislation heretofore adopted by the two
33 states, to the end that such municipalities may not suffer undue loss of
34 taxes and assessments by reason of the acquisition and ownership of
35 property by the port authority for air terminal purposes.

36 § 1207. General reserve fund; repayment. The moneys in the general
37 reserve fund of the port authority may be pledged in whole or in part by
38 the port authority as security for or applied by it to the repayment
39 with interest of any moneys which it may raise upon bonds issued by it
40 from time to time to provide funds for air terminal purposes; and the
41 moneys in said general reserve fund may be applied by the port authority
42 to the fulfillment of any other undertakings which it may assume to or
43 for the benefit of the holders of any such bonds.

44 Subject to prior liens and pledges, (and to the obligation of the port
45 authority to apply revenues to the maintenance of its general reserve
46 fund in the amount prescribed by the general reserve fund statutes), the
47 revenues of the port authority from facilities established, constructed,
48 acquired or effectuated through the issuance or sale of bonds of the
49 port authority secured by a pledge of its general reserve fund may be
50 pledged in whole or in part as security for or applied by it to the
51 repayment with interest of any moneys which it may raise upon bonds
52 issued by it to provide funds for air terminal purposes, and said reven-
53 ues may be applied by the port authority to the fulfillment of any other
54 undertakings which it may assume to or for the benefit of the holders of
55 such bonds.

1 § 1208. Bonds. The bonds issued by the port authority to provide funds
2 for air terminal purposes are hereby made securities in which all state
3 and municipal officers and bodies of both states, all banks, bankers,
4 trust companies, savings banks, building and loan associations, savings
5 and loan associations, investment companies and other persons carrying
6 on a banking business, all insurance companies, insurance associations
7 and other persons carrying on an insurance business, and all administra-
8 tors, executors, guardians, trustees and other fiduciaries, and all
9 other persons whatsoever, who are now or may hereafter be authorized by
10 either state to invest in bonds or other obligations of such state, may
11 properly and legally invest any funds, including capital, belonging to
12 them or within their control; and said bonds are hereby made securities
13 which may properly and legally be deposited with and shall be received
14 by any state or municipal officer or agency of either state for any
15 purpose for which the deposit of bonds or other obligations of such
16 state is now or may hereafter be authorized.

17 § 1209. Municipality consent. 1. Notwithstanding any contrary
18 provision of law, every municipality in the Port of New York District is
19 authorized and empowered to consent to the use by the port authority of
20 any air terminal owned by such municipality or of any real or personal
21 property owned by such municipality and necessary, convenient or desira-
22 ble in the opinion of the port authority for air terminal purposes,
23 including such real property as has already been devoted to a public
24 use, and as an incident to such consent, to grant, convey, lease, or
25 otherwise transfer to the port authority any such air terminal or real
26 or personal property, upon such terms as may be determined by the port
27 authority and such municipality. Every such municipality is also
28 authorized and empowered as an incident to such consent to vest in the
29 port authority the control, operation, maintenance, rents, tolls, charg-
30 es and any and all other revenues of any air terminal now owned by such
31 municipality, the title to such air terminal remaining in such munici-
32 pality. Such consent shall be given and the execution of any agreement,
33 deed, lease, conveyance, or other instrument evidencing such consent or
34 given as an incident thereto shall be authorized in the manner provided
35 in article twenty-two of the compact of April thirtieth, nineteen
36 hundred twenty-one, and continued by part I of this article, between the
37 two states creating the port authority.

38 2. Notwithstanding any contrary provision of law, every municipality
39 outside the port district is authorized and empowered to consent to the
40 use of real property owned by such municipality and necessary, conven-
41 ient or desirable in the opinion of the port authority for beacons or
42 other aids to navigation, or to the use of any air space over real prop-
43 erty owned by such municipality; and as an incident to such consent, to
44 grant, lease, convey or otherwise transfer to the port authority such
45 real property or air space.

46 Such consent shall be given and the execution of any agreement, deed,
47 lease, conveyance or other instrument evidencing such consent or given
48 as an incident thereto, shall be given by the officer, board or body
49 authorized by law to convey such property, or if no officer, board or
50 body be otherwise authorized so to do, by the governing body of such
51 municipality.

52 3. The states of New York and New Jersey hereby consent to suits,
53 actions or proceedings of any form or nature in law, equity or otherwise
54 by any city or other municipality against the port authority upon, in
55 connection with or arising out of any such agreement, agreements, or any

1 modification thereof or supplement thereto, for the following types of
2 relief and for such purposes only:

3 (a) For money damages for breach thereof,
4 (b) For money damages for torts arising out of the operation of the
5 municipal air terminal,

6 (c) For rent,

7 (d) For specific performance,

8 (e) For reformation thereof,

9 (f) For accounting,

10 (g) For declaratory judgment,

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

15 (i) For judgments, orders or decrees restraining or enjoining the port
16 authority from committing or continuing to commit other breaches of such
17 agreements with such municipality, provided that such judgment, order or
18 decree shall not be entered except upon two days' prior written notice
19 to the port authority of the proposed entry thereof and provided
20 further, that upon an appeal taken by the port authority from such judg-
21 ment, order or decree the service of the notice of appeal shall perfect
22 the appeal and shall stay the execution of such judgment, order or
23 decree appealed from, without an undertaking or other security.

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

29 5. If any clause, sentence, paragraph, or part of this subdivision, or
30 the application thereof to any person or circumstances, shall, for any
31 reason, be adjudged by a court of competent jurisdiction to be invalid,
32 such judgment shall not affect, impair, or invalidate the remainder of
33 this subdivision, and the application thereof to any other person or
34 circumstances, but shall be confined in its operation to the clause,
35 sentence, paragraph, or part thereof directly involved in the controver-
36 sy in which such judgment shall have been rendered and to the person or
37 circumstances involved.

38 § 1210. Acquisition limitations. The powers hereinafter granted to
39 the port authority to acquire real property by condemnation or the right
40 of eminent domain shall be subject to the limitations set forth in
41 section twelve hundred two of this part, and also to the following
42 further limitations:

43 1. Unless and until the state of New York otherwise provides by law,
44 the port authority shall not have power to acquire real property in that
45 state for air terminal purposes by condemnation or the right of eminent
46 domain except for the purpose of making additions, extensions and
47 improvements to the three air terminals in New York city known as La
48 Guardia airport, John F. Kennedy international airport (formerly known
49 as Idlewild airport), and Floyd Bennett airport, for the purpose of
50 acquiring air rights or preventing or removing actual or potential
51 hazards to air navigation within three miles of the runways at said air
52 terminals as such runways may now or hereafter exist, and for the
53 purpose of establishing or maintaining beacons and other aids to air
54 navigation in connection with said three air terminals, whether or not
55 within three miles of said runways. The port authority shall not have
56 power to acquire by condemnation or the right of eminent domain real

1 property in or under the waters of Jamaica Bay for the purpose of adding
2 to, expanding, extending or constructing runway extensions, or incorpo-
3 rating such lands into the airport operation; however, this section
4 shall not prohibit the port authority from acquiring such lands for
5 installing flight control and safety equipment to service its existing
6 runways, nor from installing anti-pollution devices and equipment in
7 accordance with its anti-pollution program adopted for the air terminals
8 in New York city known as John F. Kennedy international airport or Floyd
9 Bennett airport.

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

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

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

36 5. Subject to the foregoing limitations, if the port authority shall
37 find it necessary or convenient to acquire any real property for air
38 terminal purposes, whether for immediate or future use, the port author-
39 ity may find and determine that such property, whether a fee simple
40 absolute or a lesser interest, is required for a public use, and upon
41 such determination the said property shall be and shall be deemed to be
42 required for such public use until otherwise determined by the port
43 authority, and such determination shall not be affected by the fact that
44 such property has theretofore been taken for and is then devoted to a
45 public use; but the public use in the hands or under the control of the
46 port authority shall be deemed superior to the public use in the hands
47 of any other person, association or corporation except a municipality
48 within or without the port district. The port authority may acquire and
49 is hereby authorized to acquire such property, whether a fee simple
50 absolute or a lesser estate, by the exercise of the right of eminent
51 domain under and pursuant to the eminent domain procedure law of the
52 state of New York, in the case of property located in such state, and
53 revised statutes of New Jersey, Title 20:1-1 et seq., in the case of
54 property situated in such state, or at the option of the port authority
55 pursuant to such other and alternate procedure in each state as may be
56 provided by law by such state. The port authority shall have such power

1 of eminent domain not only in respect to real property located within
2 the Port of New York District but also as to any real property located
3 outside of the port district which is necessary, incidental or conven-
4 ient for the effectuation, establishment, acquisition, construction,
5 rehabilitation or improvement, and maintenance and operation of air
6 terminals within the port district. Nothing herein contained shall be
7 construed to prevent the port authority from bringing any proceedings to
8 remove a cloud on title or such other proceedings as it may, in its
9 discretion, deem proper and necessary, or acquiring any such property by
10 negotiation or purchase.

11 § 1211. Federal aid. The port authority may make application directly
12 to the proper federal officials or agencies for federal loans or grants
13 in aid of air terminals owned or operated by it; provided, that if
14 either state shall have or adopt general legislation governing applica-
15 tions for federal aid for air terminals by municipalities of such state,
16 or the receipt or disbursement of such federal aid by or on behalf of
17 such municipalities, then such legislation shall at the option of such
18 state apply to applications by the port authority for federal aid for
19 air terminals located in such state and to the receipt and disbursement
20 of such federal aid by or on behalf of the port authority, in the same
21 manner and to the same extent as other municipalities of such state.
22 Except as above provided, no agency or commission of either state shall
23 have jurisdiction over any air terminals under the control of the port
24 authority, and all details of financing, construction, leasing, charges,
25 rates, tolls, contracts and the operation of air terminals owned or
26 controlled by the port authority shall be within its sole discretion and
27 its decision in connection with any and all matters concerning such air
28 terminals shall be controlling and conclusive. The local laws, resol-
29 utions, ordinances, rules and regulations of a municipality within which
30 an air terminal is situated shall apply to such air terminal, if so
31 provided in any agreement between the port authority and such munici-
32 pality, and to the extent provided in such agreement.

33 § 1212. Lands under water. In the event that the port authority shall
34 find it necessary or desirable to acquire any unappropriated state lands
35 or lands under water in the state of New York for air terminal purposes,
36 the commissioner of general services of that state may grant, transfer
37 or convey such unappropriated state lands or lands under water to the
38 port authority upon such consideration, terms and conditions as may be
39 determined by said commissioner, except that no lands under the waters
40 of Jamaica Bay may be granted, transferred or conveyed to the port
41 authority for air terminal purposes by said commissioner except as
42 provided in paragraph one of section twelve hundred ten of this part.

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

50 In the event that the port authority shall find it necessary or desir-
51 able to acquire any real property required or used for state highway
52 purposes in the state of New Jersey, the state highway department of the
53 state of New Jersey may grant, transfer or convey such real property to
54 the port authority upon such terms and conditions as may be determined
55 by said state highway department.

§ 1213. Repayment of bonds and obligations. The two states covenant and agree with each other and with the holders of any bonds of the port authority issued or incurred for air terminal purposes and as security for which there may or shall be pledged (directly or indirectly, or through the medium of its general reserve fund or otherwise), the revenues, or any part thereof, of any air terminal or other facility owned or operated by the port authority, that the two states will not, so long as any of such bonds or other obligations remain outstanding and unpaid, diminish or impair the power of the port authority to establish, levy and collect landing fees, charges, rents, tolls or other fees in connection therewith.

§ 1214. Contrary declarations. Any declarations contained herein and in the concurrent act of the state of New Jersey with respect to the governmental nature of air terminals and to the exemption of air terminal property from taxation and to the discretion of the port authority with respect to air terminal operations shall not be construed to imply that other port authority property and operations are not of a governmental nature, or that they are subject to taxation, or that the determinations of the port authority with respect thereto are not conclusive.

§ 1215. Agreement between the states. This section and the preceding sections of this part constitute an agreement between the states of New York and New Jersey supplementary to the compact between the two states dated April thirtieth, nineteen hundred twenty-one, and amendatory thereof, and continued by part I of this article, 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.

§ 1216. Federal aid procedure; application. The state of New York hereby elects to exercise the option reserved to each state by section twelve hundred eleven of this part (and by the corresponding section of the New Jersey statute concurring herein); and accordingly, if by the effective date of chapter 802 of the laws of 1947, this state has adopted, or if thereafter it shall adopt general legislation governing applications for federal aid for air terminals by municipalities of this state or the receipt or disbursement of such federal aid by or on behalf of such municipalities, such legislation shall apply to applications by the port authority for federal aid for air terminals located in this state in the same manner and to the same extent as other municipalities of this state, provided, that if such legislation shall require such applications for federal aid to be approved by any officer, board, commission, department or other agency of this state or shall require the consent of any such agency of this state to the submission thereof to the federal government, or shall require any such agency of this state to be designated by municipalities as their agent to collect or disburse such federal aid, or shall contain any other requirement vesting any such agency of this state with power or discretion with respect to the making of such applications for federal aid or the receipt or disbursement thereof, then such officer, board, commission, department or other agency of this state shall have power to waive such requirement in whole or in part temporarily or permanently insofar as the port authority is concerned.

1 Section 1301. Right of eminent domain.

2 § 1301. Right of eminent domain. The powers granted to the port
3 authority by this part shall be deemed to be in aid of and supplemental
4 to and not in limitation or derogation of the powers otherwise conferred
5 upon it; and nothing herein contained shall be construed to prevent the
6 port authority from exercising the right of eminent domain under and
7 pursuant to the eminent domain procedure law of the state of New York,
8 or any other applicable law of this state, in any case where it is
9 authorized so to do.

10 PART XIV

11 SUITS AGAINST THE PORT AUTHORITY

12 Section 1401. Suits against the port authority.

13 1402. Prior causes of action.

14 1403. Contract causes of action.

15 1404. Civil suits; statutory penalties.

16 1405. Further restrictions.

17 1406. Venue.

18 1407. Statute of limitations.

19 1408. Notice of claim.

20 1409. Limits of liability.

21 1410. Other suits, actions or proceedings.

22 1411. Agreement between the states.

23 § 1401. Suits against the port authority. Upon the concurrence of
24 the state of New Jersey, the states of New York and New Jersey consent
25 to suits, actions or proceedings of any form or nature at law, in equity
26 or otherwise (including proceedings to enforce arbitration agreements)
27 against the port authority, and to appeals therefrom and reviews there-
28 of, except as hereinafter provided in sections fourteen hundred two
29 through fourteen hundred five of this part, inclusive.

30 § 1402. Prior causes of action. The foregoing consent does not extend
31 to suits, actions or proceedings upon any causes of action whatsoever
32 accruing before the effective date of chapter 301 of the laws of 1950,
33 other than causes of actions upon, in connection with, or arising out of
34 notes, bonds or other obligations or securities secured by a pledge of
35 the general reserve fund of the port authority.

36 § 1403. Contract causes of action. The foregoing consent does not
37 extend to suits, actions or proceedings upon any causes of action what-
38 soever, upon, in connection with, or arising out of any contract,
39 express or implied, entered into or assumed by or assigned to the port
40 authority before the effective date of this part (including any supple-
41 ment to, or amendment, extension or renewal of any such contract, even
42 if such supplement, amendment, extension or renewal is made on or after
43 the effective date of chapter 301 of the laws of 1950), regardless of
44 whether such cause of action accrued before or after that date, other
45 than causes of action upon, in connection with or arising out of notes,
46 bonds or other obligations or securities secured by a pledge of the
47 general reserve fund of the port authority.

48 § 1404. Civil suits; statutory penalties. The foregoing consent does
49 not extend to civil suits, actions or proceedings for the recovery of
50 statutory penalties.

51 § 1405. Further restrictions. The foregoing consent does not extend
52 to suits, actions or proceedings for judgments, orders or decrees
53 restraining, enjoining or preventing the port authority from committing
54 or continuing to commit any act or acts, other than suits, actions or

proceedings by the attorney general of New York or by the attorney general of New Jersey--each of whom is hereby authorized to bring such suits, actions or proceedings in his discretion on behalf of any person or persons whatsoever who requests him so to do except in the cases excluded by sections fourteen hundred two, fourteen hundred three and fourteen hundred four of this part; provided, that in any such suit, action or proceeding, no judgment, order or decree shall be entered except upon at least two days' prior written notice to the port authority of the proposed entry thereof.

§ 1406. Venue. The foregoing consent is granted upon the condition that venue in any suit, action or proceeding against the port authority shall be laid within a county or a judicial district, established by one of said states or by the United States, and situated wholly or partially within the port of New York district. The port authority shall be deemed to be a resident of each such county or judicial district for the purpose of such suits, actions or proceedings. Although the port authority is engaged in the performance of governmental functions, the said two states consent to liability on the part of the port authority in such suits, actions or proceedings for tortious acts committed by it and its agents to the same extent as though it were a private corporation.

§ 1407. Statute of limitations. The foregoing consent is granted upon the condition that any suit, action or proceeding prosecuted or maintained under this part shall be commenced within one year after the cause of action therefor shall have accrued, and upon the further condition that in the case of any suit, action or proceeding for the recovery or payment of money, prosecuted or maintained under this part, a notice of claim shall have been served upon the port authority by or on behalf of the plaintiff or plaintiffs at least sixty days before such suit, action or proceeding is commenced. The provisions of this section shall not apply to claims arising out of provisions of any workmen's compensation law of either state.

§ 1408. Notice of claim. The notice of claim required by section fourteen hundred seven of this part shall be in writing, sworn to by or on behalf of the claimant or claimants, and shall set forth (1) the name and post office address of each claimant and of his attorney, if any, (2) the nature of the claim, (3) the time when, the place where and the manner in which the claim arose, and (4) the items of damage or injuries claimed to have been sustained so far as then practicable. Such notice may be served in the manner in which process may be served, or in lieu thereof, may be sent by registered mail to the port authority at its principal office. Where the claimant is a person under the age of eighteen years or is mentally or physically incapacitated and by reason of such disability no notice of claim is filed or suit, action or proceeding commenced within the time specified in section fourteen hundred seven of this part, or where a person entitled to make a claim dies and by reason of his death no notice of claim is filed or suit, action or proceeding commenced within the time specified in section fourteen hundred seven of this part then any court in which such suit, action or proceeding may be brought may in its discretion grant leave to serve the notice of claim and to commence the suit, action or proceeding within a reasonable time but in any event within three years after the cause of action accrued. Application for such leave must be made upon an affidavit showing the particular facts which caused the delay and shall be accompanied by a copy of the proposed notice of claim if such notice has not been served, and such application shall be made only upon notice to the port authority.

§ 1409. Limits of liability. The commissioners, officers or employees of the port authority shall not be subject to suits, actions or proceedings for judgments, orders or decrees restraining, preventing or enjoining them in their official or personal capacities from committing or continuing to commit any act or acts on behalf of the port authority other than suits, actions and proceedings brought by the attorney general of New York or by the attorney general of New Jersey or by the port authority itself--each of said attorneys general being hereby authorized to bring such suits, actions or proceedings in his discretion on behalf of any person or persons whatsoever who requests him so to do except in the cases excluded by sections fourteen hundred two, fourteen hundred three and fourteen hundred four of this part; provided, that in any such suit, action or proceeding brought by either attorney general, no judgment, order or decree shall be entered except upon at least two days' notice to the defendant of the proposed entry thereof.

§ 1410. Other suits, actions or proceedings. Nothing herein shall be deemed to revoke, rescind or affect any consents to suits, actions or proceedings against the port authority heretofore given by the two said states in chapter eight hundred two of the laws of New York of nineteen hundred forty-seven, as amended, and continued by part XII of this article, and chapter forty-three of the laws of New Jersey of nineteen hundred forty-seven, as amended; chapter six hundred thirty-one of the laws of New York of nineteen hundred forty-seven, as amended, and continued by part XI of this article; chapter forty-four of the laws of New Jersey of nineteen hundred forty-seven, as amended, and chapter five hundred thirty-four of the laws of New York of nineteen hundred forty-eight, and continued by part XI of this article, and chapter ninety-seven of the laws of New Jersey of nineteen hundred forty-eight.

§ 1411. Agreement between the states. This part together with the act of the state of New Jersey concurring herein, shall constitute an agreement between the states of New York and New Jersey supplementary to and amendatory of the compact between the two said states dated April thirtieth, nineteen hundred twenty-one and continued by part I of this article.

PART XV

TRAFFIC REGULATIONS FOR VEHICULAR CROSSINGS

Section 1501. Governing authority.

1502. Tolls; other charges.

1503. Operation restrictions.

1504. Port authority police force.

1505. Driving procedure.

1506. Operation requirements.

1507. Accident protocol.

1508. Transport restrictions.

1509. Violations.

1510. Definitions.

1511. Severability.

1512. Repeal of previous rules and regulations.

1513. Agreement between the states.

1514. Compliance with state law.

1515. Felonies.

1516. Misdemeanors.

1517. Owner liability for failure of operator to comply with toll collection regulations of the port authority.

1 1518. Imposition of liability for failure of operator to comply
2 with toll collection regulations of the port authority.

3 1519. Adjudication of liability.

4 § 1501. Governing authority. To the end that the interstate vehicular
5 crossings operated by the port authority, pursuant to the compact of
6 April thirtieth, nineteen hundred twenty-one between the states of New
7 York and New Jersey creating the port authority, may be efficiently and
8 safely operated in the interest of the people of the states of New York
9 and New Jersey and of the nation, the following rules and regulations
10 governing traffic on vehicular crossings operated by the port authority,
11 set forth in sections fifteen hundred two through fifteen hundred eight
12 of this part, are hereby adopted by the legislatures of the two states,
13 and are declared to be binding upon all persons and corporations
14 affected thereby.

15 § 1502. Tolls; other charges. No traffic shall be permitted in or
16 upon vehicular crossings except upon the payment of such tolls and other
17 charges as may from time to time be prescribed by the port authority. It
18 is hereby declared to be unlawful for any person to refuse to pay, or to
19 evade or to attempt to evade the payment of such tolls or other charges.

20 § 1503. Operation restrictions. No vehicle shall be operated care-
21 lessly or negligently, or in disregard of the rights or safety of
22 others, or without due caution and circumspection, or at a speed or in a
23 manner so as to endanger unreasonably or to be likely to endanger unrea-
24 sonably persons or property, or while the operator thereof is under the
25 influence of intoxicating liquors or any narcotic or habit-forming drug,
26 nor shall any vehicle be so constructed, equipped or loaded as to endan-
27 ger unreasonably or to be likely to endanger unreasonably persons or
28 property.

29 § 1504. Port authority police force. All persons in or upon vehicular
30 crossings must at all times comply with any lawful order, signal or
31 direction by voice or hand of any member of the port authority police
32 force. When traffic is controlled by traffic lights, signs or by mechan-
33 ical or electrical signals, such lights, signs and signals shall be
34 obeyed unless a port authority police officer directs otherwise.

35 § 1505. Driving procedure. Unless otherwise directed, vehicles shall
36 at all times stay to the right of the center of all roadways except in
37 the case of one-way roadways; slow-moving vehicles shall remain as close
38 as possible to the right-hand edge or curb of the roadway; and where a
39 roadway is marked with traffic lanes vehicles shall not cross markings.

40 § 1506. Operation requirements. No person shall operate a motor vehi-
41 cle in or upon any part of a vehicular crossing unless he is duly
42 authorized to operate motor vehicles in the state in which such part of
43 the vehicular crossing is located. No motor vehicle shall be permitted
44 in or upon any part of a vehicular crossing which is not registered in
45 accordance with the provisions of the law of the state in which such
46 part of the vehicular crossing is located.

47 § 1507. Accident protocol. The operator of any vehicle involved in an
48 accident resulting in injury or death to any person or damage to any
49 property shall immediately stop such vehicle at the scene of the acci-
50 dent, render such assistance as may be needed, and give his name,
51 address, and operator's license and registration number to the person
52 injured or to any officer or witness of the injury. The operator of such
53 vehicle shall make a report of such accident in accordance with the law
54 of the state in which such accident occurred.

55 § 1508. Transport restrictions. No person shall transport in or upon
56 a vehicular crossing, any dynamite, nitroglycerin, black powder, fire-

works, blasting caps or other explosives, gasoline, alcohol, ether, liquid shellac, kerosene, turpentine, formaldehyde or other inflammable or combustible liquids, ammonium nitrate, sodium chlorate, wet hemp, powdered metallic magnesium, nitro-cellulose film, peroxides or other readily inflammable solids or oxidizing materials, hydrochloric acid, sulfuric acid or other corrosive liquids, prussic acid, phosgene, arsenic, carbolic acid, potassium cyanide, tear gas, lewisite or any other poisonous substances, liquids or gases, or any compressed gas, or any radio-active article, substance or material, at such time or place or in such manner or condition as to endanger unreasonably or as to be likely to endanger unreasonably persons or property.

§ 1509. Violations. Violations of the rules and regulations set forth in sections fifteen hundred two through fifteen hundred eight of this part committed within the territorial limits of either state shall be punishable as may be provided by the laws of such state but the penalties prescribed by either state shall not preclude the port authority from excluding from vehicular crossings permanently or for a specified time, all vehicles violating any of the said rules and regulations, as well as other vehicles owned or operated by the owner or operator of such vehicle.

§ 1510. Definitions. The following terms as used herein shall have the indicated meanings:

1. "Traffic" shall include pedestrians, ridden animals, herded animals and vehicles whether moved by human power or otherwise.

2. "Vehicular crossings" shall include not only bridges and tunnels operated by the port authority, but also their plazas and approaches, but shall not include any lands granted by the port authority to the states of New York or New Jersey or to a municipality for street or highway purposes even though such street or highway constitutes a means of access to or egress from such vehicular crossing.

§ 1511. Severability. If any term or provision of this part shall be declared unconstitutional or ineffective in whole or in part by a court of competent jurisdiction, then to the extent that it is not unconstitutional or ineffective, such term or provisions shall be enforced and effectuated, nor shall such determination be deemed to invalidate the remaining terms or provisions thereof.

§ 1512. Repeal of previous rules and regulations. The two said states agree that chapter two hundred fifty-one of the laws of New York of nineteen hundred thirty-four, entitled "An act establishing rules and regulations for the control of traffic on the interstate bridges and tunnels operated by the Port of New York Authority and prescribing proceedings and penalties for their violations", and chapter one hundred forty-six of the pamphlet laws of New Jersey, nineteen hundred thirty-two, entitled "An act establishing rules and regulations for the control of traffic on the inter-state bridges and tunnels operated by the Port of New York Authority and prescribing proceedings and penalties for their violations", shall be and are repealed as of the date this part takes effect.

§ 1513. Agreement between the states. This section and the preceding sections of this part, together with the 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 supplementary to the compact between the two states dated April thirtieth, nineteen hundred twenty-one, and amendatory thereof, and shall be liberally construed to effectuate the purposes of said compact and of the agreements of the two states amendatory thereof or supplemental thereto; and

1 shall be construed to be in aid of and supplemental to and not in limitation of or in derogation of the powers heretofore conferred upon or delegated to the port authority.

2 § 1514. Compliance with state law. If the violation within the state of any of the rules and regulations set forth in sections fifteen hundred two through fifteen hundred eight of this part including but not limited to those regarding the payment of tolls, would have been a felony, misdemeanor or other punishable offense if committed on any public road, street, highway or turnpike in the municipality in which such violation occurred, it shall be tried and punished in the same manner as if it had been committed on such public road, street, highway or turnpike.

3 § 1515. Felonies. Notwithstanding the provisions of section fifteen hundred fourteen of this part, if the violation within the state of the rule and regulation set forth in section fifteen hundred nine of this part shall result in injury or death to a person or persons or damage to property in excess of the value of five thousand dollars, such violation shall constitute a felony.

4 § 1516. Misdemeanors. Except as provided in sections fifteen hundred fourteen and fifteen hundred fifteen of this part, any violation within the state of any of the rules and regulations set forth in sections fifteen hundred two through fifteen hundred eight of this part including but not limited to those regarding the payment of tolls, shall constitute a misdemeanor and shall be punishable as an offense triable in a magistrate's court by a fine not exceeding five hundred dollars or by imprisonment not exceeding sixty days or by both such fine and imprisonment.

5 § 1517. Owner liability for failure of operator to comply with toll collection regulations of the port authority. Notwithstanding any other provision of law and in accordance with the provisions of section fifteen hundred eighteen of this part, an owner of a vehicle may be held liable for failure of an operator thereof to comply with the toll collection regulations of the port authority of New York and New Jersey (hereinafter called port authority). The owner of a vehicle shall be liable pursuant to this section if such vehicle was used or operated with the permission of the owner, express or implied, in violation of the toll collection regulations of the port authority, and such violation is evidenced by information obtained from a photo-monitoring system, provided, however, that no owner of a vehicle shall be liable where the operator of such vehicle has been convicted of a violation of those toll collection regulations for the same incident.

6 § 1518. Imposition of liability for failure of operator to comply with toll collection regulations of the port authority. The liability set forth in section fifteen hundred seventeen of this part, shall be 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:

7 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

1 its vehicle renting and/or leasing business; and includes (e) a person
2 entitled to the use and possession of a vehicle subject to a security
3 interest in another person. For the purposes of this section, the term
4 "operator" shall mean any person, corporation, firm, partnership, agen-
5 cy, association, organization or lessee that uses or operates a vehicle
6 with or without the permission of the owner, and an owner who operates
7 his or her own vehicle. For purposes of this section, the term "photo-
8 monitoring system" shall mean a vehicle sensor installed to work in
9 conjunction with a toll collection facility which automatically produces
10 one or more photographs, one or more microphotographs, a videotape or
11 other recorded images of each vehicle at the time it is used or operated
12 in violation of the toll collection regulations of the port authority.
13 For purposes of this section, the term "toll collection regulations of
14 the port authority" shall refer to the traffic regulations for inter-
15 state vehicular crossings operated by the port authority as set forth in
16 this part and in chapter one hundred ninety-two of the laws of New
17 Jersey of nineteen hundred fifty, and specifically that section of the
18 laws which prohibits traffic in or upon vehicular crossings operated by
19 the port authority except upon the payment of such tolls and other
20 charges as may from time to time be prescribed by the port authority and
21 which further makes it unlawful for any person to refuse to pay, or to
22 evade or to attempt to evade the payment of such tolls or other charges.
23 For purposes of this section, the term "vehicle" shall mean every device
24 in, upon, or by which a person or property is or may be transported or
25 drawn upon a highway, except devices used exclusively upon stationary
26 rails or tracks.

27 2. A certificate, sworn to or affirmed by an agent of the port author-
28 ity, or a facsimile thereof, based upon inspection of photographs,
29 microphotographs, videotape or other recorded images produced by a
30 photo-monitoring system shall be prima facie evidence of the facts
31 contained therein and shall be admissible in any proceeding charging a
32 violation of toll collection regulations of the port authority, provided
33 that any photographs, microphotographs, videotape or other recorded
34 images evidencing such a violation shall be available for inspection and
35 admission into evidence in any proceeding to adjudicate the liability
36 for such violation.

37 3. An imposition of liability pursuant to this section shall be based
38 upon a preponderance of evidence as submitted. An imposition of liabil-
39 ity pursuant to this section shall not be deemed a conviction of an
40 operator and shall not be made part of the motor vehicle operating
41 record, furnished pursuant to section three hundred fifty-four of the
42 vehicle and traffic law of the state of New York, of the person upon
43 whom such liability is imposed nor shall it be used for insurance
44 purposes in the provision of motor vehicle insurance coverage.

45 4. (a) A notice of liability shall be sent by first class mail to each
46 person alleged to be liable as an owner for a violation pursuant to this
47 section of the toll collection regulations of the port authority. Such
48 notice shall be mailed no later than thirty days after the alleged
49 violation. Personal delivery on the owner shall not be required. A manu-
50 al or automatic record of mailing prepared in the ordinary course of
51 business shall be prima facie evidence of the mailing of the notice.

52 (b) A notice of liability shall contain the name and address of the
53 person alleged to be liable as an owner for a violation of the toll
54 collection regulations of the port authority pursuant to this section,
55 the registration number of the vehicle involved in such violation, the
56 location where such violation took place, the date and time of such

1 violation and the identification number of the photo-monitoring system
2 which recorded the violation or other document locator number.

3 (c) The notice of liability shall contain information advising the
4 person charged of the manner and the time in which he may contest the
5 liability alleged in the notice. Such notice of liability shall also
6 contain a warning to advise the persons charged that failure to contest
7 in the manner and time provided shall be deemed an admission of liability
8 and that a default judgment may be entered thereon.

9 (d) The notice of liability shall be prepared and mailed by the port
10 authority or its duly authorized agent.

11 5. If an owner receives a notice of liability pursuant to this section
12 for any time period during which the vehicle was reported to the police
13 department as having been stolen, it shall be a valid defense to an
14 allegation of liability for a violation of the toll collection regulations
15 of the port authority that the vehicle had been reported to the
16 police as stolen prior to the time the violation occurred and had not
17 been recovered by such time. If an owner receives a notice of liability
18 pursuant to this section for any time period during which the vehicle
19 was stolen, but not as yet reported to the police as having been stolen,
20 it shall be a valid defense to an allegation of liability for a
21 violation of toll collection regulations of the port authority pursuant
22 to this section that the vehicle was reported as stolen within two hours
23 after discovery of the theft by the owner. For purposes of asserting the
24 defense provided by this subdivision, it shall be sufficient that a
25 certified copy of the police report on the stolen vehicle be sent by
26 first class mail to the court or other entity having jurisdiction.

27 6. An owner, as defined in paragraph (a) of subdivision one of this
28 section, who is a lessor of a vehicle to which a notice of liability was
29 issued pursuant to subdivision four of this section shall not be liable
30 pursuant to this section for the violation of the toll collection regulations
31 of the port authority provided that he or she sends to the port
32 authority serving the notice of liability and to the court or other
33 entity having jurisdiction a copy of the rental, lease or other such
34 contract document covering such vehicle on the date of the violation,
35 with the name and address of the lessee clearly legible, within thirty
36 days after receiving from the port authority or its duly authorized
37 agent the original notice of liability. Failure to send such information
38 within such thirty day time period shall render the lessor liable for
39 the penalty prescribed by this section. Where the lessor complies with
40 the provisions of this subdivision, the lessee of such vehicle on the
41 date of such violation shall be deemed to be the owner of such vehicle
42 for purposes of this section and shall be subject to liability for the
43 violation of toll collection regulations of the port authority provided
44 that the port authority or its duly authorized agent mails a notice of
45 liability to the lessee within ten days after the court, or other entity
46 having jurisdiction, deems the lessee to be the owner. For purposes of
47 this subdivision the term "lessor" shall mean any person, corporation,
48 firm, partnership, agency, association or organization engaged in the
49 business of renting or leasing vehicles to any lessee under a rental
50 agreement, lease or otherwise wherein the said lessee has the exclusive
51 use of said vehicle for any period of time. For the purposes of this
52 subdivision, the term "lessee" shall mean any person, corporation, firm,
53 partnership, agency, association or organization that rents, leases or
54 contracts for the use of one or more vehicles and has exclusive use
55 thereof for any period of time.

7. Except as provided in subdivision six of this section, if a person receives a notice of liability pursuant to this section it shall be a valid defense to an allegation of liability for a violation of toll collection regulations of the port authority that the individual who received the notice of liability pursuant to this section was not the owner of the vehicle at the time the violation occurred. If the owner liable for a violation of the toll collection regulations of the port authority pursuant to this section was not the operator of the vehicle at the time of the violation, the owner may maintain an action for indemnification against the operator. The operator of the vehicle may apply to the court or other entity having jurisdiction to adjudicate the liability imposed under this section to accept responsibility for the violation and satisfactorily discharge all applicable tolls, charges, and penalties related to the violation.

8. "Electronic toll collection system" shall mean a system of collecting tolls or charges which is capable of charging an account holder the appropriate toll or charge by transmission of information from an electronic device on a motor vehicle to the toll lane, which information is used to charge the account the appropriate toll or charge. In adopting procedures for the preparation and mailing of a notice of liability, the port authority or its duly authorized agent shall adopt guidelines to ensure adequate and timely notice to all electronic toll collection system account holders to inform them when their accounts are delinquent. An owner who is an account holder under the electronic toll collection system shall not be found liable for a violation of this section unless such authority has first sent a notice of delinquency to such account holder and the account holder was in fact delinquent at the time of the violation.

9. Nothing in this section shall be construed to limit the liability of an operator of a vehicle for any violation of the toll collection regulations of the port authority. Nothing in this section shall authorize or preclude the port authority from excluding from any of its facilities, in its sole discretion, any or all vehicles found liable under this section as well as other vehicles owned or operated by the owner or operator of such vehicle.

10. Notwithstanding any other provision of law, all photographs, microphotographs, videotape or other recorded images prepared pursuant to this section shall be for the exclusive use of the port authority in the discharge of its duties under this section and shall not be open to the public nor be used in any court in any action or proceeding pending therein unless such action or proceeding relates to the imposition of or indemnification for liability pursuant to this section. The port authority or its duly authorized agent shall not sell, distribute or make available in any way, the names and addresses of electronic toll collection system account holders, or any information compiled from transactions with such account holders, without such account holders' consent to any entity that will use such information for any commercial purpose provided that the foregoing restriction shall not be deemed to preclude the exchange of such information between any entities with jurisdiction over and or operating a toll highway bridge and/or tunnel facility.

§ 1519. Adjudication of liability. Adjudication of the liability imposed upon an owner by section fifteen hundred seventeen of this part for a violation of the toll collection regulations of the port authority occurring within the territorial limits of the state of New York shall be in accordance with sections two hundred thirty-five, two hundred

1 thirty-six, two hundred thirty-seven, two hundred thirty-nine, two
2 hundred forty, two hundred forty-one, five hundred ten and eighteen
3 hundred nine of the vehicle and traffic law, or by such entity having
4 jurisdiction over violations of the toll collection regulations of the
5 port authority occurring within the territorial limits of the state of
6 New York, provided that all violations shall be heard and determined in
7 the county in which the violation is alleged to have occurred, or by
8 consent of both parties, in any county in the state of New York in which
9 the port authority operates or maintains a facility. An owner found
10 liable for a violation of toll collection regulations pursuant to this
11 section shall for a first violation thereof be liable for a monetary
12 penalty not to exceed fifty dollars or two times the toll evaded which-
13 ever is greater; for a second violation thereof both within eighteen
14 months be liable for a monetary penalty not to exceed one hundred
15 dollars or five times the toll evaded whichever is greater; for a third
16 or subsequent violation thereof all within eighteen months be liable for
17 a monetary penalty not to exceed one hundred fifty dollars or ten times
18 the toll evaded whichever is greater.

19 PART XVI
20 RULES AND REGULATIONS GOVERNING TRAFFIC ON HIGHWAYS IN PORT AUTHORITY
21 AIR AND MARINE TERMINALS

22 Section 1601. Definitions.

- 23 1602. Vehicle operation.
- 24 1603. Adherence to traffic signs and signals.
- 25 1604. Requiring use of right side of roadway.
- 26 1605. Authorization for operation.
- 27 1606. Procedures in case of causing injury.
- 28 1607. Prohibited items.
- 29 1608. Parking.
- 30 1609. Prosecution for violations.
- 31 1610. Felony for transport of prohibited items.
- 32 1611. Misdemeanor for certain violations.
- 33 1612. Exclusion of vehicles in violations.
- 34 1613. Reserve clause.

35 § 1601. Definitions. The following terms as used herein shall have
36 the indicated meanings:

37 "Air terminals" shall mean developments operated by the port authority
38 consisting of runways, hangars, control towers, ramps, wharves, bulk-
39 heads, buildings, structures, parking areas, improvements, facilities or
40 other real property necessary, convenient or desirable for the landing,
41 taking off, accommodation and servicing of aircraft of all types,
42 including but not limited to airplanes, airships, dirigibles, helicop-
43 ters, gliders, amphibians, seaplanes, or any other contrivance now or
44 hereafter used for the navigation of or flight in air or space, operated
45 by carriers engaged in the transportation of passengers or cargo, or for
46 the loading, unloading, interchange or transfer of such passengers or
47 their baggage, or such cargo, or otherwise for the accommodation, use or
48 convenience of such passengers, or such carriers or their employees, or
49 for the landing, taking off, accommodation and servicing of aircraft
50 owned or operated by persons other than carriers.

51 "Air terminal highway" shall mean and include those portions of an air
52 terminal designated and made available temporarily or permanently by the
53 port authority to the public for general or limited highway use.

1 "Marine terminals" shall mean developments operated by the port
2 authority consisting of one or more piers, wharves, docks, bulkheads,
3 slips, basins, vehicular roadways, railroad connections, side tracks,
4 sidings or other buildings, structures, facilities or improvements,
5 necessary or convenient to the accommodation of steamships or other
6 vessels and their cargoes or passengers.

7 "Marine terminal highway" shall mean and include those portions of a
8 marine terminal designated and made available temporarily or permanently
9 by the port authority to the public for general or limited highway use.

10 "Traffic" shall mean and include pedestrians, animals and vehicles.

11 § 1602. Vehicle operation. No vehicle shall be operated on any air
12 terminal highway or marine terminal highway carelessly or negligently,
13 or in disregard of the rights or safety of others, or without due
14 caution and circumspection, or at a speed or in a manner so as to endan-
15 ger unreasonably or to be likely to endanger unreasonably persons or
16 property, or while the operator thereof is under the influence of intox-
17 icating liquors or any narcotic or habit-forming drug, nor shall any
18 vehicle be operated thereon if it is so constructed, equipped or loaded
19 as to endanger unreasonably or to be likely to endanger unreasonably
20 persons or property.

21 § 1603. Adherence to traffic signs and signals. All persons on any
22 air terminal highway or marine terminal highway must at all times comply
23 with any lawful order, signal or direction by voice or hand of any
24 member of the port authority police force. When traffic is controlled by
25 traffic lights, signs or by mechanical or electrical signals, such
26 lights, signs and signals shall be obeyed unless a port authority police
27 officer directs otherwise.

28 § 1604. Requiring use of right side of roadway. Unless otherwise
29 directed, all vehicles on any air terminal highway or marine terminal
30 highway shall at all times stay to the right of the center of the road-
31 way, except in the case of one-way roadways; slow-moving vehicles shall
32 remain as close as possible to the right-hand edge or curb of the road-
33 way; and where a roadway is marked with traffic lanes vehicles shall
34 not cross markings.

35 § 1605. Authorization for operation. No person shall operate a motor
36 vehicle on an air terminal highway or marine terminal highway unless he
37 is duly authorized to operate such vehicle on state and municipal high-
38 ways in the state in which such air terminal highway or marine terminal
39 highway is located, or unless he is especially authorized by the port
40 authority to operate motor vehicles on such air terminal highway or
41 marine terminal highway. No motor vehicle shall be permitted on any air
42 terminal highway or marine terminal highway unless it is registered in
43 accordance with the provisions of the law of the state in which such air
44 terminal highway or marine terminal highway is located, or unless it is
45 especially authorized by the port authority to be operated on such air
46 terminal highway or marine terminal highway.

47 § 1606. Procedures in case of causing injury. The operator of any
48 vehicle involved in an accident on an air terminal highway or marine
49 terminal highway which results in injury or death to any person or
50 damage to any property shall immediately stop such vehicle at the scene
51 of the accident, render such assistance as may be needed, and give his
52 name, address, and operator's license and registration number to the
53 person injured or to any officer or witness of the injury. The operator
54 of such vehicle shall make a report of such accident in accordance with
55 the law of the state in which such accident occurred.

§ 1607. Prohibited items. No person shall transport on any air terminal highway or marine terminal highway any dynamite, nitroglycerin, black powder, fireworks, blasting caps or other explosives, gasoline, alcohol, ether, liquid shellac, kerosene, turpentine, formaldehyde or other inflammable or combustible liquids, ammonium nitrate, sodium chlorate, wet hemp, powdered metallic magnesium, nitro-cellulose film, peroxides or other readily inflammable solids or oxidizing materials, hydrochloric acid, sulfuric acid or other corrosive liquids, prussic acid, phosgene, arsenic, carbolic acid, potassium cyanide, tear gas, lewisite, or any other poisonous substances, liquids or gases, or any compressed gas, or any radioactive article, substance or material, at such time or place or in such manner or condition as to endanger unreasonably or as to be likely to endanger unreasonably persons or property; nor shall any person park any vehicle, or permit the same to remain halted on any air terminal highway or marine terminal highway containing any of the foregoing, at such time or place or in such manner or condition as to endanger unreasonably or as to be likely to endanger unreasonably persons or property.

§ 1608. Parking. No person shall park a vehicle or permit the same to remain halted on any air terminal highway or marine terminal highway except at such places and for such periods of time as may be prescribed or permitted by the port authority.

§ 1609. Prosecution for violations. If the violation within the state of any of the rules and regulations set forth in this part, would have been a felony, misdemeanor or other punishable offense if committed on any public road, street, highway or turnpike in the municipality in which such violation occurred, it shall be tried and punished in the same manner as if it had been committed on such public road, street, highway or turnpike.

§ 1610. Felony for transport of prohibited items. Notwithstanding the provisions of section sixteen hundred two of this part, if the violation within the state of the rule and regulation promulgated pursuant to this part shall result in injury or death to a person or persons or damage to property in excess of the value of five thousand dollars, such violation shall constitute a felony.

§ 1611. Misdemeanor for certain violations. Except as provided in sections sixteen hundred two and sixteen hundred three of this part, any violation within the state of any of the rules and regulations promulgated pursuant to this part, shall constitute a misdemeanor and shall be punishable as an offense triable in a magistrate's court by a fine not exceeding five hundred dollars or by imprisonment not exceeding sixty days or by both such fine and imprisonment.

§ 1612. Exclusion of vehicles in violations. The penalties prescribed in this part shall not preclude the port authority from excluding from any air terminal highway or marine terminal highway, permanently or for a specified time, all vehicles violating any of the rules and regulations promulgated pursuant to this part, as well as other vehicles owned or operated by the owner or operator of such vehicle.

§ 1613. 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.

PART XVII

NEW YORK - NEW JERSEY AGREEMENT

1 Section 1701. Enforcement authority.

2 1702. Guidelines for interpretation.

3 § 1701. Enforcement authority. Upon the concurrence of the state of
4 New Jersey, the states of New York and New Jersey agree that each state,
5 in the discretion of its legislature, and without further consent or
6 concurrence by the other state, may from time to time prescribe, amend,
7 modify or rescind penalties for violations within its territorial limits
8 of any rule or regulation, otherwise authorized, of the port of New York
9 authority (hereinafter called the "port authority"), and procedures for
10 the enforcement of such penalties.

11 § 1702. Guidelines for interpretation. This section and section
12 seventeen hundred one of this part, together with corresponding sections
13 of the act of the state of New Jersey concurring herein shall constitute
14 an agreement between the states of New York and New Jersey supplemental
15 to the compact between the two states dated April thirtieth, nineteen
16 hundred twenty-one, and shall be liberally construed to effectuate the
17 purposes of said compact and of the agreements of the two states amenda-
18 tory thereof and supplemental thereto, and not in limitation of or in
19 derogation of any powers heretofore or hereinafter conferred upon or
20 delegated to the port authority, and not as granting any power to the
21 port authority to make rules and regulations except as elsewhere
22 provided in said compact and agreements, and shall not be construed to
23 affect, diminish or impair the power of either state to prescribe,
24 amend, modify or rescind such penalties, or to enact any other law, or
25 to imply that the concurrence of the other state therein is necessary,
26 or was necessary prior to the enactment of this part, or to impair or
27 diminish, or as recognition of the impairment or diminution of any power
28 of either state, legislative or otherwise, with respect to the port
29 authority, its properties, or persons or property thereon, or to affect
30 the interpretation of the aforesaid compact and agreements between the
31 two states.

32 PART XVIII

33 SMOKING REGULATION FOR TERMINALS

34 Section 1801. Smoking prohibition.

35 1802. Penalties.

36 § 1801. Smoking prohibition. No person shall smoke, carry, or possess
37 a lighted cigarette, cigar, pipe, match or other lighted instrument
38 capable of causing naked flame in or about any area, building or
39 appurtenance of an air terminal, owned or operated by the port authori-
40 ty, or in or upon any area, bulkhead, dock, pier, wharf, warehouse,
41 building, structure or shed of a marine terminal, owned or operated by
42 the port authority, where smoking has been prohibited by the port
43 authority and where appropriate signs to that effect have been posted,
44 or on the open deck of any ship, lighter, carfloat, scow or other simi-
45 lar floating craft or equipment when berthed or moored at such dock,
46 wharf, pier or to a vessel made fast thereto.

47 § 1802. Penalties. Any violation of the rule and regulation set forth
48 in section eighteen hundred one of this part shall be punishable as an
49 offense triable in a magistrate's court, for a first offense, by a fine
50 of not more than fifty dollars or imprisonment for not more than thirty
51 days or both; for a second offense, by a fine of not less than twenty-
52 five dollars nor more than one hundred dollars or imprisonment for not
53 more than sixty days or both; for a third or any other subsequent

1 offense, by a fine of not less than fifty dollars nor more than two
2 hundred dollars or by imprisonment for not more than sixty days or both.

3 PART XIX

4 SUITS ON LEASE AT INTERNATIONAL AIRPORT

5 Section 1901. Suits on lease at International Airport.

6 1902. Effect.

7 1903. Venue.

8 1904. Consent.

9 1905. Agreement.

10 § 1901. Suits on lease at International Airport. Upon the concurrence
11 of the state of New Jersey, the states of New York and New Jersey
12 consent to suits, actions or proceedings (including proceedings to
13 enforce arbitration agreements and to enter judgments upon awards
14 resulting therefrom) of any form or nature, at law, in equity or other-
15 wise by any person or corporation engaged in the business of scheduled
16 transportation by aircraft, against the port authority, and to appeals
17 therefrom and reviews thereof, upon or for the enforcement of any writ-
18 ten contract for the use or occupancy of space, premises or facilities
19 at New York International Airport, in the county of Queens, city of New
20 York, state of New York, executed on or after January first, nineteen
21 hundred fifty-three between the port authority and any such person or
22 corporation, or by any such person or corporation so contracting with
23 the port authority upon any cause of action arising out of such use or
24 occupancy pursuant to any such written contract.

25 § 1902. Effect. The consent pursuant to section nineteen hundred one
26 of this part is granted upon the condition that in suits, actions or
27 proceedings thereunder for judgments, orders or decrees restraining or
28 enjoining the port authority from committing or continuing to commit
29 breaches of such written contract, no such judgment, order or decree
30 shall be entered except upon at least two days' prior written notice to
31 the port authority of the proposed entry thereof; and upon an appeal
32 taken by the port authority from such judgment, order or decree, the
33 service of the notice of appeal shall perfect the appeal, without an
34 undertaking or other security.

35 § 1903. Venue. The venue in any suit, action or proceeding against
36 the port authority to which consent is given by this part shall be laid
37 within a county or a judicial district, established by one of said two
38 states or by the United States and situated wholly or partially within
39 the port of New York district. The port authority shall be deemed to be
40 a resident of each such county or judicial district for the purpose of
41 such suits, actions or proceedings and shall be deemed to be a citizen
42 of both of said two states.

43 § 1904. Consent. Nothing herein contained shall be deemed to revoke,
44 rescind or affect any consents to suits, actions or proceedings against
45 the port authority heretofore given by the two said states or the terms
46 and conditions upon which such consents are given.

47 § 1905. Agreement. This part together with the act of the state of
48 New Jersey concurring herein, shall constitute an agreement between the
49 states of New York and New Jersey supplementary to and amendatory of the
50 compact between the two said states dated April thirtieth, nineteen
51 hundred twenty-one.

52 PART XX

53 NARROWS BRIDGE

1 Section 2001. Determination to build bridge.
2 2002. Authorization for construction.
3 2003. Definitions.
4 2004. Authorization for agreement with the Triborough Authority.
5 2005. Funding.
6 2006. Bi-state covenant.
7 2007. Security bonds.
8 2008. Authorization to acquire real property.
9 2009. Prior consent required.
10 2010. Authorization of agents to enter property.
11 2011. Essential government function.
12 2012. Tax exemption on acquired property.
13 2013. Governmental nature.
14 2014. Agreement.

15 § 2001. Determination to build bridge. Upon the concurrence of the
16 state of New Jersey, the states of New York and New Jersey find, deter-
17 mine and agree that a bridge between Staten Island and Long Island,
18 constituting a part of the highway system of the port district, created
19 by their compact of April thirty, nineteen hundred twenty-one, will
20 facilitate the flow of traffic between the two states, will alleviate
21 congestion in the vehicular crossings of the Hudson river and will
22 promote the movement of commerce between the two states by providing a
23 direct connection between the state of New Jersey and Long Island in the
24 state of New York by way of Staten Island and that it is therefore the
25 policy of the two said states to provide such bridge.

26 § 2002. Authorization for construction. In furtherance of the afore-
27 said policy, and in partial effectuation of the comprehensive plan here-
28 tofore adopted by the two said states for the development of the said
29 port district, the Port of New York Authority is hereby authorized and
30 empowered to construct, own, maintain and operate a bridge (hereinafter
31 called the Narrows bridge) over the Narrows of New York bay, and, in its
32 discretion (and so long as it shall retain title to such bridge), such
33 additions and improvements thereto and such approaches thereto and
34 connections with highways and with the bridges between New Jersey and
35 Staten Island as the Port Authority may deem necessary or desirable.
36 The Port Authority may effectuate such approaches or connections, in its
37 discretion, by agreement with any other public agency, which agreement
38 may provide for the construction, ownership, maintenance or operation of
39 such approaches or connections by such other public agency.

40 The Port Authority shall not commence the construction of the Narrows
41 bridge until after the execution of an agreement between the Port
42 Authority and the Triborough Bridge and Tunnel Authority (hereinafter
43 called the Triborough Authority) pursuant to section two thousand four
44 of this part.

45 § 2003. Definitions. The following terms as used in this part shall
46 mean:

47 "Bonds" shall mean bonds, notes, securities or other obligations or
48 evidences of indebtedness.

49 "General reserve fund statutes" shall mean chapter forty-eight of the
50 laws of New York of nineteen hundred thirty-one, as amended and contin-
51 ued by part XXIX of this article, and chapter five of the laws of New
52 Jersey of nineteen hundred thirty-one, as amended, and "general reserve
53 fund" shall mean the general reserve fund of the Port Authority author-
54 ized by said statutes.

55 "Narrows bridge" shall mean not only the bridge itself but also its
56 approaches, connections, additions and improvements.

1 "Narrows bridge bonds" shall mean bonds issued by the Port Authority
2 to provide funds for Narrows bridge purposes or bonds secured in whole
3 or in part by a pledge of the revenues of the Port Authority from the
4 Narrows bridge or bonds so issued and secured.

5 "Narrows bridge purposes" shall mean the effectuation, establishment,
6 construction, rehabilitation, improvement, maintenance or operation of
7 the Narrows bridge and purposes incidental thereto.

8 "Real property" shall mean lands, structures, franchises and interests
9 in land, waters, lands under water and riparian rights, and any and all
10 things and rights included within the said term, and includes not only
11 fees simple absolute but also any and all lesser interests, including
12 but not limited to easements, rights-of-way, uses, leases, licenses and
13 all other incorporeal hereditaments and every estate, interest or right,
14 legal or equitable, including terms for years and liens thereon by way
15 of judgments, mortgages or otherwise.

16 § 2004. Authorization for agreement with the Triborough Authority.

17 (a) The Port Authority is authorized and empowered to enter into an
18 agreement with the Triborough Authority (and from time to time to enter
19 into agreements amending the same) for the design, location, financing,
20 construction, maintenance and operation of the Narrows bridge and any
21 other matters of like or different character with respect to the Narrows
22 bridge, and by which the Port Authority may grant, convey, lease or
23 otherwise transfer to the Triborough Authority or to the city of New
24 York for the use and occupancy of the Triborough Authority any right,
25 title or interest of the Port Authority in the Narrows bridge and in any
26 part or parts thereof, upon such terms as may be determined by the Port
27 Authority and the Triborough Authority, including but not limited to
28 agreement as to the method of fixing the tolls, rents, charges and other
29 fees and the rules for the regulation of the use of the bridge.

30 (b) So long as the Port Authority shall retain title to the Narrows
31 bridge, it shall, so far as it deems it practicable, treat as a single
32 unified operation the effectuation of the Narrows bridge, the interstate
33 bridges and tunnels now operated by the Port Authority and any other
34 bridges or tunnels which it may construct or operate, raising moneys for
35 the construction thereof and for the making of additions and improve-
36 ments thereto in whole or in part upon its own obligations, and, except
37 as provided in such agreement or any amendment thereof, establishing and
38 levying such tolls, rents, charges and other fees as it may deem neces-
39 sary to secure from all of such bridges and tunnels as a group at least
40 sufficient revenue to meet the expenses of the effectuation of such
41 bridges and tunnels as a group, and to provide for the payment of the
42 interest upon and amortization and retirement of and the fulfillment of
43 the terms of all bonds which it may have issued in connection therewith.
44 Except as provided in such agreement or any amendment thereof, no other
45 agency or commission of either state shall have jurisdiction over the
46 Narrows bridge so long as the Port Authority shall retain title thereto,
47 and, except as so provided, all details of the design, location, financ-
48 ing, construction, leasing, tolls, rents, charges and other fees,
49 contracts, maintenance and operation of and rules for the regulation of
50 the use of the Narrows bridge so long as the Port Authority shall retain
51 title thereto shall be within its sole discretion and its decision in
52 connection with any and all matters concerning such bridge shall be
53 controlling and conclusive.

54 (c) The states of New York and New Jersey hereby consent to suits,
55 actions or proceedings against the Port Authority upon, in connection
56 with or arising out of such agreement or any amendment thereof, by the

1 Triborough Authority, or by the city of New York if and to the extent
2 that such agreement or any amendment thereof shall create rights in the
3 city of New York, as follows:

4 (1) For judgments, orders or decrees restraining or enjoining the Port
5 Authority from transferring title to real property to other persons in
6 cases where it has agreed with the Triborough Authority to transfer such
7 title to the Triborough Authority or to the city of New York for the use
8 and occupancy of the Triborough Authority, and

9 (2) For judgments, orders or decrees restraining or enjoining the Port
10 Authority from committing or continuing to commit other breaches of such
11 agreement or any amendment thereof; provided, that such judgment, order
12 or decree shall not be entered except upon two days' prior written
13 notice to the Port Authority of the proposed entry thereof and provided
14 further, that upon an appeal taken by the Port Authority from such judg-
15 ment, order or decree the service of the notice of appeal shall perfect
16 the appeal and shall stay the execution of such judgment, order or
17 decree appealed from, without an undertaking or other security.

18 Nothing herein contained shall be deemed to revoke, rescind or affect
19 any consents to suits, actions or proceedings against the Port Authority
20 heretofore given by the two said states in chapter three hundred one of
21 the laws of New York of nineteen hundred fifty and continued by part XIV
22 of this article and chapter two hundred four of the laws of New Jersey
23 of nineteen hundred fifty-one.

24 § 2005. Funding. The moneys in the general reserve fund of the Port
25 Authority may be pledged in whole or in part by the Port Authority as
26 security for or applied by it to the repayment with interest of any
27 moneys which it may raise upon Narrows bridge bonds issued by it from
28 time to time and the moneys in said general reserve fund may be applied
29 by the Port Authority to the fulfillment of any other undertakings which
30 it may assume to or for the benefit of the holders of any such bonds.

31 Subject to prior liens and pledges (and to the obligation of the Port
32 Authority to apply revenues to the maintenance of its general reserve
33 fund in the amount prescribed by the general reserve fund statutes), the
34 revenues of the Port Authority from facilities established, constructed,
35 acquired or effectuated through the issuance or sale of bonds of the
36 Port Authority secured by a pledge of its general reserve fund may be
37 pledged in whole or in part as security for or applied by it to the
38 repayment with interest of any moneys which it may raise upon Narrows
39 bridge bonds, and said revenues may be applied by the Port Authority to
40 the fulfillment of any other undertakings which it may assume to or for
41 the benefit of the holders of such bonds.

42 In the event that at any time the balance of moneys theretofore paid
43 into the general reserve fund and not applied therefrom shall exceed an
44 amount equal to one-tenth of the par value of all bonds legal for
45 investment, as defined and limited in the general reserve fund statutes,
46 issued by the Port Authority and currently outstanding at such time, by
47 reason of the retirement of Narrows bridge bonds the par value of which
48 had theretofore been included in the computation of said one-tenth, then
49 the Port Authority may pledge or apply such excess for and only for the
50 purposes for which it is authorized by the general reserve fund statutes
51 to pledge the moneys in the general reserve fund, and such pledge may be
52 made in advance of the time when such excess may occur.

53 § 2006. Bi-state covenant. The two states covenant and agree with
54 each other and with the holders of Narrows bridge bonds as security for
55 which there may or shall be pledged (directly or indirectly, or through
56 the medium of its general reserve fund or otherwise) the revenues, or

1 any part thereof, of the Narrows bridge or any other facility owned or
2 operated by the Port Authority, that the two states will not, so long as
3 any of such bonds remain outstanding and unpaid, diminish or impair the
4 power of the Port Authority to establish, levy and collect tolls, rents,
5 charges or other fees in connection with the Narrows bridge (so long as
6 the Port Authority shall retain title to such bridge) or any such other
7 facility; and that the two said states will not, so long as any of such
8 bonds remain outstanding and unpaid and so long as the Port Authority
9 shall retain title to the Narrows bridge, authorize the construction of
10 any other vehicular bridges or tunnels (other than bridges or tunnels
11 exclusively for railway rapid transit purposes) between Staten Island
12 and Long Island by any person or body other than the Port Authority.

13 § 2007. Security bonds. Narrows bridge bonds are hereby made securi-
14 ties in which all state and municipal officers and bodies of both
15 states, all banks, bankers, trust companies, savings banks, building and
16 loan associations, savings and loan associations, investment companies
17 and other persons carrying on a banking business, all insurance compa-
18 nies, insurance associations and other persons carrying on an insurance
19 business, and all administrators, executors, guardians, trustees and
20 other fiduciaries, and all other persons whatsoever, who are now or may
21 hereafter be authorized by either state to invest in bonds of such
22 state, may properly and legally invest any funds, including capital,
23 belonging to them or within their control; and said bonds are hereby
24 made securities which may properly and legally be deposited with and
25 shall be received by any state or municipal officer or agency of either
26 state for any purpose for which the deposit of bonds of such state is
27 now or may hereafter be authorized.

28 § 2008. Authorization to acquire real property. If the Port Authority
29 shall find it necessary or convenient to acquire any real property for
30 Narrows bridge purposes (including temporary construction, rehabili-
31 tation or improvement), whether for immediate or future use, the Port
32 Authority may find and determine that such property, whether a fee
33 simple absolute or a lesser interest, is required for a public use, and
34 upon such determination the said property shall be and shall be deemed
35 to be required for such public use until otherwise determined by the
36 Port Authority, and such determination shall not be affected by the fact
37 that such property has theretofore been taken for and is then devoted to
38 a public use; but the public use in the hands of or under the control of
39 the Port Authority shall be deemed superior to the public use in the
40 hands of any other person, association or corporation. If the Port
41 Authority shall find it necessary or convenient hereunder to acquire any
42 real property which is then devoted to a public use, the Port Authority
43 shall have power to exchange or substitute any other real property for
44 such real property upon terms agreed to by the Port Authority and the
45 owner of such property then devoted to a public use, and to find and
46 determine that such other real property is also required for a public
47 use; upon such determination the said other property shall be and shall
48 be deemed to be required for such public use.

49 The Port Authority may acquire and is hereby authorized to acquire any
50 real property in the state of New York required for a public use under
51 the preceding paragraph, whether a fee simple absolute or a lesser
52 estate, by the exercise of the right of eminent domain under and pursu-
53 ant to the eminent domain procedure law of the state of New York, or at
54 the option of the Port Authority pursuant to any other and alternate
55 procedure provided by law by such state. Nothing herein contained shall
56 be construed to prevent the Port Authority from bringing any proceedings

1 in either state to remove a cloud on title or such other proceedings as
2 it may, in its discretion, deem proper and necessary, or from acquiring
3 any such property in either state by negotiation or purchase.

4 Where a person entitled to an award remains in possession of such
5 property after the time of the vesting of title in the Port Authority,
6 the reasonable value of his use and occupancy of such property subse-
7 quent to such time, as fixed by agreement or by the court in such
8 proceedings or by any court of competent jurisdiction, shall be a lien
9 against such award, subject only to liens of record at the time of the
10 vesting of title in the Port Authority.

11 § 2009. Prior consent required. Anything in this part to the contrary
12 notwithstanding, no property now or hereafter vested in or held by the
13 city of New York shall be taken by the Port Authority without the
14 authority or consent of the city as provided in said compact of April
15 thirty, nineteen hundred twenty-one. The Port Authority is also hereby
16 authorized and empowered to acquire from said city by agreement there-
17 with, and the city, notwithstanding any contrary provision of law, is
18 hereby authorized and empowered to grant and convey upon reasonable
19 terms and conditions any real property which the Port Authority shall
20 find to be necessary for Narrows bridge purposes, including such real
21 property as has already been devoted to a public use. The state of New
22 York hereby consents to the use and occupation of the real property of
23 such state which the Port Authority shall find to be necessary for
24 Narrows bridge purposes, including lands of the state lying under water,
25 and the department, board or division or other agency of the state exer-
26 cising supervision of such property shall execute such documents as it
27 may deem necessary to evidence the right to such use and occupation.

28 § 2010. Authorization of agents to enter property. The Port Authority
29 and its duly authorized agents, and all persons acting under its author-
30 ity and by its direction, may enter in the daytime into and upon any
31 real property which it shall be necessary so to enter, for the purpose
32 of making such surveys, diagrams, maps or plans, or for the purpose of
33 making such soundings or borings as the Port Authority may deem neces-
34 sary or convenient for the purposes of this part and the concurrent act
35 of the state of New Jersey.

36 § 2011. Essential government function. The construction, maintenance
37 and operation of the Narrows bridge are and will be in all respects for
38 the benefit of the people of the states of New York and New Jersey, for
39 the increase of their commerce and prosperity and for the improvement of
40 their health and living conditions and shall be deemed to be public
41 purposes; and the Port Authority shall be regarded as performing an
42 essential governmental function in undertaking the construction, mainte-
43 nance and operation thereof and in carrying out the provisions of law
44 relating thereto.

45 § 2012. Tax exemption on acquired property. No taxes or assessments
46 shall be levied or collected upon any property acquired or used for
47 Narrows bridge purposes.

48 § 2013. Governmental nature. Any declarations contained herein and in
49 the concurrent act of the state of New Jersey with respect to the
50 governmental nature and public purpose of the Narrows bridge and to the
51 exemption of Narrows bridge property from taxation and to the discretion
52 of the Port Authority with respect to the operation thereof shall not be
53 construed to imply that other Port Authority property and operations are
54 not of a governmental nature or do not constitute public purposes, or
55 that they are subject to taxation, or that the determinations of the
56 Port Authority with respect thereto are not conclusive. The powers

1 vested in the Port Authority herein and in the concurrent act of the
2 state of New Jersey (including but not limited to the powers to acquire
3 real property by condemnation and to make or effectuate additions,
4 improvements, approaches and connections) shall, except as herein other-
5 wise expressly stated, be continuing powers and no exercise thereof
6 shall be deemed to exhaust them or any of them.

7 The provisions of chapter forty-seven of the laws of New York of nine-
8 teen hundred thirty-one as continued by part III of this article and
9 chapter four of the laws of New Jersey of nineteen hundred thirty-one
10 shall not apply to the Narrows bridge.

11 § 2014. Agreement. This section and the preceding sections of this
12 part constitute an agreement between the states of New York and New
13 Jersey supplementary to the compact between the two states dated April
14 thirty, nineteen hundred twenty-one, and amendatory thereof, and shall
15 be liberally construed to effectuate the purposes of said compact and of
16 the comprehensive plan heretofore adopted by the two states, and the
17 powers vested in the Port Authority hereby shall be construed to be in
18 aid of and supplemental to and not in limitation of or in derogation of
19 any of the powers heretofore conferred upon or delegated to the Port
20 Authority.

21 PART XXI

22 NEW JERSEY TURNPIKE CONNECTIONS

23 Section 2101. Definitions.

24 2102. Authorization for agreement with New Jersey agencies.

25 2103. Securities.

26 § 2101. Definitions. As used in this part:

27 1. "Port authority" shall mean the Port of New York Authority;

28 2. "Bonds" shall mean bonds, notes, securities or other obligations or
29 evidences of indebtedness;

30 3. "Newark bay-Hudson county extension" shall mean the turnpike
31 project of the New Jersey Turnpike Authority extending between the
32 vicinity of Port street and Newark airport in the city of Newark and the
33 vicinity of the Holland tunnel in Hudson county, authorized by subdivi-
34 sion (c) of section one of chapter forty-one of the laws of New Jersey
35 of one thousand nine hundred forty-nine, as amended by chapter two
36 hundred eighty-six of the laws of New Jersey of one thousand nine
37 hundred fifty-one;

38 4. "Newark bay-Hudson county extension terminal connections" shall
39 mean the connections to the Newark bay-Hudson county extension at the
40 following locations: (a) at or in the vicinity of the westerly end of
41 the Newark bay-Hudson county extension to interconnect United States
42 Highway route 1, the turnpike toll plaza, Port street and Newark
43 airport, and (b) at or in the vicinity of the Holland tunnel plaza and
44 thence northerly in Hudson county to a point at grade at or in the
45 vicinity of Paterson avenue in the city of Hoboken.

46 § 2102. Authorization for agreement with New Jersey agencies. The
47 port authority is hereby authorized and empowered, in its discretion, to
48 enter into an agreement or agreements upon such terms and conditions as
49 it may deem in the public interest, with the New Jersey Turnpike Author-
50 ity, or the New Jersey state highway department, or both, whereby the
51 port authority may undertake to pay to such other party or parties to
52 such agreement or agreements such portion or portions of the cost of
53 constructing either or both of said Newark bay-Hudson county extension
54 terminal connections as the port authority shall determine to be propor-

tionate 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.

§ 2103. 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-one hundred two of this part 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.

PART XXII
COMMUTER RAILROAD CARS

Section 2201. Commuter railroad cars.

§ 2201. 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 part.

2. For the purpose of this part:

(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.

(c) "Railroad cars" shall mean railroad passenger cars, including self-propelled cars, and locomotives and other rolling stock used in passenger transportation.

3. (a) Upon the election by either state as provided in subdivision one of this section, the port authority shall be authorized and empowered to:

(i) purchase and own railroad cars for the purpose of leasing them to any commuter railroad of such state; provided, however, that no railroad cars shall be so purchased except with advances received or money borrowed pursuant to subparagraphs (ii) and (iii) of this paragraph, nor shall the port authority incur expenses in connection with such purchase and ownership except out of such advances or borrowed money or the rentals received from such leasing;

(ii) receive and accept advances from such state for such purchase upon such terms and conditions as such state may specify;

1 (iii) borrow money from any source for such purchase or for the repay-
2 ment of such advances or money borrowed, subject to the provisions of
3 paragraph (b) of this subdivision;

4 (iv) secure the repayment of principal of and interest upon any such
5 borrowed money by and only by a lien upon such railroad cars, a pledge
6 of the rentals therefrom and the liability of the electing state for the
7 repayment of such principal and interest;

8 (v) lease such railroad cars directly or indirectly to any commuter
9 railroad of such state upon such terms and conditions as the port
10 authority shall deem in the public interest, including postponement of
11 receipt of rentals by the port authority in the interest of increasing
12 and improving the service rendered to the commuting public; provided,
13 however, that no such lease shall become effective until it has been
14 approved in writing by the officer of the electing state designated by
15 appropriate legislation; and

16 (vi) sell or otherwise dispose of such cars upon such terms and condi-
17 tions and to such persons as the port authority shall deem in the public
18 interest, except as may be otherwise directed by such electing state.

19 (b) The port authority shall not borrow money pursuant to subparagraph
20 (iii) of paragraph (a) of this subdivision unless and until the electing
21 state shall have duly amended its constitution, if necessary, making or
22 authorizing making the state liable for the repayment of the money so
23 borrowed and interest thereon or for the fulfillment of the rental obli-
24 gations to the port authority, or both; and the port authority shall
25 not borrow any such money unless and until the electing state shall be
26 made liable for the repayment of any such money.

27 4. The purchase and ownership by the port authority of railroad cars
28 and the rental thereof to commuter railroads of the states of New York
29 or New Jersey are and will be in all respects for the benefit of the
30 people of the said two states for the increase of their commerce and
31 prosperity and for the improvement of their health, safety and living
32 conditions and shall be deemed to be public purposes; and the port
33 authority shall be regarded as performing an essential governmental
34 function in undertaking such purchase, ownership and rental and in
35 carrying out the provisions of law relating thereto.

36 5. The bonds or other evidences of indebtedness which may be issued by
37 the port authority pursuant to this part are hereby made securities in
38 which all state and municipal officers and bodies, all banks, bankers,
39 trust companies, savings banks, savings and loan associations, invest-
40 ment companies and other persons carrying on a banking business, all
41 insurance companies, insurance associations and other persons carrying
42 on an insurance business, and all administrators, executors, guardians,
43 trustees and other fiduciaries and all other persons whatsoever who are
44 now or may hereafter be authorized to invest in bonds or other obli-
45 gations of the electing state, may properly and legally invest any
46 funds, including capital, belonging to them or within their control;
47 and said bonds or other evidences of indebtedness are hereby made secu-
48 rities which may properly and legally be deposited with and shall be
49 received by any state or municipal officer or agency for any purpose for
50 which the deposit of bonds or other evidences of indebtedness of the
51 electing state is now or may hereafter be authorized. Such bonds or
52 other evidences of indebtedness shall constitute negotiable instruments.

53 Notwithstanding the provisions of this or any other legislation the
54 rentals received by the port authority from the leasing of any railroad
55 cars under this part shall not be pooled or applied to the establishment
56 or maintenance of any reserve fund of the port authority pledged as

1 security for any bonds or other evidences of indebtedness other than
2 those issued pursuant to this part, and the bonds or other evidences of
3 indebtedness issued pursuant to this part shall not be included in meas-
4 uring the principal amount of bonds or other evidences of indebtedness
5 upon which the amount of any such reserve fund is calculated.

6 6. No taxes or assessments shall be levied or collected upon any rail-
7 road cars owned by the port authority pursuant to this part or upon any
8 leasehold interest therein.

9 7. (a) The state of New York hereby elects pursuant to subdivision one
10 of this section to provide for the purchase and rental by the port
11 authority of railroad cars on the commuter railroads of this state. The
12 commissioner of the department of transportation is hereby designated as
13 the officer of this state for the approval of leases pursuant to subpar-
14 agraph (v) of paragraph (a) of subdivision three of this section.

15 (b) In the event that this state shall make advances to the port
16 authority for the purchase and rental of railroad cars, the port author-
17 ity shall repay any such advances, pursuant to an appropriate written
18 agreement with the director of the budget entered into prior to the
19 requisitioning of such advances, out of money borrowed for such purpose
20 under subparagraph (iii) of paragraph (a) of subdivision three of this
21 section. Except as so repaid, such advances shall be repaid annually by
22 the port authority to the extent and only to the extent that the port
23 authority shall have received rentals, directly or indirectly, from all
24 the commuter railroads of this state to which railroad cars have been
25 leased under this part in excess of the components of such rentals which
26 represent the port authority's administrative, legal and financial
27 expenses in connection with the purchase, ownership and lease.

28 (c) In the event that railroad cars purchased by the port authority
29 are sold upon the default of any lessee thereof, the port authority
30 shall deduct from the proceeds of such sale its unpaid administrative,
31 legal and financial expenses in connection with such lease and sale and
32 an amount equal to the unpaid principal and interest and mandatory
33 redemption premiums, whenever payable, upon its outstanding bonds or
34 other evidences of indebtedness, the proceeds of the issuance of which
35 shall have been applied to the purchase of the railroad cars sold and
36 shall pay the balance to this state, but the port authority shall have
37 full authority to agree with any other creditors of such lessee, either
38 in advance of or after default, as to the order of payment to the port
39 authority and such other creditors, either out of the assets of such
40 lessee available for such creditors, including the port authority, or
41 out of the proceeds of the joint sale of various properties of such
42 creditors theretofore used by such lessee, including such railroad cars
43 of the port authority.

44 (d) Except as provided in paragraph (c) of this subdivision, any rail-
45 road cars purchased by the port authority with the proceeds of the issu-
46 ance by the port authority of any series of bonds or other evidences of
47 indebtedness shall become the property of this state after the final
48 payment of all the bonds or other evidences of indebtedness of such
49 series, and thereafter shall be held by the port authority subject to
50 the disposition of this state, and any railroad cars purchased by the
51 port authority with any advances from this state shall become the prop-
52 erty of this state upon the repayment of all such advances solely out of
53 rentals in excess of the port authority's administrative, legal and
54 financial expenses in connection therewith; or if the proceeds of port
55 authority bonds or other evidences of indebtedness of any series shall
56 have been applied to repay all or any portion of such advances, then

1 such cars shall become the property of this state upon the final payment
2 of all such bonds or other evidences of such indebtedness of such
3 series.

4 (e)(i) To the extent authorized by the constitution at the time of the
5 issuance of bonds or notes of the port authority for any of the purposes
6 of this part, the punctual payment of such bonds and notes shall be, and
7 the same hereby is, fully and unconditionally guaranteed by the state of
8 New York, both as to principal and interest, according to their terms;
9 and such guaranty shall be expressed upon the face thereof by the signa-
10 ture or facsimile signature of the comptroller or a deputy comptroller
11 of the state of New York. If the port authority shall fail to pay, when
12 due, the principal of, or interest upon, such bonds or notes, such comp-
13 troller shall pay the holder thereof. In furtherance of such guaranty
14 of punctual payment, if the comptroller of this state shall receive
15 written notice from the trustee or other fiduciary or other duly author-
16 ized representative of the holder or holders of such bonds and notes
17 designated in any agreement between the port authority and such holder
18 or holders that the port authority has failed to make or deposit any
19 payment of interest or principal required by such agreement to or with
20 such trustee or fiduciary or otherwise at or before the time specified
21 in such agreement, then such comptroller shall within three days of the
22 receipt of such notice pay to such trustee or fiduciary or other duly
23 authorized representative the amount necessary to meet any deficiency in
24 the payment of such interest and principal, when due.

25 If the comptroller shall make a payment or payments pursuant to this
26 subparagraph, the state shall be subrogated to the rights of the bond-
27 holders or noteholders to whom, or on account of whom, such payment or
28 payments were made, in and to the revenues pledged to such holders; and
29 for such purpose, to the extent any such revenues in the hands of the
30 port authority may be inadequate to repay such payment or payments made
31 by the state, the state shall be further subrogated to the rights of the
32 port authority to recover any rentals due and unpaid to the port author-
33 ity as of the date of such payment or payments and pledged to such hold-
34 ers as aforesaid.

35 (ii) Such bonds and notes shall be sold by the port authority in such
36 manner and at such time as the port authority, with the approval of the
37 comptroller, shall determine. The proceeds of each sale of bonds or
38 notes shall be applied to the purpose or purposes set forth in the
39 resolution of the port authority authorizing the issuance of such bonds
40 or notes. If, after having accomplished the purpose or purposes set
41 forth in such resolution there remains any unexpended balance (including
42 interest earned by the port authority on such proceeds), such unexpended
43 balance shall be applied by the port authority, to the extent practica-
44 ble, to the purchase for retirement or to the redemption of bonds or
45 notes included in such sale, or otherwise as the port authority may
46 determine for the purposes of this part. If any commuter car, the
47 acquisition of which is financed or refinanced by the issuance of bonds
48 or notes under this part, be lost, damaged or destroyed, the proceeds of
49 any insurance policies covering such loss, damage or destruction or any
50 payments made to the port authority by the lessee of such car on account
51 of such loss, damage or destruction shall be applied by the port author-
52 ity, to the extent practicable, to the purchase for retirement or to the
53 redemption of bonds or notes of such series, or otherwise as the port
54 authority may determine for the purposes of this part.

55 (iii) The port authority is designated as the agent of the state of
56 New York for the purpose of selling, leasing or otherwise disposing of

1 any railroad cars which shall become the property of the state pursuant
2 to paragraph (d) of this subdivision. As such agent the port authority
3 may agree, upon such terms and conditions as may be deemed appropriate
4 by it, with any lessee of railroad cars or with any other person, either
5 in advance of or after the time when such cars shall become the property
6 of the state, so to sell, lease or otherwise dispose of such cars. In
7 the event any such cars are so sold, leased or otherwise disposed of by
8 the port authority, the port authority shall pay over to the state, as
9 promptly after receipt as may be practicable, any balance of the
10 proceeds thereof, which remain after deduction of the port authority's
11 administrative, legal and financial expenses in connection with or arising
12 out of such sale, lease or other disposition.

13 PART XXIII
14 WORLD TRADE CENTER

15 Section 2301. World trade center.

16 § 2301. World trade center. 1. The states of New York and New Jersey
17 hereby find and determine:

18 (a) that the transportation of persons to, from and within the port of
19 New York, and the flow of foreign and domestic cargoes to, from and
20 through the port of New York are vital and essential to the preservation
21 of the economic well-being of the northern New Jersey-New York metropol-
22 itan area;

23 (b) that in order to preserve the northern New Jersey-New York metro-
24 politan area from economic deterioration, adequate facilities for the
25 transportation of persons must be provided, preserved and maintained and
26 that rail services are and will remain of extreme importance to such
27 transportation of persons;

28 (c) that the interurban electric railway now or heretofore operated by
29 the Hudson & Manhattan railroad company is an essential railroad facili-
30 ty serving the northern New Jersey-New York metropolitan area, that its
31 physical plant is in a severely deteriorated condition, and that it is
32 in extreme financial condition;

33 (d) that the immediate need for the maintenance and development of
34 adequate railroad facilities for the transportation of persons between
35 northern New Jersey and New York would be met by the acquisition, reha-
36 bilitation and operation of the said Hudson & Manhattan interurban elec-
37 tric railway by a public agency, and improvement and extensions of the
38 rail transit lines of said railway to permit transfer of its passengers
39 to and from other transportation facilities and in the provision of
40 transfer facilities at the points of such transfers;

41 (e) that in order to preserve and protect the position of the port of
42 New York as the nation's leading gateway for world commerce it is incum-
43 bent on the states of New York and New Jersey to make every effort to
44 insure that their port receives its rightful share of the oceanborne
45 cargo volumes generated by the economy of the nation;

46 (f) that the servicing functions and activities connected with the
47 oceanborne and overseas airborne trade and commerce of the port of New
48 York district as defined in the compact between the said two states
49 dated April thirty, nineteen hundred twenty-one (hereinafter called the
50 port district), including customs clearance, shipping negotiations,
51 cargo routing, freight forwarding, financing, insurance arrangements and
52 other similar transactions which are presently performed in various,
53 scattered locations in the city of New York, state of New York, should
54 be centralized to provide for more efficient and economical transporta-

tion of persons and more efficient and economical facilities for the exchange and buying, selling and transportation of commodities and other property in world trade and commerce;

(g) that unification, at a single, centrally located site, of the principal New York terminal of the aforesaid interurban electric railway and a facility of commerce accommodating the said functions and activities described in paragraph (f) of this subdivision and the appropriate governmental, administrative and other services connected with or incidental to transportation of persons and property and the promotion and protection of port commerce, and providing a central locale for exhibiting and otherwise promoting the exchange and buying and selling of commodities and property in world trade and commerce, will materially assist in preserving for the two states and the people thereof the material and other benefits of a prosperous port community;

(h) that the port authority, which was created by agreement of the two states as their joint agent for the development of the transportation and terminal facilities and other facilities of commerce of the port district and for the promotion and protection of the commerce of their port, is the proper agency to act in their behalf (either directly or by or through wholly-owned subsidiary corporations) to effectuate, as a unified project, the said interurban electric railway and its extensions and the facility of commerce described in paragraph (g) of this subdivision; and

(i) that the undertaking of the aforesaid unified project by the port authority has the single object of preserving, and is part of a unified plan to aid in the preservation of, the economic well-being of the northern New Jersey-New York metropolitan area and is found and determined to be in the public interest.

2. The following terms as used in this act shall have the following meanings:

(a) "Bonds" shall mean bonds, notes, securities or other obligations or evidences of indebtedness;

(b) "Effectuation" of a project or any facility or part of a facility constituting a portion of a project shall include but not be limited to its establishment, acquisition, construction, development, maintenance, operation, improvement (by way of betterments, additions or otherwise) and rehabilitation;

(c) "Exchange place terminal area" shall mean the area in the city of Jersey City, state of New Jersey, bounded generally by Exchange place and Montgomery street, by Warren street, by Pearl street, by Greene street, and by Morgan street as extended to the bulkhead line and by said bulkhead line, together with such additional contiguous area as may be agreed upon from time to time between the port authority and the said city;

(d) "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 part XXIX of this article, 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;

(e) "Hudson tubes" shall mean that portion of the port development project constituting a railroad facility consisting of the four interstate rail tunnels under the Hudson river now or heretofore owned or operated by the Hudson & Manhattan railroad company, the rail transit lines of the Hudson tubes, the balance of the interurban electric railway system in and through said tunnels and over said lines and inci-

1 dental thereto (including but not limited to the portion of such lines
2 and system now or heretofore operated jointly by said railroad company
3 and the Pennsylvania railroad company), terminals, including but not
4 limited to terminals in the Hudson tubes-world trade center area, in the
5 Journal square terminal area and in the Exchange place terminal area,
6 and other related railroad property;

7 (f) "Hudson tubes extensions" shall mean those portions of the port
8 development project constituting passenger railroad facilities (1)
9 extending directly from the rail transit lines of the Hudson tubes, over
10 new rail transit lines or on or over the existing rail transit lines of
11 other railroads, to transfer facilities in the rail passenger transfer
12 area, for the transfer of passengers of the Hudson tubes to and from
13 other railroads, and (2) extending from Pennsylvania station in the city
14 of Newark, state of New Jersey, over new rail transit lines or on or
15 over the existing rail transit lines of other railroads, to the vicinity
16 of the city of Plainfield, state of New Jersey, including construction,
17 reconstruction and improvement of necessary stations in and between the
18 city of Newark and the vicinity of the city of Plainfield, together with
19 such additional rail or other mass transportation, terminal, station,
20 parking, storage and service facilities as operations may require, and
21 shall include a connection to provide improved access to Newark interna-
22 tional airport if and to the extent such connection shall not be other-
23 wise provided by the port authority as air terminal facilities for said
24 airport, and (3) consisting of the following improvements to passenger
25 railroad lines connecting with the Hudson tubes: (i) direct track
26 connections between the rail transit lines of the Morris & Essex divi-
27 sion of the Erie-Lackawanna railroad and the Penn Central transportation
28 company in the vicinity of the town of Kearny in the state of New
29 Jersey, (ii) replacement of the railroad bridge (known as the "portal
30 bridge") operated by the Penn Central transportation company across the
31 Hackensack river, (iii) direct track connections between the rail trans-
32 it lines of the Bergen branch and the mail line of the Erie-Lackawanna
33 railroad in the vicinity of the town of Secaucus in the state of New
34 Jersey and between the new joint line resulting from such connections
35 and the rail transit lines of the Penn Central transportation company in
36 the vicinity of the town of Secaucus in the state of New Jersey, (iv) a
37 new railroad yard in the vicinity of the town of Secaucus in the state
38 of New Jersey for the accommodation of railroad passenger equipment, (v)
39 improvements to Pennsylvania station in the city of New York, state of
40 New York, and to its railroad approaches from the state of New Jersey,
41 as necessary or desirable to improve operations and to increase train
42 and passenger handling capacity, and (vi) such additional rail or other
43 mass transportation, terminal, station, parking, storage and service
44 facilities as operations may require with respect to any of the projects
45 identified in this subparagraph or any of the foregoing or any portion
46 thereof; and, in addition thereto, other related railroad property;

47 (g) "Hudson tubes-world trade center area" shall mean the area in the
48 borough of Manhattan, city and state of New York, bounded generally by
49 the east side of Church street on the east, the south side of Liberty
50 street and the south side of Liberty street extended on the south, the
51 Hudson river on the west, and on the north by a line beginning at the
52 point of intersection of the Hudson river and the north side of Vesey
53 street extended, running along the north side of Vesey street extended
54 and the north side of Vesey street to the west side of Washington
55 street, then along the west side of Washington street to the north side
56 of Barclay street, then along the north side of Barclay street to the

1 east side of West Broadway, then along the east side of West Broadway to
2 the north side of Vesey street, then along the north side of Vesey
3 street to the east side of Church street, together with such additional
4 contiguous area as may be agreed upon from time to time between the port
5 authority and the said city;

6 (h) "Journal square terminal area" shall mean the area in the city of
7 Jersey City, state of New Jersey, bounded generally by Journal square,
8 Hudson boulevard, Pavonia avenue, Summit avenue and Sip avenue, together
9 with such additional contiguous area as may be agreed upon from time to
10 time between the port authority and the said city;

11 (i) "Municipality" shall mean a county, city, borough, village, town,
12 township or other similar political subdivision of New York or New
13 Jersey;

14 (j) "Parking facilities" forming a part of the Hudson tubes or Hudson
15 tubes extensions shall mean one or more areas, buildings, structures,
16 improvements or other accommodations or appurtenances at or in the
17 vicinity of any terminal or station of the Hudson tubes or Hudson tubes
18 extensions and necessary, convenient or desirable in the opinion of the
19 port authority for the parking of motor vehicles of users of the Hudson
20 tubes or the Hudson tubes extensions and of members of the general
21 public and for the parking and storage of omnibuses and railroad cars
22 serving users of the Hudson tubes or the Hudson tubes extensions and for
23 the transfer of the operators and passengers of such motor vehicles,
24 omnibuses and railroad cars to and from the railroad cars of the Hudson
25 tubes or the Hudson tubes extensions, and for purposes incidental there-
26 to;

27 (k) "Purposes of this part" shall mean the effectuation of the port
28 development project and of each facility constituting a portion thereof
29 and of each part of each such facility, and purposes incidental thereto;

30 (l) "Rail passenger transfer area" shall mean the area in the state of
31 New Jersey bounded as follows: beginning on the west bank of the Hudson
32 river at the southerly side of the right-of-way of the Central railroad
33 of New Jersey easterly of the Communipaw station in the city of Jersey
34 City, thence northwestwardly along said southerly side of the right-of-
35 way of the Central railroad of New Jersey through the cities of Jersey
36 City and Kearny to Broad street in the city of Newark; thence northward-
37 ly along Broad street to Clay street, thence eastwardly along Clay
38 street to the boundary between the counties of Hudson and Essex in the
39 Passaic river, thence northwardly along said boundary to its inter-
40 section with the boundary line between the counties of Bergen and
41 Hudson, thence eastwardly and northwardly along said boundary to New
42 Jersey state highway route three, thence eastwardly along said route
43 three, the Lincoln tunnel viaduct and a line in continuation of said
44 viaduct and tunnel to the west bank of the Hudson river, thence south-
45 wardly along said west bank to the point and place of beginning;

46 (m) "Rail transit lines" shall mean right-of-way and related trackage,
47 and the "rail transit lines of the Hudson tubes" shall mean the rail
48 transit lines beginning at the Market street station of the Pennsylvania
49 railroad company in the city of Newark, state of New Jersey and extend-
50 ing generally (i) eastwardly along the joint service and operating route
51 now or heretofore used by the Hudson & Manhattan railroad company and
52 the Pennsylvania railroad company to the point of connection thereof
53 with the tracks now or formerly of the Hudson & Manhattan railroad
54 company in or about the Journal square terminal area; thence (ii)
55 continuing eastwardly along the tracks and right-of-way now or hereto-
56 fore used by the Hudson & Manhattan railroad company through the city of

1 Jersey City, state of New Jersey and through the tunnels under the
2 waters of the Hudson river and through Cortlandt and Fulton streets in
3 the borough of Manhattan, city and state of New York to the Hudson
4 terminal in the Hudson tubes-world trade center area; with a branch from
5 the aforesaid route from a point located between the Grove street and
6 Exchange place stations in said city of Jersey City northwardly and
7 eastwardly to the Hoboken terminal station in the city of Hoboken, state
8 of New Jersey and with a second branch from said first branch eastwardly
9 and through the tunnels under the waters of the Hudson river to the said
10 borough of Manhattan passing through or adjacent to Morton street,
11 Greenwich street, Christopher street and the avenue of the Americas
12 (formerly Sixth avenue) to the West Thirty-third street terminal in said
13 borough of Manhattan; and rail transit lines of the Hudson tubes and of
14 the Hudson tubes extensions shall in each case include such rail transit
15 lines as the port authority may deem necessary, convenient or desirable
16 to and from parking facilities, storage yards, maintenance and repair
17 shops and yards forming part thereof;

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

26 (o) "Related railroad property" shall mean any property, real,
27 personal or mixed, necessary, convenient or desirable, in the opinion of
28 the port authority, to the effectuation of a railroad facility which is
29 a portion of the port development project and shall include but not be
30 limited to rail transit lines; terminals and stations; power, fuel,
31 communication, signal and ventilation systems; cars and other rolling
32 stock; storage yards; repair and maintenance shops, yards, equipment and
33 parts; parking facilities; transfer facilities for transfer of passen-
34 gers between such railroad facility and other railroads or omnibuses;
35 offices; and other buildings, structures, improvements, areas, equipment
36 or supplies; and, in the case of buildings, structures, improvements or
37 areas in which any one or more of such railroad functions are accommo-
38 dated shall include all of such buildings, structures, improvements or
39 areas notwithstanding that portions thereof may not be devoted to any of
40 the purposes of the port development project other than the production
41 of incidental revenue available for the expenses of all or part of the
42 port development project, except that in the Hudson tubes-world trade
43 center area the portions of such buildings, structures, improvements or
44 areas constructed or established pursuant to this part which are not
45 devoted primarily to railroad functions, activities or services or to
46 functions, activities or services for railroad passengers shall be
47 deemed a part of the world trade center and not related railroad proper-
48 ty;

49 (p) "Surplus revenues" from any facility shall mean the balance of the
50 revenues from such facility (including but not limited to the revenues
51 of any subsidiary corporation incorporated for any of the purposes of
52 this act) remaining at any time currently in the hands of the port
53 authority after the deduction of the current expenses of the operation
54 and maintenance thereof, including a proportion of the general expenses
55 of the port authority as it shall deem properly chargeable thereto,
56 which general expenses shall include but not be limited to the expense

1 of protecting and promoting the commerce of the port district, and after
2 the deduction of any amounts which the port authority may or shall be
3 obligated or may or shall have obligated itself to pay to or set aside
4 out of the current revenues therefrom for the benefit of the holders of
5 any bonds legal for investment as defined in the general reserve fund
6 statutes;

7 (q) "Surplus revenues of the port development project" shall mean the
8 surplus revenues of the Hudson tubes, the Hudson tubes extensions and
9 the world trade center; and

10 (r) "World trade center" shall mean that portion of the port develop-
11 ment project constituting a facility of commerce consisting of one or
12 more buildings, structures, improvements and areas necessary, convenient
13 or desirable in the opinion of the port authority for the centralized
14 accommodation of functions, activities and services for or incidental to
15 the transportation of persons, the exchange, buying, selling and trans-
16 portation of commodities and other property in world trade and commerce,
17 the promotion and protection of such trade and commerce, governmental
18 services related to the foregoing and other governmental services,
19 including but not limited to custom houses, customs stores, inspection
20 and appraisal facilities, foreign trade zones, terminal and transporta-
21 tion facilities, parking areas, commodity and security exchanges,
22 offices, storage, warehouse, marketing and exhibition facilities and
23 other facilities and accommodations for persons and property and, in the
24 case of buildings, structures, improvements and areas in which such
25 accommodation is afforded, shall include all of such buildings, struc-
26 tures, improvements and areas other than portions devoted primarily to
27 railroad functions, activities or services or to functions, activities
28 or services for railroad passengers, notwithstanding that other portions
29 of such buildings, structures, improvements and areas may not be devoted
30 to purposes of the port development project other than the production of
31 incidental revenue available for the expenses of all or part of the port
32 development project.

33 3. In furtherance of the aforesaid findings and determinations and in
34 partial effectuation of and supplemental to the comprehensive plan here-
35 tofore adopted by the two said states for the development of the said
36 port district, the port authority is hereby authorized and empowered to
37 establish, acquire, construct, effectuate, develop, own, lease, main-
38 tain, operate, improve and rehabilitate a project herein referred to as
39 the port development project, which shall consist of a facility of
40 commerce herein referred to as the world trade center, to be located
41 within the Hudson tubes-world trade center area, and railroad facilities
42 herein referred to as the Hudson tubes and the Hudson tubes extensions.
43 The port authority shall proceed as rapidly as may be practicable to
44 accomplish the purposes of this part.

45 The port authority is hereby authorized and empowered to establish,
46 levy and collect such rentals, tolls, fares, fees and other charges as
47 it may deem necessary, proper or desirable in connection with any facil-
48 ity or part of any facility constituting a portion of the port develop-
49 ment project and to issue bonds for any of the purposes of this part and
50 to provide for payment thereof, with interest upon and the amortization
51 and retirement of such bonds, and to secure all or any portion of such
52 bonds by a pledge of such rentals, tolls, fares, fees, charges and other
53 revenues or any part thereof (including but not limited to the revenues
54 of any subsidiary corporation incorporated for any of the purposes of
55 this part), and to secure all or any portion of such bonds by mortgages
56 upon any property held or to be held by the port authority (or by any

1 such subsidiary corporation) for any of the purposes of this part, and
2 for any of the purposes of this part to exercise all appropriate powers
3 heretofore or hereafter delegated to it by the states of New York and
4 New Jersey, including, but not limited to, those expressly set forth in
5 this part. The surplus revenues of the port development project may be
6 pledged in whole or in part as hereinafter provided.

7 Unless and until hereafter expressly authorized by the two states the
8 port authority shall not: (a) operate or permit operation by others of
9 its Hudson tubes railroad cars or other rolling stock or equipment or
10 Hudson tubes extensions railroad cars or other rolling stock or equip-
11 ment except upon the rail transit lines of the Hudson tubes or of the
12 Hudson tubes extensions and also between the Market street station and
13 the South street station of the Pennsylvania railroad company in the
14 city of Newark, state of New Jersey; or (b) except by way of Hudson
15 tubes extensions as herein defined, make additions, betterments or other
16 improvements to or of said Hudson tubes or Hudson tubes extensions by
17 way of extensions of their rail transit lines. Nothing herein contained
18 shall be deemed to prevent the making by the port authority of such
19 joint service or other agreements with railroads as it shall deem neces-
20 sary, convenient or desirable for the use of the Hudson tubes and Hudson
21 tubes extensions by the railroad cars or other rolling stock or equip-
22 ment of such railroads and the acquisition of the rights of any or all
23 parties in any joint service or other agreements the Hudson & Manhattan
24 railroad company or its successors shall have made with other railroads
25 for such use of the Hudson tubes. The port authority shall not proceed
26 with the effectuation of any railroad or railroad facility in addition
27 to the Hudson tubes and the Hudson tubes extensions until hereafter
28 expressly authorized by the two states. Nothing contained in this part
29 shall authorize or empower the port authority to establish, construct or
30 otherwise effectuate an air terminal.

31 4. The moneys in the general reserve fund may be pledged in whole or
32 in part by the port authority as security for or applied by it to the
33 repayment with interest of any moneys which it may raise upon bonds
34 issued or incurred by it from time to time for any of the purposes of
35 this part or upon bonds secured in whole or in part by the pledge of the
36 revenues from the port development project or any portion thereof or
37 upon bonds both so issued or incurred and so secured; and the moneys in
38 said general reserve fund may be applied by the port authority to the
39 fulfillment of any other undertakings which it may assume to or for the
40 benefit of the holders of any such bonds.

41 Subject to prior liens and pledges (and to the obligation of the port
42 authority to apply revenues to the maintenance of its general reserve
43 fund in the amount prescribed by the general reserve fund statutes), the
44 revenues from facilities established, constructed, acquired or otherwise
45 effectuated through the issuance or sale of bonds of the port authority
46 secured in whole or in part by a pledge of its general reserve fund or
47 any portion thereof may be pledged in whole or in part as security for
48 or applied by it to any of the purposes of this part, including the
49 repayment with interest of any moneys which it may raise upon bonds
50 issued or incurred from time to time for any of the purposes of this
51 part or upon bonds secured in whole or in part by the pledge of the
52 revenues of the port authority from the port development project or any
53 portion thereof or upon bonds both so issued or incurred and so secured;
54 and said revenues may be applied by the port authority to the fulfill-
55 ment of any other undertakings which it may assume to or for the benefit
56 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 part by the issue and sale
3 of bonds which are secured in whole or in part by a pledge of the gener-
4 al reserve fund or any portion thereof, the surplus revenues from any
5 facility constituting a portion of the port development project and
6 financed in whole or in part out of the proceeds of such bonds and the
7 surplus revenue from any other port authority facility the surplus
8 revenues of which at such time may be payable into the general reserve
9 fund shall be pooled and applied by the port authority to the establish-
10 ment and maintenance of the general reserve fund in an amount equal to
11 one-tenth of the par value of all bonds legal for investment, as defined
12 in the general reserve fund statutes, issued by the port authority and
13 currently outstanding, including such bonds issued for any of the
14 purposes of this part; and all such moneys in said general reserve fund
15 may be pledged and applied in the manner provided in the general reserve
16 fund statutes.

17 In the event that any time the balance of moneys theretofore paid into
18 the general reserve fund and not applied therefrom shall exceed an
19 amount equal to one-tenth of the par value of all bonds upon the princi-
20 pal amount of which the amount of the general reserve fund is calcu-
21 lated, by reason of the retirement of bonds issued or incurred from time
22 to time for any of the purposes of this part the par value of which had
23 theretofore been included in the computation of said amount of the
24 general reserve fund, then the port authority may pledge or apply such
25 excess for and only for the purposes for which it is authorized by the
26 general reserve fund statutes to pledge the moneys in the general
27 reserve fund and such pledge may be made in advance of the time when
28 such excess may occur.

29 6. The two states covenant and agree with each other and with the
30 holders of any affected bonds, as hereinafter defined, that so long as
31 any of such bonds remain outstanding and unpaid and the holders thereof
32 shall not have given their consent as provided in their contract with
33 the port authority, the two states will not diminish or impair the power
34 of the port authority (or any subsidiary corporation incorporated for
35 any of the purposes of this part) to establish, levy and collect
36 rentals, tolls, fares, fees or other charges in connection with any
37 facility constituting a portion of the port development project or any
38 other facility owned or operated by the port authority of which the
39 revenues have been or shall be pledged in whole or in part as security
40 for such bonds (directly or indirectly, or through the medium of the
41 general reserve fund or otherwise), or to determine the quantity, quali-
42 ty, frequency or nature of the service provided in connection with each
43 such facility.

44 "Affected bonds" as used in this subdivision shall mean bonds of the
45 port authority issued or incurred by it from time to time for any of the
46 purposes of this part or bonds as security for which there may or shall
47 be pledged, in whole or in part, the general reserve fund or any reserve
48 fund established by or pursuant to contract between the port authority
49 and the holders of such bonds, or the revenues of the world trade
50 center, Hudson tubes, Hudson tubes extensions or any other facility
51 owned or operated by the port authority any surplus revenues of which
52 would be payable into the general reserve fund, or bonds both so issued
53 or incurred and so secured.

54 7. The port authority is authorized and empowered to co-operate with
55 the states of New York and New Jersey, with any municipality, with the
56 federal government and with any agency or commission of any one or more

1 of the foregoing, or with any one or more of them, for and in connection
2 with the acquisition, clearance, replanning, rehabilitation, recon-
3 struction or redevelopment of the Hudson tubes-world trade center area
4 or of any other area forming part of the port development project for
5 the purpose of renewal and improvement of said area and for any of the
6 purposes of this part, and to enter into an agreement or agreements (and
7 from time to time to enter into agreements amending or supplementing the
8 same) with any such municipality, commission or agency and with the
9 states of New York and New Jersey and with the federal government, or
10 with any one or more of them, for or relating to such purposes, includ-
11 ing but not limited to agreements with respect to financial assistance,
12 loans and grants as provided in title one of the housing act of nineteen
13 hundred forty-nine and all federal laws amendatory and supplemental
14 thereto and with respect to occupancy of space in the port development
15 project. The port authority is hereby authorized and empowered to apply
16 for and accept financial assistance, loans and grants for such purposes
17 under federal, state or local laws, and to make application directly to
18 the proper officials or agencies for and receive federal, state or local
19 loans or grants in aid of any of the purposes of this part.

20 8. Notwithstanding any contrary provision of law, general, special or
21 local, either state and any municipality and any commission or agency of
22 either or both of said two states is authorized and empowered to co-op-
23 erate with the port authority and to enter into an agreement or agree-
24 ments (and from time to time to enter into agreements amending or
25 supplementing the same) with the port authority for and in connection
26 with or relating to the acquisition, clearance, replanning, rehabili-
27 tation, reconstruction, or redevelopment of the Hudson tubes-world trade
28 center area or of any other area forming part of the port development
29 project for the purpose of renewal and improvement of said area as afor-
30 esaid and for any of the purposes of this part, upon such reasonable
31 terms and conditions as may be determined by such state, municipality,
32 agency or commission and the port authority. Such agreement may, without
33 limiting the generality of the foregoing, include consent to the use by
34 the port authority of any real property owned or to be acquired by said
35 state, municipality, agency or commission and consent to the use by such
36 state, municipality, agency or commission of any real property owned or
37 to be acquired by the port authority which in either case is necessary,
38 convenient or desirable in the opinion of the port authority for any of
39 the purposes of this part, including such real property, improved or
40 unimproved, as has already been devoted to or has been or is to be
41 acquired for urban renewal or other public use, and as an incident to
42 such consents such state, municipality, agency or commission may grant,
43 convey, lease or otherwise transfer any such real property to the port
44 authority and the port authority may grant, convey, lease or otherwise
45 transfer any such real property to such state, municipality, agency or
46 commission for such term and upon such conditions as may be agreed upon.
47 If real property of such state, municipality, agency or commission be
48 leased to the port authority for any of the purposes of this part, such
49 state, municipality, agency or commission may consent to the port
50 authority having the right to mortgage the fee of such property and thus
51 enable the port authority to give as security for its bond or bonds a
52 lien upon the land and improvements, but such state, municipality, agen-
53 cy or commission by consenting to the execution by the port authority of
54 a mortgage upon the leased property shall not thereby assume and such
55 consent shall not be construed as imposing upon such state, munici-

1 pality, agency or commission any liability upon the bond or bonds
2 secured by the mortgage.

3 Nothing contained in this subdivision shall impair or diminish the
4 powers vested in either state or in any municipality, agency or commis-
5 sion to acquire, clear, replan, reconstruct, rehabilitate or redevelop
6 substandard or insanitary or deteriorating areas and the powers herein
7 granted to the state, municipality, agency or commission shall be
8 construed to be in aid of and not in limitation or in derogation of any
9 such powers, heretofore or hereafter conferred upon or granted to the
10 state, municipality, agency or commission.

11 Nothing contained in this part shall be construed to authorize the
12 port authority to acquire property now or hereafter vested in or held by
13 any municipality without the authority or consent of such municipality,
14 provided that the state in which said municipality is located may by
15 statute enact that such property may be taken by the port authority by
16 condemnation or the exercise of the right of eminent domain without such
17 authority or consent; nor shall anything herein impair or invalidate in
18 any way any bonded indebtedness of the state or such municipality, nor
19 impair the provisions of law regulating the payment into sinking funds
20 of revenues derived from municipal property, or dedicating the revenues
21 derived from municipal property to a specific purpose.

22 The port authority is hereby authorized and empowered to acquire from
23 any such municipality, or from any other agency or commission having
24 jurisdiction in the premises, by agreement therewith, and such munici-
25 pality, agency or commission, notwithstanding any contrary provision of
26 law, is hereby authorized and empowered to grant and convey, upon
27 reasonable terms and conditions, any real property which may be neces-
28 sary, convenient or desirable for any of the purposes of this part,
29 including such real property as has already been devoted to a public
30 use.

31 Any consent by a municipality shall be given and the terms, conditions
32 and execution by a municipality of any agreement, deed, lease, convey-
33 ance or other instrument pursuant to this subdivision or any other
34 provision of this part shall be authorized in the manner provided in
35 article twenty-two of the compact of April thirty, nineteen hundred
36 twenty-one between the two states creating the port authority. Any
37 consent by either state shall be effective if given, and the terms and
38 conditions and execution of any agreement, deed, lease, conveyance or
39 other instruments pursuant to this subdivision or an other provision of
40 this part shall be effective if authorized, by the governor of such
41 state.

42 9. The states of New York and New Jersey hereby consent to suits,
43 actions or proceedings by any municipality against the port authority
44 upon, in connection with or arising out of any agreement, or any amend-
45 ment thereof, entered into for any of the purposes of this part, as
46 follows:

47 (a) for judgments, orders or decrees restraining or enjoining the port
48 authority from transferring title to real property to other persons in
49 cases where it has agreed with said municipality for transfer of such
50 title to the municipality; and

51 (b) for judgments, orders or decrees restraining or enjoining the port
52 authority from committing or continuing to commit other breaches of such
53 agreement or any amendment thereof; provided, that such judgment, order
54 or decree shall not be entered except upon two days' prior written
55 notice to the port authority of the proposed entry thereof; and
56 provided further that upon appeal taken by the port authority from such

1 judgment, order or decree the service of the notice of appeal shall
2 perfect the appeal and stay the execution of such judgment, order or
3 decree appealed from without an undertaking or other security.

4 Nothing herein contained shall be deemed to revoke, rescind or affect
5 any consent to suits, actions, or proceedings against the port authority
6 heretofore given by the two said states in chapter three hundred one of
7 the laws of New York of nineteen hundred fifty and continued by part
8 XXIV of this article, and chapter two hundred four of the laws of New
9 Jersey of nineteen hundred fifty-one.

10 10. The effectuation of the world trade center, the Hudson tubes and
11 the Hudson tubes extensions, or any of such facilities constituting a
12 portion of the port development project, are and will be in all respects
13 for the benefit of the people of the states of New York and New Jersey,
14 for the increase of their commerce and prosperity and for the improve-
15 ment of their health and living conditions; and the port authority and
16 any subsidiary corporation incorporated for any of the purposes of this
17 part shall be regarded as performing an essential governmental function
18 in undertaking the effectuation thereof, and in carrying out the
19 provisions of law relating thereto.

20 11. The port authority shall be required to pay no taxes or assess-
21 ments upon any of the property acquired or used by it for any of the
22 purposes of this part or upon any deed, mortgage or other instrument
23 affecting such property or upon the recording of any such instrument.
24 However, to the end that no municipality shall suffer undue loss of
25 taxes and assessments by reason of the acquisition and ownership of
26 property by the port authority for any of the purposes of this part, the
27 port authority is hereby authorized and empowered, in its discretion, to
28 enter into a voluntary agreement or agreements with any municipality
29 whereby the port authority will undertake to pay in lieu of taxes a fair
30 and reasonable sum or sums annually in connection with any real property
31 acquired and owned by the port authority for any of the purposes of this
32 part. Such sums in connection with any real property acquired and owned
33 by the port authority for any of the purposes of this part shall not be
34 more than the sum last paid as taxes upon such real property prior to
35 the time of its acquisition by the port authority; provided, however,
36 that in connection with any portion of the Hudson tubes-world trade
37 center area acquired and owned by the port authority for any of the
38 purposes of this part, after such property is improved pursuant to this
39 part with world trade center buildings, structures or improvements
40 greater in value than the buildings, structures or improvements on such
41 Hudson tubes-world trade center area at the time of its acquisition by
42 the port authority, then, with regard to such greater value, such sum or
43 sums may be increased by such additional sum or sums annually as may be
44 agreed upon between the port authority and the city of New York which
45 will not include any consideration of the exhibit areas of the world
46 trade center or of any areas which would be tax exempt in their own
47 right if title were in the governmental occupants or of other areas
48 accommodating services for the public or devoted to general public use.
49 Each such municipality is hereby authorized and empowered to enter into
50 such agreement or agreements with the port authority and to accept the
51 payment or payments which the port authority is hereby authorized and
52 empowered to make, and the sums so received by such municipality shall
53 be devoted to purposes to which taxes may be applied unless and until
54 otherwise directed by law of the state in which such municipality is
55 located.

12. All details of the effectuation, including but not limited to details of financing, leasing, rentals, tolls, fares, fees and other charges, rates, contracts and service, of the world trade center, the Hudson tubes and the Hudson tubes extensions by the port authority shall be within its sole discretion and its decision in connection with any and all matters concerning the world trade center, the Hudson tubes and the Hudson tubes extensions shall be controlling and conclusive. The local laws, resolutions, ordinances, rules and regulations of the city of New York shall apply to such world trade center if so provided in any agreement between the port authority and the city and to the extent provided in any such agreement.

So long as any facility constituting a portion of the port development project shall be owned, controlled or operated by the port authority (either directly or through a subsidiary corporation incorporated for any of the purposes of this part), no agency, commission or municipality of either or both of the two states shall have jurisdiction over such facility nor shall any such agency, commission or municipality have any jurisdiction over the terms or method of effectuation of all or any portion thereof by the port authority (or such subsidiary corporation) including but not limited to the transfer of all or any portion thereof to or by the port authority (or such subsidiary corporation).

Nothing in this part shall be deemed to prevent the port authority from establishing, acquiring, owning, leasing, constructing, effectuating, developing, maintaining, operating, rehabilitating or improving all or any portion of the port development project through wholly owned subsidiary corporations of the port authority or from transferring to or from any such corporations any moneys, real property or other property for any of the purposes of this part. If the port authority shall determine from time to time to form such a subsidiary corporation it shall do so by executing and filing with the secretary of state of New York and the secretary of state of New Jersey a certificate of incorporation, which may be amended from time to time by similar filing, which shall set forth the name of such subsidiary corporation, its duration, the location of its principal office, and the purposes of the incorporation which shall be one or more of the purposes of establishing, acquiring, owning, leasing, constructing, effectuating, developing, maintaining, operating, rehabilitating or improving all or any portion of the port development project. The directors of such subsidiary corporation shall be the same persons holding the offices of commissioners of the port authority. Such subsidiary corporation shall have all the powers vested in the port authority itself for the purposes of this part except that it shall not have the power to contract indebtedness. Such subsidiary corporation and any of its property, functions and activities shall have all of the privileges, immunities, tax exemptions and other exemptions of the port authority and of the port authority's property, functions and activities. Such subsidiary corporation shall be subject to the restrictions and limitations to which the port authority may be subject, including, but not limited to the requirement that no action taken at any meeting of the board of directors of such subsidiary corporation shall have force or effect until the governors of the two states shall have an opportunity, in the same manner and within the same time as now or hereafter provided by law for approval or veto of actions taken at any meeting of the port authority itself, to approve or veto such action. Such subsidiary corporation shall be subject to suit in accordance with subdivision nine of this section and chapter three hundred one of the laws of New York of nineteen hundred fifty as continued by part

1 XXIV of this article, and chapter two hundred four of the laws of New
2 Jersey of nineteen hundred fifty-one as if such subsidiary corporation
3 were the port authority itself. Such subsidiary corporation shall not
4 be a participating employer under the New York retirement and social
5 security law or any similar law of either state and the employees of any
6 such subsidiary corporation, except those who are also employees of the
7 port authority, shall not be deemed employees of the port authority.

8 Whenever any state, municipality, commission, agency, officer, depart-
9 ment, board or division is authorized and empowered for any of the
10 purposes of this part to co-operate and enter into agreements with the
11 port authority or to grant any consent to the port authority or to
12 grant, convey, lease or otherwise transfer any property to the port
13 authority or to execute any document, such state, municipality, commis-
14 sion, agency, officer, department, board or division shall have the same
15 authorization and power for any of such purposes to co-operate and enter
16 into agreements with such subsidiary corporation and to grant consents
17 to such subsidiary corporation and to grant, convey, lease or otherwise
18 transfer property to such subsidiary corporation and to execute docu-
19 ments for such subsidiary corporation.

20 13. The bonds issued by the port authority to provide funds for any of
21 the purposes of this part are hereby made securities in which all state
22 and municipal officers and bodies of both states, all trust companies
23 and banks other than savings banks, all building and loan associations,
24 savings and loan associations, investment companies and other persons
25 carrying on a commercial banking business, all insurance companies,
26 insurance associations and other persons carrying on an insurance busi-
27 ness, and all administrators, executors, guardians, trustees and other
28 fiduciaries, and all other persons whatsoever (other than savings
29 banks), who are now or may hereafter be authorized by either state to
30 invest in bonds of such state, may properly and legally invest any
31 funds, including capital, belonging to them or within their control, and
32 said bonds are hereby made securities which may properly and legally be
33 deposited with and shall be received by any state or municipal officer
34 or agency of either state for any purpose for which the deposit of bonds
35 of such state is now or may hereafter be authorized. The bonds issued by
36 the port authority to provide funds for any of the purposes of this part
37 as security for which the general reserve fund shall have been pledged
38 in whole or in part are hereby made securities in which all savings
39 banks also may properly and legally invest any funds, including capital,
40 belonging to them or within their control.

41 14. If the port authority shall find it necessary, convenient or
42 desirable to acquire (either directly or through a subsidiary corpo-
43 ration) from time to time any real property or any property other than
44 real property (including but not limited to contract rights and other
45 intangible personal property and railroad cars or other rolling stock,
46 maintenance and repair equipment and parts, fuel and other tangible
47 personal property), for any of the purposes of this part, whether for
48 immediate or future use (including temporary construction, rehabili-
49 tation or improvement), the port authority may find and determine that
50 such property, whether a fee simple absolute or a lesser interest, is
51 required for a public use, and upon such determination the said property
52 shall be and shall be deemed to be required for such public use until
53 otherwise determined by the port authority, and such determination shall
54 not be affected by the fact that such property has theretofore been
55 taken for and is then devoted to a public use; but the public use in the
56 hands of or under the control of the port authority shall be deemed

1 superior to the public use in the hands of any other person, association
2 or corporation.

3 The port authority may acquire and is hereby authorized so to acquire
4 from time to time, for any of the purposes of this part, such property,
5 whether a fee simple absolute or a lesser estate, (including the exer-
6 cise of the right of eminent domain) under and pursuant to the
7 provisions of the eminent domain procedure law of the state of New York
8 in the case of property located in or having its situs in such state,
9 and revised statutes of New Jersey, title twenty: one-one et seq., in
10 the case of property located in or having its situs in such state, or,
11 at the option of the port authority, as provided in section fifteen of
12 chapter forty-three of the laws of New Jersey of nineteen hundred
13 forty-seven, as amended, in the case of property located in or having
14 its situs in such state, or pursuant to such other and alternate proce-
15 dure as may be provided by law of the state in which such property is
16 located or has its situs; and all of said statutes for the acquisition
17 of real property shall, for any of the purposes of this part, be applied
18 also to the acquisition of other property authorized by this subdivi-
19 sion, except that such provisions as pertain to surveys, diagrams, maps,
20 plans or profiles, assessed valuation, lis pendens, service of notice
21 and papers, filing in the office of the clerk in which the real property
22 affected is situated and such other provisions as by their nature cannot
23 be applicable to property other than real property, shall not be appli-
24 cable to the acquisition of such other property. In the event that any
25 property other than real property is acquired by acquisition then, with
26 respect to such other property, notice of such proceeding and all subse-
27 quent notices or court processes shall be served upon the owners of such
28 other property and upon the port authority by personal service or by
29 registered or certified mail, except as may be otherwise directed by the
30 court.

31 Anything herein to the contrary notwithstanding, any property to be
32 acquired for any of the purposes of this part, which property shall not
33 have been used by its owner or owners or any of his or their predeces-
34 sors in connection with and shall not have been acquired by its owner or
35 owners or any of his or their predecessors for use in connection with
36 the effectuation by a railroad company or companies of the Hudson tubes
37 or the Hudson tubes extensions prior to port authority acquisition,
38 shall, if such property is personal property, be acquired only by agree-
39 ment with the owner or owners and shall, if such property is not
40 personal property, be acquired in an action or proceeding in the state
41 in which such property is located or has its situs. Except as so
42 provided, the port authority is hereby authorized and empowered, in its
43 discretion, from time to time to combine any property which is to be
44 acquired as aforesaid for any of the purposes of this part for acquisi-
45 tion in a single action or proceeding notwithstanding that part of the
46 the property so to be acquired is located or has its situs in New Jersey
47 and part in New York or is personal property or mixed real and personal
48 property or may be owned by more than one owner; and, except as herein-
49 after provided, each such single action or proceeding to acquire proper-
50 ty located or having it situs part in New Jersey and part in New York
51 shall be pursuant to the laws of whichever of the two said states the
52 port authority shall estimate contains the greater part in value of all
53 the property to be acquired in such action or proceeding (hereinafter
54 sometimes called the forum state) and in the court or courts specified
55 in the laws of the forum state for the acquisition by the port authority
56 of property located or having its situs in the forum state pursuant to

1 this part, in which event, notwithstanding the location or situs of said
2 property, each of said two states hereby confers upon it said court or
3 courts jurisdiction of such action or proceeding and the port authority
4 and any subsidiary corporation so acquiring such property and the owners
5 of such property shall be bound by the judgments, orders or decrees
6 therein. In any such action or proceeding the court or courts of the
7 forum state shall apply the laws of valuation of the other state (here-
8 inafter sometimes called the nonforum state) to the valuation of the
9 property which is located or has its situs in the nonforum state and
10 shall include in the total compensation to be made to any owner of prop-
11 erty in both states being acquired in such action or proceeding the
12 increment, if any, in the value of such property in both states, by
13 reason of its being in a single ownership. If a judgment, order or
14 decree in such an action or proceeding shall best title in or otherwise
15 award to the authority the right to possession of property located or
16 having its situs in the nonforum state, then the court or courts of the
17 nonforum state shall grant full faith and credit to such judgment, order
18 or decree and upon petition by the authority to the court or courts of
19 the non forum state specified in the laws thereof for the acquisition by
20 the port authority of property located or having its situs in the nonfo-
21 rum state pursuant to this act, presenting a true copy of such judgment,
22 order or decree and proof that it is in effect, that any conditions
23 thereof have been met, that at least five days' notice of such petition
24 has been served by registered or certified mail upon all owners of the
25 property affected who appeared in the original action or proceeding in
26 the forum state or who may be owners of record, and without further
27 proof, a judgment, order or decree of such court or courts of the nonfo-
28 rum state shall be entered granting the authority possession of the
29 property located or having its situs in the nonforum state and confirm-
30 ing any title which shall have vested in the authority or its subsidiary
31 by the judgment, order or decree of the court or courts of the forum
32 state.

33 The owner of any property acquired for any of the purposes of this
34 part shall not be awarded for such property any increment above the just
35 compensation required by the constitutions of the United States and of
36 the state or states in which the property is located or has its situs by
37 reason of any circumstances whatsoever.

38 Nothing herein contained shall be construed to prevent the port
39 authority from bringing any proceedings to remove a cloud on title or
40 such other proceedings as it may, in its discretion, deem proper and
41 necessary, or from acquiring any such property by negotiation or
42 purchase.

43 Where a person entitled to an award in the proceedings to acquire any
44 property for any of the purposes of this part remains in possession of
45 such property after the time of the vesting of title in the authority or
46 its subsidiary, the reasonable value of his use and occupancy of such
47 property subsequent to such time, as fixed by agreement or by the court
48 in such proceedings or by any court of competent jurisdiction, shall be
49 a lien against such award, subject only to liens of record at the time
50 of the vesting of title in the authority or its subsidiary.

51 15. The port authority and its duly authorized agents, and all persons
52 acting under its authority and by its direction, may enter in the
53 daytime into and upon any real property for the purpose of making such
54 surveys, diagrams, maps, plans, soundings or borings as the port author-
55 ity may deem necessary, convenient or desirable for any of the purposes
56 of this act.

16. Any declarations contained herein with respect to the governmental nature and public purpose of the world trade center, Hudson tubes and Hudson tubes extensions and to the exemption of the world trade center, Hudson tubes and Hudson tubes extensions property and instruments relating thereto from taxation and to the discretion of the port authority with respect to said facilities shall not be construed to imply that other port authority facilities, property and operations are not of a governmental nature or do not serve 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 hereby vested in the port authority and in any subsidiary corporation incorporated for any of the purposes of this part (including but not limited to the power to acquire real property by condemnation) shall be continuing powers and no exercise thereof by the port authority or a subsidiary corporation incorporated for any of the purposes of this part shall be deemed to exhaust them or any of them.

17. This subdivision and the preceding subdivisions hereof 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 granted to the port authority shall be construed to be in aid of and not in limitation or in derogation of any other powers heretofore conferred upon or granted to the port authority.

18. If any subdivision, section, phrase, or provision of this part or the application thereof to any person or circumstances be adjudged invalid by any court of competent jurisdiction, so long as the part or remainder of the part shall nonetheless permit the effectuation, as a unified project, of the Hudson tubes, Hudson tubes extensions and the world trade center, such judgment shall be confined in its operation to the subdivision, part, phrase, 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 part or the application thereof to other persons or circumstances and the two states hereby declare that they would have entered into this part or the remainder thereof had the invalidity of such provision or application thereof been apparent.

PART XXIV

SUITS AGAINST THE PORT AUTHORITY

Section 2401. Suits against the port authority.

2402. Agreement between the states.

§ 2401. Suits against the port authority. 1. Upon the concurrence of the state of New Jersey in accordance with chapter three hundred one of the laws of nineteen hundred fifty, the states of New York and New Jersey consent to suits, actions or proceedings of any form or nature at law, in equity or otherwise (including proceedings to enforce arbitration agreements) against the port authority, and to appeals therefrom and reviews thereof, except as hereinafter provided in subdivisions two through five of this section.

2. The foregoing consent does not extend to suits, actions or proceedings upon any causes of action whatsoever accruing before the effective date of this part, other than causes of actions upon, in connection with, or arising out of notes, bonds or other obligations or

1 securities secured by a pledge of the general reserve fund of the port
2 authority.

3 3. The foregoing consent does not extend to suits, actions or
4 proceedings upon any causes of action whatsoever, upon, in connection
5 with, or arising out of any contract, express or implied, entered into
6 or assumed by or assigned to the port authority before the effective
7 date of this part (including any supplement to, or amendment, extension
8 or renewal of any such contract, even if such supplement, amendment,
9 extension or renewal is made on or after the effective date of this
10 part), regardless of whether such cause of action accrued before or
11 after that date, other than causes of action upon, in connection with or
12 arising out of notes, bonds or other obligations or securities secured
13 by a pledge of the general reserve fund of the port authority.

14 4. The foregoing consent does not extend to civil suits, actions or
15 proceedings for the recovery of statutory penalties.

16 5. The foregoing consent does not extend to suits, actions or
17 proceedings for judgments, orders or decrees restraining, enjoining or
18 preventing the port authority from committing or continuing to commit
19 any act or acts, other than suits, actions or proceedings by the attor-
20 ney general of New York or by the attorney general of New Jersey--each
21 of whom is hereby authorized to bring such suits, actions or proceedings
22 in his discretion on behalf of any person or persons whatsoever who
23 requests him so to do except in the cases excluded by subdivisions two,
24 three and four of this section; provided, that in any such suit, action
25 or proceeding, no judgment, order or decree shall be entered except upon
26 at least two days' prior written notice to the port authority of the
27 proposed entry thereof.

28 6. The foregoing consent is granted upon the condition that venue in
29 any suit, action or proceeding against the port authority shall be laid
30 within a county or a judicial district, established by one of said
31 states or by the United States, and situated wholly or partially within
32 the port of New York district. The port authority shall be deemed to be
33 a resident of each such county or judicial district for the purpose of
34 such suits, actions or proceedings. Although the port authority is
35 engaged in the performance of governmental functions, the said two
36 states consent to liability on the part of the port authority in such
37 suits, actions or proceedings for tortious acts committed by it and its
38 agents to the same extent as though it were a private corporation.

39 7. The foregoing consent is granted upon the condition that any suit,
40 action or proceeding prosecuted or maintained under this part shall be
41 commenced within one year after the cause of action therefor shall have
42 accrued, and upon the further condition that in the case of any suit,
43 action or proceeding for the recovery or payment of money, prosecuted or
44 maintained under this part, a notice of claim shall have been served
45 upon the port authority by or on behalf of the plaintiff or plaintiffs
46 at least sixty days before such suit, action or proceeding is commenced.
47 The provisions of this section shall not apply to claims arising out of
48 provisions of any workmen's compensation law of either state.

49 8. The notice of claim required by subdivision seven of this section
50 shall be in writing, sworn to by or on behalf of the claimant or claim-
51 ants, and shall set forth (1) the name and post office address of each
52 claimant and of his attorney, if any, (2) the nature of the claim, (3)
53 the time when, the place where and the manner in which the claim arose,
54 and (4) the items of damage or injuries claimed to have been sustained
55 so far as then practicable. Such notice may be served in the manner in
56 which process may be served, or in lieu thereof, may be sent by regis-

tered mail to the port authority at its principal office. Where the claimant is a person under the age of eighteen years or is mentally or physically incapacitated and by reason of such disability no notice of claim is filed or suit, action or proceeding commenced within the time specified in subdivision seven of this section, or where a person entitled to make a claim dies and by reason of his death no notice of claim is filed or suit, action or proceeding commenced within the time specified in subdivision seven of this section then any court in which such suit, action or proceeding may be brought may in its discretion grant leave to serve the notice of claim and to commence the suit, action or proceeding within a reasonable time but in any event within three years after the cause of action accrued. Application for such leave must be made upon an affidavit showing the particular facts which caused the delay and shall be accompanied by a copy of the proposed notice of claim if such notice has not been served, and such application shall be made only upon notice to the port authority.

9. The commissioners, officers or employees of the port authority shall not be subject to suits, actions or proceedings for judgments, orders or decrees restraining, preventing or enjoining them in their official or personal capacities from committing or continuing to commit any act or acts on behalf of the port authority other than suits, actions and proceedings brought by the attorney general of New York or by the attorney general of New Jersey or by the port authority itself--each of said attorneys general being hereby authorized to bring such suits, actions or proceedings in his discretion on behalf of any person or persons whatsoever who requests him so to do except in the cases excluded by subdivisions two, three and four of this section; provided, that in any such suit, action or proceeding brought by either attorney general, no judgment, order or decree shall be entered except upon at least two days' notice to the defendant of the proposed entry thereof.

10. Nothing herein contained shall be deemed to revoke, rescind or affect any consents to suits, actions or proceedings against the port authority heretofore given by the two said states in chapter eight hundred two of the laws of New York of nineteen hundred forty-seven, as amended and continued by part XII of this article, and chapter forty-three of the laws of New Jersey of nineteen hundred forty-seven, as amended; chapter six hundred thirty-one of the laws of New York of nineteen hundred forty-seven, as amended and continued by part XI of this article; chapter forty-four of the laws of New Jersey of nineteen hundred forty-seven, as amended, and chapter five hundred thirty-four of the laws of New York of nineteen hundred forty-eight and continued by part XI of this article and chapter ninety-seven of the laws of New Jersey of nineteen hundred forty-eight.

§ 2402. Agreement between the states. This part together with the act of the state of New Jersey concurring herein, shall constitute an agreement between the states of New York and New Jersey supplementary to and amendatory of the compact between the two said states dated April thirtieth, nineteen hundred twenty-one.

PART XXV

RULES AND REGULATIONS GOVERNING OPERATION OF HUDSON TUBES

Section 2501. Rules and regulations governing operation of Hudson tubes.

§ 2501. Rules and regulations governing operation of Hudson tubes. 1. The port authority having duly adopted the following rules and regulations, hereinafter set forth in this subdivision in relation to

1 conduct within the territorial limits of the state of New York and at,
2 on or in the Hudson tubes and Hudson tubes extensions operated by its
3 wholly-owned subsidiary the port authority trans-Hudson corporation
4 (hereinafter called "PATH"), the penalties and procedures for their
5 enforcement prescribed in subdivision two shall apply to violations
6 thereof.

7 RULES AND REGULATIONS

8 (a) No person shall smoke, carry or possess a lighted cigarette,
9 cigar, pipe, match or any lighted instrument causing naked flame in or
10 about any area, building or appurtenance or in any cars or other rolling
11 stock of the Hudson tubes or Hudson tubes extensions where smoking has
12 been prohibited by PATH and where appropriate signs to that effect have
13 been posted.

14 (b) No person, unless duly authorized by PATH, shall in or upon any
15 area, building, appurtenance, car or other rolling stock of the Hudson
16 tubes or Hudson tubes extensions sell or offer for sale any article of
17 merchandise or solicit any business or trade, including the carrying of
18 bags for hire, the shining of shoes or bootblacking, or shall entertain
19 any persons by singing, dancing or playing any musical instrument or
20 solicit alms. No person, unless duly authorized by PATH, shall post,
21 distribute or display commercial signs, circulars or other printed or
22 written matter in or upon the Hudson tubes or Hudson tubes extensions.

23 (c) No person, who is unable to give satisfactory explanation of his
24 presence, shall loiter about any car, or other rolling stock, area,
25 building or appurtenance of the Hudson tubes or Hudson tubes extensions,
26 or sleep therein or thereon.

27 (d) No person not authorized by PATH shall be permitted in or upon any
28 car or other rolling stock or station or platform or parking facility
29 within the Hudson tubes or Hudson tubes extensions, except upon payment
30 in full of such fares, fees and other charges as may from time to time
31 be prescribed by PATH. No person shall refuse to pay or evade or
32 attempt to evade the payment in full of such fares, fees and other
33 charges.

34 (e) No person shall spit upon, litter or create a nuisance or other
35 insanitary condition in or on any car or other rolling stock, area,
36 building or appurtenance of the Hudson tubes or Hudson tubes extensions.

37 (f) No person shall enter any car or other rolling stock, area, build-
38 ing or appurtenance of the Hudson tubes or Hudson tubes extensions with
39 any animal, except an animal properly confined in an appropriate
40 container or a guide dog properly harnessed and muzzled, accompanying a
41 blind person carrying a certificate of identification issued by a guide
42 dog school.

43 (g) No person shall get on any car or other rolling stock of the
44 Hudson tubes or Hudson tubes extensions while it is in motion for the
45 purpose of obtaining transportation thereon as a passenger nor shall any
46 person wilfully obstruct, hinder or delay the passage of any such car or
47 rolling stock. No person not authorized by PATH shall walk upon or
48 along any right-of-way or related trackage of the Hudson tubes or Hudson
49 tubes extensions.

50 2. Any violation of the provisions of paragraph (a) of subdivision one
51 of this section, shall be an offense and shall be punishable for a first
52 conviction thereof by a fine of not more than fifty dollars or imprison-
53 ment for not more than thirty days or both; for a second such
54 conviction by a fine of not less than twenty-five dollars nor more than

1 one hundred dollars or imprisonment for not more than sixty days or
2 both; for a third or any other subsequent such conviction, by a fine of
3 not less than fifty dollars nor more than two hundred dollars or by
4 imprisonment for not more than sixty days or both. Any person who is
5 guilty of violating any other provision of subdivision one of this
6 section shall be guilty of an offense and shall be punishable by a fine
7 not exceeding ten dollars or by imprisonment not exceeding thirty days
8 or by both such fine and imprisonment for each conviction thereof.

PART XXVI

MASS TRANSPORTATION FACILITIES TO AIR TERMINALS

11 Section 2601. Mass transportation facilities to air terminals.

12 § 2601. Mass transportation facilities to air terminals. 1. The
13 states of New York and New Jersey hereby find and determine that:

14 (a) Each air terminal within the port of New York district serves the
15 entire district, and the problem of furnishing proper and adequate air
16 terminal facilities within the district is a regional and interstate
17 problem;

18 (b) Access by land travel to the great airports serving the port of
19 New York district, particularly John F. Kennedy and Newark international
20 airports, is becoming increasingly difficult, and such access is neces-
21 sary for the continued development of such airports which development is
22 vital and essential to the preservation of the economic well-being of
23 the northern New Jersey-New York metropolitan area;

24 (c) Additional highway construction to serve these great airports is
25 not feasible and creates severe problems in terms of increased air
26 pollution and the preemption of land which might otherwise be devoted to
27 park purposes and other desirable uses;

28 (d) Access to these airports by railroads or other forms of mass
29 transportation must be undertaken if they are to maintain their preemi-
30 nence and continue to serve the economic well-being of the northern New
31 Jersey-New York metropolitan area;

32 (e) Such mass transportation facilities may properly be regarded as
33 constituting a part of each air terminal, the development of which
34 should be the responsibility of those charged with the duties of air
35 terminal development;

36 (f) It is the purpose of this part to authorize and direct the port
37 authority of New York and New Jersey to undertake one or more mass
38 transportation access projects specifically with respect to John F.
39 Kennedy and Newark international airports in order to preserve and
40 develop the economic well-being of the northern New Jersey-New York
41 metropolitan area, and such undertakings are found and determined to be
42 in the public interest.

43 2. In furtherance of the aforesaid findings and determinations and in
44 partial effectuation of the comprehensive plan heretofore adopted by the
45 two states for the development of terminal and transportation facilities
46 in the port of New York district, the port authority of New York and New
47 Jersey is hereby specifically authorized to undertake pursuant to chap-
48 ter forty-three of the laws of New Jersey of nineteen hundred forty-sev-
49 en, as amended, and chapter eight hundred two of the laws of New York of
50 nineteen hundred forty-seven, as amended and continued by part XII of
51 this article, the following separate air terminal facilities:

52 (a) To provide access to Newark international airport. A railroad
53 line connecting Newark international airport, including (i) appropriate
54 mass transportation terminal facilities at and within the said airport;

(ii) construction, reconstruction and improvement of suitable offsite facilities for the accommodation of air passengers, baggage, mail, express, freight and other users of the connecting facility; and (iii) such additional rail or other mass transportation, terminal, station, parking, storage and service facilities as operations may require.

(b) To provide access to John F. Kennedy international airport. A railroad line connecting John F. Kennedy international airport to the main line of the Long Island railroad in the county of Queens, including

(i) a spur or branch to the Montauk line of the said railroad in the said county; (ii) appropriate mass transportation terminal facilities at and within the said airport; (iii) suitable offsite facilities for the accommodation of air passengers, baggage, mail, express, freight and other users of the connecting facility; and (iv) such additional rail or other mass transportation, terminal, station, parking, storage and service facilities, including improvements to the railroad approaches to Pennsylvania Station and Jamaica Terminal in the city of New York, as operations may require.

3. The port authority of New York and New Jersey is hereby authorized and empowered to acquire real property located within the port district by condemnation or the right of eminent domain pursuant to and in accordance with any of the procedures authorized by chapter forty-three of the laws of New Jersey of nineteen hundred forty-seven, as amended, in the case of property having its situs in the state of New Jersey, and by chapter eight hundred two of the laws of New York of nineteen hundred forty-seven, as amended and continued by part XII of this article, in the case of property having its situs in the state of New York, for and in connection with the undertaking of the air terminal access facilities set forth in subdivision three of this section. Such authorization and power to acquire real property by condemnation or the right of eminent domain may not be exercised in connection with the undertaking of access facilities, other than the access facilities set forth in subdivision three of this section, unless authorized by the laws of the state in which such facilities are to be located.

4. The port authority of New York and New Jersey 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 United States, the state of New Jersey, the state of New York, or any agency, department, commission, public authority, board or division of any of the foregoing, or any municipality or other public corporation in the state of New Jersey or in the state of New York, or any person, firm, association, company or corporation, or any two or more of the foregoing, to effectuate any one or more of the purposes of this part; and the state of New Jersey, the state of New York, or any agency, department, commission, public authority, board or division of either of the foregoing, or any municipality or other public corporation in the state of New Jersey or the state of New York, or any two or more of the foregoing, are hereby authorized and empowered to enter into an agreement or agreements with the port authority to effectuate any one or more of the purposes of this part.

5. If any section, phrase, or provision of this part, as hereby amended and supplemented or the application thereof to any person, project or circumstances, be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the section, part, phrase, 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 part or the

1 application thereof to other persons, projects or circumstances and the
2 two states hereby declare that they would have entered into this part or
3 the remainder thereof had the invalidity of such provision or applica-
4 tion thereof been apparent.

5 PART XXVII
6 INDUSTRIAL DEVELOPMENT PROJECTS AND FACILITIES

7 Section 2701. Findings and determinations.

8 2702. Definitions.

9 2703. Industrial development projects and facilities.

10 § 2701. Findings and determinations. 1. The states of New York and
11 New Jersey hereby find and determine:

12 a. that to prevent further deterioration of the economy of the port
13 district and thereby to promote, preserve and protect trade and commerce
14 in and through the port of New York district as defined in the compact
15 between the two states dated April thirtieth, nineteen hundred twenty-
16 one (hereinafter called the port district), it is the policy of each of
17 the two states actively to promote, attract, encourage and develop
18 economically sound commerce and industry through governmental action;

19 b. that in order to preserve and protect the position of the port of
20 New York as the nation's leading gateway for world commerce, it is
21 incumbent on the states of New York and New Jersey to make every effort
22 to insure that the port receives its rightful share of interstate and
23 international commerce generated by the manufacturing, industrial, trade
24 and commercial segments of the economy of the nation and of the port
25 district;

26 c. that since nineteen hundred fifty the number of available jobs in
27 the port district, particularly within the older central cities thereof,
28 has decreased, thereby resulting in the underutilization of available
29 land and other resources, the erosion of the port district's tax bases
30 and a rate of unemployment substantially in excess of the national aver-
31 age;

32 d. that in order to preserve the port district from further economic
33 deterioration, adequate industrial development projects and facilities
34 must be provided, preserved and maintained to attract and retain indus-
35 try within the port district;

36 e. that a number of new industrial development projects and facilities
37 should be organized into industrial parks or districts;

38 f. that the construction of such industrial parks or districts shall
39 conform to the policies of the two states with respect to affirmative
40 action and equal employment opportunities;

41 g. that providing port district industrial development projects and
42 facilities is in the public interest and involves the exercise of public
43 and essential governmental functions which may include appropriate and
44 reasonable limitations on competition and which must be performed by the
45 two states, or any municipality, public authority, agency or commission
46 of either state and by a joint agency of the two states to accomplish
47 the purposes of this part;

48 h. that it is an objective of the two states, acting through the port
49 authority, to facilitate reemployment of residents of the older cities
50 through job training programs and employment opportunity priorities in
51 connection with industrial development parks in their respective cities;

52 i. that the acquisition and the use by such joint agency of abandoned,
53 undeveloped or underutilized land or land owned by governmental entities
54 within the port district for the generation of jobs and to reduce the

1 hazards of unemployment would promote, preserve and protect the indus-
2 try, trade and commerce of the port district, and will materially assist
3 in preserving for the two states and the people thereof the material and
4 other benefits of a prosperous port community;

5 j. that the collection, disposal and utilization of refuse, solid
6 waste or waste resulting from other treatment processes is an activity
7 of concern to all citizens within the port district, that the health,
8 safety and general welfare of the citizens within the port district
9 require efficient and reasonable collection and disposal services and
10 efficient utilization of such refuse, solid waste or waste resulting
11 from other treatment processes with adequate consideration given to
12 regional planning and coordination, and, therefore, that the
13 construction and operation of any port district industrial development
14 project and facility should conform to the environmental and solid waste
15 disposal standards and state and county plans therefor in the state in
16 which such project or facility is located;

17 k. that the dedication by the municipalities of the port district of
18 refuse, solid waste or waste resulting from other treatment processes to
19 resource recovery to permit the generation of lower priced energy and
20 the recovery of useful materials, together with the commitment by such
21 municipalities to pay fees to permit the delivery and removal after
22 processing of such refuse or solid waste at rates and for periods of
23 time at least sufficient to assure the continued furnishing of such
24 lower priced energy and material is in the public interest and would be
25 a major incentive for the attraction and retention of industry within
26 the port district;

27 l. that the port authority of New York and New Jersey (hereinafter
28 called the port authority), which was created by agreement of the two
29 states as a joint agent for the development of terminal, transportation
30 and other facilities of commerce of the port district and for the
31 promotion and protection of the commerce of the port, is a proper agency
32 to act in their behalf (either directly or by any subsidiary corpo-
33 ration) to finance and effectuate such industrial development projects
34 and facilities;

35 m. that it is desirable for the port authority, after consultation
36 with the governing body of each municipality and within the city of New
37 York the appropriate community board or boards and elsewhere another
38 government entity or entities designated by such municipality in which
39 industrial development projects or facilities are proposed to be located
40 and with other persons, including but not limited to private real estate
41 developers, to prepare and adopt a master plan providing for the devel-
42 opment of such industrial development projects and facilities in the
43 port district, which plan shall give consideration to the extent of
44 unemployment and the general economic conditions of the respective
45 portions of the port district and shall include among other things the
46 locations and the nature and scope of such projects and facilities as
47 may be included in the plan;

48 n. that the undertaking of such industrial development projects and
49 facilities by the port authority has the single object of and is part of
50 a unified plan to aid in preserving the economic well-being of the port
51 district and is found and determined to be in the public interest;

52 o. that no such port district industrial development projects and
53 facilities are to be constructed if the sole intent of the construction
54 thereof would be the removal of an industrial or manufacturing plant of
55 an occupant of such projects and facilities from one location to another
56 location or in the abandonment of one or more plants or facilities of

1 such occupant, unless such port district industrial development projects
2 and facilities are reasonably necessary to discourage such occupant from
3 removing such plant or facility to a location outside the port district
4 or are reasonably necessary to preserve the competitive position of such
5 project occupant in its industry;

6 p. that no such port district industrial development projects or
7 facilities are to be constructed unless and until the port authority has
8 entered into an agreement or agreements with the municipality in which
9 any such project or facility is to be located with respect to payments
10 in lieu of real estate taxes and the location, nature and scope of any
11 project or facility;

12 q. that, subject to entering into said agreement or agreements, the
13 port authority should have the ability to acquire, lease, vacate, clear
14 and otherwise develop abandoned, undeveloped or underutilized property
15 or property owned by governmental entities within the port district and
16 to finance and construct industrial development projects and facilities.

17 § 2702. Definitions. The following terms as used in this part shall
18 have the following meanings:

19 a. "Bonds" shall mean bonds, notes, securities or other obligations or
20 evidences of indebtedness;

21 b. "Effectuation" of any project or facility or part of any such
22 project or facility shall include but not be limited to its establish-
23 ment, acquisition, construction, development, maintenance, operation,
24 improvement (by way of betterments, additions or otherwise) and rehabil-
25 itation by the port authority or any other person and the provision of
26 funds therefor through the issuance of obligations, the making or grant-
27 ing of loans or otherwise;

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

34 d. "Governing body" shall mean the board or body vested with the
35 general legislative powers of the municipality in which an industrial
36 development project or facility will be financed or effectuated pursuant
37 to this part;

38 e. "Industrial development project or facility" or "port district
39 industrial development project or facility" shall mean any equipment,
40 improvement, structure or facility or any land, and any building, struc-
41 ture, facility or other improvement thereon, or any combination thereof,
42 and all real and personal property, located within the New York portion
43 of the port district or within a municipality in the New Jersey portion
44 of the port district which qualified for state aid under the provisions
45 of P.L., 1971, C.64 as most recently supplemented by P.L., 1978, C.14 or
46 which may hereafter qualify for such aid, including, but not limited to,
47 machinery, equipment and other facilities deemed necessary or desirable
48 in connection therewith, or incidental thereto, whether or not now in
49 existence or under construction, which shall be considered suitable by
50 the port authority for manufacturing, research, non-retail commercial or
51 industrial purposes within an industrial park, or for purposes of ware-
52 housing or consumer and supporting services directly related to any of
53 the foregoing or to any other port authority project or facility; and
54 which may also include or be an industrial pollution control facility or
55 a resource recovery facility, provided that no such industrial develop-
56 ment project or facility may include or be a facility used for the stor-

1 age of chemicals, fuel or liquified natural gas unless incidental to the
2 effectuation of such industrial development project or facility;

3 f. "Industrial pollution control facility" shall mean any equipment,
4 improvement, structure or facility or any land, and any building, struc-
5 ture, facility or other improvement thereon, or any combination thereof,
6 and all real and personal property, located within the port district,
7 including, but not limited to, machinery, equipment and other facilities
8 deemed necessary or desirable in the opinion of the port authority in
9 connection therewith, or incidental thereto, whether or not now in
10 existence or under construction, having to do with or the end purpose of
11 which is the control, abatement or prevention of land, sewer, water,
12 air, noise or general environmental pollution deriving from the opera-
13 tion of industrial, manufacturing, warehousing, commercial and research
14 facilities, including, but not limited to any air pollution control
15 facility, noise abatement facility, water management facility, waste
16 water collecting system, waste water treatment works, sewage treatment
17 works system, sewage treatment system or solid waste disposal facility
18 or site, provided that no such industrial pollution control facility may
19 include or be used as a site for organic landfill or be of a character
20 or nature generally furnished or supplied by any other governmental
21 entity where such industrial pollution control facility is located with-
22 out the consent of such governmental entity;

23 g. "Municipality" means a city, county, town or village all or any
24 part of which is located within the New York portion of the port
25 district, or a city, county, town, borough or township all or any part
26 of which is located within the New Jersey portion of the port district;

27 h. "Person" means any person, including individuals, firms, partner-
28 ships, associations, societies, trusts, public utilities, public or
29 private corporations, or other legal entities, including public or
30 governmental bodies, which may include the port authority, as well as
31 natural persons. "Person" shall include the plural as well as the
32 singular;

33 i. "Port authority" shall include the port authority and any subsid-
34 iary corporation now or hereafter incorporated for any of the purposes
35 of this part; provided, however, as used in subdivisions four and five
36 of section twenty-seven hundred three of this part it shall not include
37 any such subsidiary corporation;

38 j. "Purposes of this part" shall mean the effectuation of industrial
39 development projects and facilities and of each project or facility
40 constituting a portion thereof and of each part of each project or
41 facility, and purposes incidental thereto;

42 k. "Real property" shall mean lands, structures, franchises and inter-
43 ests in land, including air space and air rights, waters, lands under
44 water, wetlands and riparian rights, and any and all things and rights
45 included within the said term, and includes not only fees simple abso-
46 lute but also any and all lesser interests, including but not limited to
47 easements, rights-of-way, uses, leases, licenses and all other incorpo-
48 real hereditaments and every estate, interest or right, legal or equita-
49 ble, including terms for years and liens thereon by way of judgments,
50 mortgages or otherwise;

51 l. "Resource recovery facility" shall mean any equipment, improvement,
52 structure or facility or any land, and any building, structure, facility
53 or other improvement thereon, or any combination thereof, and all real
54 and personal property located within the port district, including, but
55 not limited to, machinery, equipment and other facilities deemed neces-
56 sary or desirable in the opinion of the port authority in connection

1 therewith, or incidental thereto, whether or not now in existence or
2 under construction, for the disposal of refuse or other solid wastes or
3 wastes resulting from other treatment processes and for the recovery and
4 sale or use of energy and other resources from such refuse or other
5 solid wastes or wastes resulting from other treatment processes,
6 provided that no such resource recovery facility may include or be used
7 as a site for organic landfill;

8 m. "Surplus revenues" from any facility shall mean the balance of the
9 revenues from such facility (including but not limited to the revenues
10 of any subsidiary corporation incorporated for any of the purposes of
11 this part) remaining at any time currently in the hands of the port
12 authority after the deduction of the current expenses of the operation
13 and maintenance thereof, including a proportion of the general expenses
14 of the port authority as it shall deem properly chargeable thereto,
15 which general expenses shall include but not be limited to the expense
16 of protecting and promoting the commerce of the port district, and after
17 the deduction of any amounts which the port authority may or shall be
18 obligated or may or shall have obligated itself to pay to or set aside
19 out of the current revenues therefrom for the benefit of the holders of
20 any bonds legal for investment as defined in the general reserve fund
21 statutes;

22 n. "Surplus revenues of port district industrial development projects
23 or facilities" shall mean the surplus revenues of all industrial devel-
24 opment projects or facilities effectuated pursuant to the terms of this
25 part.

26 § 2703. Industrial development projects and facilities. 1. In furth-
27 erance of the findings and determinations detailed by section twenty-
28 seven hundred one of this part, in partial effectuation of and supple-
29 mental to the comprehensive plan heretofore adopted by the two said
30 states for the development of the said port district, and subject to the
31 preparation and adoption of the plan authorized in subdivision two of
32 this section and the execution of an agreement or agreements authorized
33 by subdivisions eleven and twelve of this section, the port authority is
34 hereby authorized, empowered and directed to establish, acquire,
35 construct, effectuate, develop, own, lease, maintain, operate, improve,
36 rehabilitate, sell, transfer and mortgage projects or facilities herein
37 referred to as port district industrial development projects or facili-
38 ties, as defined in this part.

39 The port authority is hereby authorized and empowered to establish,
40 levy and collect such rentals, fares, fees and other charges as it may
41 deem necessary, proper or desirable in connection with any facility or
42 part of any facility constituting a portion of any port district indus-
43 trial development project or facility and to issue bonds for any of the
44 purposes of this part and to provide for payment thereof, with interest
45 thereon, and for the amortization and retirement of such bonds, and to
46 secure all or any portion of such bonds by a pledge of such rentals,
47 fares, fees, charges and other revenues or any part thereon (including
48 but not limited to the revenues of any subsidiary corporation incorpo-
49 rated for any of the purposes of this part) and to secure all or any
50 portion of such bonds by mortgages upon any property held or to be held
51 by the port authority for any of the purposes of this part, and for any
52 of the purposes of this part to exercise all appropriate powers hereto-
53 fore or hereafter delegated to it by the states of New York and New
54 Jersey, including, but not limited to, those expressly set forth in this
55 part. The surplus revenues of port district industrial development

1 projects or facilities may be pledged in whole or in part as hereinafter
2 provided.

3 2. The port authority is hereby authorized to initiate studies and
4 prepare and adopt a master plan providing for the development of port
5 district industrial development projects and facilities which shall
6 include the location of such projects and facilities as may be included
7 in the plan and shall to the maximum extent practicable include inter
8 alia a general description of each of such projects and facilities, the
9 land use requirements necessary therefor, and estimates of project
10 costs, of project employment potential and of a schedule for commence-
11 ment of each such project. Prior to adopting such master plan, the port
12 authority shall give written notice to, afford a reasonable opportunity
13 for comment, consult with and consider any recommendation made by the
14 governing body of municipalities and within the city of New York the
15 appropriate community board or boards and elsewhere another governmental
16 entity or entities designated by such municipality in which industrial
17 development projects or facilities are proposed to be located and with
18 such other persons, including but not limited to private real estate
19 developers, which in the opinion of the port authority is either neces-
20 sary or desirable. The master plan shall include the port authority's
21 estimate of the revenues to be derived by municipalities from each such
22 industrial development project or facility and also a description of the
23 proposed additional arrangements with municipalities necessary or desir-
24 able for each such project or facility. The port authority may modify
25 or change any part of such plan in the same form and manner as provided
26 for the adoption of such original plan. At the time the port authority
27 authorizes any industrial development project or facility, the port
28 authority shall include with such authorization a statement as to the
29 status of each project included in such master plan and any amendment
30 thereof.

31 3. No industrial development project proposed to be located within the
32 city of New York may be included in such master plan unless and until
33 the mayor of the city of New York requests the port authority to conduct
34 a comprehensive study of the feasibility of the effectuation of one or
35 more industrial development projects or any parts thereof (including
36 resource recovery or industrial pollution control facilities) in such
37 city, which request shall specify the borough in which such comprehen-
38 sive study is to take place; provided, however, that the president of
39 any borough in which an industrial development project or facility is
40 proposed to be located may within sixty days of receipt of notice of
41 such request, and after consulting with and considering any recommenda-
42 tion made by the local borough improvement board, notify the port
43 authority not to include any proposed industrial development project or
44 facility within that county in such feasibility study. Any such request
45 by the mayor of the city of New York may specify the facilities to be
46 included in such industrial park project.

47 4. The moneys in the general reserve fund may be pledged in whole or
48 in part by the port authority as security for or applied by it to the
49 repayment with interest of any moneys which it may raise upon bonds
50 issued or incurred by it from time to time for any of the purposes of
51 this part or upon bonds secured in whole or in part by the pledge of the
52 revenues from any industrial development project or facility or any
53 portion thereof or upon bonds both so issued or incurred and so secured;
54 and the moneys in said general reserve fund may be applied by the port
55 authority to the fulfillment of any other undertakings which it may
56 assume to or for the benefit of the holders of any such bonds.

1 Subject to prior liens and pledges (and to the obligation of the port
2 authority to apply revenues to the maintenance of its general reserve
3 fund in the amount prescribed by the general reserve fund statutes), the
4 revenues from facilities established, constructed, acquired or otherwise
5 effectuated through the issuance or sale of bonds of the port authority
6 secured in whole or in part by a pledge of its general reserve fund or
7 any portion thereof may be pledged in whole or in part as security for
8 or applied by it to any of the purposes of this part, including the
9 repayment with interest of any moneys which it may raise upon bonds
10 issued or incurred from time to time for any of the purposes of this
11 part or upon bonds secured in whole or in part by the pledge of the
12 revenues of the port authority from any industrial development project
13 or facility or any portion thereof or upon bonds both so issued or
14 incurred and so secured; and said revenues may be applied by the port
15 authority to the fulfillment of any other undertakings which it may
16 assume to or for the benefit of the holders of such bonds.

17 5. In all cases where the port authority has raised or shall hereafter
18 raise moneys for any of the purposes of this part by the issue and sale
19 of bonds which are secured in whole or in part by a pledge of the gener-
20 al reserve fund or any portion thereof, the surplus revenues from indus-
21 trial development projects or facilities financed in whole or in part
22 out of the proceeds of such bonds and the surplus revenues from any
23 other port authority facility the surplus revenues of which at such time
24 may be payable into the general reserve fund shall be pooled and applied
25 by the port authority to the establishment and maintenance of the gener-
26 al reserve fund in an amount equal to one-tenth of the par value of all
27 bonds legal for investment, as defined in the general reserve fund stat-
28 utes, issued by the port authority and currently outstanding, including
29 such bonds issued for any of the purposes of this part; and all such
30 moneys in said general reserve fund may be pledged and applied in the
31 manner provided in the general reserve fund statutes.

32 In the event that any time the balance of moneys theretofore paid into
33 the general reserve fund and not applied therefrom shall exceed
34 amount equal to one-tenth of the par value of all bonds upon the princi-
35 pal amount of which the amount of the general reserve fund is calcu-
36 lated, by reason of the retirement of bonds issued or incurred from time
37 to time for any of the purposes of this part the par value of which had
38 theretofore been included in the computation of said amount of the
39 general reserve fund, then the port authority may pledge or apply such
40 excess for and only for the purposes for which it is authorized by the
41 general reserve fund statutes to pledge the moneys in the general
42 reserve fund and such pledge may be made in advance of the time when
43 such excess may occur.

44 6. The two states covenant and agree with each other and with the
45 holders of any bonds issued by the port authority for the purposes of
46 this part, that so long as any of such bonds remain outstanding and
47 unpaid and the holders thereof shall not have given their consent as
48 provided in their contract with the port authority, the two states will
49 not diminish or impair the power of the port authority to establish,
50 levy and collect rentals, fares, fees or other charges in connection
51 with industrial development projects or facilities or any other facility
52 owned or operated by the port authority the revenues of which have been
53 or shall be pledged in whole or in part as security for such bonds
54 (directly or indirectly, or through the medium of the general reserve
55 fund or otherwise), or to determine the quantity, quality, frequency or
56 nature of any services provided by the port authority in connection with

1 the operation of each project or facility. This subdivision shall not
2 affect or diminish the provisions of subdivision twelve of this section.

3 7. The port authority is authorized and empowered to co-operate with
4 the states of New York and New Jersey, with any municipality thereof,
5 with any person, with the federal government and with any agency, public
6 authority or commission or any one or more of the foregoing, or with any
7 one or more of them, for and in connection with the acquisition, clear-
8 ance, replanning, rehabilitation, reconstruction or redevelopment of any
9 industrial development project or facility or of any other area forming
10 part of any industrial development project or facility for the purpose
11 of renewal and improvement of said area and for any of the purposes of
12 this part, and to enter into an agreement or agreements (and from time
13 to time to enter into agreements amending or supplementing the same)
14 with any such person, municipality, commission, public authority or
15 agency and with the states of New York and New Jersey and with the
16 federal government, or with any one or more of them, for or relating to
17 such purposes, including but not limited to agreements with respect to
18 the dedication by the municipalities of the port district of refuse,
19 solid waste or waste resulting from other treatment processes to
20 resource recovery to permit the generation of lower priced energy and
21 the recovery of useful materials; with respect to a commitment by such
22 municipalities to pay fees to permit the delivery and removal after
23 processing of such refuse or solid waste at rates and for periods of
24 time at least sufficient to assure the continued availability of such
25 energy and recovered materials; with respect to financial assistance,
26 loans and grants pursuant to any federal law now in effect or hereinaft-
27 er enacted which would provide such financial assistance, loans and
28 grants in connection with any of the purposes of this part, provided,
29 that if either state shall have or adopt general legislation governing
30 applications for such federal aid by municipalities, public authorities,
31 agencies or commissions of such state or the receipt or disbursement of
32 such federal aid by or on behalf of such municipalities, public authori-
33 ties, agencies or commissions, then such legislation shall at the option
34 of such state apply to applications by the port authority for such
35 federal aid in connection with an industrial development project or
36 facility located in such state and to the receipt and disbursement of
37 such federal aid by or on behalf of the port authority, in the same
38 manner and to the same extent as other municipalities, public authori-
39 ties, agencies or commissions of such state; and, with respect to occu-
40 pancy of space in any industrial development project or facility. The
41 port authority is hereby authorized and empowered to apply for and
42 accept financial assistance, loans and grants for such purposes under
43 federal, state or local laws, and to make application directly to the
44 proper officials or agencies for and receive federal, state or local
45 loans or grants in aid of any of the purposes of this part. Nothing
46 contained in this part shall be construed to limit or impair the power
47 of the governor of the state of New York and the governor of the state
48 of New Jersey to review the actions of the commissioners of the port
49 authority as provided for in chapter seven hundred of the laws of New
50 York of nineteen hundred twenty-seven, as amended and as continued by
51 part IV of this article, and in chapter three hundred thirty-three of
52 the laws of New Jersey of nineteen hundred twenty-seven, as amended, or
53 to authorize the port authority to commence the effectuation of any
54 industrial development project or facility unless and until the munici-
55 pality in which such project or facility is to be located has consented
56 to the commencement of such effectuation, with such consent to be

provided for in the agreement authorized by subdivision eleven or subdivision twelve of this section. The port authority is authorized and empowered to enter into an agreement or agreements (and from time to time to enter into agreements amending or supplementing the same) with any public authority, agency or commission of either or both states to provide for the effectuation of any of the purposes of this part through a subsidiary corporation owned jointly by the port authority and any such public authority, agency or commission, and any such public authority, agency or commission is authorized and empowered to enter into such agreement or agreements with the port authority.

8. Notwithstanding any contrary provision of law, general, special or local, either state and any municipality thereof and any commission, public authority or agency of either or both of said two states is authorized and empowered to co-operate with the port authority and to enter into an agreement or agreements (and from time to time to enter into agreements amending or supplementing the same) with the port authority or with any other person for and in connection with or relating to the acquisition, clearance, replanning, rehabilitation, reconstruction, redevelopment, sale, transfer or mortgage of any industrial development project or facility or of any other area forming part of any industrial development project or facility for the purpose of renewal and improvement of said area as aforesaid or for any of the other purposes of this part, including but not limited to the dedication by the municipalities of the port district of refuse, solid waste or waste resulting from other treatment processes to resource recovery to permit the generation of lower priced energy and the recovery of useful materials and a commitment by such municipalities to pay fees to permit the delivery and removal after processing of such refuse or solid waste at rates and for periods of time at least sufficient to assure the continued availability of such energy and recovered materials, upon such reasonable terms and conditions as may be determined by such state, municipality, public authority, agency or commission and the port authority. Such agreement may, without limiting the generality of the foregoing, further include consent to the use by the port authority or any other person of any real property owned or to be acquired by said state, municipality, public authority, agency or commission and consent to the use by such state, municipality, public authority, agency or commission of any real property owned or to be acquired by the port authority or by any other person which in either case is necessary, convenient or desirable in the opinion of the port authority for any of the purposes of this part, including such real property, improved or unimproved, as has already been devoted to or has been or is to be acquired for urban renewal or other public use, and as an incident to such consent such state, municipality, public authority, agency or commission may grant, convey, lease or otherwise transfer any such real property to the port authority or to any other person and the port authority may grant, convey, lease or otherwise transfer any such real property to such state, municipality, public authority, agency, commission or any other person for such term and upon such conditions as may be agreed upon. If real property of such state, municipality, public authority, agency or commission be leased to the port authority or to any other person for any of the purposes of this part, such state, municipality, public authority, agency or commission may consent to the port authority or any other person having the right to mortgage the fee of such property and thus enable the port authority or such other person to give as security for its bond or bonds a lien upon the land and improve-

1 ments, but such state, municipality, public authority, agency or commis-
2 sion by consenting to the execution by the port authority or such other
3 person of a mortgage upon the leased property shall not thereby assume
4 and such consent shall not be construed as imposing upon such state,
5 municipality, public authority, agency or commission any liability upon
6 the bond or bonds secured by the mortgage. In connection with any of
7 the purposes of this part, either state and any municipality thereof,
8 any commission, public authority or agency of either or both of said two
9 states, the port authority and any other person are empowered to enter
10 into any other agreement or agreements (and from time to time to enter
11 into agreements amending or supplementing same) which may provide inter
12 alia for the establishment of prices or rates, a requirement that any
13 person sell, lease or purchase any commodity or service from any other
14 person, or any other similar arrangement.

15 Nothing contained in this subdivision shall impair or diminish the
16 powers vested in either state or in any municipality, public authority,
17 agency or commission to acquire, clear, replan, reconstruct, rehabili-
18 tate or redevelop abandoned, undeveloped or underutilized land and the
19 powers herein granted to either state or any municipality, public
20 authority, agency or commission shall be construed to be in aid of and
21 not in limitation or in derogation of any such powers heretofore or
22 hereafter conferred upon or granted to such state, municipality, public
23 authority, agency or commission.

24 Nothing contained in this part shall be construed to authorize the
25 port authority to acquire, by condemnation or the exercise of the right
26 of eminent domain, property now or hereafter vested in or held by either
27 state or by any municipality, public authority, agency or commission
28 without the authority or consent by such state, municipality, public
29 authority, agency or commission, provided that the state under whose
30 laws such public authority, agency or commission has been created may
31 authorize by appropriate legislation the port authority to acquire any
32 such property vested in or held by any such public authority, agency or
33 commission by condemnation or the exercise of the right of eminent
34 domain without such authority or consent; nor shall anything herein
35 impair or invalidate in any way any bonded indebtedness of either state
36 or any such municipality, public authority, agency or commission, nor
37 impair the provisions of law regulating the payment into sinking funds
38 of revenues derived from such property, or dedicating the revenues
39 derived from such property to a specific purpose.

40 The port authority, subject to the express authority or consent of any
41 such state, municipality, public authority, agency or commission, is
42 hereby authorized and empowered to acquire from any such state or muni-
43 cipality, or from any other public authority, agency or commission
44 having jurisdiction in the premises, by agreement therewith, and such
45 state or municipality, public authority, agency or commission, notwith-
46 standing any contrary provision of law, is hereby authorized and
47 empowered to grant and convey, upon reasonable terms and conditions, any
48 real property which may be necessary, convenient or desirable for any of
49 the purposes of this part, including such real property as has already
50 been devoted to a public use.

51 Notwithstanding any inconsistent provision of this section or part or
52 any compact or general or special law, the port authority may not
53 acquire any park lands for industrial development projects or facilities
54 unless each such conveyance of such land is specifically authorized by
55 the legislature of the state wherein the land is located.

1 Any consent by a municipality shall be given and the terms, conditions
2 and execution by a municipality of any agreement, deed, lease, convey-
3 ance or other instrument pursuant to this subdivision or any other
4 subdivision of this section shall be authorized in the manner provided
5 in article twenty-two of the compact of April thirtieth, nineteen
6 hundred twenty-one between the two states creating the port authority,
7 except that as to towns in the state of New York, such consent shall be
8 authorized in the manner provided in the town law and as to counties in
9 the state of New Jersey, such consent shall be authorized in the manner
10 provided in New Jersey statutes annotated, forty: one-one, et seq. Any
11 consent by either state shall be effective if given, and the terms and
12 conditions and execution of any agreement, deed, lease, conveyance or
13 other instrument pursuant to this section or any other section of this
14 part shall be effective if authorized by the governor of such state.
15 Any consent by a public authority, agency or commission shall be effec-
16 tive if given by such public authority, agency or commission.

17 9. The states of New York and New Jersey hereby consent to suits,
18 actions or proceedings by any municipality, public authority, agency or
19 commission against the port authority upon, in connection with or aris-
20 ing out of any agreement, or any amendment thereof, entered into for any
21 of the purposes of this part, as follows:

22 a. for judgments, orders or decrees restraining or enjoining the port
23 authority from transferring title to real property to other persons in
24 cases where it has agreed with said municipality, public authority,
25 agency, or commission for transfer of such title to the municipality,
26 public authority, agency or commission; and

27 b. for judgments, orders or decrees restraining or enjoining the port
28 authority from committing or continuing to commit other breaches of such
29 agreement or any amendment thereof; provided, that such judgment, order
30 or decree shall not be entered except upon two days' prior written
31 notice to the port authority of the proposed entry thereof; and
32 provided further that upon appeal taken by the port authority from such
33 judgment, order or decree the service of the notice of appeal shall
34 perfect the appeal and stay the execution of such judgment, order or
35 decree appealed from without an undertaking or other security.

36 Nothing herein contained shall be deemed to revoke, rescind or affect
37 any consent to suits, actions, or proceedings against the port authority
38 heretofore given by the two said states in chapter three hundred one of
39 the laws of New York of nineteen hundred fifty and continued by part XIV
40 of this article, and chapter two hundred four of the laws of New Jersey
41 of nineteen hundred fifty-one.

42 10. The effectuation of industrial development projects or facilities
43 of any such projects or facilities constituting a portion of any indus-
44 trial development project or facility, are and will be in all respects
45 for the benefit of the people of the states of New York and New Jersey,
46 for the increase of their commerce and prosperity and for the improve-
47 ment of their health and living conditions; and the port authority and
48 any subsidiary corporation incorporated for any of the purposes of this
49 part shall be regarded as performing an essential governmental function
50 in undertaking the effectuation thereof, and in carrying out the
51 provisions of law relating thereto.

52 11. The port authority shall be required to pay no taxes or assess-
53 ments upon any of the property acquired and used by it for any of the
54 purposes of this part or upon any deed, mortgage or other instrument
55 affecting such property or upon the recording of any such instrument.
56 However, to the end that no taxing jurisdiction shall suffer undue loss

1 of taxes and assessments by reason of the acquisition and ownership of
2 property by the port authority for any of the purposes of this part, the
3 port authority is hereby authorized and empowered, in its discretion, to
4 enter into a voluntary agreement or agreements with any city, town,
5 township or village whereby the port authority will undertake to pay in
6 lieu of taxes a fair and reasonable sum, if any, or sums annually in
7 connection with any real property acquired and owned by the port author-
8 ity for any of the purposes of this part and to provide for the payment
9 as a rental or additional rental charge by any person occupying any
10 portion of any industrial development project or facility either as
11 lessee, vendee or otherwise of such reasonable sum, if any, or sums as
12 hereinafter provided. Such sums in connection with any real property
13 acquired and owned by the port authority for any of the purposes of this
14 part shall not be more than the sum last paid as taxes upon such real
15 property prior to the time of its acquisition by the port authority;
16 provided, however, that in connection with any portion of any industrial
17 development project or facility, which is owned by the port authority or
18 another governmental entity and improved pursuant to this part with
19 buildings, structures or improvements greater in value than the build-
20 ings, structures or improvements in existence at the time of its acqui-
21 sition, development or improvement by the port authority, any person
22 occupying such portion of such industrial development project or facili-
23 ty either as lessee, vendee or otherwise shall, as long as title thereto
24 shall remain in the port authority or in another governmental entity,
25 pay as a rental or additional rental charge an amount in lieu of taxes,
26 if any, not in excess of the taxes on such improvements and on personal
27 property, including water and sewer service charges or assessments,
28 which such person would have been required to pay had it been the owner
29 of such property during the period for which such payment is made;
30 provided further, however, that neither the port authority nor any of
31 its projects, facilities, properties, monies or bonds and notes shall be
32 obligated, liable or subject to lien of any kind whatsoever for the
33 enforcement, collection or payment thereof. Each such city, town, town-
34 ship or village is hereby authorized and empowered to enter into such
35 agreement or agreements with the port authority which agreement or
36 agreements may also include provisions with respect to the joint review
37 of categories of tenants proposed as occupants for industrial develop-
38 ment projects or facilities with the cities, towns, townships or
39 villages in which they are proposed to be located, and to accept the
40 payment or payments which the port authority is hereby authorized and
41 empowered to make or which are paid by a person occupying any such
42 portion of such industrial development project or facility as rental or
43 as additional rental in lieu of taxes, and the sums so received by such
44 city, town, township or village shall be devoted to purposes to which
45 taxes may be applied in all affected taxing jurisdictions unless and
46 until otherwise directed by law of the state in which such city, town,
47 township or village is located. At least ten days prior to the authori-
48 zation by the port authority of any agreement provided for in this
49 subdivision, the port authority shall notify the chief executive officer
50 of each city in the port district within which an industrial development
51 project or facility has been included in the master plan provided for in
52 subdivision two of this section of the proposed authorization of such
53 agreement, shall seek their comments and shall include with such author-
54 ization any comments received from such city. The port authority shall
55 not sell or lease substantially all of an industrial development project
56 or facility to a proposed purchaser or lessee without the prior approval

1 by the municipality wherein the project or facility is located of such
2 purchaser or lessee.

3 12. Except as otherwise specifically provided, all details of the
4 effectuation, including but not limited to details of financing, leas-
5 ing, rentals, fees and other charges, rates, contracts and service, of
6 industrial development projects or facilities by the port authority
7 shall be within its sole discretion and its decision in connection with
8 any and all matters concerning industrial development projects or facil-
9 ities shall be controlling and conclusive; provided that the
10 construction and operation of any such project or facility shall conform
11 to the environmental and solid waste disposal standards and any state
12 and county plans therefor in the state in which such project or facility
13 is located. At least ninety days prior to the authorization by the port
14 authority of the first contract for the construction of any industrial
15 development project or facility, the port authority shall transmit to
16 the governor of the state in which such project or facility is to be
17 located a statement as to the conformance of such industrial development
18 project or facility with such environmental and solid waste disposal
19 standards and any state and county plans therefor, and shall consult
20 with such governor or his designee with respect thereto. The port
21 authority and the city, town, township or village in which any indus-
22 trial development project or facility is to be located and for whose
23 benefit such project or facility is undertaken are hereby authorized and
24 empowered to enter into an agreement or agreements to provide which
25 local laws, resolutions, ordinances, rules and regulations, if any, of
26 such city, town, township or village affecting any industrial develop-
27 ment project or facility shall apply to such project or facility. All
28 other existing local laws, resolutions, ordinances or rules and regu-
29 lations not provided for in such agreement shall be applicable to such
30 industrial development projects or facilities. All such local laws,
31 resolutions, ordinances or rules and regulations enacted after the date
32 of such agreement or agreements shall not be applicable to such projects
33 or facilities unless made applicable by such agreement or agreements or
34 any modification or modifications thereto.

35 So long as any facility constituting a portion of any industrial
36 development project or facility shall be owned, controlled or operated
37 by the port authority, no public authority, agency, commission or muni-
38 cipality of either or both of the two states shall have jurisdiction
39 over such project or facility nor shall any such public authority, agen-
40 cy, commission or municipality have any jurisdiction over the terms or
41 method of effectuation of all or any portion thereof by the port author-
42 ity including but not limited to the transfer of all or any portion
43 thereof to or by the port authority; provided, however, the port
44 authority is authorized and empowered to submit to the jurisdiction over
45 such project or facility of either state or any department thereof or
46 any such public authority, agency, commission or municipality when the
47 exercise of such jurisdiction is necessary for the administration or
48 implementation of federal environmental or solid waste disposal legis-
49 lation by either state.

50 Nothing in this part shall be deemed to prevent the port authority
51 from establishing, acquiring, owning, leasing, constructing, effectuat-
52 ing, developing, maintaining, operating, rehabilitating, improving,
53 selling, transferring or mortgaging all or any portion of any industrial
54 development project or facility through wholly owned subsidiary corpo-
55 rations of the port authority or subsidiary corporations owned by the
56 port authority jointly with any public authority, agency or commission

1 of either or both of the two states or from transferring to or from any
2 such corporations any moneys, real property or other property for any of
3 the purposes of this part. If the port authority shall determine from
4 time to time to form such a subsidiary corporation it shall do so by
5 executing and filing with the secretary of state of the State of New
6 York and the secretary of state of the State of New Jersey a certificate
7 of incorporation, which may be amended from time to time by similar
8 filing, which shall set forth the name of such subsidiary corporation,
9 its duration, the location of its principal office, any joint owners
10 thereof, and the purposes of the incorporation which shall be one or
11 more of the purposes of establishing, acquiring, owning, leasing,
12 constructing, effectuating, developing, maintaining, operating, rehabil-
13 itating, improving, selling, transferring or mortgaging all or any
14 portion of any industrial development project or facility. The direc-
15 tors of such subsidiary corporation shall be the same persons holding
16 the offices of commissioners of the port authority together with persons
17 representing any joint owner thereof as provided for in the agreement in
18 connection with the incorporation thereof. Such subsidiary corporation
19 shall have all the powers vested in the port authority itself for the
20 purposes of this part except that it shall not have the power to
21 contract indebtedness. Such subsidiary corporation and any of its prop-
22 erty, functions and activities shall have all of the privileges, immuni-
23 ties, tax exemptions and other exemptions of the port authority and of
24 the port authority's property, functions and activities. Such subsid-
25 iary corporation shall be subject to the restrictions and limitations to
26 which the port authority may be subject, including, but not limited to
27 the requirement that no action taken at any meeting of the board of
28 directors of such subsidiary corporation shall have force or effect
29 until the governors of the two states shall have an opportunity, in the
30 same manner and within the same time as now or hereafter provided by law
31 for approval or veto of actions taken at any meeting of the port author-
32 ity itself, to approve or veto such action. Such subsidiary corporation
33 shall be subject to suit in accordance with subdivision nine of this
34 section and chapter three hundred one of the laws of New York of nine-
35 teen hundred fifty and continued by part XIV of this article, and chap-
36 ter two hundred four of the laws of New Jersey of nineteen hundred
37 fifty-one as if such subsidiary corporation were the port authority
38 itself. Such subsidiary corporation may be a participating employer
39 under the New York retirement and social security law or any similar law
40 of either state and the employees of any such subsidiary corporation,
41 except those who are also employees of the port authority, shall not be
42 deemed employees of the port authority.

43 Whenever any state, municipality, commission, public authority, agen-
44 cy, officer, department, board or division is authorized and empowered
45 for any of the purposes of this part to co-operate and enter into agree-
46 ments with the port authority or to grant any consent to the port
47 authority or to grant, convey, lease or otherwise transfer any property
48 to the port authority or to execute any document, such state, munici-
49 pality, commission, public authority, agency, officer, department, board
50 or division shall have the same authorization and power for any of such
51 purposes to co-operate and enter into agreements with such subsidiary
52 corporation and to grant consents to such subsidiary corporation and to
53 grant, convey, lease or otherwise transfer property to such subsidiary
54 corporation and to execute documents for such subsidiary corporation.

55 13. The bonds issued by the port authority to provide funds for any of
56 the purposes of this part are hereby made securities in which all state

1 and municipal officers and bodies of both states, all trust companies
2 and banks other than savings banks, all building and loan associations,
3 savings and loan associations, investment companies and other persons
4 carrying on a commercial banking business, all insurance companies,
5 insurance associations and other persons carrying on an insurance busi-
6 ness, and all administrators, executors, guardians, trustees and other
7 fiduciaries, and all other persons whatsoever (other than savings
8 banks), who are now or may hereafter be authorized by either state to
9 invest in bonds of such state, may properly and legally invest any
10 funds, including capital, belonging to them or within their control, and
11 said bonds are hereby made securities which may properly and legally be
12 deposited with and shall be received by any state or municipal officer
13 or agency of either state for any purpose for which the deposit of bonds
14 of such state is now or may hereafter be authorized. The bonds issued
15 by the port authority to provide funds for any of the purposes of this
16 part as security for which the general reserve fund shall have been
17 pledged in whole or in part are hereby made securities in which all
18 savings banks also may properly and legally invest any funds including
19 capital, belonging to them or within their control.

20 14. Subsequent to and subject to the execution of the agreement or
21 agreements authorized by subdivisions eleven and twelve of this section
22 the projects and facilities and at the locations specified therein, if
23 the port authority shall find it necessary, convenient or desirable to
24 acquire from time to time any real property or any property other than
25 real property (including but not limited to contract rights and other
26 tangible or intangible personal property), for any of the purposes of
27 this act whether for immediate or future use (including temporary
28 construction, rehabilitation or improvement), the port authority may
29 find and determine that such property, whether a fee simple absolute or
30 a lesser interest, is required for a public use, and upon such determi-
31 nation the said property shall be and shall be deemed to be required for
32 such public use until otherwise determined by the port authority, and
33 such determination shall not be affected by the fact that such property
34 has theretofore been taken for and is then devoted to a public use; but
35 the public use in the hands of or under the control of the port authori-
36 ty shall be deemed superior to the public use in the hands of any other
37 person, association or corporation.

38 The port authority may acquire and is hereby authorized so to acquire
39 from time to time, for any of the purposes of this part, such property,
40 whether a fee simple absolute or a lesser estate, by condemnation
41 (including the exercise of the right of eminent domain) under and pursu-
42 ant to the provisions of the eminent domain procedure law of the state
43 of New York in the case of property located in or having its situs in
44 such state, and chapter three hundred sixty-one of the laws of New
45 Jersey of nineteen hundred seventy-one, in the case of property located
46 in or having its situs in such state, or, at the option of the port
47 authority, as provided in section fifteen of chapter forty-three of the
48 laws of New Jersey of nineteen hundred forty-seven, as amended, in the
49 case of property located in or having its situs in such state, or pursu-
50 ant to such other and alternate procedure as may be provided by law of
51 the state in which such property is located or has its situs; and all of
52 said statutes for the acquisition of real property shall, for any of the
53 purposes of this part, be applied also to the acquisition of other prop-
54 erty authorized by this subdivision, except that such provisions as
55 pertain to surveys, diagrams, maps, plans or profiles, assessed valu-
56 ation, lis pendens, service of notice and papers, filing in the office

1 of the clerk in which the real property affected is situated and such
2 other provisions as by their nature cannot be applicable to property
3 other than real property, shall not be applicable to the acquisition of
4 such other property. In the event that any property other than real
5 property is acquired for any of the purposes of this part under this
6 section then, with respect to such other property, notice of such
7 proceeding and all subsequent notices or court processes shall be served
8 upon the owners of such other property and upon the port authority by
9 personal service or by registered or certified mail, except as may be
10 otherwise directed by the court.

11 The port authority is hereby authorized and empowered, in its
12 discretion, from time to time to combine any property which is to be
13 acquired as aforesaid by condemnation for any of the purposes of this
14 part for acquisition in a single action or proceeding notwithstanding
15 that part of the property so to be acquired is personal property or
16 mixed real and personal property or may be owned by more than one owner.

17 The owner of any property acquired by condemnation or the exercise of
18 the right of eminent domain for any of the purposes of this act shall
19 not be awarded for such property any increment above the just compen-
20 sation required by the constitutions of the United States and of the
21 state or states in which the property is located or has its situs by
22 reason of any circumstances whatsoever.

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

28 Where a person entitled to an award in the proceedings for the acqui-
29 sition of property by condemnation or the right of eminent domain for
30 any of the purposes of this part remains in possession of such property
31 after the time of the vesting of title in the port authority, the
32 reasonable value of this use and occupancy of such property subsequent
33 to such time, as fixed by agreement or by the court in such proceedings
34 or by any court of competent jurisdiction, shall be a lien against such
35 award, subject only to liens of record at the time of the vesting of
36 title in the port authority.

37 15. The port authority and its duly authorized agents, and all persons
38 acting under its authority and by its direction, may enter in the
39 daytime into and upon any real property for the purpose of making such
40 surveys, diagrams, maps, plans, soundings or borings as the port author-
41 ity may deem necessary, convenient or desirable for any of the purposes
42 of this part.

43 16. Any declarations contained herein with respect to the governmental
44 nature and public purpose of any industrial development project or
45 facility and to the exemption of any industrial development project or
46 facility property and instruments relating thereto from taxation and to
47 the discretion of the port authority with respect to said projects or
48 facilities shall not be construed to imply that other port authority
49 facilities, property and operations are not of a governmental nature or
50 do not serve public purposes, or that they are subject to taxation, or
51 that the determinations of the port authority with respect thereto are
52 not conclusive. The powers hereby vested in the port authority and in
53 any subsidiary corporation incorporated for any of the purposes of this
54 act (including but not limited to the power to acquire real property by
55 condemnation or the exercise of the right of eminent domain) shall be
56 continuing powers and no exercise thereof by the port authority or a

1 subsidiary corporation incorporated for any of the purposes of this part
2 shall be deemed to exhaust them or any of them.

3 17. This subdivision and the preceding subdivisions hereof constitute
4 an agreement between the states of New York and New Jersey supplementary
5 to the compact between the two states dated April thirtieth, nineteen
6 hundred twenty-one and amendatory thereof, and shall be liberally
7 construed to effectuate the purposes of said compact and of the compre-
8 hensive plan heretofore adopted by the two states, and the powers grant-
9 ed to the port authority shall be construed to be in aid of and not in
10 limitation or in derogation of any other powers, heretofore conferred
11 upon or granted to the port authority.

12 18. If any section, phrase, or provision of this part or the applica-
13 tion thereof to any person or circumstances be adjudged invalid by any
14 court of competent jurisdiction, so long as the section or remainder of
15 the part shall nonetheless permit the effectuation, as a unified
16 project, of any industrial development project or facility, such judg-
17 ment shall be confined in its operation to the section, part, phrase,
18 provision or application directly involved in the controversy in which
19 such judgment shall have been rendered and shall not affect or impair
20 the validity of the remainder of this act or the application thereof to
21 other persons or circumstances and the two states hereby declare that
22 they would have entered into this part or the remainder thereof had the
23 invalidity of such provision or application thereof been apparent.

24 19. A copy of the minutes of any action taken at any meeting of the
25 port authority in connection with any modification, addition or deletion
26 in or to any or all of the covenants with or pledges to bondholders
27 contained in a resolution authorizing the issuance of consolidated bonds
28 of the port authority from such covenants or pledges set forth in the
29 immediately preceding resolution of the port authority authorizing the
30 issuance of such bonds shall be filed with the temporary president and
31 minority leader of the senate and the speaker and minority leader of the
32 assembly of the state of New York and the secretary of the senate and
33 clerk of the general assembly of the state of New Jersey within ten
34 calendar days prior to transmitting the same to the governor of each
35 state for review if the legislature of such state be in session and not
36 adjourned for more than two days, and, in the event the legislatures of
37 the respective states are not in session or are adjourned for more than
38 two days, the same shall be filed with such officers thirty calendar
39 days prior to transmitting the same to the governor of each state for
40 review. Notice of such filing shall be provided to the governor of each
41 state at the same time.

42 The temporary president and minority leader of the senate and the
43 speaker and minority leader of the assembly of the state of New York and
44 the speaker of the general assembly and the president of the senate of
45 the state of New Jersey, or their representatives designated by them in
46 writing for this purpose, may by certificate filed with the secretary of
47 the port authority waive the foregoing filing requirement with respect
48 to any specific minutes.

49 20. The port authority shall file with the temporary president and
50 minority leader of the senate, the speaker and minority leader of the
51 assembly, the chairman of the assembly ways and means committee and the
52 chairman of the senate finance committee of the state of New York and
53 the president, minority leader and secretary of the senate and the
54 speaker and minority leader and clerk of the general assembly of the
55 state of New Jersey a copy of the minutes of any action taken at any
56 public meeting of the port authority in connection with any of the

1 purposes of this part. Such filing shall be made at least ten calendar
2 days before such minutes are transmitted to the governor of each state
3 for review; and notice of such filing shall be provided to the governor
4 of each state at the same time.

5 The temporary president and minority leader of the senate, the speaker
6 and minority leader of the assembly, the chairman of the assembly ways
7 and means committee and the chairman of the senate finance committee of
8 the state of New York and the speaker and minority leader of the general
9 assembly and the president and the minority leader of the senate of the
10 state of New Jersey, or their representatives designated by them in
11 writing for this purpose, may by certificate filed with the secretary of
12 the port authority waive the foregoing filing requirement with respect
13 to any specific minutes.

14 21. The comptroller of the state of New York and the treasurer of the
15 state of New Jersey may each from time to time request a special report
16 with such information as each such officer may require with respect
17 thereto from the port authority with respect to any or all industrial
18 development projects or facilities.

19 PART XXVIII
20 BUS TRANSPORTATION

21 Section 2801. Findings and determinations.

22 2802. Definitions.

23 2803. Bus transportation.

24 § 2801. Findings and determinations. The states of New York and New
25 Jersey hereby find and determine that:

26 1. The efficient, economical and convenient mass transportation of
27 persons to, from and within the port district as defined in the compact
28 between the two states dated April thirtieth, nineteen hundred twenty-
29 one is vital and essential to the preservation and economic well being
30 of the northern New Jersey-New York metropolitan area;

31 2. In order to deter the economic deterioration of the northern New
32 Jersey-New York metropolitan area adequate facilities for the mass
33 transportation of persons must be provided and buses are and will remain
34 of extreme importance in such transportation;

35 3. The provision of mass transportation including bus transportation
36 in urban areas has become financially burdensome and may result in the
37 additional curtailment of significant portions of this essential public
38 service;

39 4. The economic viability of the existing facilities operated by the
40 port authority is dependent upon the effective and efficient functioning
41 of the transportation network of the northern New Jersey-New York metro-
42 politan area and access to and proper utilization of such port authority
43 facilities would be adversely affected if users of bus transportation
44 were to find such transportation unavailable or significantly curtailed;

45 5. Buses serving regional bus routes and feeder bus routes and ancil-
46 lary bus facilities constitute an essential part of the mass commuter
47 facilities of the port district;

48 6. The continued availability of bus transportation requires substan-
49 tial replacement of and additions to the number of buses presently in
50 use in the northern New Jersey-New York metropolitan area;

51 7. The port authority which was created by agreement of the two states
52 as their joint agent for the development of transportation and terminal
53 facilities and other facilities of commerce of the port district and for
54 the promotion and protection of the commerce of their port, is a proper

1 agency to provide such buses to each of the two states and such
2 provision of buses by the port authority is in the interest of the
3 continued viability of the facilities of the port authority, and is in
4 the public interest;

5 8. The operation of the facilities of the port authority, including
6 but not limited to the port authority bus terminal at forty-first street
7 and eighth avenue in New York county in the city and state of New York
8 and the extension thereto currently under construction (hereinafter
9 called the "bus terminal"), the George Washington bridge bus station and
10 the provision of buses and ancillary bus facilities pursuant to this
11 part involve the exercise of public and essential governmental functions
12 which must be performed by the two states or any municipality, public
13 authority, agency, or commission of either or both states;

14 9. The revision to the port authority bridge and tunnel toll schedules
15 which was effective May fifth, nineteen hundred seventy-five, is
16 expected to result in additional revenues to the port authority suffi-
17 cient to support the financing with consolidated bonds of the port
18 authority of approximately four hundred million dollars for passenger
19 mass transportation capital projects (hereinafter called "passenger
20 facilities"), approximately one hundred sixty million dollars thereof
21 being allocated to the extension to the bus terminal, with the remaining
22 two hundred forty million dollars to be allocated on the basis of one
23 hundred twenty million dollars in each state for passenger facilities,
24 including but not limited to the acquisition, development and financing
25 of buses and related facilities, as determined by each such state and
26 the port authority acting pursuant to legislative authorization and
27 commitments to the holders of port authority obligations; and

28 10. The port authority's function as a regional agency of the two
29 states makes it appropriate that line-haul regional bus route passenger
30 facilities be equipped pursuant to this part with buses and ancillary
31 bus facilities and that the need for development and equipment of such
32 routes be satisfied on a priority basis.

33 § 2802. Definitions. For the purpose of this part:

34 1. "Ancillary bus facilities" shall mean any facilities useful in the
35 provision of service for line-haul regional or feeder bus routes includ-
36 ing but not limited to (a) fare collection, communication, signal and
37 identification equipment, (b) equipment to aid in the provision of bus
38 service to the elderly and handicapped, (c) maintenance, repair and
39 storage facilities and equipment, and (d) bus stations for use primarily
40 by passengers traveling between New York and New Jersey; automobile
41 parking lots for use by people who transfer to buses on line-haul
42 regional bus routes or feeder bus routes; and shelters at roadside bus
43 stops to afford waiting bus passengers protection from precipitation and
44 wind;

45 2. "Buses" shall mean vehicles containing seats for twelve or more
46 passengers which are designed for and regularly used in scheduled common
47 carrier passenger mass transportation service on streets, highways and
48 exclusive busways and which are not designed or used for railroad
49 purposes;

50 3. "Consolidated bonds" shall mean consolidated bonds of the issue
51 established by the resolution of the port authority, adopted October
52 ninth, nineteen hundred fifty-two;

53 4. "Develop" shall mean plan, design, construct, improve or rehabili-
54 tate;

55 5. "Feeder bus routes" shall mean those bus routes entirely within the
56 regional bus area which connect within the port district with a bus stop

1 on a line-haul regional bus route, a passenger ferry, or a railroad
2 station;

3 6. "Line-haul regional bus routes" shall mean bus routes which are
4 entirely within the regional bus area and which extend from a point
5 outside the county in which the bus terminal is located to a point in
6 such county;

7 7. "Municipality" shall mean a county, city, borough, village, town,
8 township, or other similar political subdivision of New York or New
9 Jersey;

10 8. "Person" shall mean any person, including individuals, firms, part-
11 nerships, associations, societies, trusts, public utilities, public or
12 private corporations, or other legal entities, including public or
13 governmental bodies, which may include the port authority, as well as
14 natural persons;

15 9. "Railroad station" shall mean a stop on a rail or subway system at
16 which passengers embark or disembark; and

17 10. "Regional bus area" shall mean that area in the states of New York
18 and New Jersey which lies within a radius of seventy-five miles of the
19 bus terminal.

20 § 2803. Bus transportation. 1. The port authority is authorized and
21 empowered to acquire, develop, finance, and transfer buses and ancillary
22 bus facilities for the purpose of leasing, selling, transferring or
23 otherwise disposing of such buses and ancillary bus facilities only to
24 the state of New York and the state of New Jersey or to any public
25 authority, agency, commission, city or county thereof and designated by
26 such state (hereinafter called the "lessee"). Such buses may be used
27 only on line-haul regional bus routes or on feeder bus routes and such
28 ancillary bus facilities shall be developed for and used in connection
29 with buses which travel on line-haul regional bus routes or feeder bus
30 routes; provided, however, that (a) such buses may be used for charter
31 bus trips which originate in the regional bus area, which take place
32 when such buses are not needed for service on line-haul regional bus
33 routes or feeder bus routes, and which comply with all applicable
34 requirements including but not limited to those of the port authority
35 and the lessee; and (b) provided that fare collection, communication and
36 identification equipment and maintenance, repair and storage facilities
37 and equipment acquired pursuant to this act may be utilized in
38 connection with bus service which is not on line-haul regional or feeder
39 bus routes to the extent that such utilization shall comply with all
40 applicable requirements including but not limited to those of the port
41 authority and the lessee. Ancillary bus facilities which are not located
42 on buses or which are not otherwise intended to be moved from place to
43 place shall be located only within the port district.

44 2. Any such lease, sale, transfer or other disposition of buses and
45 ancillary bus facilities shall be on such terms and conditions, includ-
46 ing consideration, consistent with this part as the port authority shall
47 deem in the public interest and which shall be acceptable to the port
48 authority and the lessee. Notwithstanding any contrary provision of law,
49 general, special or local, part of the consideration for any such lease
50 or transfer shall consist of an agreement by the lessee to maintain and
51 use such buses and ancillary bus facilities, or cause such buses and
52 ancillary bus facilities to be maintained and used by others under
53 agreement with the lessee, in the effective and efficient transportation
54 of passengers in accordance with this act and the port authority may
55 accept such agreement in lieu of any other consideration for such lease
56 or transfer. The lessee shall be responsible for the proper operation,

1 maintenance, repair and use of the buses and ancillary bus facilities
2 and the port authority shall not be liable in any respect by reason of
3 the ownership, development, operation, maintenance, repair or use of
4 such buses and ancillary bus facilities. Anything contained in this part
5 to the contrary notwithstanding, development of such buses and ancillary
6 bus facilities and introduction into service of such buses shall be
7 subject to the approval of the lessee.

8 3. The two states covenant and agree with each other and with the
9 holders of the present and future obligations of the port authority that
10 (a) the lessee of buses or ancillary bus facilities leased, transferred
11 or otherwise disposed of pursuant to this part shall be required to
12 defend and to provide for indemnification, subject to appropriations or
13 other funds which are or become legally available for this purpose, of
14 the port authority against any liability of whatsoever form or nature as
15 may be imposed upon the port authority by reason of the ownership,
16 development, operation, maintenance, repair or use thereof or arising
17 otherwise out of the port authority's interest therein; (b) the lessee
18 shall be required to provide for and be responsible for the proper oper-
19 ation, maintenance, repair, and use of such buses and ancillary bus
20 facilities leased, transferred or otherwise disposed of pursuant to this
21 part and the port authority shall have no responsibility as to such
22 operation, maintenance, repair or use; and (c) neither the states nor
23 the port authority will apply to any purpose in connection with or
24 relating to the operation, maintenance, repair or use of such bus or
25 ancillary bus facilities leased, transferred or otherwise disposed of
26 pursuant to this part, other than purposes in connection with the utili-
27 zation of other port authority facilities by such buses and passenger
28 information purposes, any of the rentals, tolls, fares, fees, charges,
29 revenues, reserves or other funds of the port authority which have been
30 or shall be pledged in whole or in part as security for obligations as
31 security for which there may be or shall be pledged, in whole or in part
32 the general reserve fund of the port authority.

33 4. Any capital expenditures by the port authority for buses and ancil-
34 lary bus facilities to be leased, sold, transferred or otherwise
35 disposed of pursuant to this part shall be made with the proceeds of
36 consolidated bonds of the port authority, which may be issued to finance
37 such capital expenditures, and such capital expenditures shall be a part
38 of and shall not exceed the allocations for passenger facilities to be
39 made from time to time as determined in accordance with subdivision nine
40 of section twenty-eight hundred one of this part.

41 5. The port authority is authorized and empowered to cooperate with
42 the states of New York and New Jersey, with any municipality thereof,
43 with the federal government and any public authority, agency or commis-
44 sion of the foregoing or with any one or more of them or with any other
45 person to the extent that it finds it necessary and desirable to do so
46 in connection with the acquisition, development, financing, leasing,
47 sale, transfer or other disposition of buses and ancillary bus facili-
48 ties and to enter into an agreement or agreements (and from time to time
49 to enter into agreements amending or supplementing the same) with said
50 states, municipalities, federal government, public authorities, agen-
51 cies, commissions and persons or with any one or more of them for or
52 relating to such purposes.

53 6. Notwithstanding any contrary provision of law, general, special or
54 local, either state or any municipality, public authority, agency, or
55 commission of either or both of said two states or any other person is
56 authorized and empowered to cooperate with the port authority and to

1 enter into an agreement or agreements (and from time to time to enter
2 into agreements amending or supplementing the same) with the port
3 authority including but not limited to the agreements with respect to
4 buses and ancillary bus facilities leased, transferred or otherwise
5 disposed of pursuant to this part, upon such reasonable terms and condi-
6 tions as determined by such state, municipality, public authority, agen-
7 cy, commission or person and the port authority.

8 7. Any consent by a municipality shall be given and the terms, condi-
9 tions and execution by a municipality of any agreement, deed, lease,
10 conveyance or other instrument pursuant to this subdivision or any other
11 subdivision of this section shall be authorized in the manner provided
12 in article twenty-two of the compact of April thirtieth, nineteen
13 hundred twenty-one between the two states creating the port authority,
14 except that as to towns in the state of New York, such consent shall be
15 authorized in the manner provided in the town law and as to counties in
16 the state of New Jersey, such consent shall be authorized in the manner
17 provided in New Jersey statutes annotated, title forty: chapter one,
18 section one, et seq. The terms and conditions and execution by either
19 state of any agreement, consent, designation, determination, deed,
20 lease, conveyance or other instrument pursuant to this subdivision or
21 any other subdivision of this section shall be effective if authorized
22 by the governor of such state. The powers herein granted to either state
23 or any municipality, public authority, agency or commission shall be
24 construed to be in aid of and not in limitation or in derogation of any
25 such powers heretofore or hereafter conferred upon or granted to such
26 state, municipality, public authority, agency or commission. Any consent
27 by a public authority, agency or commission shall be effective if given
28 by such public authority, agency or commission.

29 8. The port authority shall be required to pay no taxes or assessments
30 upon any of the property, real or personal, acquired or used by it for
31 any purpose of this part or upon any lease, deed, mortgage or other
32 instrument affecting such property or upon the recording of any instru-
33 ment made in connection with the acquisition, development, financing,
34 lease, sale, transfer or other disposition or use of such property.

35 9. The port authority shall not be subject to the jurisdiction of any
36 municipality, public authority, agency or commission of either or both
37 of the two states in connection with the acquisition, development,
38 financing, lease, sale, transfer or other disposition of buses, ancil-
39 lary bus facilities or otherwise in connection with the purposes of this
40 part.

41 10. The acquisition, development, financing, leasing, sale, transfer
42 or other disposition by the port authority of buses and ancillary bus
43 facilities in accordance with this part are and will be in all respects
44 for the benefit of the people of the said two states, for the increase
45 of their commerce and prosperity and for the improvement of their
46 health, safety and living conditions and shall be deemed to be public
47 purposes; and the port authority shall be regarded as performing an
48 essential governmental function in undertaking such acquisition, devel-
49 opment, financing, leasing, sale, transfer or other disposition or
50 otherwise carrying out the provisions of this part.

51 11. Any declarations contained herein with respect to the governmental
52 nature and public purposes of the facilities authorized by this part and
53 to the exemption of such facilities and instruments relating thereto
54 from taxation and to the discretion of the port authority with respect
55 to said facilities shall not be construed to imply that other port
56 authority facilities, property and operations are not of a governmental

1 nature or do not serve public purposes, or that they are subject to
2 taxation, or that the determinations of the port authority with respect
3 thereto are not conclusive.

4 12. This subdivision and the preceding subdivisions hereof constitute
5 an agreement between the states of New York and New Jersey supplementary
6 to the compact between the two states dated April thirtieth, nineteen
7 hundred twenty-one and amendatory thereof, and shall be liberally
8 construed to effectuate the purposes of said compact and of the compre-
9 hensive plan heretofore adopted by the two states, and the powers grant-
10 ed to the port authority shall be construed to be in aid of and not in
11 limitation or in derogation of any other powers heretofore conferred
12 upon or granted to the port authority.

13 PART XXIX
14 GENERAL RESERVE FUND

15 Section 2901. Definitions.

16 2902. Establishment of general reserve fund.

17 2903. Effective date.

18 § 2901. Definitions. As used in this part:

19 (a) "Port authority" means the port of New York authority created by
20 the compact of April thirtieth, nineteen hundred twenty-one, between the
21 states of New York and New Jersey and continued by part I of this arti-
22 cle.

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

27 (c) "Terminal and/or transportation facilities" means terminal and/or
28 transportation facilities as used in the said compact of April thirti-
29 eth, nineteen hundred twenty-one, and as defined in subdivisions eleven
30 and twelve of section one hundred three of this article.

31 (d) "Surplus revenues" means, in the case of each terminal or trans-
32 portation facility, the balance of the revenues therefrom remaining at
33 any time currently in the hands of the port authority after the
34 deduction of the current expenses of the operation and maintenance ther-
35 eof, including a proper proportion of the general expenses of the port
36 authority, and after the deduction of any amounts which the port author-
37 ity may or shall be obligated or may or shall have obligated itself to
38 pay or to set aside out of the current revenues therefrom for the bene-
39 fit of the holders of any bonds legal for investment, and after the
40 deduction of any amounts currently due to the two said states on account
41 of any advances made by the two said states to the port authority in aid
42 of the effectuation of such terminal or transportation facility.

43 § 2902. Establishment of general reserve fund. In all cases where the
44 port authority has raised or shall hereafter raise moneys for the estab-
45 lishment, acquisition, construction or effectuation of terminal and/or
46 transportation facilities by the issue and sale of bonds legal for
47 investment, as herein defined and limited, the surplus revenues received
48 by or accruing to the port authority from or in connection with the
49 operation of such terminal and/or transportation facilities built in
50 whole or in part by the proceeds of the sale of such bonds shall be
51 pooled and applied by it to the establishment and maintenance of a
52 general reserve fund in an amount equal to one-tenth (1/10) of the par
53 value of all bonds legal for investment, as herein defined and limited,

1 issued by the port authority and currently outstanding. The moneys in
2 the said general reserve fund may be pledged in whole or in part by the
3 port authority as security for or applied by it to the repayment with
4 interest of any moneys which it has raised or may hereafter raise upon
5 any bonds, legal or investment, as herein defined and limited, and made
6 and issued by it for any of its lawful purposes; and the said moneys may
7 be applied by the port authority to the fulfillment of any other under-
8 takings which it has assumed or may or shall hereafter assume to or for
9 the benefit of the holders of any of such bonds.

10 Any surplus revenues not required for the establishment and mainte-
11 nance of the aforesaid general reserve fund shall be used for such
12 purposes as may hereafter be directed by the two said states.

13 § 2903. Effective date. This part shall take effect upon the enactment
14 into law by the state of New Jersey of legislation having an identical
15 effect with this act, but if the State of New Jersey has already enacted
16 such legislation, this act shall take effect immediately.

17 ARTICLE II

18 THE WATERFRONT AND AIRPORT COMMISSION OF NEW YORK AND
19 NEW JERSEY COMPACT

20 PART I

21 THE WATERFRONT AND AIRPORT COMMISSION OF NEW YORK AND
22 NEW JERSEY COMPACT

23 Section 3001. Compact.

24 3002. Findings and declarations.

25 3003. Definitions.

26 3004. Waterfront and airport commission of New York and New
27 Jersey.

28 3005. General powers of commission.

29 3006. Pier superintendents and hiring agents.

30 3007. Stevedores.

31 3008. Prohibition of public loading.

32 3009. Longshoreman.

33 3010. Regularization of longshoremen's employment.

34 3011. Port watchmen.

35 3012. Hearings, determinations and review.

36 3013. Employment information centers.

37 3014. Expenses of administration.

38 3015. General violations; prosecutions; penalties.

39 3016. Collective bargaining safeguarded.

40 3017. Amendments; construction; short title.

41 § 3001. Compact. The "waterfront and airport commission of New York
42 and New Jersey compact" as first enacted by chapter eight hundred eight-
43 y-two of the laws of nineteen hundred fifty-three is hereby continued to
44 read as follows. The state of New York hereby agrees with the state of
45 New Jersey, upon the enactment by the state of New Jersey of legislation
46 having the same effect as this section, to the following compact.

47 § 3002. Findings and declarations. 1. The states of New York and New
48 Jersey hereby find and declare that the conditions under which water-
49 front labor is employed within the port of New York district are
50 depressing and degrading to such labor, resulting from the lack of any
51 systematic method of hiring, the lack of adequate information as to the
52 availability of employment, corrupt hiring practices and the fact that
53 persons conducting such hiring are frequently criminals and persons
54 notoriously lacking in moral character and integrity and neither respon-

1 sive or responsible to the employers nor to the uncoerced will of the
2 majority of the members of the labor organizations of the employees;
3 that as a result waterfront laborers suffer from irregularity of employ-
4 ment, fear and insecurity, inadequate earnings, an unduly high accident
5 rate, subjection to borrowing at usurious rates of interest, exploita-
6 tion and extortion as the price of securing employment and a loss of
7 respect for the law; that not only does there result a destruction of
8 the dignity of an important segment of American labor, but a direct
9 encouragement of crime which imposes a levy of greatly increased costs
10 on food, fuel and other necessities handled in and through the port of
11 New York district.

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

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

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

40 § 3003. Definitions. As used in this compact:

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

48 2. "Commission" shall mean the waterfront and airport commission of
49 New York and New Jersey established by section three thousand four of
50 this part.

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

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

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

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

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

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

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

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

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

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

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

38 11. "Longshoremen's register" shall mean the register of eligible
39 longshoremen compiled and maintained by the commission pursuant to
40 section three thousand nine of this part.

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

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

50 14. "Compact" shall mean this compact and rules or regulations
51 lawfully promulgated thereunder.

52 § 3004. Waterfront and airport commission of New York and New Jersey.

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

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

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

§ 3005. General powers of commission. In addition to the powers and duties elsewhere prescribed in this compact, the commission shall have the power:

1. To sue and be sued;
2. To have a seal and alter the same at pleasure;
3. To acquire, hold and dispose of real and personal property by gift, purchase, lease, license or other similar manner, for its corporate purposes;
4. To determine the location, size and suitability of accommodations necessary and desirable for the establishment and maintenance of the employment information centers provided in section three thousand thirteen of this part and for administrative offices for the commission;
5. To appoint such officers, agents and employees as it may deem necessary, prescribe their powers, duties and qualifications and fix their compensation and retain and employ counsel and private consultants on a contract basis or otherwise;
6. To administer and enforce the provisions of this compact;
7. To make and enforce such rules and regulations as the commission may deem necessary to effectuate the purposes of this compact or to prevent the circumvention or evasion thereof, to be effective upon publication in the manner which the commission shall prescribe and upon filing in the office of the secretary of state of each state. A certified copy of any such rules and regulations, attested as true and correct by the commission, shall be presumptive evidence of the regular making, adoption, approval and publication thereof;
8. By its members and its properly designated officers, agents and employees, to administer oaths and issue subpoenas to compel the attend-

1 ance of witnesses and the giving of testimony and the production of
2 other evidence;

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

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

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

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

24 13. To make annual and other reports to the governors and legislatures
25 of both states containing recommendations for the improvement of the
26 conditions of waterfront labor within the port of New York district, for
27 the alleviation of the evils described in section three thousand two of
28 this part and for the effectuation of the purposes of this compact.
29 Such annual reports shall state the commission's finding and determi-
30 nation as to whether the public necessity still exists for (a) the
31 continued registration of longshoremen, (b) the continued licensing of
32 any occupation or employment required to be licensed hereunder and (c)
33 the continued public operation of the employment information centers
34 provided for in section three thousand thirteen of this part.

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

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

48 § 3006. Pier superintendents and hiring agents. 1. On or after the
49 first day of December, nineteen hundred fifty-three, no person shall act
50 as a pier superintendent or as a hiring agent within the port of New
51 York district without first having obtained from the commission a
52 license to act as such pier superintendent or hiring agent, as the case
53 may be, and no person shall employ or engage another person to act as a
54 pier superintendent or hiring agent who is not so licensed.

55 2. A license to act as a pier superintendent or hiring agent shall be
56 issued only upon the written application, under oath, of the person

1 proposing to employ or engage another person to act as such pier super-
2 intendent or hiring agent, verified by the prospective licensee as to
3 the matters concerning him, and shall state the following:

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

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

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

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

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

16 3. No such license shall be granted

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

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

41 (c) If the prospective licensee knowingly or wilfully advocates the
42 desirability of overthrowing or destroying the government of the United
43 States by force or violence or shall be a member of a group which advo-
44 cates such desirability, knowing the purposes of such group include such
45 advocacy.

46 4. When the application shall have been examined and such further
47 inquiry and investigation made as the commission shall deem proper and
48 when the commission shall be satisfied therefrom that the prospective
49 licensee possesses the qualifications and requirements prescribed in
50 this section, the commission shall issue and deliver to the prospective
51 licensee a license to act as pier superintendent or hiring agent for the
52 applicant, as the case may be, and shall inform the applicant of his
53 action. The commission may issue a temporary permit to any prospective
54 licensee for a license under the provisions of this section pending
55 final action on an application made for such a license. Any such permit
56 shall be valid for a period not in excess of thirty days.

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

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

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

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

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

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

19 (d) Conviction of a crime involving unlawfully possessing, possession
20 with intent to distribute, sale or distribution of a controlled danger-
21 ous substance (controlled substance) or, in New Jersey, a controlled
22 dangerous substance analog (controlled substance analog);

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

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

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

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

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

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

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

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

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

53 § 3007. Stevedores. 1. On or after the first day of December, nine-
54 teen hundred fifty-three, no person shall act as a stevedore within the
55 port of New York district without having first obtained a license from
56 the commission, and no person shall employ a stevedore to perform

1 services as such within the port of New York district unless the stevedore is so licensed.

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

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

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

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

33 3. No such license shall be granted

34 (a) If any person whose signature or name appears in the application
35 is not the real party in interest required by subdivision two of this
36 section to sign or to be identified in the application or if the person
37 so signing or named in the application is an undisclosed agent or trustee
38 for any such real party in interest;

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

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

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

50 (e) If the applicant or any member, officer or stockholder required by
51 subdivision two of this section to sign or be identified in the applica-
52 tion for license has, without subsequent pardon, been convicted by a
53 court of the United States or any state or territory thereof of the
54 commission of, or the attempt or conspiracy to commit, treason, murder,
55 manslaughter or any felony or high misdemeanor or any of the misdemea-
56 nors or offenses described in paragraph (b) of subdivision three of this

1 section. Any applicant ineligible for a license by reason of any such
2 conviction may submit satisfactory evidence to the commission that the
3 person whose conviction was the basis of ineligibility has for a period
4 of not less than five years, measured as hereinafter provided and up to
5 the time of application, so conducted himself as to warrant the grant of
6 such license, in which event the commission may, in its discretion issue
7 an order removing such ineligibility. The aforesaid period of five years
8 shall be measured either from the date of payment of any fine imposed
9 upon such person or the suspension of sentence or from the date of his
10 unrevoked release from custody by parole, commutation or termination of
11 his sentence;

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

18 (g) If, on or after July first, nineteen hundred fifty-three, the
19 applicant has paid, given, caused to be paid or given or offered to pay
20 or give to any officer or representative of a labor organization any
21 valuable consideration for an improper or unlawful purpose or to induce
22 such officer or representative to subordinate the interests of such
23 labor organization or its members in the management of the affairs of
24 such labor organization to the interests of the applicant.

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 applicant
28 possesses the qualifications and requirements prescribed in this
29 section, the commission shall issue and deliver a license to such appli-
30 cant. The commission may issue a temporary permit to any applicant for
31 a license under the provisions of this article pending final action on
32 an application made for such a license. Any such permit shall be valid
33 for a period not in excess of thirty days.

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

46 6. Any license issued pursuant to this section may be revoked or
47 suspended for such period as the commission deems in the public interest
48 or the licensee thereunder may be reprimanded for any of the following
49 offenses on the part of the licensee or of any person required by subdivi-
50 sion two of this section to sign or be identified in an original
51 application for a license:

52 (a) Conviction of a crime or other cause which would permit or require
53 disqualification of the licensee from receiving a license upon original
54 application;

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

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

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

(e) Any other offense described in paragraphs (c) to (i) inclusive, of subdivision seven of section three thousand six of this part.

§ 3008. Prohibition of public loading. 1. The states of New York and New Jersey hereby find and declare that the transfer of cargo to and from trucks at piers and other waterfront terminals in the port of New York district has resulted in vicious and notorious abuses by persons commonly known as "public loaders." There is compelling evidence that such persons have exacted the payment of exorbitant charges for their services, real and alleged, and otherwise extorted large sums through force, threats of violence, unauthorized labor disturbances and other coercive activities, and that they had been responsible for and abetted 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 three thousand eight 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 three thousand seven 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.

§ 3009. Longshoremen. 1. The commission shall establish a longshoremen's register in which shall be included all qualified long-

1 shoremen eligible, as hereinafter provided, for employment as such in
2 the port of New York district. On or after the first day of December,
3 nineteen hundred fifty-three, no person shall act as a longshoreman
4 within the port of New York district unless at the time he is included
5 in the longshoremen's register, and no person shall employ another to
6 work as a longshoreman within the port of New York district unless at
7 the time such other person is included in the longshoremen's register.

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

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

16 (a) Who has been convicted by a court of the United States or any
17 state or territory thereof, without subsequent pardon, of treason,
18 murder, manslaughter or of any felony or high misdemeanor or of any of
19 the misdemeanors or offenses described in paragraph (b) of subdivision
20 three of section three thousand six of this part or of attempt or
21 conspiracy to commit any of such crimes;

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

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

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

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

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

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

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

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

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

1 (f) Any other offense described in subdivisions (c) to (f) inclusive
2 of subdivision seven of section three thousand six of this part.

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

7 7. Nothing contained in this article shall be construed to limit in
8 any way any rights of labor reserved by section three thousand sixteen
9 of this part.

10 § 3010. Regularization of longshoremen's employment. 1. On or after
11 the first day of December, nineteen hundred fifty-four, the commission
12 shall, at regular intervals, remove from the longshoremen's register any
13 person who shall have been registered for at least nine months and who
14 shall have failed during the preceding six calendar months either to
15 have worked as a longshoreman in the port of New York district or to
16 have applied for employment as a longshoreman at an employment informa-
17 tion center established under section three thousand thirteen of this
18 part for such minimum number of days as shall have been established by
19 the commission pursuant to subdivision two of this section.

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

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

27 (a) To encourage as far as practicable the regularization of the
28 employment of longshoremen;

29 (b) To bring the number of eligible longshoremen more closely into
30 balance with the demand for longshoremen's services within the port of
31 New York district without reducing the number of eligible longshoremen
32 below that necessary to meet the requirements of longshoremen in the
33 port of New York district;

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

36 (d) To eliminate unlawful practices injurious to waterfront labor;
37 and

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

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

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

53 § 3011. Port watchmen. 1. On or after the first day of December, nine-
54 teen hundred fifty-three, no person shall act as a port watchman within
55 the port of New York district without first having obtained a license

1 from the commission, and no person shall employ a port watchman who is
2 not so licensed.

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

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

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

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

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

14 3. No such license shall be granted

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

17 (b) If the applicant has, without subsequent pardon, been convicted by
18 a court of the United States or of any state or territory thereof of the
19 commission of, or the attempt or conspiracy to commit, treason, murder,
20 manslaughter or any felony or high misdemeanor or any of the misdemea-
21 nors or offenses described in paragraph (b) of subdivision three of
22 section three thousand six of this part;

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

26 (d) If the applicant shall be a member of any labor organization which
27 represents longshoremen or pier superintendents or hiring agents; but
28 nothing in this section shall be deemed to prohibit port watchmen from
29 being represented by a labor organization or organizations which do not
30 also represent longshoremen or pier superintendents or hiring agents.
31 The American Federation of Labor, the Congress of Industrial Organiza-
32 tions and any other similar federation, congress or other organization
33 of national or international occupational or industrial labor organiza-
34 tions shall not be considered an organization which represents long-
35 shoremen or pier superintendents or hiring agents within the meaning of
36 this article although one of the federated or constituent labor organ-
37 izations thereof may represent longshoremen or pier superintendents or
38 hiring agents;

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

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

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

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

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

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

8 (c) Any other offense described in subdivisions (c) to (i), inclusive,
9 of subdivision seven of section three thousand six of this part.

10 § 3012. Hearings, determinations and review. 1. The commission shall
11 not deny any application for a license or registration without giving
12 the applicant or prospective licensee reasonable prior notice and an
13 opportunity to be heard.

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

18 3. The commission may on its own initiative or on complaint of any
19 person, including any public official or agency, institute proceedings
20 to revoke, cancel or suspend any license or registration after a hearing
21 at which the licensee or registrant and any person making such complaint
22 shall be given an opportunity to be heard, provided that any order of
23 the commission revoking, cancelling or suspending any license or regis-
24 tration shall not become effective until fifteen days subsequent to the
25 serving of notice thereof upon the licensee or registrant unless in the
26 opinion of the commission the continuance of the license or registration
27 for such period would be inimicable to the public peace or safety. Such
28 hearings shall be held in such manner and upon such notice as may be
29 prescribed by the rules of the commission, but such notice shall be of
30 not less than ten days and shall state the nature of the complaint.

31 4. Pending the determination of such hearing pursuant to subdivision
32 three of this section the commission may temporarily suspend a license
33 or registration if in the opinion of the commission the continuance of
34 the license or registration for such period is inimicable to the public
35 peace or safety.

36 5. The commission, or such member, officer, employee or agent of the
37 commission as may be designated by the commission for such purpose,
38 shall have the power to issue subpoenas to compel the attendance of
39 witnesses and the giving of testimony or production of other evidence
40 and to administer oaths in connection with any such hearing. It shall be
41 the duty of the commission or of any such member, officer, employee or
42 agent of the commission designated by the commission for such purpose to
43 issue subpoenas at the request of and upon behalf of the licensee,
44 registrant or applicant. The commission or such person conducting the
45 hearing shall not be bound by common law or statutory rules of evidence
46 or by technical or formal rules of procedure in the conduct of such
47 hearing.

48 6. Upon the conclusion of the hearing, the commission shall take such
49 action upon such findings and determination as it deems proper and shall
50 execute an order carrying such findings into effect. The action in the
51 case of an application for a license or registration shall be the grant-
52 ing or denial thereof. The action in the case of a licensee shall be
53 revocation of the license or suspension thereof for a fixed period or
54 reprimand or a dismissal of the charges. The action in the case of a
55 registered longshoreman shall be dismissal of the charges, reprimand or

1 removal from the longshoremen's register for a fixed period or perma-
2 nently.

3 7. The action of the commission in denying any application for a
4 license or in refusing to include any person in the longshoremen's
5 register under this compact or in suspending or revoking such license or
6 removing any person from the longshoremen's register or in reprimanding
7 a licensee or registrant shall be subject to judicial review by a
8 proceeding instituted in either state at the instance of the applicant,
9 licensee or registrant in the manner provided by the law of such state
10 for review of the final decision or action of administrative agencies of
11 such state, provided, however, that notwithstanding any other provision
12 of law the court shall have power to stay for not more than thirty days
13 an order of the commission suspending or revoking a license or removing
14 a longshoreman from the longshoremen's register.

15 § 3013. Employment information centers. 1. The states of New York and
16 New Jersey hereby find and declare that the method of employment of
17 longshoremen and port watchmen in the port of New York district, common-
18 ly known as the "shape-up", has resulted in vicious and notorious
19 abuses, of which such employees have been the principal victims. There
20 is compelling evidence that the "shape-up" has permitted and encouraged
21 extortion from employees as the price of securing or retaining employ-
22 ment and has subjected such employees to threats of violence, unwilling
23 joinder in unauthorized labor disturbances and criminal activities on
24 the waterfront. The "shape-up" has thus resulted in a loss of fundamen-
25 tal rights and liberties of labor, has impaired the economic stability
26 of the port of New York district and weakened law enforcement therein.
27 It is the sense of the legislatures of the states of New York and New
28 Jersey that these practices and conditions must be eliminated to prevent
29 grave injury to the welfare of waterfront laborers and of the people at
30 large and that the elimination of the "shape-up" and the establishment
31 of a system of employment information centers are necessary to a
32 solution of these public problems.

33 2. The commission shall establish and maintain one or more employment
34 information centers in each state within the port of New York district
35 at such locations as it may determine. No person shall, directly or
36 indirectly, hire any person for work as a longshoreman or port watchman
37 within the port of New York district, except through such particular
38 employment information center or centers as may be prescribed by the
39 commission. No person shall accept any employment as a longshoreman or
40 port watchman within the port of New York district, except through such
41 an employment information center. At each such employment information
42 center the commission shall keep and exhibit the longshoremen's register
43 and any other records it shall determine to the end that longshoremen
44 and port watchmen shall have the maximum information as to available
45 employment as such at any time within the port of New York district and
46 to the end that employers shall have an adequate opportunity to fill
47 their requirements of registered longshoremen and port watchmen at all
48 times.

49 3. Every employer of longshoremen or port watchmen within the port of
50 New York district shall furnish such information as may be required by
51 the rules and regulations prescribed by the commission with regard to
52 the name of each person hired as a longshoreman or port watchman, the
53 time and place of hiring, the time, place and hours of work, and the
54 compensation therefor.

55 4. All wage payments to longshoremen or port watchmen for work as such
56 shall be made by check or cash evidenced by a written voucher receipted

1 by the person to whom such cash is paid. The commission may arrange for
2 the provision of facilities for cashing such checks.

3 § 3014. Expenses of administration. 1. By concurrent legislation
4 enacted by their respective legislatures, the two states may provide
5 from time to time for meeting the commission's expenses. Until other
6 provision shall be made, such expense shall be met as authorized in this
7 section.

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

13 3. After taking into account such funds as may be available to it from
14 reserves, federal grants or otherwise, the balance of the commission's
15 budgeted expenses shall be assessed upon employers of persons registered
16 or licensed under this compact. Each such employer shall pay to the
17 commission as assessment computed upon the gross payroll payments made
18 by such employer to longshoremen, pier superintendents, hiring agents
19 and port watchmen for work or labor performed within the port of New
20 York district, at a rate, not in excess of two per cent, computed by the
21 commission in the following manner; the commission shall annually esti-
22 mate the gross payroll payments to be made by employers subject to
23 assessment and shall compute a rate thereon which will yield revenues
24 sufficient to finance the commission's budget for each year. Such budg-
25 et may include a reasonable amount for a reserve but such amount shall
26 not exceed ten per cent of the total of all other items of expenditure
27 contained therein. Such reserve shall be used for the stabilization of
28 annual assessments, the payment of operating deficits and for the repay-
29 ment of advances made by the two states.

30 4. The amount required to balance the commission's budget, in excess
31 of the estimated yield of the maximum assessment, shall be certified by
32 the commission, with the approval of the respective governors, to the
33 legislatures of the two states, in proportion to the gross annual wage
34 payments made to longshoremen for work in each state within the port of
35 New York district. The legislatures shall annually appropriate to the
36 commission the amount so certified.

37 5. The commission may provide by regulation for the collection and
38 auditing of assessments. Such assessments hereunder shall be payable
39 pursuant to such provisions for administration, collection and enforce-
40 ment as the states may provide by concurrent legislation. In addition
41 to any other sanction provided by law, the commission may revoke or
42 suspend any license held by any person under this compact, or his privi-
43 lege of employing persons registered or licensed hereunder, for non-pay-
44 ment of any assessment when due.

45 6. The assessment hereunder shall be in lieu of any other charge for
46 the issuance of licenses to stevedores, pier superintendents, hiring
47 agents and pier watchmen or for the registration of longshoremen or the
48 use of an employment information center. The commission shall establish
49 reasonable procedures for the consideration of protests by affected
50 employers concerning the estimates and computation of the rate of
51 assessment.

52 § 3015. General violations; prosecutions; penalties. 1. The failure
53 of any witness, when duly subpoenaed to attend, give testimony or
54 produce other evidence, whether or not at a hearing, shall be punishable
55 by the superior court in New Jersey and the supreme court in New York in

1 the same manner as said failure is punishable by such court in a case
2 therein pending.

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

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

13 4. Any person who interferes with or impedes the orderly registration
14 of longshoremen pursuant to this compact or who conspires to or attempts
15 to interfere with or impede such registration shall be punishable as may
16 be provided by the two states by action of the legislature of either
17 state concurred in by the legislature of the other.

18 5. Any person who directly or indirectly inflicts or threatens to
19 inflict any injury, damage, harm or loss or in any other manner prac-
20 tices intimidation upon or against any person in order to induce or
21 compel such person or any other person to refrain from registering
22 pursuant to this compact shall be punishable as may be provided by the
23 two states by action of the legislature of either state concurred in by
24 the legislature of the other.

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

29 § 3016. Collective bargaining safeguarded. 1. This compact is not
30 designed and shall not be construed to limit in any way any rights
31 granted or derived from any other statute or any rule of law for employ-
32 ees to organize in labor organizations, to bargain collectively and to
33 act in any other way individually, collectively, and through labor
34 organizations or other representatives of their own choosing. Without
35 limiting the generality of the foregoing, nothing contained in this
36 compact shall be construed to limit in any way the right of employees to
37 strike.

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

47 § 3017. Amendments; construction; short title. 1. Amendments and
48 supplements to this compact to implement the purposes thereof may be
49 adopted by the action of the legislature of either state concurred in by
50 the legislature of the other.

51 2. If any part or provision of this compact or the application thereof
52 to any person or circumstances be adjudged invalid by any court of
53 competent jurisdiction, such judgment shall be confined in its operation
54 to the part, provision or application directly involved in the contro-
55 versy in which such judgment shall have been rendered and shall not
56 affect or impair the validity of the remainder of this compact or the

1 application thereof to other persons or circumstances and the two states
2 hereby declare that they would have entered into this compact or the
3 remainder thereof had the invalidity of such provision or application
4 thereof been apparent.

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

8 PART II
9 WATERFRONT COMMISSION COMPACT

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- 33 3122. Duration of stevedore's license.
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- 35 longshoremen and checkers and registration of telecommu-
- 36 nications system controller.

37 § 3101. Waterfront commission compact. This compact shall be known
38 and may be cited as the "Waterfront Commission Compact."

39 § 3102. Expenses of administration. 1. Every person subject to the
40 payment of any assessment under the provisions of subdivision three of
41 section three thousand fourteen of this article shall file on or before
42 the fifteenth day of the first month of each calendar quarter-year a
43 separate return, together with the payment of the assessment due, for
44 the preceding calendar quarter-year during which any payroll payments
45 were made to longshoremen, pier superintendents, hiring agents or port
46 watchmen for work performed as such within the district. Returns cover-
47 ing the amount of assessment payable shall be filed with the commission
48 on forms to be furnished for such purpose and shall contain such data,
49 information or matter as the commission may require to be included ther-
50 ein. The commission may grant a reasonable extension of time for filing
51 returns, or for the payment of assessment, whenever good cause exists.
52 Every return shall have annexed thereto a certification to the effect
53 that the statements contained therein are true.

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

3. (a) The commission shall audit and determine the amount of assessment due from the return filed and such other information as is available to it. Whenever a deficiency in payment of the assessment is determined the commission shall give notice of any such determination to the person liable therefor. Such determination shall finally and conclusively fix the amount due, unless the person against whom it is assessed shall, within thirty days after the giving of notice of such determination, apply in writing to the commission for a hearing, or unless the commission on its own motion shall reduce the same. After such hearing, the commission shall give notice of its decision to the person liable therefor. A determination of the commission under this section shall be subject to judicial review, if application for such review is made within thirty days after the giving of notice of such decision. Any determination under this section shall be made within five years from the time the return was filed and if no return was filed such determination may be made at any time.

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

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

5. The employment by a nonresident of a longshoreman, or a licensed pier superintendent, hiring agent or port watchman in either state or the designation by a nonresident of a longshoreman, pier superintendent, hiring agent or port watchman to perform work in such state shall be deemed equivalent to an appointment by such nonresident of the secretary of state of such state to be his true and lawful attorney upon whom may be served the process in any action or proceeding against him growing out of any liability for assessments, penalties or interest, and a consent that any such process against him which is so served shall be of the same legal force and validity as if served on him personally within such state and within the territorial jurisdiction of the court from which the process issues. Service of process within either state shall be made by either (1) personally delivering to and leaving with the secretary of state or a deputy secretary of state of such state duplicate copies thereof at the office of the department of state in the capitol city of such state, in which event such secretary of state shall forthwith send by registered mail one of such copies to the person at

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

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

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

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

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

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

40 11. The accounts, books and records of the commission, including its
41 receipts, disbursements, contracts, leases, investments and any other
42 matters relating to its financial standing shall be examined and audited
43 annually by independent auditors to be retained for such purpose by the
44 commission.

45 § 3103. Reimbursement. The commission shall reimburse each state for
46 any funds advanced to the commission exclusive of sums appropriated
47 pursuant to subdivision four of section three thousand fourteen of this
48 article.

49 § 3104. Penalties. Any person who shall violate any of the provisions
50 of the compact or of section thirty-one hundred two of this part for
51 which no other penalty is prescribed shall be guilty of a misdemeanor,
52 punishable by a fine of not more than five hundred dollars or by impri-
53 sonment for not more than one year, or both.

54 § 3105. Federal funds. 1. The waterfront commission of New York
55 harbor is hereby designated on its own behalf or as agent of the state
56 of New York and the state of New Jersey, as provided by the act of the

1 congress of the United States, effective June sixth, nineteen hundred
2 thirty-three, entitled "An act to provide for the establishment of a
3 national employment system and for cooperating with the states in the
4 promotion of such system and for other purposes" as amended, for the
5 purpose of obtaining such benefits of such act of congress as are neces-
6 sary or appropriate to the establishment and operation of employment
7 information centers authorized by section three thousand thirteen of
8 this article.

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

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

21 § 3106. Supplementary definitions. As used in the compact established
22 by part I of this article:

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

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

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

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

48 3. "Court of the United States" shall mean all courts enumerated in
49 section four hundred fifty-one of title twenty-eight of the United
50 States code and the courts-martial of the armed forces of the United
51 States.

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

55 5. "Checker" shall mean a longshoreman who is employed to engage in
56 direct and immediate checking of waterborne freight or of the custodial

1 accounting therefor or in the recording or tabulation of the hours
2 worked at piers or other waterfront terminals by natural persons
3 employed by carriers of freight by water or stevedores.

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

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

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

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

20 7. "Compact" shall also include any amendments or supplements to the
21 waterfront commission compact to implement the purposes thereof adopted
22 by the action of the legislature of either the state of New York or the
23 state of New Jersey concurred in by the legislature of the other and as
24 established by part I of this article.

25 8. The term "select any longshoreman for employment" in the definition
26 of a hiring agent in this act shall include selection of a person for
27 the commencement or continuation of employment as a longshoreman, or the
28 denial or termination of employment as a longshoreman.

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

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

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

46 Whenever, as a result of legislative amendments to this article or of
47 a ruling by the commission, registration as a longshoreman is required
48 for any person to continue in his employment, such person shall be
49 registered as a longshoreman without regard to the provisions of section
50 thirty-one hundred eighteen of this part, provided, however, that such
51 person satisfies all the other requirements of this article for regis-
52 tration as a longshoreman.

53 § 3107. Additional powers of the commission. In addition to the
54 powers and duties elsewhere described in this part, the commission shall
55 have the following powers:

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

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

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

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

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

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

51 Immunity shall not be conferred upon any person except in accordance
52 with the provisions of this subdivision. If, after compliance with the
53 provisions of this subdivision, a person is ordered to answer a question
54 or produce evidence of any other kind and complies with such order, and
55 it is thereafter determined that the appropriate attorney general or
56 district attorney or prosecutor having an official interest therein was

1 not notified, such failure or neglect shall not deprive such person of
2 any immunity otherwise properly conferred upon him.

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

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

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

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

43 § 3108. Regularization of longshoremen's employment. 1. Notwithstand-
44 ing any other provisions of section three thousand ten of this article,
45 the commission shall have the power to remove from the longshoremen's
46 register any person (including those persons registered as longshoremen
47 for less than nine months) who shall have failed to have worked as a
48 longshoreman in the port of New York district for such minimum number of
49 days during a period of time as shall have been established by the
50 commission. In administering this section, the commission, in its
51 discretion, may count applications for employment as a longshoreman at
52 an employment information center established under section three thou-
53 sand thirteen of this article as constituting actual work as a long-
54 shoreman, provided, however, that the commission shall count as actual
55 work the compensation received by any longshoreman pursuant to the guar-
56 anteed wage provisions of any collective bargaining agreement relating

1 to longshoremen. Prior to the commencement of any period of time estab-
2 lished by the commission pursuant to this section, the commission shall
3 establish for such period the minimum number of days of work required
4 and the distribution of such days during such period and shall also
5 determine whether or not application for employment as a longshoreman
6 shall be counted as constituting actual work as a longshoreman. The
7 commission may classify longshoremen according to length of service as a
8 longshoreman and such other criteria as may be reasonable and necessary
9 to carry out the provisions of this part. The commission shall have the
10 power to vary the requirements of this section with respect to their
11 application to the various classifications of longshoremen. In adminis-
12 tering this section, the commission shall observe the standards set
13 forth in section thirty-one hundred eighteen of this part. Nothing in
14 this section shall be construed to modify, limit or restrict in any way
15 any of the rights protected by article XV of the compact established by
16 part I of this article.

17 § 3109. Additional violations. Any person who, having been duly sworn
18 or affirmed as a witness in any investigation, interview or other
19 proceeding conducted by the commission pursuant to the provisions of
20 this part, shall wilfully give false testimony shall be guilty of a
21 misdemeanor punishable by a fine of not more than one thousand dollars
22 or imprisonment for not more than one year or both.

23 § 3110. Hearings. 1. At hearings conducted by the commission pursuant
24 to section three thousand twelve of this article, applicants, prospec-
25 tive licensees, licensees and registrants shall have the right to be
26 accompanied and represented by counsel.

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

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

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

46 § 3111. Denial of applications. In addition to the grounds elsewhere
47 set forth in this article, the commission may deny an application for a
48 license or registration for any of the following:

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

51 2. Conviction by any such court, after having been previously
52 convicted by any such court of any crime or of the offenses hereinafter
53 set forth, of a misdemeanor or any of the following offenses: assault,
54 malicious injury to property, malicious mischief, unlawful taking of a
55 motor vehicle, corruption of employees or possession of lottery or
56 number slips; or

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

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

6 5. Refusal on the part of any applicant, or prospective licensee, or
7 of any member, officer or stockholder required by subdivision two of
8 section three thousand seven of this article to sign or be identified in
9 an application for a stevedore license, to answer any material question
10 or produce any material evidence in connection with his application or
11 any application made on his behalf for a license or registration pursu-
12 ant to this part.

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

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

40 § 3112. Revocation of licenses and registrations. In addition to the
41 grounds elsewhere set forth in this part, any license or registration
42 issued or made pursuant thereto may be revoked or suspended for such
43 period as the commission deems in the public interest or the licensee or
44 registrant may be reprimanded, for:

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

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

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

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

4 5. Refusal to answer any material question or produce any evidence
5 lawfully required to be answered or produced at any investigation,
6 interview or other proceeding conducted by the commission pursuant to
7 the provisions of this article, or, if such refusal is accompanied by a
8 valid plea of privilege against self-incrimination, refusal to obey an
9 order to answer such question or produce such evidence made by the
10 commission pursuant to the provisions of subdivision five of section
11 thirty-one hundred seven of this part.

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

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

39 § 3113. Removal of port watchmen's ineligibility. Any port watchman
40 ineligible for a license by reason of the provisions of paragraph (b) of
41 subdivision three of section three thousand eleven of this article may
42 petition for and the commission may issue an order removing the ineligi-
43 bility in the manner provided in paragraph (b) of subdivision three of
44 section three thousand six of this article.

45 § 3114. Petition for order to remove an ineligibility. A petition for
46 an order to remove an ineligibility under paragraph (b) of subdivision
47 three of section three thousand six, paragraph (e) of subdivision three
48 of section three thousand seven, paragraph (b) of subdivision three of
49 section three thousand six of this article, or paragraph (b) of subdivi-
50 sion three of section thirty-one hundred sixteen of this part may be
51 made to the commission before or after the hearing required by section
52 three thousand twelve of this article.

53 § 3115. Denial of stevedore applications. In addition to the grounds
54 elsewhere set forth in this part the commission shall not grant an
55 application for a license as stevedore if on or after July first, nine-
56 teen hundred fifty-six, the applicant has paid, given, caused to have

1 been paid or given or offered to pay or give to any agent of any carrier
2 of freight by water any valuable consideration for an improper or unlaw-
3 ful purpose or, without the knowledge and consent of such carrier, to
4 induce such agent to procure the employment of the applicant by such
5 carrier or its agent for the performance of stevedoring services.

6 § 3116. Checkers. 1. The commission shall establish within the
7 longshoremen's register a list of all qualified longshoremen eligible,
8 as hereinafter provided, for employment as checkers in the port of New
9 York district. No person shall act as a checker within the port of New
10 York district unless at the time he is included in the longshoremen's
11 register as a checker, and no person shall employ another to work as a
12 checker within the port of New York district unless at the time such
13 other person is included in the longshoremen's register as a checker.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

40 (i) False impersonation of another longshoreman or of another person
41 licensed under the compact.

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

46 7. Nothing contained in this section shall be construed to limit in
47 any way any rights of labor reserved by section three thousand six of
48 this article.

49 § 3117. Supplementary violations. Any person who, without justifica-
50 tion or excuse in law, directly or indirectly intimidates or inflicts
51 any injury, damage, harm, loss or economic reprisal upon any person
52 licensed or registered by the commission, or any other person, or
53 attempts, conspires or threatens so to do, in order to interfere with,
54 impede or influence such licensed or registered person in the perform-
55 ance or discharge of his duties or obligations shall be punishable as
56 provided in section thirty-one hundred four of this part.

§ 3118. Suspension of acceptance of applications for inclusion in longshoremen's register; exceptions. 1. The commission shall have the power to make determinations to suspend the acceptance of application for inclusion in the longshoremen's register for such periods of time as the commission may from time to time establish and, after any such period of suspension, the commission shall have the power to make determinations to accept applications for such period of time as the commission may establish or in such number as the commission may determine, or both. Such determinations to suspend or accept applications shall be made by the commission: (a) on its own initiative or (b) upon the joint recommendation in writing of stevedores and other employers of longshoremen in the port of New York district, acting through their representative for the purpose of collective bargaining with a labor organization representing such longshoremen in such district and such labor organization or (c) upon the petition in writing of a stevedore or another employer of longshoremen in the port of New York district which does not have a representative for the purpose of collective bargaining with a labor organization representing such longshoremen. The commission shall have the power to accept or reject such joint recommendation or petition.

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

- (a) the number of employees requested;
- (b) the category or categories of employees requested;
- (c) a detailed statement setting forth the reasons for said joint recommendation or petition;
- (d) in cases where a joint recommendation is made under this section, the collective bargaining representative of stevedores and other employers of longshoremen in the port of New York district and the labor organization representing such longshoremen shall provide the allocation of the number of persons to be sponsored by each employer of longshoremen in the port of New York district; and
- (e) any other information requested by the commission.

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

- (a) To encourage as far as practicable the regularization of the employment of longshoremen;
- (b) To bring the number of eligible longshoremen into balance with the demand for longshoremen's services within the port of New York district without reducing the number of eligible longshoremen below that necessary to meet the requirements of longshoremen in the port of New York district;
- (c) To encourage the mobility and full utilization of the existing work force of longshoremen;
- (d) To protect the job security of the existing work force of longshoremen by considering the wages and employment benefits of prospective registrants;
- (e) To eliminate oppressive and evil hiring practices injurious to waterfront labor and waterborne commerce in the port of New York district, including, but not limited to, those oppressive and evil hiring practices that may result from either a surplus or shortage of waterfront labor;
- (f) To consider the effect of technological change and automation and such other economic data and facts as are relevant to a proper determination;

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

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

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

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

40 This section shall apply, notwithstanding any other provision of this
41 article, provided however, such section shall not in any way limit or
42 restrict the provisions of subdivision five of section three thousand
43 ten of this article empowering the commission to register longshoremen
44 on a temporary basis to meet special or emergency needs or the
45 provisions of subdivision four of section three thousand ten of this
46 article relating to the immediate reinstatement of persons removed from
47 the longshoremen's register pursuant to section three thousand ten of
48 this article. Nothing in this section shall be construed to modify,
49 limit or restrict in any way any of the rights protected by section
50 three thousand sixteen of this article.

51 4. Upon the granting of any joint recommendation or petition under
52 this section for the acceptance of applications for inclusion in the
53 longshoremen's register, the commission shall accept applications upon
54 written sponsorship from the prospective employer of longshoremen. The
55 sponsoring employer shall furnish the commission with the name, address
56 and such other identifying or category information as the commission may

1 prescribe for any person so sponsored. The sponsoring employer shall
2 certify that the selection of the persons so sponsored was made in a
3 fair and non-discriminatory basis in accordance with the requirements of
4 the laws of the United States and the states of New York and New Jersey
5 dealing with equal employment opportunities.

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

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

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

15 (b) a person defined as a longshoreman in subdivision six of section
16 thirty-one hundred six of this part who is employed by a stevedore
17 defined in paragraph (b) or (c) of subdivision one of section thirty-one
18 hundred six of this part and whose employment is not subject to the
19 guaranteed annual income provisions of any collective bargaining agree-
20 ment relating to longshoremen;

21 (c) no more than twenty persons issued registration limited to acting
22 as scalemen pursuant to the provisions of chapter 953 of the laws of
23 1969 and chapter 64 of the laws of 1982 who are still so registered by
24 the commission and who are no longer employed as scalemen on the effec-
25 tive date of this subdivision;

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

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

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

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

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

46 § 3119. Temporary suspension of permits, licenses and registrations.

47 1. The commission may temporarily suspend a temporary permit or a
48 permanent license or a temporary or permanent registration pursuant to
49 the provisions of subdivision four of section three thousand twelve of
50 this article until further order of the commission or final disposition
51 of the underlying case, only where the permittee, licensee or registrant
52 has been indicted for, or otherwise charged with, a crime which is
53 equivalent to a felony in the state of New York or to a crime of the
54 third, second or first degree in the state of New Jersey or only where
55 the permittee or licensee is a port watchman who is charged by the
56 commission pursuant to section three thousand twelve of this article

1 with misappropriating any other person's property at or on a pier or
2 other waterfront terminal.

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

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

36 § 3120. Continuance of port watchmen's licenses. Notwithstanding any
37 provision of subdivision five of section three thousand eleven of this
38 article, a license to act as a port watchman shall continue and need not
39 be renewed, provided the licensee shall, as required by the commission:

40 1. Submit to a medical examination and meet the physical and mental
41 fitness standards established by the commission pursuant to subdivision
42 three of section three thousand eleven of this article;

43 2. Complete a refresher course of training; and

44 3. Submit supplementary personal history information.

45 § 3121. Regularization of port watchmen's employment. The commission
46 shall, at regular intervals, cancel the license or temporary permit of a
47 port watchman who shall have failed during the preceding twelve months
48 to have worked as a port watchman in the port of New York district a
49 minimum number of hours as shall have been established by the commis-
50 sion, except that immediate restoration of such license or temporary
51 permit shall be made upon proper showing that the failure to so work was
52 caused by the fact that the licensee or permittee was engaged in the
53 military service of the United States or was incapacitated by ill
54 health, physical injury or other good cause.

55 § 3122. Duration of stevedore's license. A stevedore's license grant-
56 ed pursuant to section three thousand seven of this article shall be for

1 a term of five years or fraction of such five year period, and shall
2 expire on the first day of December. In the event of the death of the
3 licensee, if a natural person, or its termination or dissolution by
4 reason of a death of a partner, if a partnership, or if the licensee
5 shall cease to be a party to any contract of the type required by para-
6 graph (d) of subdivision three of section three thousand seven of this
7 article, the license shall terminate ninety days after such event or
8 upon its expiration date, whichever shall be sooner. A license may be
9 renewed by the commission for successive five year periods upon fulfill-
10 ing the same requirements as are set forth in section three thousand
11 seven of this article for an original application for a stevedore's
12 license.

13 § 3123. Implementation of telecommunications hiring system for long-
14 shoremen and checkers and registration of telecommunications system
15 controller. 1. The commission may designate one of the employment
16 information centers it is authorized to establish and maintain under
17 section three thousand thirteen of this article for the implementation
18 of a telecommunications hiring system through which longshoremen and
19 checkers may be hired and accept employment without any personal appear-
20 ance at said center. Any such telecommunications hiring system shall
21 incorporate hiring and seniority agreements between the employers of
22 longshoremen and checkers and the labor organization representing long-
23 shoremen and checkers in the port of New York district, provided said
24 agreements are not in conflict with the provisions of this part.

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

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

46 PART III

47 COMMISSION ESTABLISHED FOR NEW YORK STATE

48 3201. Commission established for New York state.

49 3202. Prohibition against loitering.

50 3203. Prohibition against unions having officers, agents or
51 employees who have been convicted of certain crimes and
52 offenses.

1 3204. Exception to section 3203 of this part for certain employ-
2 ees.

3 § 3201. Commission established for New York state. Unless and until
4 the provisions of the compact contained in part I of this article shall
5 have been concurred in by the state of New Jersey, the consent of
6 congress given thereto, and the commission, provided for therein, estab-
7 lished:

8 1. The provisions of such compact and sections thirty-one hundred two,
9 thirty-one hundred three, thirty-one hundred four and thirty-one hundred
10 five of this article shall apply to and be in full force and effect
11 within the state of New York, except as limited by this section, and any
12 violation of such compact or section shall be a violation of the laws of
13 the state of New York, provided, however, that (with respect to the
14 definitions contained in such compact):

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

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

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

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

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

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

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

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

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

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

52 Notwithstanding any other provision of this article, for the purpose
53 of providing for the commission's expenses of administration during the
54 remainder of the calendar year following the effective date of this
55

1 article, and until June thirtieth, nineteen hundred fifty-four the
2 assessment for such expense shall be at the rate of one and one-half per
3 cent. Such assessment shall be made, collected and enforced in accord-
4 ance with section three thousand fourteen of this article.

5 § 3202. Prohibition against loitering. No person shall, without a
6 satisfactory explanation, loiter upon any vessel, dock, wharf, pier,
7 bulkhead, terminal, warehouse, or other waterfront facility or within
8 five hundred feet thereof in that portion of the port of New York
9 district within the state of New York.

10 § 3203. Prohibition against unions having officers, agents or employ-
11 ees who have been convicted of certain crimes and offenses. No person
12 shall solicit, collect or receive any dues, assessments, levies, fines
13 or contributions, or other charges within the state for or on behalf of
14 any labor organization which represents employees registered or licensed
15 pursuant to the provisions of this article or which derives its charter
16 from a labor organization representing one hundred or more of such
17 registered or licensed employees, if any officer, agent or employee of
18 such labor organization, or of a welfare fund or trust administered
19 partially or entirely by such labor organization or by trustees or other
20 persons designated by such labor organization, has been convicted by a
21 court of the United States, or any state or territory thereof, of a
22 felony, any misdemeanor involving moral turpitude or any crime or
23 offense enumerated in subdivision three (b) of section thirty-one
24 hundred sixteen of this article, unless he has been subsequently
25 pardoned therefor by the governor or other appropriate authority of the
26 state or jurisdiction in which such conviction was had or has received a
27 certificate of good conduct from the board of parole pursuant to the
28 provisions of the executive law to remove the disability. No person so
29 convicted shall serve as an officer, agent or employee of such labor
30 organization, welfare fund or trust unless such person has been so
31 pardoned or has received a certificate of good conduct. No person,
32 including such labor organization, welfare fund or trust, shall know-
33 ingly permit such convicted person to assume or hold any office, agency,
34 or employment in violation of this section.

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

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

46 § 3204. Exception to section thirty-two hundred three of this part for
47 certain employees. If upon application to the commission by an employee
48 who has been convicted of a crime or offense specified in section thir-
49 ty-two hundred three of this part the commission, in its discretion,
50 determines in an order that it would not be contrary to the purposes and
51 objectives of this article for such employee to work in a particular
52 employment for a labor organization, welfare fund or trust within the
53 meaning of section thirty-two hundred three of this part, the provisions
54 of section thirty-two hundred three of this part shall not apply to the
55 particular employment of such employee with respect to such conviction
56 or convictions as are specified in the commission's order. This section

1 is applicable only to those employees who for wages or salary perform
2 manual, mechanical, or physical work of a routine or clerical nature at
3 the premises of the labor organization, welfare fund or trust by which
4 they are employed.

5 PART IV
6 COMPACT

7 3301. Compact.

8 3302. Findings and declarations.

9 3303. Definitions.

10 3304. General powers of the commission.

11 3305. Airfreightmen and airfreightman supervisors.

12 3306. Air freight terminal operators; air freight truck carri-
13 ers; and airfreightmen; labor relations consultants.

14 3307. Air freight security area.

15 3308. Hearings, determinations and review.

16 3309. Expenses of administration.

17 3310. General violations; prosecutions; penalties.

18 3311. Amendments; construction; short title.

19 § 3301. Compact. The state of New York hereby agrees with the state
20 of New Jersey, upon the enactment by the state of New Jersey of legis-
21 lation having the same effect as this section, to the following compact:

22 § 3302. Findings and declarations. 1. The states of New York and New
23 Jersey hereby find and declare that the movement of freight through the
24 two states is vital to their economies and prosperity; that ever
25 increasing amounts of such freight are being carried by the air freight
26 industry; that said air freight industry in the two states constitutes
27 an inseparable and integral unit of the commerce of the two states;
28 that criminal and racketeer elements have infiltrated the air freight
29 industry; that such criminal infiltration is threatening the growth of
30 said air freight industry; that one of the means by which such criminal
31 and racketeer elements infiltrate the air freight industry is by posing
32 as labor relations consultants and that firms handling air freight are
33 often forced to employ or engage such persons; that the air freight
34 industry is suffering an alarming rise in the amount of pilferage and
35 theft of air freight; and that it is imperative to the continued growth
36 and economic well-being of the states of New York and New Jersey that
37 every possible effective measure be taken to prevent the pilferage and
38 theft of air freight and the criminal infiltration of the air freight
39 industry.

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

51 § 3303. Definitions. As used in this compact:

52 1. "Commission" shall mean the waterfront and airport commission of
53 New York and New Jersey established by section three thousand four of
54 this article.

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

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

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

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

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

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

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

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

(a) by any person to physically move or to perform services incidental to the movement of air freight at an airport or in an air freight terminal; or

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

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

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

11. "Airfreightman labor relations consultant" shall mean any person who, pursuant to any contract or arrangement, advises or represents an air carrier, an air freight terminal operator, or an air freight truck carrier, or an organization of such employers (whether or not incorporated), or a labor organization representing any airfreightmen or airfreightman supervisors, concerning the organization or collective bargain-

ing activities of airfreightmen or airfreightman supervisors, but shall not include any person designated by any government official or body to so act or any person duly licensed to practice law as an attorney in any jurisdiction. As used in this paragraph, the term "labor organization" shall mean and include any labor organization to which section thirty-four hundred one of this article is applicable.

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

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

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

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

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

§ 3304. General powers of the commission. In addition to the powers and duties of the commission conferred in parts I, II, III, and V of this article, the commission shall have the power:

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

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

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

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

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

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

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

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

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

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

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

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

43 13. To require any licensee or permittee to exhibit upon demand the
44 license or permit issued to him by the commission or to wear such
45 license or permit.

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

52 § 3305. Airfreightmen and airfreightman supervisors. 1. On and after
53 the ninetieth day after the effective date of this compact, no person
54 shall act as an airfreightman or an airfreightman supervisor within the
55 state of New York or the state of New Jersey without having first
56 obtained from the commission a license to act as such airfreightman or

1 airfreightman supervisor, as the case may be, and no person shall employ
2 another person to act as an airfreightman or airfreightman supervisor
3 who is not so licensed.

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

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

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

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

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

43 (d) Violation of any provision of this section or the commission of
44 any offense thereunder;

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

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

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

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

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

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

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

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

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

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

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

30 (f) Violation of any of the provisions of this compact or inducing or
31 otherwise aiding or abetting any person to violate the terms of this
32 compact;

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

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

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

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

44 (k) Coercion of any person who is a licensee or permittee of the
45 commission under this compact by threat of discrimination or violence or
46 economic reprisal to make purchases from or to utilize the services of
47 any person;

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

51 (m) Conviction of any criminal 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 an airport or air freight terminal or
54 within five hundred feet thereof;

55 (n) Refusal to answer any material question or produce any material
56 evidence lawfully required to be answered or produced at any investi-

1 gation, interview or other proceeding conducted by the commission pursu-
2 ant to the provisions of this compact, or, if such refusal is accompa-
3 nied by a valid plea of privilege against self-incrimination, refusal to
4 obey an order to answer such question or produce such evidence made by
5 the commission pursuant to the power of the commission under this
6 compact to grant immunity from prosecution;

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

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

18 § 3306. Air freight terminal operators; air freight truck carriers;
19 and airfreightmen; labor relations consultants. 1. On and after the
20 ninetieth day after the effective date of this compact, no person,
21 except an air carrier, shall act as an air freight terminal operator or
22 as an air freight truck carrier or as an airfreightman labor relations
23 consultant within the state of New York or the state of New Jersey with-
24 out having first obtained a license from the commission to act as an air
25 freight terminal operator or as an air freight truck carrier or as an
26 airfreightman labor relations consultant, as the case may be, and no
27 person shall employ or engage another person to perform services as an
28 air freight terminal operator or as an air freight truck carrier or as
29 an airfreightman labor relations consultant who is not so licensed.

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

35 (a) If the applicant is a natural person, the application shall be
36 signed and verified by such person and if the applicant is a partner-
37 ship, the application shall be signed and verified by each natural
38 person composing or intending to compose such partnership. The applica-
39 tion shall state the full name, age, residence, business address (if
40 any), present and previous occupations of each natural person so signing
41 the same, and any other facts and evidence as may be required by the
42 commission to ascertain the character, integrity, identity and criminal
43 record, if any, of each natural person so signing such application.

44 (b) If the applicant is a corporation, the application shall be signed
45 and verified by the president, secretary and treasurer thereof, and
46 shall specify the name of the corporation, the date and place of its
47 incorporation, the location of its principal place of business, the
48 names and addresses of, and the amount of the stock held by stockholders
49 owning ten per cent or more of any of the stock thereof, and of all the
50 officers (including all members of the board of directors). The
51 requirements of paragraph (a) of this subdivision as to a natural person
52 who is a member of a partnership, and such requirements as may be speci-
53 fied in rules and regulations promulgated by the commission, shall apply
54 to each such officer or stockholder and their successors in office or
55 interest as the case may be.

1 In the event of the death, resignation or removal of any officer, and
2 in the event of any change in the list of stockholders who shall own ten
3 per cent or more of the stock of the corporation, the secretary of such
4 corporation shall forthwith give notice of that fact in writing to the
5 commission, certified by said secretary.

6 3. No such license shall be granted

7 (a) If any person whose signature or name appears in the application
8 is not the real party in interest required by subdivision two of this
9 section to sign or to be identified in the application or if the person
10 so signing or named in the application is an undisclosed agent or trustee
11 for any such real party in interest or if any such real party in
12 interest does not sign the application;

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

17 (c) If the applicant or any member, officer or stockholder required by
18 subdivision two of this section to sign or be identified in the applica-
19 tion for license has, without subsequent pardon, been convicted by a
20 court of the United States or any state or territory thereof of the
21 commission of, or the attempt or conspiracy to commit any crime or
22 offense described in paragraph (a) of subdivision three of section thirty-
23 three hundred five of this part. Any applicant ineligible for a
24 license by reason of any such conviction may submit satisfactory
25 evidence to the commission that the person whose conviction was the
26 basis of ineligibility has for a period of not less than five years,
27 measured as hereinafter provided and up to the time of application, so
28 conducted himself as to warrant the grant of such license, in which
29 event the commission may, in its discretion issue an order removing such
30 ineligibility. The aforesaid period of five years shall be measured
31 either from the date of payment of any fine imposed upon such person or
32 the suspension of sentence or from the date of his unrevoked release
33 from custody by parole, commutation or termination of his sentence.
34 Such petition may be made to the commission before or after the hearing
35 on the application;

36 (d) If, on or after the effective date of this compact, the applicant
37 has paid, given, caused to have been paid or given or offered to pay or
38 give to any officer or employee of any other person employing or engag-
39 ing him in his licensed activity any valuable consideration for an
40 improper or unlawful purpose or to induce such officer or employee to
41 procure the employment of the applicant in his licensed activity by such
42 other person;

43 (e) If, on or after the effective date of this compact, the applicant
44 has paid, given, caused to have been paid, or given or offered to pay or
45 give to any officer or representative of a labor organization any valu-
46 able consideration for an improper or unlawful purpose or to induce such
47 officer or representative to subordinate the interest of such labor
48 organization or its members in the management of the affairs of such
49 labor organization to the interests of the applicant or any other
50 person;

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

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

6 5. The commission shall have the power to reprimand any person
7 licensed under this section or to revoke or suspend his license for such
8 period as the commission deems in the public interest for any of the
9 following causes on the part of the licensee or of any person required
10 by subdivision two of this section to sign or be identified in an
11 original application for a license:

12 (a) Any cause set forth in subdivision five of section thirty-three
13 hundred five of this part;

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

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

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

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

30 § 3307. Air freight security area. 1. On or after the effective date
31 of this compact, the commission shall have the power to designate any
32 area located within an airport as an air freight security area. No
33 person who is not licensed by the commission pursuant to this compact
34 shall have ingress to an air freight security area unless issued a
35 permit by the commission.

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

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

tion 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.

§ 3308. 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 licensee or permittee and any person making such complaint shall be given an opportunity to be heard, provided that any order of the commission revoking or suspending any license or permit shall not become effective until fifteen days subsequent to the serving of notice thereof upon the licensee or permittee unless in the opinion of the commission the continuance of the license or permit for such period would be inimical to the public peace or safety. Such hearings shall be held in such manner and upon such notice as may be prescribed by the rules of the commission, but such notice shall be of not less than ten days and shall state the nature of the complaint.

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

5. The commission, or such member, officer, employee or agent of the commission as may be designated by the commission for such purpose, shall have the power to issue subpoenas throughout both states to compel the attendance of witnesses and the giving of testimony or production of other evidence and to administer oaths in connection with any such hearing. It shall be the duty of the commission or of any such member, officer, employee or agent of the commission designated by the commission for such purpose to issue subpoenas at the request of and upon behalf of the licensee, permittee or applicant. The commission or such person conducting the hearing shall not be bound by common law or statutory rules of evidence or by technical or formal rules or procedure in the conduct of such hearing.

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

7. The action of the commission in denying any application for a license or permit or in suspending or revoking such license or permit or in reprimanding a licensee or permittee shall be subject to judicial

1 review by a proceeding instituted in either state at the instance of the
2 applicant, licensee or permittee in the manner provided by the law of
3 such state for review of the final decision or action of administrative
4 agencies of such state, provided, however, that notwithstanding any
5 other provision of law the court shall have power to stay for not more
6 than thirty days an order of the commission suspending or revoking a
7 license or permit.

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

11 9. After the conclusion of a hearing but prior to the making of an
12 order by the commission, a hearing may, upon petition and in the
13 discretion of the hearing officer, be reopened for the presentation of
14 additional evidence. Such petition to reopen the hearing shall state in
15 detail the nature of the additional evidence, together with the reasons
16 for the failure to submit such evidence prior to the conclusion of the
17 hearing. The commission may upon its own motion and upon reasonable
18 notice reopen a hearing for the presentation of additional evidence.
19 Upon petition, after the making of an order of the commission, rehearing
20 may be granted in the discretion of the commission. Such a petition for
21 rehearing shall state in detail the grounds upon which the petition is
22 based and shall separately set forth each error of law and fact alleged
23 to have been made by the commission in its determination, together with
24 the facts and arguments in support thereof. Such petition shall be
25 filed with the commission not later than thirty days after service of
26 such order unless the commission for good cause shown shall otherwise
27 direct. The commission may upon its own motion grant a rehearing after
28 the making of an order.

29 § 3309. Expenses of administration. 1. In addition to the budget of
30 its expenses under the waterfront commission compact, the commission
31 shall annually adopt a budget of its expenses under this compact for
32 each year. The annual budget shall be submitted to the governors of the
33 two states and shall take effect as submitted provided that either
34 governor may within thirty days disapprove or reduce any item or items,
35 and the budget shall be adjusted accordingly.

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

42 3. With respect to airfreightmen and airfreightman supervisors who are
43 employed by an air freight truck carrier regularly to move freight to or
44 from an airport, the employers shall pay to the commission for each such
45 airfreightman and airfreightman supervisor a license fee to be deter-
46 mined by the commission, not in excess of one hundred dollars for each
47 year, commencing with the first day of April. The employer of every
48 person who is issued a permit of fixed duration by the commission for
49 ingress to an air freight security area, or the permittee himself if he
50 is self-employed, shall pay to the commission a fee to be determined by
51 the commission, not in excess of seventy-five dollars for each year,
52 commencing with the first day of April. The commission shall reduce the
53 maximum fees payable under this section proportionately with any
54 reduction in the maximum assessment rate of two per cent provided for by
55 this section.

1 4. Every employer of airfreightmen and airfreightman supervisors
2 licensed by the commission, except as otherwise provided in subdivision
3 three of this section, shall pay to the commission an assessment
4 computed upon the gross payroll payments made by such employer to airfr-
5 eightmen and airfreightman supervisors for work performed as such, at a
6 rate, not in excess of two per cent, computed by the commission, in the
7 following manner: the commission shall annually estimate the fees paya-
8 ble under this section and the gross payroll payments to be made by
9 employers subject to assessment and shall compute the fees and a rate of
10 assessment which will yield revenues sufficient to finance the balance
11 of the commission's budget for each year as provided in subdivision two
12 of this section. The commission may hold in reserve an amount not to
13 exceed ten per cent of its total budgeted expenses for the year, which
14 reserve shall not be included as part of the budget. Such reserve shall
15 be held for the stabilization of annual assessments, the payment of
16 operating deficits and for the repayment of any advances made by the two
17 states.

18 5. The amount required to balance the commission's budget in excess of
19 the estimated yield of the maximum fees and assessment, shall be certi-
20 fied by the commission, with the approval of the respective governors,
21 to the legislatures of the two states, in proportion to the respective
22 totals of the assessments and fees paid to the commission by persons in
23 each of the two states. The legislatures shall annually appropriate to
24 the commission the amount so certified.

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

28 7. In addition to any other sanction provided by law, the commission
29 may revoke or suspend any license or permit held by any employer under
30 this compact and/or the license or permit held under this compact by any
31 employees of such employer, or the permit held under this compact by any
32 permittee who is self-employed, and in addition the commission may deny
33 ingress to such employers, employees or permittees to air freight secu-
34 rity areas, for nonpayment of any assessment or fee when due.

35 8. Every person subject to the payment of any assessment under this
36 compact shall file on or before the twentieth day of the first month of
37 each calendar quarter-year a separate return, together with the payment
38 of the assessment due, for the preceding calendar quarter-year during
39 which any payroll payments were made to licensed persons for whom
40 assessments are payable for work performed as such. Returns covering the
41 amount of assessment payable shall be filed with the commission on forms
42 to be furnished for such purpose and shall contain such data, informa-
43 tion or matter as the commission may require to be included therein.
44 The commission may grant a reasonable extension of time for filing
45 returns, or for payment of assessment, whenever good cause exists.
46 Every return shall have annexed thereto a certification to the effect
47 that the statements contained therein are true.

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

10. (a) The commission shall audit and determine the amount of assessment due from the return filed and such other information as is available to it. Whenever a deficiency in payment of the assessment is determined the commission shall give notice of any such determination to the person liable therefor. Such determination shall finally and conclusively fix the amount due, unless the person against whom it is assessed shall, within thirty days after the giving of notice of such determination, apply in writing to the commission for a hearing, or unless the commission on its own motion shall reduce the same. After such hearing, the commission shall give notice of its decision to the person liable therefor. A determination of the commission under this subdivision shall be subject to judicial review, if application for such review is made within thirty days after the giving of notice of such decision. Any determination under this section shall be made within five years from the time the return was filed and if no return was filed such determination may be made at any time.

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

11. Every person required to pay a fee for a license or a permit under this section shall pay the same upon filing of the application with the commission for such license or permit. The fee for such license or permit shall be prorated for the fiscal year for which the same is payable as of the date the application for such license or permit is filed with the commission. The commission shall prorate and make a refund of such fee for the period between the date of application and the date of the issuance of such license or permit. Upon surrender of such license or permit or upon the revocation of any such license or permit issued to an employee before the expiration of the fiscal year, the commission shall make a refund prorated for the unexpired portion of the year, less ten per cent of such refund. In the event of denial of any application for a license or permit, the commission shall refund the fee paid upon application, less ten per cent of such refund.

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

13. The employment by a nonresident of a licensed person or permittee for whom assessments or fees are payable in either state or the designation by a nonresident of a licensed person or permittee to perform work in such state shall be deemed equivalent to an appointment by such nonresident of the secretary of state of such state to be his true and lawful attorney upon whom may be served the process in any action or proceeding against him growing out of any liability for assessments or fees, penalties or interest, and a consent that any such process against him which is so served shall be of the same legal force and validity as if served on him personally within such state and within the territorial jurisdiction of the court from which the process issues. Service of process within either state shall be made by either (1) personally

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

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

22 15. 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 16. When any person shall wilfully fail to pay any assessment or fee
26 due hereunder he shall be assessed interest at a rate of one per cent
27 per month on the amount due and unpaid and penalties of five per cent of
28 the 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 17. Any person who shall wilfully furnish false or fraudulent infor-
32 mation or shall wilfully fail to furnish pertinent information as
33 required, with respect to the amount of any assessment or fee due, shall
34 be guilty of a misdemeanor, punishable by a fine of not more than one
35 thousand dollars, or imprisonment for not more than one year, or both.

36 18. 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 two members of the commission or by such other officers or
44 employees of the commission as it may from time to time designate.

45 19. 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 20. The commission shall reimburse each state for any funds advanced
51 to the commission exclusive of sums appropriated pursuant to subdivision
52 five of this section.

53 § 3310. General violations; prosecutions; penalties. 1. The failure
54 of any witness, when duly subpoenaed to attend, to give testimony or
55 produce other evidence in any investigation, interview or other proceed-
56 ing conducted by the commission pursuant to the provisions of this

compact, shall be punishable by the superior court in New Jersey and the supreme court in New York in the same manner as said failure is punishable by such court in a case therein pending.

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

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

4. Any person who directly or indirectly inflicts or threatens to inflict any injury, damage, harm or loss or in any other manner practices intimidation upon or against any person in order to induce or compel such person or any other person to refrain from obtaining a license or permit pursuant to this compact shall be guilty of a misdemeanor punishable by a fine of not more than one thousand dollars or imprisonment for not more than one year or both.

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

6. Any person who shall violate any of the provisions of this compact, for which no other penalty is prescribed, shall be guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars or by imprisonment for not more than one year or both.

7. 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.

§ 3311. 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.

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

3 PART V
4 OFFICERS AND EMPLOYEES;
5 CIVIL PENALTIES AND ENFORCEMENT

6 3401. Prohibition against unions having officers, agents or
7 employees who have been convicted of certain crimes and
8 offenses.

9 3402. Prohibition against employer organizations having offi-
10 cers, agents or employees who have been convicted of
11 certain crimes and offenses.

12 3403. Exceptions to sections thirty-four hundred one and thir-
13 ty-four hundred two of this part for certain employees.

14 3404. Civil penalties.

15 3405. Civil enforcement.

16 3406. Exemption from arrest and service of process.

17 3407. Nonresident witnesses.

18 3408. Officers and employees.

19 3409. Penalties.

20 3410. Short title.

21 § 3401. Prohibition against unions having officers, agents or employ-
22 ees who have been convicted of certain crimes and offenses. No person
23 shall solicit, collect or receive any dues, assessments, levies, fines
24 or contributions, or other charges within the state for or on behalf of
25 any labor organization which receives, directly or indirectly, twenty
26 per cent or more of its dues, assessments, levies, fines or contrib-
27 utions, or other charges from persons who hold licenses issued by the
28 commission pursuant to the airport commission compact, or for or on
29 behalf of a labor organization which derives its charter from a labor
30 organization which receives, directly or indirectly, twenty per cent or
31 more of its dues, assessments, levies, fines or contributions, or other
32 charges from persons who hold licenses issued by the commission pursuant
33 to the airport commission compact, if any officer, agent or employee of
34 such labor organization, or of a welfare fund or trust administered
35 partially or entirely by such labor organization or by trustees or other
36 persons designated by such labor organization, has been convicted by a
37 court of the United States, or any state or territory thereof, of a
38 felony, any misdemeanor involving moral turpitude or any crime or
39 offense enumerated in subdivision (a) of subdivision three of section
40 thirty-three hundred five of this article, unless he has been subse-
41 quently pardoned therefor by the governor or other appropriate authority
42 of the state or jurisdiction in which such conviction was had or has
43 received a certificate of good conduct or other relief from disabili-
44 ties arising from the fact of conviction from a board of parole or simi-
45 lar authority. No person so convicted shall serve as an officer, agent
46 or employee of such labor organization, welfare fund or trust unless
47 such person has been so pardoned or has received such a certificate of
48 good conduct. No person, including such labor organization, welfare
49 fund or trust, shall knowingly permit such convicted person to assume or
50 hold any office, agency or employment in violation of this section.

51 As used in this section, the term "labor organization" shall mean and
52 include any organization which exists and is constituted for the purpose
53 in whole or in part of collective bargaining, or of dealing with employ-

1 ers concerning grievances, terms and conditions of employment, or of
2 other mutual aid or protection; but it shall not include a federation
3 or congress of labor organizations organized on a national or interna-
4 tional basis even though one of its constituent labor organizations may
5 represent persons who hold licenses issued by the commission pursuant to
6 the airport commission compact.

7 § 3402. Prohibition against employer organizations having officers,
8 agents or employees who have been convicted of certain crimes and
9 offenses. No person shall solicit, collect or receive any dues, assess-
10 ments, levies, fines or contributions, or other charges within the state
11 for or on behalf of any organization of employers (whether incorporated
12 or not) twenty per cent or more of whose members have in their employ-
13 ment any employees who are members of a labor organization to which the
14 prohibition of section thirty-four hundred one of this part is applica-
15 ble, if any officer, agent or employee of such employer organization or
16 of a welfare fund or trust administered partially or entirely by such
17 employer organization or by trustees or other persons designated by such
18 employer organization, has been convicted by a court of the United
19 States, or any state or territory thereof, of a felony, any misdemeanor
20 involving moral turpitude or any crime or offense enumerated in para-
21 graph (a) of subdivision three of section thirty-three hundred five of
22 the compact established pursuant to part IV of this article, unless he
23 has been subsequently pardoned therefor by the governor or other appro-
24 priate authority of the state or jurisdiction in which such conviction
25 was had or has received a certificate of good conduct or other relief
26 from disabilities arising from the fact of conviction from a board of
27 parole or similar authority. No person so convicted shall serve as an
28 officer, agent or employee of such employer organization, welfare fund
29 or trust unless such person has been so pardoned or has received such a
30 certificate of good conduct. No person, including such employer organ-
31 ization, welfare fund or trust, shall knowingly permit such convicted
32 person to assume or hold any office, agency or employment in violation
33 of this section.

34 § 3403. Exceptions to sections thirty-four hundred one and thirty-four
35 hundred two of this part for certain employees. If upon application to
36 the commission by an employee who has been convicted of a crime or
37 offense specified in section thirty-four hundred one or section thirty-
38 four hundred two of this part the commission, in its discretion, deter-
39 mines in an order that it would not be contrary to the purposes and
40 objectives of the airport commission compact for such employee to work
41 in a particular employment otherwise prohibited by section thirty-four
42 hundred one or section thirty-four hundred two, the provisions of
43 section thirty-four hundred one or section thirty-four hundred two, as
44 the case may be, shall not apply to the particular employment of such
45 employee with respect to such conviction or convictions as are specified
46 in the commission's order. This section is applicable only to those
47 employees who for wages or salary perform manual, mechanical or physical
48 work of a routine or clerical nature at the premises of the labor organ-
49 ization, employer organization, welfare fund or trust by which they are
50 employed.

51 § 3404. Civil penalties. The commission may maintain a civil action
52 on behalf of the state against any person who violates or attempts or
53 conspires to violate any provision of this part or who fails, omits or
54 neglects to obey, observe or comply with any order or direction of the
55 commission issued under this part, to recover a judgment for a money
56 penalty not exceeding five hundred dollars for each and every offense.

1 Every violation of any such provision, order or direction shall be a
2 separate and distinct offense and, in case of a continuing violation,
3 every day's continuance shall be and be deemed to be a separate and
4 distinct offense. Any such action may be settled or discontinued on
5 application of the commission upon such terms as the court may approve
6 and a judgment may be rendered for an amount less than the amount
7 demanded in the complaint as justice may require.

8 § 3405. Civil enforcement. The commission may maintain a civil action
9 against any person to compel compliance with any of the provisions of
10 this compact or any order or direction of the commission issued under
11 this compact or to prevent violations, attempts or conspiracies to
12 violate any such provisions, or interference, attempts or conspiracies
13 to interfere with or impede the enforcement of any such provisions or
14 the exercise or performance of any power or duty thereunder, either by
15 mandamus, injunction or action or proceeding in lieu of prerogative
16 writ.

17 § 3406. Exemption from arrest and service of process. If a person in
18 obedience to a subpoena, issued pursuant to this part directing him to
19 attend and testify comes into either state party to this part from the
20 other state, he shall not, while in that state pursuant to such subpoe-
21 na, be subject to arrest or the service of process, civil or criminal,
22 in connection with matters which arose before his entrance into such
23 state under the subpoena.

24 § 3407. Nonresident witnesses. Any investigation, interview or other
25 proceeding conducted by the commission pursuant to the provisions of
26 this compact shall be deemed to be a civil action pending in the supreme
27 court in New York or in the superior court in New Jersey so as to permit
28 the commission to obtain disclosure, in accordance with the provisions
29 governing disclosure in such civil actions, from any person who may be
30 outside the states.

31 § 3408. Officers and employees. Any officer or employee in the state,
32 county or municipal civil service in either state who shall transfer to
33 service with the commission may be given one or more leaves of absence
34 without pay and may, before the expiration of such leave or leaves of
35 absence, and without further examination or qualification, return to his
36 former position or be certified by the appropriate civil service agency
37 for retransfer to a comparable position in such state, county, or munic-
38 ipal civil service if such a position is then available.

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

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

1 § 3409. Penalties. Any person who shall violate any of the provisions
2 of this compact, for which no other penalty is prescribed, shall be
3 guilty of a misdemeanor, punishable by a fine of not more than one thou-
4 sand dollars or imprisonment for not more than one year or both.

5 § 3410. Short title. This part shall be known and may be cited as the
6 "Waterfront and airport commission act".

7 § 31. Chapter 28 of the consolidated laws constituting the interstate
8 authorities law created by section thirty of this act shall be deemed
9 for all purposes to be a continuation of the port authority of New York
10 and New Jersey as it was constituted immediately preceding the effective
11 date of this act and shall not be construed as a newly created authori-
12 ty. All unexpended balances of appropriations of monies heretobefore
13 made or allocated to the port authority of New York and New Jersey as
14 such authority was constituted immediately preceding the effective date
15 of this act, whether obligated or unobligated, are hereby transferred to
16 and made available to the port authority of New York and New Jersey as
17 created in section thirty of this act. All rules, regulations, orders,
18 determinations, and decisions of the port authority of New York and New
19 Jersey, as it was constituted immediately preceding the effective date
20 of this act, shall continue in full force and effect as rules, regu-
21 lations, orders, determinations and decisions of the port authority of
22 New York and New Jersey created by section thirty of this act.

23 § 32. Severability clause. If any clause, sentence, paragraph, subdi-
24 vision, section or part of this act shall be adjudged by any court of
25 competent jurisdiction to be invalid, such judgment shall not affect,
26 impair, or invalidate the remainder thereof, but shall be confined in
27 its operation to the clause, sentence, paragraph, subdivision, section
28 or part thereof directly involved in the controversy in which such judg-
29 ment shall have been rendered. It is hereby declared to be the intent of
30 the legislature that this act would have been enacted even if such
31 invalid provisions had not been included herein.

32 § 33. This act shall take effect upon the enactment into law by the
33 state of New Jersey of legislation having an identical effect with this
34 act, but if the state of New Jersey shall have already enacted such
35 legislation this act shall take effect immediately. The chairman of the
36 port authority shall notify the legislative bill drafting commission
37 upon the enactment into law of such legislation by both such states in
38 order that the commission may maintain an accurate and timely effective
39 data base of the official text of the laws of the state of New York in
40 furtherance of effecting the provision of section 44 of the legislative
41 law and section 70-b of the public officers law.

SUMMARY OF WATERFRONT COMMISSION ACT

Chapter 882 of the laws of 1953, effective June 30, 1953, authorizes a Compact between the States of New Jersey and New York to improve waterfront labor conditions in the port of New York District, establishes a bi-state commission to administer the plan, and provides that in the interim, until Congress grants its consent to the Compact, the two states may separately but cooperatively place the program in operation.

The Interim Arrangement

Since there may be some delay in procuring Congressional consent, the statute in each State provides for a single-state commission to perform within the State the functions of the bi-state commission until Congress-

sional approval to the Compact is obtained. The bill is so drafted that the Commission will be able to function in each State from the time of enactment of the bill.

Section 3 authorizes the Commissioners from each State to work in the closest possible cooperation with each other to effectuate the purposes of the Act.

The State of New York will advance \$400,000 to the Commission and the State of New Jersey, \$200,000, to provide initial funds for the operation of the Commission.

The licensing, registration and employment center provisions of the bill do not become operative until December 1, 1953.

The Compact

The proposed Compact is set forth in the sixteen articles which make up Section 1 of the bill.

Legislative Findings

Article I contains legislative declarations and findings which reflect the conclusions set forth in the Report of the New York State Crime Commission on the port of New York Waterfront, the record of the public hearings held thereon by Governor Thomas E. Dewey on June 8 and 9, 1953 and the companion report of the New Jersey Law Enforcement Council. In substance the findings are that the methods now used in the Port of New York District for hiring waterfront labor, and the conduct of the business of public loading and stevedoring are uneconomic, unjust and degrading insofar as the worker is concerned, foster waterfront crime and corruption, and adversely affect the economical and expeditious handling of port commerce. Accordingly, it is declared that the present practices of public loaders must be eliminated and that the occupations of stevedores, pier superintendents, hiring agents, pier watchmen and longshoreman must be regulated in the public interest.

Basic Plan

The plan to improve waterfront labor conditions has five basic features:

1. Licensing of pier superintendents and hiring agents,-only persons of good character (convicted criminals are barred for at least five years) will be licensed for these key positions. The license must be requested by the employer concerned, is good only for the duration of the employment and may be revoked for specified cause;

2. Licensing of stevedores and port watchmen;

3. The abolition of "public loading;"

4. Registration of longshoremen,-the right to register is absolute unless the person had been convicted of a crime (but this disqualification may be waived by the Commission) or is engaged in subversive activity or unless his employment on the waterfront is clearly likely to endanger the public peace or safety. Longshoremen who are not attached to the waterfront labor market may be dropped from the register under specified conditions thus providing more and steadier work for and increasing the earning capacity of those who depend on this work for their livelihood;

5. Operation by the Commission of regionally located employment exchanges for registered longshoremen and licensed port watchmen, replacing the wasteful and inhuman "shape-up" method, providing informa-

tion as to available employment and flexibility in obtaining such employment, but without interference with employer-employee freedom of selection or with provisions of collective bargaining agreements.

The rights of licensees and registrants are carefully protected by procedural safeguards set forth in Article XI including hearings, court review and other requirements for the protection of the individual.

The Waterfront Commission

Article III creates the Waterfront Commission of New York Harbor. The commission consists of two members, one from each State appointed by the Governor with the consent of the Senate, to serve for a term of three years. It is contemplated that they may be compensated either on a full time or per diem basis dependent upon whether the office will be a policy making one with administration delegated to an Executive Director or a full time executive assignment.

Appropriate provision is made for the transfer of civil service employees to service with the Commission without loss of Civil Service or retirement privileges.

The general powers of the Commission as set forth in Article IV are to make rules and regulations to carry out the statutory plan, to administer oaths and issue subpoenas, to have access to the waterfront in the performance of its duties, to investigate waterfront practices in the port district and to advise and consult with other public officers and with representatives of labor and industry on matters within its jurisdiction, including problems involved in rule making, in the granting and denial of registrations and licenses and in the maintenance of the longshoremen's register. The Commission is required to report annually to the Governors and Legislatures of both States and to make recommendations for the improvement of the conditions of waterfront labor within the port district.

In order to insure that public regulation of waterfront labor practices shall no unnecessarily continue once law and order has been restored to the waterfront, the Commission is expressly required to include in its Annual Report findings as to whether the public necessity still exists for continued registration of longshoremen, licensing of the other waterfront occupations and public operation of the employment information centers.

Licensing of Pier Superintendents and Hiring Agents

Article V requires that on and after December 1, 1953, any person who wishes to act as a pier superintendent or hiring agent for a shipping company or stevedore at a pier or other waterfront terminal within the port district must be licensed. Because pier superintendents and hiring agents are, or should be, key supervisory representatives of the employer for whose acts the employer should be held responsible, the application for these licenses is to be made by the prospective employer. A person is disqualified for either of these licenses if he has been convicted of a felony or high misdemeanor or of the following violations of law which, while less serious in themselves, make him a bad risk for waterfront employment:--illegally using, carrying or possessing a dangerous weapon; making or possessing burglar's instruments; buying or receiving stolen property; unlawful entry; aiding an escape from prison; unlawfully possessing or distributing narcotic drugs and previous violation of the Compact. However, if a person so disqualified submits

satisfactory evidence of good conduct for at least five years, the Commission may waive this statutory disability.

Additional grounds for disqualification for a license as a pier superintendent or hiring agent include subversive activities by the applicant or a finding that he is not a person of good character or integrity.

The term of a pier superintendent's or hiring agent's license is tied to his employment by the employer-applicant. However, it may be revoked or suspended or he may be reprimanded for the following specified causes:-violation of the Compact; conviction of a crime or other cause which would have been disqualifying originally; consorting with criminals for an unlawful purpose; fraud in securing the license or while acting thereunder; addition to or trafficking in narcotic drugs; violation of the Compact; bribing public officers or anyone else to violate their duties under the Compact; unwarranted giving of his license to someone else; impersonation of another licensee; accepting a bribe in connection with his work; coercion of longshoremen; lending money to or borrowing money from a longshoreman for a fee.

Pier superintendents and hiring agents are ineligible for membership in any union which represent longshoremen.

Stevedores

Article VI requires that on and after December 1, 1953 all stevedores in the port district must be licensed. The license application must fully disclose the real parties in interest. A license will be granted if the Commission is satisfied as to the good character and integrity of the real parties in interest and if the applicant is a bona fide stevedore, that is to say that he has, or will, if licensed, have a contract with a shipping company to load and unload the company's ships at a pier in this port.

Prior conviction of the same serious crimes which disqualify pier superintendents and hiring agents also disqualify a stevedore. The Commission is authorized to waive this disqualification upon a showing of at least five years' good conduct. Additional grounds for disqualification in the case of stevedores are prescribed to accord with the Crime Commission's specific findings of abuses and evils now prevalent in this industry. These include payments made for an improper or unlawful purpose and are designed to reach the payment of bribes to a shipper to obtain a stevedoring contract or to a union representative to betray his trust.

Public Loading

Article VII sets forth the States' policy against "public loading" and reviews the compelling policy reasons for abolition of the public loader system. Under the bill loading service will be performed in the port of New York as it is in every other major American port-by water carriers; operators of piers and other waterfront terminals at their own facilities; railroads, truckers, and other carriers in connection with freight being carried by them; shippers or consignees in connection with their own freight; and licensed stevedores, in the regular course of business, and through their own employees.

Longshoremen

A longshoremen's register is to be established by the Commission by December 1, 1953. Article VIII sets forth the provisions with respect to the registration of longshoremen.

There is no fee for registration and no special qualifications are prescribed. The applicant must provide his name, address, social security number and such further facts as may be needed to establish his identity and criminal record, if any.

Conviction of certain serious crimes or engaging in subversive activities is made basis for disqualification. The Commission, however, may waive the disqualification in a proper case and it may register a longshoreman even though he has previously been convicted of a crime.

In the light of the Crime Commission's disclosures of the activities of known waterfront gangsters who have so far escaped being convicted of crime, provision has been inserted to permit the Commission to deny registration as a longshoreman to a person "whose presence on the piers or other waterfront terminals in the port of New York district is found by the Commission, on the basis of the facts and evidence before it, to constitute a danger to the public peace or safety."

A longshoreman may be removed or suspended from the register only for specified cause. In such case he is entitled to a hearing before the Commission, Counsel, his own witnesses, and court review. The causes specified are similar to those specified for removal of hiring agents and wilful acts involving physical injury to a person or damage to or misappropriation of property at a waterfront terminal.

Article IX contains the provisions designed to permit purging the longshoremen's register periodically of drifters and floaters who, although they are not bona fide longshoremen, have been permitted under the present system to take work away from longshoremen who depend on it for their livelihood.

For each six month period, and in advance, the Commission will establish the minimum number of days a man must work or offer himself for work as a longshoreman in order to stay on the register. A person failing so to qualify will be dropped on ten days' notice and cannot again be registered for one year unless he can show that his absence was occasioned by military service, sickness or other good cause.

Port Watchmen

Port watchmen will be licensed pursuant to Article X. Applicants must not only possess qualifications similar to those prescribed for pier superintendents, but must also meet reasonable standards of physical and mental fitness. Since these port watchmen are security officers, prior criminal convictions is an absolute bar to a license. Because of the nature of their duties, port watchmen are not permitted to belong to the same union as longshoremen or pier superintendents or hiring agents.

The term of the port watchmen's license is three years and is not tied to a particular employment. The grounds for revocation or suspension are basically the same as those for pier superintendents and hiring agents.

Hearings and Court Review

Article XI safeguards the rights of licensees and registrants by prescribing procedures for Commission hearings and assuring court review of Commission determinations. A registered longshoreman or any licensee must be given notice of any charges made against him and is entitled to a hearing at which he may have counsel and cross examine witnesses and

the licensee or longshoreman can require the Commission to subpoena witnesses requested by him. At least ten days advance notice of such a hearing must be provided.

The refusal to register a longshoreman or issue a license cannot be effective until after opportunity has been afforded for such hearing and any Commission determination affecting the right to work is subject to court review. The reviewing court is granted power to stay the Commission's action for thirty days. No provision is incorporated in the bill which makes refusal to testify or refusal to answer questions, without other cause, grounds for refusing or rescinding a license or registration.

Employment Information Centers

Article XII authorizes the Commission to establish employment information centers throughout the port district to replace the "shape-up". All hiring of longshoremen and port watchmen will be through these publicly operated centers. The employer would have freedom of choice in the selection of employees at such centers but there would be no interference with normal and proper hiring practices, including the gang or unit system, or procedures established under collective bargaining agreements not inconsistent with the requirements of the Compact. The Commission will establish a system of records and communication with employers and workers designed to provide the maximum possible information as to available employment for longshoremen. The Commission is empowered to obtain any Federal assistance that may be available under the Wagner-Peyser Act for the operation of the employment centers.

Expenses of Administration

Article XIII and other sections of the act adopt the principle of charging the cost of administration upon the basis of service received. The Commission will prepare an annual budget of estimated expenses and assess the cost, over federal or other contributions, against the employers of the registered and licensed waterfront employees in proportion to their gross annual payments to such employees. The rate of assessment may not be more than two percent of the payroll payments. Expenses of the Commission, in excess of amounts produced by two percent payroll assessment will be met by the two States, proportionately, out of general revenues. Until the Commission is jointly established by the two States, or July 1, 1954, whichever is earlier, the rate will be one and one-half percent in each State.

The budget of the Commission may be reduced or modified by the Governor of each State. In addition, the Commission may establish procedures to enable employers to protest budget estimates and computations of the rate of assessment.

It is felt that the savings to employers and consignees which may be obtained through a reduction in pilferage, the elimination of "phantom" employees from the payroll and other exactions and levies on commerce will greatly exceed the cost of administration of the waterfront commission program.

Violations

Article XIV concerns general violations of the Compact and prosecutions and penalties therefor. Contempt is made punishable in accord-

ance with normal judicial process. Wilful, false statements under oath are constituted as perjury and other violations of the Compact or attempts or conspiracies to violate it are made punishable as is interference with the orderly registration of longshoremen.

The statute also prohibits loitering on the waterfront without satisfactory explanation. The language for this section is taken from comparable provisions of law which presently apply to subways, railroads, air and bus terminals.

Section 8 prohibits the collection of funds for waterfront labor unions having officers or agents who are convicted felons unless they have been subsequently pardoned or have received in the State of New York a certificate of good conduct.

Collective Bargaining Safeguarded

There is nothing in the statute which is designed or can reasonably be construed to interfere in any way with the right of the waterfront industry to select its own employees, or with the right of industry and labor to bargain collectively and agree on any method for the selection of longshoremen and port watchmen by way of seniority, experience, regular gangs or otherwise in conformity with the license, registration and employment information center provisions of the statute. Because of the apparent misunderstanding of this point reflected at the public hearings, express declaration to this effect has been included as Article XV in the Compact.

Similarly, to obviate any misunderstanding, Article XV includes an express statement that the statute is not designed and shall not be construed to limit labor's rights.