

STATE OF NEW YORK

2523--A

2017-2018 Regular Sessions

IN SENATE

January 13, 2017

Introduced by Sens. RANZENHOFER, AVELLA, GOLDEN -- read twice and ordered printed, and when printed to be committed to the Committee on Corporations, Authorities and Commissions -- recommitted to the Committee on Corporations, Authorities and Commissions in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to repeal chapter 154 of the laws of 1921 relating to the port authority of New York and New Jersey; to repeal chapter 43 of the laws of 1922 relating to the development of the port of New York; to repeal chapter 47 of the laws of 1931 relating to bridges and tunnels in New York and New Jersey; to repeal chapter 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

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

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ty; to repeal chapter 206 of the laws of 1951 relating to traffic regulations for air and marine terminals; to repeal chapter 207 of the laws of 1951 relating to penalties for violation of rules and regulations; to repeal chapter 142 of the laws of 1953 relating to smoking regulations for air and marine terminals; to repeal chapter 143 of the laws of 1953 relating to suits on leases at International Airport; to repeal chapter 808 of the laws of 1955, relating to the Narrows bridge; to repeal chapter 444 of the laws of 1956 relating to New Jersey turnpike connections; to repeal chapter 638 of the laws of 1959, relating to the purchase, financing and rental of commuter railroad cars by the port of New York authority and agreeing with the state of New Jersey with respect thereto; to repeal chapter 209 of the laws of 1962, relating to the financing and effectuation by the port of New York authority of a port development project, consisting of the Hudson tubes, the Hudson tubes extensions and a world trade center; to repeal chapter 665 of the laws of 1964, relating to the operation within the state of New York of the Hudson tubes and the Hudson tubes extensions; to repeal chapter 474 of the laws of 1971, relating to the authorization of the port of New York authority to provide access by mass transportation facilities to air terminals; to repeal chapter 651 of the laws of 1978, relating to the further coordination, facilitation, promotion, preservation and protection of trade and commerce in and through the port of New York district through the financing and effectuation of industrial development projects therein by the port authority of New York and New Jersey, and agreeing with the state of New Jersey with respect thereto; to repeal chapter 12 of the laws of 1979, relating to the acquisition, development, financing and transfer of buses and related facilities by the port authority of New York and New Jersey and the utilization thereof; 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.

1 § 10. Chapter 352 of the laws of 1946 relating to monies for prelimi-
2 nary studies upon the interstate vehicular bridges known as the Outer-
3 bridge crossing, the Goethals bridge and the Bayonne bridge is REPEALED.

4 § 11. Chapter 443 of the laws of 1946 relating to the financing and
5 effectuating of a motor bus terminal by the port authority is REPEALED.

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

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

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

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

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

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

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

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

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

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

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

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

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

37 § 25. Chapter 665 of the laws of 1964, relating to the operation with-
38 in the state of New York of the Hudson tubes and the Hudson tubes exten-
39 sions, is REPEALED.

40 § 26. Chapter 474 of the laws of 1971, relating to the authorization
41 of the port of New York authority to provide access by mass transporta-
42 tion facilities to air terminals, is REPEALED.

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

49 § 28. Chapter 12 of the laws of 1979, relating to the acquisition,
50 development, financing and transfer of buses and related facilities by
51 the port authority of New York and New Jersey and the utilization there-
52 of, is REPEALED.

53 § 29. Chapter 882 of the laws of 1953 relating to waterfront employ-
54 ment and air freight industry regulation is REPEALED.

55 § 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
2. The Waterfront and Airport Commission of New York and New Jersey Compact

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

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

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

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

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

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

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

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

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

10 § 103. Definitions. The following terms shall have the following
11 meanings unless otherwise provided:

12 1. "Board" means the board of commissioners of the port authority of
13 New York and New Jersey.

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

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

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

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

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

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

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

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

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

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

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

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

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

The district is included within the boundary lines located by connecting points of known latitude and longitude. The approximate courses and distances of the lines enclosing the district are recited in the description, but the district is determined by drawing lines through the points of known latitude and longitude. Beginning at a point A of latitude forty-one degrees and four minutes north and longitude seventy-three degrees and fifty-six minutes west, said point being about sixty-five-hundredths of a mile west of the westerly bank of the Hudson river and about two and one-tenth miles northwest of the pier at Piermont, in the county of Rockland, state of New York; thence due south one and fifteen-hundredths miles more or less to a point B of latitude forty-one degrees and three minutes north and longitude seventy-three degrees and fifty-six minutes west; said point being about one and three-tenths miles northwest of the pier at Piermont, in the county of Rockland, state of New York; thence south fifty-six degrees and thirty-four minutes west six and twenty-six-hundredths miles more or less to a point C of latitude forty-one degrees and no minutes north and longitude seventy-four degrees and two minutes west, said point being about seven-tenths of a mile north of the railroad station at Westwood, in the

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

1 latitude, said point also being about four and five-tenths miles north-
2 east of the business center of the city of White Plains; thence due west
3 along said parallel, of forty-one degrees and four minutes north lati-
4 tude, the line passing about two and one-half miles north of the busi-
5 ness center of the city of White Plains and crossing the Hudson river to
6 the point A, the place of beginning.

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

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

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

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

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

43 2. The powers granted in this part shall not be exercised by the port
44 authority until the legislatures of both states shall have approved of a
45 comprehensive plan for the development of the port as hereinafter
46 provided.

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

§ 108. Public meetings. 1. The legislature finds and declares that the right of the public to be present at meetings of the port authority of New York and New Jersey, and to witness in full detail all phases of the deliberation, policy formulation, and decision making of the authority, is vital to the enhancement and proper functioning of the democratic process, and that secrecy in public affairs undermines the faith of the public in government and the public's effectiveness in fulfilling its role in a democratic society; and declares it to be the public policy of this state to insure the right of its citizens to have adequate advance notice of and the right to attend all meetings of the authority at which any business affecting the public is discussed or acted upon in any way except only in those circumstances where otherwise the public interest would be clearly endangered or the personal privacy of guaranteed rights of individuals would be clearly in danger of unwarranted invasion.

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

3. Any rules or regulations adopted hereunder shall become a part of the minutes of the port authority of New York and New Jersey and shall be subject to the approval of the governor of New Jersey and the governor of New York.

4. Unless and until otherwise determined by the action of the legislatures of the two states, no action of the port authority shall be binding unless taken at a meeting at which at least three of the members from each state are present, and unless a majority of the members from each state present at such meeting but in any event at least three of the members from each state, shall vote in favor thereof. Each state reserves the right to provide by law for the exercise of a veto power by the governor thereof over any action of any commissioner appointed therefrom.

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

2. The temporary president and minority leader of the senate, the speaker and minority leader of the assembly, the chairman of the assembly ways and means committee and the chairman of the senate finance committee of the state of New York and the speaker and minority leader of the general assembly and the president and the minority leader of the senate of the state of New Jersey, or representatives designated by them in writing for this purpose, may by certificate filed with the secretary

1 of the port authority waive the foregoing filing requirement with
2 respect to any specific minutes.

3 § 110. Jurisdiction. Unless and until otherwise provided, all laws
4 now or hereafter vesting jurisdiction or control in the public service
5 commission, or the public utilities commission, or like body, within
6 each state respectively, shall apply to railroads and to any transporta-
7 tion, terminal or other facility owned, operated, leased or constructed
8 by the port authority, with the same force and effect as if such rail-
9 road, or transportation, terminal or other facility were owned, leased,
10 operated or constructed by a private corporation.

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

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

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

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

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

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

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

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

2. When there is an inconsistency between the law of the state of New York and the law of the state of New Jersey, the law of the state that provided the greatest rights of access on the date that the chapter of the laws of 2016 that added this section became a law shall apply.

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

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

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

§ 118. Regulations. 1. The port authority is hereby authorized to make suitable rules and regulations not inconsistent with the constitution of the United States or of either state, and subject to the exercise of the power of congress, for the improvement of the conduct of navigation and commerce, which, when concurred in or authorized by the legislatures of both states, shall be binding and effective upon all persons and corporations affected thereby.

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

PART II

DEVELOPMENT OF THE PORT OF NEW YORK

Section 201. Development of the port of New York.

202. Investigations.

203. Hearings.

204. Orders.

205. Terminal stations.

206. Preference.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The route of the middle belt line as shown on said map is in general as follows: Commencing at the Hudson river at Spuyten Duyvil running easterly and southerly generally along the easterly side of the Harlem river, utilizing existing lines so far as practicable and improving and adding where necessary, to a connection with Hell Gate bridge and the New Haven railroad, a distance of approximately seven miles; thence continuing in a general southerly direction, utilizing existing lines and improving and adding where necessary, to a point near Bay Ridge, a distance of approximately eighteen and one-half miles; thence by a new tunnel under New York bay in a northwesterly direction to a portal in Jersey City or Bayonne, a distance of approximately five miles, to a connection with the tracks of the Pennsylvania and Lehigh Valley railroads; thence in a generally northerly direction along the easterly side of Newark bay and the Hackensack river at the westerly foot of the Palisades, utilizing existing tracks and improving and adding where necessary, making connections with the Jersey Central, Pennsylvania, Lehigh Valley, Delaware, Lackawanna and Western, Erie, New York, Susquehanna and Western, New York, Ontario and Western, and West Shore railroads, a distance of approximately ten miles. From the westerly portal of the Bay tunnel and from the line along the easterly side of Newark bay by the bridges of the Central railroad of New Jersey (crossing the Hackensack

1 and Passaic rivers) and of the Pennsylvania and Lehigh Valley railroads
2 (crossing Newark bay) to the line of the central railroad of New Jersey
3 running along the westerly side of Newark bay and thence southerly along
4 this line to a connection with the Baltimore and Ohio railroad south of
5 Elizabethport, utilizing existing lines so far as practicable and
6 improving and adding where necessary, a distance of approximately twelve
7 miles; thence in an easterly direction crossing the Arthur kill, utiliz-
8 ing existing lines so far as practicable and improving and adding where
9 necessary, along the northerly and easterly shores of Staten Island to
10 the new city piers and to a connection, if the city of New York consent
11 thereto, with the tunnel under the Narrows to Brooklyn provided for
12 under chapter seven hundred of the laws of the state of New York for
13 nineteen hundred and twenty-one.

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

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

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

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

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

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

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

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

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

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

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

(m) Number 13. A marginal railroad extending along the westerly side of the Hudson river and the Upper New York bay. Made up mainly of existing lines---the Erie Terminals, Jersey Junction, Hoboken Shore, and National Docks railroads. To be improved and added to where necessary. 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 vested with such powers as may be appropriate or necessary so to cooperate. The bonds or other securities issued by the port authority shall at all times be free from taxation by either state. The port authority shall be regarded as the municipal corporate instrumentality of the two states for the purpose of developing the port and effectuating the pledge of the states in the said compact, but it shall have no power to pledge the credit of either state or to impose any obligation upon either state, or upon any municipality, except as and when such power is expressly granted by statute, or the consent by any such municipality is given.

§ 202. Investigations. 1. (a) To facilitate the determination of the economic practicability of any step in the comprehensive plan, or of any other fact or matter which the port authority is authorized and empowered to decide or determine, the port authority may conduct investigations, inquiries or hearings at such place or places and at such times as it shall appoint. Such investigations, inquiries or hearings may be held by or before one or more of the commissioners of the port authority, or by or before any person or persons appointed as its representative, and when ratified, approved or confirmed by the port authority on its action shall be and be deemed to be the investigation, inquiry or hearing of the port authority.

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

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

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

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

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

§ 204. Orders. 1. Every order of the port authority shall be served upon every person, association or corporation to be affected thereby,

1 either by personal delivery of a certified copy thereof, or by mailing a
2 certified copy thereof, in a sealed package with postage prepaid, to the
3 person to be affected thereby; or in the case of a corporation to any
4 officer or agent thereof upon whom a summons might be served, either
5 within or without the state, in accordance with law. It shall be the
6 duty of every person, association or corporation, to notify the port
7 authority forthwith, in writing, of the receipt of the certified copy of
8 every order so served, and in the case of a corporation such notifica-
9 tion must be signed and acknowledged by a person or officer duly author-
10 ized by the corporation to admit such service. Within a time specified
11 in the order of the port authority, such person, association or corpo-
12 ration, upon whom it is served, must, if so required in the order, noti-
13 fy the port authority in like manner whether the terms of the order are
14 accepted and will be obeyed. Every order of the port authority shall
15 take effect at a time therein specified and shall continue in force
16 either for a period which may be designated therein, or until changed or
17 abrogated by the port authority, unless such order be unauthorized by
18 law, or be in violation of a provision of the constitution of the state,
19 or of the United States.

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

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

42 (b) Failure of such person, association or corporation to notify the
43 port authority, as required in the preceding section, of its acceptance
44 of and willingness to obey any order of the port authority shall be and
45 be deemed to be prima facie proof that such person, association or
46 corporation is guilty of such violation, or threatened violation. The
47 legal representative of the port authority shall begin such action or
48 proceeding by a petition to the appropriate court, alleging the
49 violation complained of and praying for appropriate relief by way of
50 mandamus or injunction. If the petition is directed to a court of this
51 state, it shall thereupon be the duty of the court to specify the time,
52 not exceeding twenty days after the service of a copy of the petition,
53 within which the person, association or corporation complained of must
54 answer the petition. In case of default in answer, or after answer, the
55 court shall immediately inquire into the facts and circumstances, in
56 such manner as the court shall direct, without other or formal pleadings

1 and without respect to any technical requirement. Such other persons,
2 associations or corporations as the court shall deem necessary or proper
3 to join as parties, in order to make its order, judgment or writs effec-
4 tive, may be joined as parties upon application of the legal represen-
5 tative of the port authority. The final judgment in any such action or
6 proceeding shall either dismiss the action or proceeding, or direct that
7 a writ of mandamus, or an injunction, or both, issue as prayed for in
8 the petition, or in such modified or other form as the court may deter-
9 mine will afford the appropriate relief.

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

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

48 § 205. Terminal stations. If, in the determination of steps to effec-
49 tuate the comprehensive plan, the port authority shall determine that
50 one or more union terminal stations are then, or in the near future,
51 economically practicable, it shall call a conference of all the carriers
52 affected or to be affected by the use of such terminal stations or
53 station and shall submit to them a plan or plans for the construction,
54 maintenance and use thereof. If the carriers or any of them shall fail
55 or refuse to agree upon such plan, the port authority shall make and
56 certify its findings and conclusions to the supreme court of this state,

1 and the said court is vested with appropriate and adequate jurisdiction
2 to determine whether or not such plan or plans for a union station or
3 stations effectuate the comprehensive plan, and to make such conditions
4 and impose such terms as will carry out the same in accordance with the
5 principles embraced in the comprehensive plan and the laws governing the
6 same.

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

17 PART III

18 BRIDGES AND TUNNELS IN NEW YORK AND NEW JERSEY

19 Section 301. Legislative intent.

20 302. Tunnels.

21 303. Bridges.

22 304. Studies and reporting.

23 305. Inspections.

24 306. Construction, maintenance and operation.

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

26 308. Bonds.

27 309. Compact.

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

51 § 302. Tunnels. 1. In furtherance of the policy stated in section
52 three hundred one of this part, and in partial effectuation of the
53 comprehensive plan adopted by the two said states for the development of
54 the said port of New York district pursuant to this chapter, the
55 control, operation, tolls and other revenues of the vehicular tunnel,

1 known as the Holland tunnel, under the Hudson river between the city of
2 Jersey City and the city of New York, shall be vested in the port
3 authority as hereinafter provided; and the port authority is hereby
4 authorized and empowered to construct, own, maintain and operate an
5 interstate vehicular crossing under the Hudson river to consist of three
6 tubes (hereinafter called the Midtown Hudson tunnel), together with such
7 approaches thereto and connections with highways as the port authority
8 may deem necessary or desirable.

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

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

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

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

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

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

1 received by each of the said two states, such net revenues shall be
2 deemed to have been received by such state upon the date when such
3 revenues were credited to such state or to the commission of such state
4 pursuant to paragraph eleven of article fourteen of the compact of
5 December thirty, nineteen hundred nineteen, between the two said states.

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

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

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

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

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

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

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

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

§ 304. Studies and reporting. The port authority shall from time to time make studies, surveys and investigations to determine the necessity and practicability of vehicular bridges and tunnels over or under interstate waters within the port of New York district, in addition to the Midtown Hudson tunnel and Holland tunnel and to the George Washington bridge, Goethals bridge, Outerbridge Crossing and Bayonne bridge, and report to the governors and legislatures of the two states thereon. The port authority shall not proceed with the construction of any such additional vehicular bridges and tunnels over or under said interstate waters until hereafter expressly authorized by the two said states, but the second deck of the George Washington bridge shall be considered an addition and improvement to the said bridge and not such an additional vehicular bridge, and the port authority's power and authorization to construct, own, maintain and operate said second deck for highway vehicular or rail rapid transit traffic or both is hereby acknowledged and confirmed.

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

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

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

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

4. The port authority shall not proceed with the construction of any parking facility as an addition and improvement to any bridge or tunnel

1 other than a parking facility in the township of North Bergen in the
2 state of New Jersey at or in the vicinity of the Midtown Hudson tunnel
3 and its approaches and connections, except as heretofore or hereafter
4 expressly authorized.

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

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

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

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

55 9. Where a person entitled to an award in the proceedings to acquire
56 any real property for any of the purposes of this part, remains in

1 possession of such property after the time of the vesting of title in
2 the port authority, the reasonable value of his use and occupancy of
3 such property subsequent to such time, as fixed by agreement or by the
4 court in such proceedings or by any court of competent jurisdiction,
5 shall be a lien against such award, subject only to liens of record at
6 the time of the vesting of title in the port authority.

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

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

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

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

54 14. Nothing herein contained shall be construed to authorize or permit
55 the port authority to undertake the construction of any vehicular bridge
56 or tunnel over or under the Arthur Kill, unless or until adequate

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

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

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

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

1 and said revenues may be applied by the port authority to the fulfill-
2 ment of any other undertakings which it may assume to or for the benefit
3 of the holders of such bonds, securities or other obligations.

4 In the event that at any time the balance of moneys theretofore paid
5 into the general reserve fund and not applied therefrom shall exceed an
6 amount equal to one-tenth of the par value of all bonds legal for
7 investment, as defined and limited in the said statutes authorizing said
8 fund, issued by the port authority and currently outstanding at such
9 time, by reason of the retirement of bonds or other securities or obli-
10 gations issued or incurred from time to time for any of the purposes of
11 this part or secured in whole or in part by the pledge of the revenues
12 of the port authority from any bridge or tunnel or both so issued or
13 incurred and so secured, the par value of which had theretofore been
14 included in the computation of said one-tenth, then the port authority
15 may pledge or apply such excess for and only for the purposes for which
16 it is authorized by the said statutes authorizing said fund to pledge
17 the moneys in the general reserve fund and such pledge may be made in
18 advance of the time when such excess may occur.

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

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

1 control; and said bonds or other securities or obligations are hereby
2 made securities which may properly and legally be deposited with and
3 shall be received by any state or municipal officer or agency for any
4 purpose for which the deposit of bonds or other obligations of this
5 state is now or may hereafter be authorized.

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

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

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

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

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

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

1 fund, with interest, shall be and shall be deemed to be satisfied and
2 discharged so far as it relates to the revenues arising from the opera-
3 tion of the said Holland tunnel.

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

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

13 PART IV

14 APPROVAL OR VETO POWER OF THE GOVERNOR

15 Section 401. Approval or veto power.

16 402. Procurement.

17 403. Effect of veto.

18 404. Exception to reporting requirement.

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

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

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

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

PART V
MOTOR TRUCK TERMINALS

Section 501. Motor truck terminals.

502. Acquisition of real property for public use.

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

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

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

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

Anything in this part to the contrary notwithstanding, no property now or hereafter vested in or held by the state or any county, city, borough, village, township or other municipality shall be taken by the port authority, without the authority or consent of the state or of such

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

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

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

39 PART VI

40 PAYMENT AND ACCEPTANCE OF A FAIR AND REASONABLE SUM

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

42 602. Acceptance of payment.

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

1 authority is hereby authorized and empowered to make, shall be in such
2 amount or amounts and shall be payable at such time or times and under
3 such terms and conditions as shall be agreed upon by and between the
4 port authority and such county, city, village, borough, town, township
5 or other municipality concerned.

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

15 PART VII

16 PAYMENT AND ACCEPTANCE OF A FAIR AND
17 REASONABLE SUM FOR A CHANGE IN GRADE

18 Section 701. Change of grade.

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

38 PART VIII

39 THE SALE OF REAL PROPERTY ACQUIRED BY THE PORT AUTHORITY

40 Section 801. Procedure.

41 802. Conveyances.

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

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

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

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

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

PART IX

MONEYS FOR PRELIMINARY STUDIES

Section 901. Moneys advanced.

902. Delivery of bonds and/or moneys.

903. Direct and general obligations of the port authority.

904. Securities.

905. Initial reimbursement of moneys advanced by the states.

906. Further reimbursement of moneys advanced by the states.

907. Deposit of bonds or moneys by the comptroller.

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

§ 902. Delivery of bonds and/or moneys. Bonds, or moneys, or both, in an aggregate principal amount of two million fifty thousand dollars shall be delivered to each state within three months after the date on which chapter three hundred fifty-two of the laws of nineteen hundred forty-six and the concurrent article of the state of New Jersey take effect. Within fifteen months after the date on which chapter three hundred fifty-two of the laws of nineteen hundred forty-six and the concurrent article of the state of New Jersey take effect, an additional two million ninety-nine thousand nine hundred eighteen dollars and twenty cents in aggregate principal amount of bonds or moneys, or both, shall be delivered to the state of New York and an additional two million one hundred thousand dollars in aggregate principal amount of bonds, or moneys, or both shall be delivered to the state of New Jersey provided, that if, in the opinion of the commissioners of the port authority, financial conditions are such as to make it desirable to postpone such delivery, then delivery of said additional amounts shall be postponed in whole or in part until such time, not later than five

1 years from the effective date of chapter three hundred fifty-two of the
2 laws of nineteen hundred forty-six, as in the judgment of said commis-
3 sioners financial conditions permit such delivery.

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

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

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

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

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

35 § 905. Initial reimbursement of moneys advanced by the states. The
36 first two million fifty thousand dollars paid to each state pursuant to
37 this part and the concurrent article of the state of New Jersey shall be
38 deemed to be on account of the moneys advanced by such state for prelim-
39 inary studies upon and in aid of the construction of the Bayonne bridge
40 (formerly known as the Kill von Kull bridge); and from and after the
41 date on which the port authority shall have delivered to each state
42 pursuant to this part and the concurrent article of the state of New
43 Jersey, bonds or moneys or both in the aggregate principal amount of two
44 million fifty thousand dollars, the duty and obligation of the port
45 authority to pay back to the two states the moneys advanced for prelimi-
46 nary studies upon and in aid of the construction of said bridge by chap-
47 ter two hundred seventy-nine of the laws of New York of nineteen hundred
48 and twenty-six, chapter ninety-seven of the laws of New Jersey of nine-
49 teen hundred and twenty-five, chapter three hundred of the laws of New
50 York of nineteen hundred and twenty-seven and chapter three of the laws
51 of New Jersey of nineteen hundred and twenty-seven, together with the
52 claims of the two states and of each of them for such repayment, shall
53 be and shall be deemed to be fully satisfied and discharged, and any
54 lien or claim of the two states or either of them upon the tolls and
55 revenues of the said bridge arising out of, under or because of the

1 aforesaid statutes shall be and shall be deemed to be void and without
2 force or effect.

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

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

37 PART X

38 MOTOR BUS TERMINAL

39 Section 1001. Establishment.

40 1002. Funding.

41 1003. Maintenance and operation.

42 1004. Powers.

43 1005. Acquisition of real property.

44 § 1001. Establishment. Upon the concurrence of the state of New
45 Jersey, the states of New York and New Jersey hereby agree that the
46 moneys in the general reserve fund of the port authority, authorized by
47 chapter forty-eight of the laws of New York of one thousand nine hundred
48 thirty-one and chapter five of the laws of New Jersey of one thousand
49 nine hundred thirty-one, as amended, may be pledged in whole or in part
50 by the port authority as security for or applied by it to the repayment
51 with interest of any moneys which it may raise upon bonds, notes or
52 other obligations or evidences of indebtedness, issued by it from time
53 to time to provide funds for the establishment, acquisition or rehabili-
54 tation of a motor bus terminal (by which is meant a terminal consisting

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

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

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

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

52 § 1005. Acquisition of real property. If, for the purpose of effectuating,
53 acquiring, constructing, rehabilitating or improving such motor
54 bus terminal, the port authority shall find it necessary or convenient
55 to acquire any real property, as herein defined, in this state, whether
56 for immediate or future use, the port authority may find and determine

1 that such property, whether a fee simple absolute or a lesser interest,
2 is required for public use, and upon such determination, the said prop-
3 erty shall be and shall be deemed to be required for such public use
4 until otherwise determined by the port authority; and with the
5 exceptions hereinafter specifically noted, the said determination shall
6 not be affected by the fact that such property has theretofore been
7 taken for, or is then devoted to, a public use; but the public use in
8 the hands or under the control of the port authority shall be deemed
9 superior to the public use in the hands of any other person, association
10 or corporation.

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

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

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

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

1 Section 1101. Authorization.

2 1102. Restrictions.

3 1103. Definitions.

4 1104. Municipality consent; legal process.

5 1105. Agreement between the states.

6 1106. Acquisition of land by eminent domain or condemnation.

7 1107. Unappropriated lands.

8 1108. Funding; bonds.

9 § 1101. Authorization. Upon the concurrence of the state of New
10 Jersey, the states of New York and New Jersey hereby agree that munici-
11 palities, as hereinafter defined, located within the Port of New York
12 district shall be and they hereby are authorized to cooperate with the
13 Port Authority in the development of marine terminals, and the two said
14 states further agree that the state of New Jersey may authorize the Port
15 Authority to acquire by condemnation or the exercise of the right of
16 eminent domain real property in the state of New Jersey necessary,
17 convenient or desirable for marine terminal purposes, under and pursuant
18 to the revised statutes of New Jersey, title 20:1-1, et. seq., or at the
19 option of the Port Authority, pursuant to such other or alternate proce-
20 dure as may be provided by law by such state, and that the state of New
21 York may authorize the Port Authority to acquire real property in the
22 state of New York necessary, convenient or desirable for marine terminal
23 purposes, under and pursuant to the eminent domain procedure law of that
24 state, or at the option of the Port Authority pursuant to such other or
25 alternate procedure as may be provided by law by such state.

26 § 1102. Restrictions. Nothing herein contained shall be construed to
27 authorize the Port Authority to acquire any marine terminal owned or
28 operated by any municipality or any other property now or hereafter
29 vested in or held by any municipality, without the authority or consent
30 of such municipality as provided in the compact of April thirtieth,
31 nineteen hundred twenty-one and continued by part I of this article,
32 between the states of New York and New Jersey, nor shall anything herein
33 impair or invalidate in any way any bonded indebtedness of the state, or
34 any municipality, nor impair the provisions of law regulating the
35 payment into sinking funds of revenue derived from municipal property,
36 or dedicating the revenues derived from municipal property to a specific
37 purpose.

38 § 1103. Definitions. The following terms as used herein shall mean:

39 1. "Marine terminals" shall mean developments, consisting of one or
40 more piers, wharves, docks, bulkheads, slips, basins, vehicular road-
41 ways, railroad connections, side tracks, sidings or other buildings,
42 structures, facilities or improvements, necessary or convenient to the
43 accommodation of steamships or other vessels and their cargoes or
44 passengers and shall also mean waterfront development projects. It
45 shall also include such highway projects in the vicinity of a marine
46 terminal providing improved access to such marine terminal as shall be
47 designated in legislation adopted by the two states. Notwithstanding any
48 contrary provision of law, general, special or local, it shall also mean
49 railroad freight projects related or of benefit to a marine terminal or
50 which are necessary, convenient or desirable in the opinion of the port
51 authority for the protection or promotion of the commerce of the port
52 district, consisting of railroad freight transportation facilities or
53 railroad freight terminal facilities; and any equipment, improvement,
54 structure or facility or any land, and any building, structure, facility
55 or other improvement thereon, or any combination thereof, and all real
56 and personal property in connection therewith or incidental thereto,

1 deemed necessary or desirable in the opinion of the port authority,
2 whether or not now in existence or under construction, for the undertak-
3 ing of such railroad freight projects.

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

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

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

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

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

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

7 (a) for money damages for breach thereof;

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

10 (c) for rent;

11 (d) for specific performance;

12 (e) for reformation thereof;

13 (f) for an accounting;

14 (g) For declaratory judgment;

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

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

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

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

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

52 § 1106. Acquisition of land by eminent domain or condemnation.
53 Subject to the limitation provided for in section eleven hundred two of
54 this part that the Port Authority may not acquire any marine terminal
55 owned or operated by any municipality or any other property vested in or
56 held by any municipality without the authority or consent of such muni-

1 cipality, the Port Authority may, at its option, exercise the right of
2 eminent domain or condemnation to acquire real property in the state of
3 New York for marine terminal purposes as set forth in this section:

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

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

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

38 (a) TRACT I

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

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

47 (b) TRACT II

48 BEGINNING at a point formed by the intersection of the southerly line
49 of Atlantic Avenue and the centerline of Columbia Street running thence
50 (1) southwesterly along the centerline of Columbia Street to the inter-
51 section thereof with the centerline of Kane Street; thence (2)
52 northwesterly along the centerline of Kane Street to the intersection
53 thereof with the centerline of Van Brunt Street; thence (3) southwes-
54 terly along the centerline of Van Brunt Street to the intersection ther-
55 eof with the centerline of Summit Street; thence (4) northwesterly
56 along the centerline of Summit Street to the intersection thereof with

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

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

55 § 1107. Unappropriated lands. In the event that the Port Authority
56 shall find it necessary or desirable to acquire any unappropriated state

1 land or lands under water in the state of New York for marine terminal
2 purposes, the commissioner of general services may grant, transfer or
3 convey such unappropriated state land or lands under water to the Port
4 Authority under such terms and conditions as may be determined by said
5 commissioner.

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

30 PART XII
31 AIR TERMINALS

32 Section 1201. Authorization.

33 1202. Restrictions.

34 1203. Definitions.

35 1204. Purpose.

36 1205. Operation of air terminals; noise prohibition.

37 1206. Taxes; assessments.

38 1207. General reserve fund; repayment.

39 1208. Bonds.

40 1209. Municipality consent.

41 1210. Acquisition limitations.

42 1211. Federal aid.

43 1212. Lands under water.

44 1213. Repayment of bonds and obligations.

45 1214. Contrary declarations.

46 1215. Agreement between the states.

47 1216. Federal aid procedure; application.

48 § 1201. Authorization. Upon the concurrence of the state of New
49 Jersey, the states of New York and New Jersey declare and agree that
50 each air terminal within the Port of New York District serves the entire
51 district, and that the problem of furnishing proper and adequate air
52 terminal facilities within the district is a regional and interstate
53 problem, and that it is and shall be the policy of the two states to

1 encourage the integration of such air terminals so far as practicable in
2 a unified system.

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

14 § 1202. Restrictions. Nothing herein contained shall be construed to
15 authorize the port authority to acquire any air terminal owned or oper-
16 ated by any city or other municipality or public authority, or any other
17 property now or hereafter vested in or held by any city or other munici-
18 pality or public authority, without the authority or consent of such
19 city or other municipality or public authority, as provided in the
20 compact of April thirtieth, nineteen hundred twenty-one, and continued
21 by part I of this article, between the states of New York and New
22 Jersey, nor shall anything herein impair or invalidate in any way any
23 bonded indebtedness of the state, or any city or other municipality or
24 public authority, nor impair the provisions of law regulating the
25 payment into sinking funds of revenue derived from municipal property,
26 or dedicating the revenues derived from municipal property to a specific
27 purpose.

28 § 1203. Definitions. The following terms as used herein shall mean:

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

1 standing any contrary provision of law, general, special or local, it
2 shall also mean railroad freight projects related or of benefit to an
3 air terminal or which are necessary, convenient or desirable in the
4 opinion of the port authority for the protection or promotion of the
5 commerce of the port district, consisting of railroad freight transpor-
6 tation facilities or railroad freight terminal facilities; and any
7 equipment, improvement, structure or facility or any land, and any
8 building, structure, facility or other improvement thereon, or any
9 combination thereof, and all real and personal property in connection
10 therewith or incidental thereto, deemed necessary or desirable in the
11 opinion of the port authority, whether or not now in existence or under
12 construction, for the undertaking of such railroad freight projects.

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

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

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

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

28 6. "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.

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

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

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

53 § 1205. Operation of air terminals; noise prohibition. 1. The port
54 authority shall not permit or contract for the landing or takeoff of any
55 aircraft which emits a noise in excess of 108 EPNdB as measured as set
56 forth herein at any airport it maintains or operates; provided, however,

1 in any case of emergency involving the possible saving of human life,
2 the prohibition of this subdivision may be temporarily suspended.

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

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

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

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

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

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

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

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

ues may be applied by the port authority to the fulfillment of any other undertakings which it may assume to or for the benefit of the holders of such bonds.

§ 1208. Bonds. The bonds issued by the port authority to provide funds for air terminal purposes are hereby made securities in which all state and municipal officers and bodies of both states, all banks, bankers, trust companies, savings banks, building and loan associations, savings and loan associations, investment companies and other persons carrying on a banking business, all insurance companies, insurance associations and other persons carrying on an insurance business, and all administrators, executors, guardians, trustees and other fiduciaries, and all other persons whatsoever, who are now or may hereafter be authorized by either state to invest in bonds or other obligations of such state, may properly and legally invest any funds, including capital, belonging to them or within their control; and said 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 state for any purpose for which the deposit of bonds or other obligations of such state is now or may hereafter be authorized.

§ 1209. Municipality consent. 1. Notwithstanding any contrary provision of law, every municipality in the Port of New York District is authorized and empowered to consent to the use by the port authority of any air terminal owned by such municipality or of any real or personal property owned by such municipality and necessary, convenient or desirable in the opinion of the port authority for air terminal purposes, including such real property as has already been devoted to a public use, and as an incident to such consent, to grant, convey, lease, or otherwise transfer to the port authority any such air terminal or real or personal property, upon such terms as may be determined by the port authority and such municipality. Every such municipality is also authorized and empowered as an incident to such consent to vest in the port authority the control, operation, maintenance, rents, tolls, charges and any and all other revenues of any air terminal now owned by such municipality, the title to such air terminal remaining in such municipality. Such consent shall be given and the execution of any agreement, deed, lease, conveyance, or other instrument evidencing such consent or given as an incident thereto shall be authorized in the manner provided in article twenty-two of the compact of April thirtieth, nineteen hundred twenty-one, and continued by part I of this article, between the two states creating the port authority.

2. Notwithstanding any contrary provision of law, every municipality outside the port district is authorized and empowered to consent to the use of real property owned by such municipality and necessary, convenient or desirable in the opinion of the port authority for beacons or other aids to navigation, or to the use of any air space over real property owned by such municipality; and as an incident to such consent, to grant, lease, convey or otherwise transfer to the port authority such real property or air space.

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

3. The states of New York and New Jersey hereby consent to suits, actions or proceedings of any form or nature in law, equity or otherwise

1 by any city or other municipality against the port authority upon, in
2 connection with or arising out of any such agreement, agreements, or any
3 modification thereof or supplement thereto, for the following types of
4 relief and for such purposes only:

5 (a) For money damages for breach thereof,

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

8 (c) For rent,

9 (d) For specific performance,

10 (e) For reformation thereof,

11 (f) For accounting,

12 (g) For declaratory judgment,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

52 In the event that the port authority shall find it necessary or desir-
53 able to acquire any real property required or used for state highway
54 purposes in the state of New Jersey, the state highway department of the
55 state of New Jersey may grant, transfer or convey such real property to

1 the port authority upon such terms and conditions as may be determined
2 by said state highway department.

3 § 1213. Repayment of bonds and obligations. The two states covenant
4 and agree with each other and with the holders of any bonds of the port
5 authority issued or incurred for air terminal purposes and as security
6 for which there may or shall be pledged (directly or indirectly, or
7 through the medium of its general reserve fund or otherwise), the reven-
8 ues, or any part thereof, of any air terminal or other facility owned or
9 operated by the port authority, that the two states will not, so long as
10 any of such bonds or other obligations remain outstanding and unpaid,
11 diminish or impair the power of the port authority to establish, levy
12 and collect landing fees, charges, rents, tolls or other fees in
13 connection therewith.

14 § 1214. Contrary declarations. Any declarations contained herein and
15 in the concurrent act of the state of New Jersey with respect to the
16 governmental nature of air terminals and to the exemption of air termi-
17 nal property from taxation and to the discretion of the port authority
18 with respect to air terminal operations shall not be construed to imply
19 that other port authority property and operations are not of a govern-
20 mental nature, or that they are subject to taxation, or that the deter-
21 minations of the port authority with respect thereto are not conclusive.

22 § 1215. Agreement between the states. This section and the preceding
23 sections of this part constitute an agreement between the states of New
24 York and New Jersey supplementary to the compact between the two states
25 dated April thirtieth, nineteen hundred twenty-one, and amendatory ther-
26 eof, and continued by part I of this article, and shall be liberally
27 construed to effectuate the purposes of said compact and of the compre-
28 hensive plan heretofore adopted by the two states, and the powers vested
29 in the port authority hereby shall be construed to be in aid of and
30 supplemental to and not in limitation of or in derogation of any of the
31 powers heretofore conferred upon or delegated to the port authority.

32 § 1216. Federal aid procedure; application. The state of New York
33 hereby elects to exercise the option reserved to each state by section
34 twelve hundred eleven of this part (and by the corresponding section of
35 the New Jersey statute concurring herein); and accordingly, if by the
36 effective date of chapter 802 of the laws of 1947, this state has
37 adopted, or if thereafter it shall adopt general legislation governing
38 applications for federal aid for air terminals by municipalities of this
39 state or the receipt or disbursement of such federal aid by or on behalf
40 of such municipalities, such legislation shall apply to applications by
41 the port authority for federal aid for air terminals located in this
42 state in the same manner and to the same extent as other municipalities
43 of this state, provided, that if such legislation shall require such
44 applications for federal aid to be approved by any officer, board,
45 commission, department or other agency of this state or shall require
46 the consent of any such agency of this state to the submission thereof
47 to the federal government, or shall require any such agency of this
48 state to be designated by municipalities as their agent to collect or
49 disburse such federal aid, or shall contain any other requirement vest-
50 ing any such agency of this state with power or discretion with respect
51 to the making of such applications for federal aid or the receipt or
52 disbursement thereof, then such officer, board, commission, department
53 or other agency of this state shall have power to waive such requirement
54 in whole or in part temporarily or permanently insofar as the port
55 authority is concerned.

PART XIII
EMINENT DOMAIN

Section 1301. Right of eminent domain.

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

PART XIV
SUITS AGAINST THE PORT AUTHORITY

Section 1401. Suits against the port authority.

1402. Prior causes of action.

1403. Contract causes of action.

1404. Civil suits; statutory penalties.

1405. Further restrictions.

1406. Venue.

1407. Statute of limitations.

1408. Notice of claim.

1409. Limits of liability.

1410. Other suits, actions or proceedings.

1411. Agreement between the states.

§ 1401. Suits against the port authority. Upon the concurrence of the state of New Jersey, 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 sections fourteen hundred two through fourteen hundred five of this part, inclusive.

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

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

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

1 § 1405. Further restrictions. The foregoing consent does not extend
2 to suits, actions or proceedings for judgments, orders or decrees
3 restraining, enjoining or preventing the port authority from committing
4 or continuing to commit any act or acts, other than suits, actions or
5 proceedings by the attorney general of New York or by the attorney
6 general of New Jersey--each of whom is hereby authorized to bring such
7 suits, actions or proceedings in his discretion on behalf of any person
8 or persons whatsoever who requests him so to do except in the cases
9 excluded by sections fourteen hundred two, fourteen hundred three and
10 fourteen hundred four of this part; provided, that in any such suit,
11 action or proceeding, no judgment, order or decree shall be entered
12 except upon at least two days' prior written notice to the port authori-
13 ty of the proposed entry thereof.

14 § 1406. Venue. The foregoing consent is granted upon the condition
15 that venue in any suit, action or proceeding against the port authority
16 shall be laid within a county or a judicial district, established by one
17 of said states or by the United States, and situated wholly or partially
18 within the port of New York district. The port authority shall be deemed
19 to be a resident of each such county or judicial district for the
20 purpose of such suits, actions or proceedings. Although the port author-
21 ity is engaged in the performance of governmental functions, the said
22 two states consent to liability on the part of the port authority in
23 such suits, actions or proceedings for tortious acts committed by it and
24 its agents to the same extent as though it were a private corporation.

25 § 1407. Statute of limitations. The foregoing consent is granted upon
26 the condition that any suit, action or proceeding prosecuted or main-
27 tained under this part shall be commenced within one year after the
28 cause of action therefor shall have accrued, and upon the further condi-
29 tion that in the case of any suit, action or proceeding for the recovery
30 or payment of money, prosecuted or maintained under this part, a notice
31 of claim shall have been served upon the port authority by or on behalf
32 of the plaintiff or plaintiffs at least sixty days before such suit,
33 action or proceeding is commenced. The provisions of this section shall
34 not apply to claims arising out of provisions of any workmen's compen-
35 sation law of either state.

36 § 1408. Notice of claim. The notice of claim required by section
37 fourteen hundred seven of this part shall be in writing, sworn to by or
38 on behalf of the claimant or claimants, and shall set forth (1) the name
39 and post office address of each claimant and of his attorney, if any,
40 (2) the nature of the claim, (3) the time when, the place where and the
41 manner in which the claim arose, and (4) the items of damage or injuries
42 claimed to have been sustained so far as then practicable. Such notice
43 may be served in the manner in which process may be served, or in lieu
44 thereof, may be sent by registered mail to the port authority at its
45 principal office. Where the claimant is a person under the age of eigh-
46 teen years or is mentally or physically incapacitated and by reason of
47 such disability no notice of claim is filed or suit, action or proceed-
48 ing commenced within the time specified in section fourteen hundred
49 seven of this part, or where a person entitled to make a claim dies and
50 by reason of his death no notice of claim is filed or suit, action or
51 proceeding commenced within the time specified in section fourteen
52 hundred seven of this part then any court in which such suit, action or
53 proceeding may be brought may in its discretion grant leave to serve the
54 notice of claim and to commence the suit, action or proceeding within a
55 reasonable time but in any event within three years after the cause of
56 action accrued. Application for such leave must be made upon an affida-

1 vit showing the particular facts which caused the delay and shall be
2 accompanied by a copy of the proposed notice of claim if such notice has
3 not been served, and such application shall be made only upon notice to
4 the port authority.

5 § 1409. Limits of liability. The commissioners, officers or employees
6 of the port authority shall not be subject to suits, actions or
7 proceedings for judgments, orders or decrees restraining, preventing or
8 enjoining them in their official or personal capacities from committing
9 or continuing to commit any act or acts on behalf of the port authority
10 other than suits, actions and proceedings brought by the attorney gener-
11 al of New York or by the attorney general of New Jersey or by the port
12 authority itself--each of said attorneys general being hereby authorized
13 to bring such suits, actions or proceedings in his discretion on behalf
14 of any person or persons whatsoever who requests him so to do except in
15 the cases excluded by sections fourteen hundred two, fourteen hundred
16 three and fourteen hundred four of this part; provided, that in any such
17 suit, action or proceeding brought by either attorney general, no judg-
18 ment, order or decree shall be entered except upon at least two days'
19 notice to the defendant of the proposed entry thereof.

20 § 1410. Other suits, actions or proceedings. Nothing herein shall be
21 deemed to revoke, rescind or affect any consents to suits, actions or
22 proceedings against the port authority heretofore given by the two said
23 states in chapter eight hundred two of the laws of New York of nineteen
24 hundred forty-seven, as amended, and continued by part XII of this arti-
25 cle, and chapter forty-three of the laws of New Jersey of nineteen
26 hundred forty-seven, as amended; chapter six hundred thirty-one of the
27 laws of New York of nineteen hundred forty-seven, as amended, and
28 continued by part XI of this article; chapter forty-four of the laws of
29 New Jersey of nineteen hundred forty-seven, as amended, and chapter five
30 hundred thirty-four of the laws of New York of nineteen hundred forty-
31 eight, and continued by part XI of this article, and chapter ninety-sev-
32 en of the laws of New Jersey of nineteen hundred forty-eight.

33 § 1411. Agreement between the states. This part together with the act
34 of the state of New Jersey concurring herein, shall constitute an agree-
35 ment between the states of New York and New Jersey supplementary to and
36 amendatory of the compact between the two said states dated April thir-
37 tieth, nineteen hundred twenty-one and continued by part I of this arti-
38 cle.

39 PART XV

40 TRAFFIC REGULATIONS FOR VEHICULAR CROSSINGS

- 41 Section 1501. Governing authority.
42 1502. Tolls; other charges.
43 1503. Operation restrictions.
44 1504. Port authority police force.
45 1505. Driving procedure.
46 1506. Operation requirements.
47 1507. Accident protocol.
48 1508. Transport restrictions.
49 1509. Violations.
50 1510. Definitions.
51 1511. Severability.
52 1512. Repeal of previous rules and regulations.
53 1513. Agreement between the states.
54 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.

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

1519. Adjudication of liability.

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

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

§ 1503. Operation restrictions. No vehicle shall be operated carelessly or negligently, or in disregard of the rights or safety of others, or without due caution and circumspection, or at a speed or in a manner so as to endanger unreasonably or to be likely to endanger unreasonably persons or property, or while the operator thereof is under the influence of intoxicating liquors or any narcotic or habit-forming drug, nor shall any vehicle be so constructed, equipped or loaded as to endanger unreasonably or to be likely to endanger unreasonably persons or property.

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

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

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

§ 1507. Accident protocol. The operator of any vehicle involved in an accident resulting in injury or death to any person or damage to any property shall immediately stop such vehicle at the scene of the accident, render such assistance as may be needed, and give his name, address, and operator's license and registration number to the person injured or to any officer or witness of the injury. The operator of such

1 vehicle shall make a report of such accident in accordance with the law
2 of the state in which such accident occurred.

3 § 1508. Transport restrictions. No person shall transport in or upon
4 a vehicular crossing, any dynamite, nitroglycerin, black powder, fire-
5 works, blasting caps or other explosives, gasoline, alcohol, ether,
6 liquid shellac, kerosene, turpentine, formaldehyde or other inflammable
7 or combustible liquids, ammonium nitrate, sodium chlorate, wet hemp,
8 powdered metallic magnesium, nitro-cellulose film, peroxides or other
9 readily inflammable solids or oxidizing materials, hydrochloric acid,
10 sulfuric acid or other corrosive liquids, prussic acid, phosgene, arsenic,
11 carbolic acid, potassium cyanide, tear gas, lewisite or any other
12 poisonous substances, liquids or gases, or any compressed gas, or any
13 radio-active article, substance or material, at such time or place or in
14 such manner or condition as to endanger unreasonably or as to be likely
15 to endanger unreasonably persons or property.

16 § 1509. Violations. Violations of the rules and regulations set forth
17 in sections fifteen hundred two through fifteen hundred eight of this
18 part committed within the territorial limits of either state shall be
19 punishable as may be provided by the laws of such state but the penalties
20 prescribed by either state shall not preclude the port authority
21 from excluding from vehicular crossings permanently or for a specified
22 time, all vehicles violating any of the said rules and regulations, as
23 well as other vehicles owned or operated by the owner or operator of
24 such vehicle.

25 § 1510. Definitions. The following terms as used herein shall have
26 the indicated meanings:

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

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

35 § 1511. Severability. If any term or provision of this part shall be
36 declared unconstitutional or ineffective in whole or in part by a court
37 of competent jurisdiction, then to the extent that it is not unconstitutional
38 or ineffective, such term or provisions shall be enforced and
39 effectuated, nor shall such determination be deemed to invalidate the
40 remaining terms or provisions thereof.

41 § 1512. Repeal of previous rules and regulations. The two said states
42 agree that chapter two hundred fifty-one of the laws of New York of
43 nineteen hundred thirty-four, entitled "An act establishing rules and
44 regulations for the control of traffic on the interstate bridges and
45 tunnels operated by the Port of New York Authority and prescribing
46 proceedings and penalties for their violations", and chapter one hundred
47 forty-six of the pamphlet laws of New Jersey, nineteen hundred thirty-
48 two, entitled "An act establishing rules and regulations for the control
49 of traffic on the inter-state bridges and tunnels operated by the Port
50 of New York Authority and prescribing proceedings and penalties for
51 their violations", shall be and are repealed as of the date this part
52 takes effect.

53 § 1513. Agreement between the states. This section and the preceding
54 sections of this part, together with the corresponding sections of the
55 act of the state of New Jersey concurring herein, shall constitute an
56 agreement between the states of New York and New Jersey supplementary to

1 the compact between the two states dated April thirtieth, nineteen
2 hundred twenty-one, and amendatory thereof, and shall be liberally
3 construed to effectuate the purposes of said compact and of the agree-
4 ments of the two states amendatory thereof or supplemental thereto; and
5 shall be construed to be in aid of and supplemental to and not in limi-
6 tation of or in derogation of the powers heretofore conferred upon or
7 delegated to the port authority.

8 § 1514. Compliance with state law. If the violation within the state
9 of any of the rules and regulations set forth in sections fifteen
10 hundred two through fifteen hundred eight of this part including but not
11 limited to those regarding the payment of tolls, would have been a felo-
12 ny, misdemeanor or other punishable offense if committed on any public
13 road, street, highway or turnpike in the municipality in which such
14 violation occurred, it shall be tried and punished in the same manner as
15 if it had been committed on such public road, street, highway or turn-
16 pike.

17 § 1515. Felonies. Notwithstanding the provisions of section fifteen
18 hundred fourteen of this part, if the violation within the state of the
19 rule and regulation set forth in section fifteen hundred nine of this
20 part shall result in injury or death to a person or persons or damage to
21 property in excess of the value of five thousand dollars, such violation
22 shall constitute a felony.

23 § 1516. Misdemeanors. Except as provided in sections fifteen hundred
24 fourteen and fifteen hundred fifteen of this part, any violation within
25 the state of any of the rules and regulations set forth in sections
26 fifteen hundred two through fifteen hundred eight of this part including
27 but not limited to those regarding the payment of tolls, shall consti-
28 tute a misdemeanor and shall be punishable as an offense triable in a
29 magistrate's court by a fine not exceeding five hundred dollars or by
30 imprisonment not exceeding sixty days or by both such fine and imprison-
31 ment.

32 § 1517. Owner liability for failure of operator to comply with toll
33 collection regulations of the port authority. Notwithstanding any other
34 provision of law and in accordance with the provisions of section
35 fifteen hundred eighteen of this part, an owner of a vehicle may be held
36 liable for failure of an operator thereof to comply with the toll
37 collection regulations of the port authority of New York and New Jersey
38 (hereinafter called port authority). The owner of a vehicle shall be
39 liable pursuant to this section if such vehicle was used or operated
40 with the permission of the owner, express or implied, in violation of
41 the toll collection regulations of the port authority, and such
42 violation is evidenced by information obtained from a photo-monitoring
43 system, provided, however, that no owner of a vehicle shall be liable
44 where the operator of such vehicle has been convicted of a violation of
45 those toll collection regulations for the same incident.

46 § 1518. Imposition of liability for failure of operator to comply with
47 toll collection regulations of the port authority. The liability set
48 forth in section fifteen hundred seventeen of this part, shall be
49 imposed upon an owner for a violation by an operator of the toll
50 collection regulations of the port authority occurring within the terri-
51 torial limits of the state of New York in accordance with the following:

52 1. For the purposes of this section, the term "owner" shall mean any
53 person, corporation, partnership, firm, agency, association, lessor, or
54 organization who, at the time of the violation in any city in which a
55 vehicle is operated: (a) is the beneficial or equitable owner of such
56 vehicle; or (b) has title to such vehicle; or (c) is the registrant or

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

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

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

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

1 (b) A notice of liability shall contain the name and address of the
2 person alleged to be liable as an owner for a violation of the toll
3 collection regulations of the port authority pursuant to this section,
4 the registration number of the vehicle involved in such violation, the
5 location where such violation took place, the date and time of such
6 violation and the identification number of the photo-monitoring system
7 which recorded the violation or other document locator number.

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

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

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

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

1 subdivision, the term "lessee" shall mean any person, corporation, firm,
2 partnership, agency, association or organization that rents, leases or
3 contracts for the use of one or more vehicles and has exclusive use
4 thereof for any period of time.

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

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

33 9. Nothing in this section shall be construed to limit the liability
34 of an operator of a vehicle for any violation of the toll collection
35 regulations of the port authority. Nothing in this section shall author-
36 ize or preclude the port authority from excluding from any of its facil-
37 ities, in its sole discretion, any or all vehicles found liable under
38 this section as well as other vehicles owned or operated by the owner or
39 operator of such vehicle.

40 10. Notwithstanding any other provision of law, all photographs,
41 microphotographs, videotape or other recorded images prepared pursuant
42 to this section shall be for the exclusive use of the port authority in
43 the discharge of its duties under this section and shall not be open to
44 the public nor be used in any court in any action or proceeding pending
45 therein unless such action or proceeding relates to the imposition of or
46 indemnification for liability pursuant to this section. The port author-
47 ity or its duly authorized agent shall not sell, distribute or make
48 available in any way, the names and addresses of electronic toll
49 collection system account holders, or any information compiled from
50 transactions with such account holders, without such account holders'
51 consent to any entity that will use such information for any commercial
52 purpose provided that the foregoing restriction shall not be deemed to
53 preclude the exchange of such information between any entities with
54 jurisdiction over and or operating a toll highway bridge and/or tunnel
55 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 thirty-six, two hundred thirty-seven, two hundred thirty-nine, two hundred forty, two hundred forty-one, five hundred ten and eighteen hundred nine of the vehicle and traffic law, or by such entity having jurisdiction over violations of the toll collection regulations of the port authority occurring within the territorial limits of the state of New York, provided that all violations shall be heard and determined in the county in which the violation is alleged to have occurred, or by consent of both parties, in any county in the state of New York in which the port authority operates or maintains a facility. An owner found liable for a violation of toll collection regulations pursuant to this section shall for a first violation thereof be liable for a monetary penalty not to exceed fifty dollars or two times the toll evaded whichever is greater; for a second violation thereof both within eighteen months be liable for a monetary penalty not to exceed one hundred dollars or five times the toll evaded whichever is greater; for a third or subsequent violation thereof all within eighteen months be liable for a monetary penalty not to exceed one hundred fifty dollars or ten times the toll evaded whichever is greater.

PART XVI

RULES AND REGULATIONS GOVERNING TRAFFIC ON HIGHWAYS IN PORT AUTHORITY
AIR AND MARINE TERMINALS

Section 1601. Definitions.

1602. Vehicle operation.

1603. Adherence to traffic signs and signals.

1604. Requiring use of right side of roadway.

1605. Authorization for operation.

1606. Procedures in case of causing injury.

1607. Prohibited items.

1608. Parking.

1609. Prosecution for violations.

1610. Felony for transport of prohibited items.

1611. Misdemeanor for certain violations.

1612. Exclusion of vehicles in violations.

1613. Reserve clause.

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

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

1 for the landing, taking off, accommodation and servicing of aircraft
2 owned or operated by persons other than carriers.

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

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

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

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

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

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

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

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

52 § 1606. Procedures in case of causing injury. The operator of any
53 vehicle involved in an accident on an air terminal highway or marine
54 terminal highway which results in injury or death to any person or
55 damage to any property shall immediately stop such vehicle at the scene
56 of the accident, render such assistance as may be needed, and give his

1 name, address, and operator's license and registration number to the
2 person injured or to any officer or witness of the injury. The operator
3 of such vehicle shall make a report of such accident in accordance with
4 the law of the state in which such accident occurred.

5 § 1607. Prohibited items. No person shall transport on any air termi-
6 nal highway or marine terminal highway any dynamite, nitroglycerin,
7 black powder, fireworks, blasting caps or other explosives, gasoline,
8 alcohol, ether, liquid shellac, kerosene, turpentine, formaldehyde or
9 other inflammable or combustible liquids, ammonium nitrate, sodium chlo-
10 rate, wet hemp, powdered metallic magnesium, nitro-cellulose film,
11 peroxides or other readily inflammable solids or oxidizing materials,
12 hydrochloric acid, sulfuric acid or other corrosive liquids, prussic
13 acid, phosgene, arsenic, carbolic acid, potassium cyanide, tear gas,
14 lewisite, or any other poisonous substances, liquids or gases, or any
15 compressed gas, or any radioactive article, substance or material, at
16 such time or place or in such manner or condition as to endanger unrea-
17 sonably or as to be likely to endanger unreasonably persons or property;
18 nor shall any person park any vehicle, or permit the same to remain
19 halted on any air terminal highway or marine terminal highway containing
20 any of the foregoing, at such time or place or in such manner or condi-
21 tion as to endanger unreasonably or as to be likely to endanger unrea-
22 sonably persons or property.

23 § 1608. Parking. No person shall park a vehicle or permit the same to
24 remain halted on any air terminal highway or marine terminal highway
25 except at such places and for such periods of time as may be prescribed
26 or permitted by the port authority.

27 § 1609. Prosecution for violations. If the violation within the state
28 of any of the rules and regulations set forth in this part, would have
29 been a felony, misdemeanor or other punishable offense if committed on
30 any public road, street, highway or turnpike in the municipality in
31 which such violation occurred, it shall be tried and punished in the
32 same manner as if it had been committed on such public road, street,
33 highway or turnpike.

34 § 1610. Felony for transport of prohibited items. Notwithstanding the
35 provisions of section sixteen hundred two of this part, if the violation
36 within the state of the rule and regulation promulgated pursuant to this
37 part shall result in injury or death to a person or persons or damage to
38 property in excess of the value of five thousand dollars, such violation
39 shall constitute a felony.

40 § 1611. Misdemeanor for certain violations. Except as provided in
41 sections sixteen hundred two and sixteen hundred three of this part, any
42 violation within the state of any of the rules and regulations promul-
43 gated pursuant to this part, shall constitute a misdemeanor and shall be
44 punishable as an offense triable in a magistrate's court by a fine not
45 exceeding five hundred dollars or by imprisonment not exceeding sixty
46 days or by both such fine and imprisonment.

47 § 1612. Exclusion of vehicles in violations. The penalties prescribed
48 in this part shall not preclude the port authority from excluding from
49 any air terminal highway or marine terminal highway, permanently or for
50 a specified time, all vehicles violating any of the rules and regu-
51 lations promulgated pursuant to this part, as well as other vehicles
52 owned or operated by the owner or operator of such vehicle.

53 § 1613. Reserve clause. Nothing herein contained shall be construed
54 to affect, diminish or impair the power of this state to enact any law,
55 or to impair or diminish, or as recognition of the impairment or diminu-

tion 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

Section 1701. Enforcement authority.

1702. Guidelines for interpretation.

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

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

PART XVIII

SMOKING REGULATION FOR TERMINALS

Section 1801. Smoking prohibition.

1802. Penalties.

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

§ 1802. Penalties. Any violation of the rule and regulation set forth in section eighteen hundred one of this part shall be punishable as an

1 offense triable in a magistrate's court, for a first offense, by a fine
2 of not more than fifty dollars or imprisonment for not more than thirty
3 days or both; for a second offense, by a fine of not less than twenty-
4 five dollars nor more than one hundred dollars or imprisonment for not
5 more than sixty days or both; for a third or any other subsequent
6 offense, by a fine of not less than fifty dollars nor more than two
7 hundred dollars or by imprisonment for not more than sixty days or both.

PART XIX

SUITS ON LEASE AT INTERNATIONAL AIRPORT

10 Section 1901. Suits on lease at International Airport.

11 1902. Effect.

12 1903. Venue.

13 1904. Consent.

14 1905. Agreement.

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

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

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

48 § 1904. Consent. Nothing herein contained shall be deemed to revoke,
49 rescind or affect any consents to suits, actions or proceedings against
50 the port authority heretofore given by the two said states or the terms
51 and conditions upon which such consents are given.

52 § 1905. Agreement. This part together with the act of the state of
53 New Jersey concurring herein, shall constitute an agreement between the
54 states of New York and New Jersey supplementary to and amendatory of the

1 compact between the two said states dated April thirtieth, nineteen
2 hundred twenty-one.

3 PART XX
4 NARROWS BRIDGE

5 Section 2001. Determination to build bridge.
6 2002. Authorization for construction.
7 2003. Definitions.
8 2004. Authorization for agreement with the Triborough Authority.
9 2005. Funding.
10 2006. Bi-state covenant.
11 2007. Security bonds.
12 2008. Authorization to acquire real property.
13 2009. Prior consent required.
14 2010. Authorization of agents to enter property.
15 2011. Essential government function.
16 2012. Tax exemption on acquired property.
17 2013. Governmental nature.
18 2014. Agreement.

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

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

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

49 § 2003. Definitions. The following terms as used in this part shall
50 mean:

51 "Bonds" shall mean bonds, notes, securities or other obligations or
52 evidences of indebtedness.

53 "General reserve fund statutes" shall mean chapter forty-eight of the
54 laws of New York of nineteen hundred thirty-one, as amended and contin-

1 ued by part XXIX of this article, and chapter five of the laws of New
2 Jersey of nineteen hundred thirty-one, as amended, and "general reserve
3 fund" shall mean the general reserve fund of the Port Authority author-
4 ized by said statutes.

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

7 "Narrows bridge bonds" shall mean bonds issued by the Port Authority
8 to provide funds for Narrows bridge purposes or bonds secured in whole
9 or in part by a pledge of the revenues of the Port Authority from the
10 Narrows bridge or bonds so issued and secured.

11 "Narrows bridge purposes" shall mean the effectuation, establishment,
12 construction, rehabilitation, improvement, maintenance or operation of
13 the Narrows bridge and purposes incidental thereto.

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

22 § 2004. Authorization for agreement with the Triborough Authority.

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

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

1 title thereto shall be within its sole discretion and its decision in
2 connection with any and all matters concerning such bridge shall be
3 controlling and conclusive.

4 (c) The states of New York and New Jersey hereby consent to suits,
5 actions or proceedings against the Port Authority upon, in connection
6 with or arising out of such agreement or any amendment thereof, by the
7 Triborough Authority, or by the city of New York if and to the extent
8 that such agreement or any amendment thereof shall create rights in the
9 city of New York, as follows:

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

15 (2) For judgments, orders or decrees restraining or enjoining the Port
16 Authority from committing or continuing to commit other breaches of such
17 agreement or any amendment thereof; provided, that such judgment, order
18 or decree shall not be entered except upon two days' prior written
19 notice 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 Nothing herein contained shall be deemed to revoke, rescind or affect
25 any consents to suits, actions or proceedings against the Port Authority
26 heretofore given by the two said states in chapter three hundred one of
27 the laws of New York of nineteen hundred fifty and continued by part XIV
28 of this article and chapter two hundred four of the laws of New Jersey
29 of nineteen hundred fifty-one.

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

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

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

1 to pledge the moneys in the general reserve fund, and such pledge may be
2 made in advance of the time when such excess may occur.

3 § 2006. Bi-state covenant. The two states covenant and agree with
4 each other and with the holders of Narrows bridge bonds as security for
5 which there may or shall be pledged (directly or indirectly, or through
6 the medium of its general reserve fund or otherwise) the revenues, or
7 any part thereof, of the Narrows bridge or any other facility owned or
8 operated by the Port Authority, that the two states will not, so long as
9 any of such bonds remain outstanding and unpaid, diminish or impair the
10 power of the Port Authority to establish, levy and collect tolls, rents,
11 charges or other fees in connection with the Narrows bridge (so long as
12 the Port Authority shall retain title to such bridge) or any such other
13 facility; and that the two said states will not, so long as any of such
14 bonds remain outstanding and unpaid and so long as the Port Authority
15 shall retain title to the Narrows bridge, authorize the construction of
16 any other vehicular bridges or tunnels (other than bridges or tunnels
17 exclusively for railway rapid transit purposes) between Staten Island
18 and Long Island by any person or body other than the Port Authority.

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

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

55 The Port Authority may acquire and is hereby authorized to acquire any
56 real property in the state of New York required for a public use under

1 the preceding paragraph, whether a fee simple absolute or a lesser
2 estate, by the exercise of the right of eminent domain under and pursu-
3 ant to the eminent domain procedure law of the state of New York, or at
4 the option of the Port Authority pursuant to any other and alternate
5 procedure provided by law by such state. Nothing herein contained shall
6 be construed to prevent the Port Authority from bringing any proceedings
7 in either state to remove a cloud on title or such other proceedings as
8 it may, in its discretion, deem proper and necessary, or from acquiring
9 any such property in either state by negotiation or purchase.

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

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

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

42 § 2011. Essential government function. The construction, maintenance
43 and operation of the Narrows bridge are and will be in all respects for
44 the benefit of the people of the states of New York and New Jersey, for
45 the increase of their commerce and prosperity and for the improvement of
46 their health 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 the construction, mainte-
49 nance and operation thereof and in carrying out the provisions of law
50 relating thereto.

51 § 2012. Tax exemption on acquired property. No taxes or assessments
52 shall be levied or collected upon any property acquired or used for
53 Narrows bridge purposes.

54 § 2013. Governmental nature. Any declarations contained herein and in
55 the concurrent act of the state of New Jersey with respect to the
56 governmental nature and public purpose of the Narrows bridge and to the

1 exemption of Narrows bridge property from taxation and to the discretion
2 of the Port Authority with respect to the operation thereof shall not be
3 construed to imply that other Port Authority property and operations are
4 not of a governmental nature or do not constitute public purposes, or
5 that they are subject to taxation, or that the determinations of the
6 Port Authority with respect thereto are not conclusive. The powers
7 vested in the Port Authority herein and in the concurrent act of the
8 state of New Jersey (including but not limited to the powers to acquire
9 real property by condemnation and to make or effectuate additions,
10 improvements, approaches and connections) shall, except as herein other-
11 wise expressly stated, be continuing powers and no exercise thereof
12 shall be deemed to exhaust them or any of them.

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

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

27 PART XXI

28 NEW JERSEY TURNPIKE CONNECTIONS

29 Section 2101. Definitions.

30 2102. Authorization for agreement with New Jersey agencies.

31 2103. Securities.

32 § 2101. Definitions. As used in this part:

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

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

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

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

52 § 2102. Authorization for agreement with New Jersey agencies. The
53 port authority is hereby authorized and empowered, in its discretion, to
54 enter into an agreement or agreements upon such terms and conditions as

1 it may deem in the public interest, with the New Jersey Turnpike Author-
2 ity, or the New Jersey state highway department, or both, whereby the
3 port authority may undertake to pay to such other party or parties to
4 such agreement or agreements such portion or portions of the cost of
5 constructing either or both of said Newark bay-Hudson county extension
6 terminal connections as the port authority shall determine to be propor-
7 tionate to the benefit to facilities owned or operated by the port
8 authority from such connections, whether or not such connections shall
9 constitute approaches or connections to such port authority facilities.

10 § 2103. Securities. The bonds which may be issued by the port authori-
11 ty to provide funds to make all or any portion of the payment or
12 payments required by an agreement or agreements authorized by section
13 twenty-one hundred two of this part and for purposes incidental thereto
14 are hereby made securities in which all state and municipal officers and
15 bodies of New Jersey and New York, all banks, bankers, trust companies,
16 savings banks, building and loan associations, saving and loan associ-
17 ations, investment companies and other persons carrying on a banking
18 business, all insurance companies, insurance associations and other
19 persons carrying on an insurance business, and all administrators, exec-
20 utors, guardians, trustees and other fiduciaries and all other persons
21 whatsoever are now or may hereafter be authorized by either the state of
22 New Jersey or the state of New York to invest in bonds or other obli-
23 gations of such state, may properly and legally invest any funds includ-
24 ing capital belonging to them or within their control; and said bonds
25 are hereby made securities which may properly and legally be deposited
26 with and shall be received by any state or municipal officer or agency
27 of either the state of New Jersey or the state of New York for any
28 purpose for which the deposit of bonds or other obligations of such
29 state is now or may hereafter be authorized.

30 PART XXII

31 COMMUTER RAILROAD CARS

32 Section 2201. Commuter railroad cars.

33 § 2201. Commuter railroad cars. 1. Upon the concurrence of the state
34 of New Jersey, the states of New York and New Jersey agree that each
35 such state may elect by appropriate legislation to provide for the
36 purchase and rental by the port of New York authority of railroad cars
37 for passenger transportation in accordance with this part.

38 2. For the purpose of this part:

39 (a) "Port authority" shall mean the port of New York authority.

40 (b) "Commuter railroad of an electing state" shall mean a railroad
41 transporting passengers between municipalities in the portion of the
42 port of New York district within such state, the majority of the track-
43 age of which within the port of New York district utilized for the
44 transportation of passengers shall be in such state.

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

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

51 (i) purchase and own railroad cars for the purpose of leasing them to
52 any commuter railroad of such state; provided, however, that no rail-
53 road cars shall be so purchased except with advances received or money
54 borrowed pursuant to subparagraphs (ii) and (iii) of this paragraph, nor

1 shall the port authority incur expenses in connection with such purchase
2 and ownership except out of such advances or borrowed money or the
3 rentals received from such leasing;

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

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

9 (iv) secure the repayment of principal of and interest upon any such
10 borrowed money by and only by a lien upon such railroad cars, a pledge
11 of the rentals therefrom and the liability of the electing state for the
12 repayment of such principal and interest;

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

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

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

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

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

1 electing state is now or may hereafter be authorized. Such bonds or
2 other evidences of indebtedness shall constitute negotiable instruments.

3 Notwithstanding the provisions of this or any other legislation the
4 rentals received by the port authority from the leasing of any railroad
5 cars under this part shall not be pooled or applied to the establishment
6 or maintenance of any reserve fund of the port authority pledged as
7 security for any bonds or other evidences of indebtedness other than
8 those issued pursuant to this part, and the bonds or other evidences of
9 indebtedness issued pursuant to this part shall not be included in meas-
10 uring the principal amount of bonds or other evidences of indebtedness
11 upon which the amount of any such reserve fund is calculated.

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

15 7. (a) The state of New York hereby elects pursuant to subdivision one
16 of this section to provide for the purchase and rental by the port
17 authority of railroad cars on the commuter railroads of this state. The
18 commissioner of the department of transportation is hereby designated as
19 the officer of this state for the approval of leases pursuant to subpar-
20 agraph (v) of paragraph (a) of subdivision three of this section.

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

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

50 (d) Except as provided in paragraph (c) of this subdivision, any rail-
51 road cars purchased by the port authority with the proceeds of the issu-
52 ance by the port authority of any series of bonds or other evidences of
53 indebtedness shall become the property of this state after the final
54 payment of all the bonds or other evidences of indebtedness of such
55 series, and thereafter shall be held by the port authority subject to
56 the disposition of this state, and any railroad cars purchased by the

1 port authority with any advances from this state shall become the prop-
2 erty of this state upon the repayment of all such advances solely out of
3 rentals in excess of the port authority's administrative, legal and
4 financial expenses in connection therewith; or if the proceeds of port
5 authority bonds or other evidences of indebtedness of any series shall
6 have been applied to repay all or any portion of such advances, then
7 such cars shall become the property of this state upon the final payment
8 of all such bonds or other evidences of such indebtedness of such
9 series.

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

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

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

1 of such loss, damage or destruction shall be applied by the port author-
2 ity, to the extent practicable, to the purchase for retirement or to the
3 redemption of bonds or notes of such series, or otherwise as the port
4 authority may determine for the purposes of this part.

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

19 PART XXIII
20 WORLD TRADE CENTER

21 Section 2301. World trade center.

22 § 2301. World trade center. 1. The states of New York and New Jersey
23 hereby find and determine:

24 (a) that the transportation of persons to, from and within the port of
25 New York, and the flow of foreign and domestic cargoes to, from and
26 through the port of New York are vital and essential to the preservation
27 of the economic well-being of the northern New Jersey-New York metropol-
28 itan area;

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

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

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

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

52 (f) that the servicing functions and activities connected with the
53 oceanborne and overseas airborne trade and commerce of the port of New
54 York district as defined in the compact between the said two states

1 dated April thirty, nineteen hundred twenty-one (hereinafter called the
2 port district), including customs clearance, shipping negotiations,
3 cargo routing, freight forwarding, financing, insurance arrangements and
4 other similar transactions which are presently performed in various,
5 scattered locations in the city of New York, state of New York, should
6 be centralized to provide for more efficient and economical transporta-
7 tion of persons and more efficient and economical facilities for the
8 exchange and buying, selling and transportation of commodities and other
9 property in world trade and commerce;

10 (g) that unification, at a single, centrally located site, of the
11 principal New York terminal of the aforesaid interurban electric railway
12 and a facility of commerce accommodating the said functions and activ-
13 ities described in paragraph (f) of this subdivision and the appropriate
14 governmental, administrative and other services connected with or inci-
15 dental to transportation of persons and property and the promotion and
16 protection of port commerce, and providing a central locale for exhibit-
17 ing and otherwise promoting the exchange and buying and selling of
18 commodities and property in world trade and commerce, will materially
19 assist in preserving for the two states and the people thereof the mate-
20 rial and other benefits of a prosperous port community;

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

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

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

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

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

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

51 (d) "General reserve fund statutes" shall mean chapter forty-eight of
52 the laws of New York of nineteen hundred thirty-one as amended and
53 continued by part XXIX of this article, and chapter five of the laws of
54 New Jersey of nineteen hundred thirty-one as amended, and "general
55 reserve fund" shall mean the general reserve fund of the port authority
56 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 incidental thereto (including but not limited to the portion of such lines and system now or heretofore operated jointly by said railroad company and the Pennsylvania railroad company), terminals, including but not limited to terminals in the Hudson tubes-world trade center area, in the Journal square terminal area and in the Exchange place terminal area, and other related railroad property;

(f) "Hudson tubes extensions" shall mean those portions of the port development project constituting passenger railroad facilities (1) extending directly from the rail transit lines of the Hudson tubes, over new rail transit lines or on or over the existing rail transit lines of other railroads, to transfer facilities in the rail passenger transfer area, for the transfer of passengers of the Hudson tubes to and from other railroads, and (2) extending from Pennsylvania station in the city of Newark, state of New Jersey, over new rail transit lines or on or over the existing rail transit lines of other railroads, to the vicinity of the city of Plainfield, state of New Jersey, including construction, reconstruction and improvement of necessary stations in and between the city of Newark and the vicinity of the city of Plainfield, together with such additional rail or other mass transportation, terminal, station, parking, storage and service facilities as operations may require, and shall include a connection to provide improved access to Newark international airport if and to the extent such connection shall not be otherwise provided by the port authority as air terminal facilities for said airport, and (3) consisting of the following improvements to passenger railroad lines connecting with the Hudson tubes: (i) direct track connections between the rail transit lines of the Morris & Essex division of the Erie-Lackawanna railroad and the Penn Central transportation company in the vicinity of the town of Kearny in the state of New Jersey, (ii) replacement of the railroad bridge (known as the "portal bridge") operated by the Penn Central transportation company across the Hackensack river, (iii) direct track connections between the rail transit lines of the Bergen branch and the mail line of the Erie-Lackawanna railroad in the vicinity of the town of Secaucus in the state of New Jersey and between the new joint line resulting from such connections and the rail transit lines of the Penn Central transportation company in the vicinity of the town of Secaucus in the state of New Jersey, (iv) a new railroad yard in the vicinity of the town of Secaucus in the state of New Jersey for the accommodation of railroad passenger equipment, (v) improvements to Pennsylvania station in the city of New York, state of New York, and to its railroad approaches from the state of New Jersey, as necessary or desirable to improve operations and to increase train and passenger handling capacity, and (vi) such additional rail or other mass transportation, terminal, station, parking, storage and service facilities as operations may require with respect to any of the projects identified in this subparagraph or any of the foregoing or any portion thereof; and, in addition thereto, other related railroad property;

(g) "Hudson tubes-world trade center area" shall mean the area in the borough of Manhattan, city and state of New York, bounded generally by the east side of Church street on the east, the south side of Liberty street and the south side of Liberty street extended on the south, the

1 Hudson river on the west, and on the north by a line beginning at the
2 point of intersection of the Hudson river and the north side of Vesey
3 street extended, running along the north side of Vesey street extended
4 and the north side of Vesey street to the west side of Washington
5 street, then along the west side of Washington street to the north side
6 of Barclay street, then along the north side of Barclay street to the
7 east side of West Broadway, then along the east side of West Broadway to
8 the north side of Vesey street, then along the north side of Vesey
9 street to the east side of Church street, together with such additional
10 contiguous area as may be agreed upon from time to time between the port
11 authority and the said city;

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

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

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

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

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

52 (m) "Rail transit lines" shall mean right-of-way and related trackage,
53 and the "rail transit lines of the Hudson tubes" shall mean the rail
54 transit lines beginning at the Market street station of the Pennsylvania
55 railroad company in the city of Newark, state of New Jersey and extend-
56 ing generally (i) eastwardly along the joint service and operating route

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

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

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

55 (p) "Surplus revenues" from any facility shall mean the balance of the
56 revenues from such facility (including but not limited to the revenues

1 of any subsidiary corporation incorporated for any of the purposes of
2 this act) remaining at any time currently in the hands of the port
3 authority after the deduction of the current expenses of the operation
4 and maintenance thereof, including a proportion of the general expenses
5 of the port authority as it shall deem properly chargeable thereto,
6 which general expenses shall include but not be limited to the expense
7 of protecting and promoting the commerce of the port district, and after
8 the deduction of any amounts which the port authority may or shall be
9 obligated or may or shall have obligated itself to pay to or set aside
10 out of the current revenues therefrom for the benefit of the holders of
11 any bonds legal for investment as defined in the general reserve fund
12 statutes;

13 (q) "Surplus revenues of the port development project" shall mean the
14 surplus revenues of the Hudson tubes, the Hudson tubes extensions and
15 the world trade center; and

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

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

51 The port authority is hereby authorized and empowered to establish,
52 levy and collect such rentals, tolls, fares, fees and other charges as
53 it may deem necessary, proper or desirable in connection with any facil-
54 ity or part of any facility constituting a portion of the port develop-
55 ment project and to issue bonds for any of the purposes of this part and
56 to provide for payment thereof, with interest upon and the amortization

1 and retirement of such bonds, and to secure all or any portion of such
2 bonds by a pledge of such rentals, tolls, fares, fees, charges and other
3 revenues or any part thereof (including but not limited to the revenues
4 of any subsidiary corporation incorporated for any of the purposes of
5 this part), and to secure all or any portion of such bonds by mortgages
6 upon any property held or to be held by the port authority (or by any
7 such subsidiary corporation) for any of the purposes of this part, and
8 for any of the purposes of this part to exercise all appropriate powers
9 heretofore or hereafter delegated to it by the states of New York and
10 New Jersey, including, but not limited to, those expressly set forth in
11 this part. The surplus revenues of the port development project may be
12 pledged in whole or in part as hereinafter provided.

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

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

47 Subject to prior liens and pledges (and to the obligation of the port
48 authority to apply revenues to the maintenance of its general reserve
49 fund in the amount prescribed by the general reserve fund statutes), the
50 revenues from facilities established, constructed, acquired or otherwise
51 effectuated through the issuance or sale of bonds of the port authority
52 secured in whole or in part by a pledge of its general reserve fund or
53 any portion thereof may be pledged in whole or in part as security for
54 or applied by it to any of the purposes of this part, including the
55 repayment with interest of any moneys which it may raise upon bonds
56 issued or incurred from time to time for any of the purposes of this

1 part or upon bonds secured in whole or in part by the pledge of the
2 revenues of the port authority from the port development project or any
3 portion thereof or upon bonds both so issued or incurred and so secured;
4 and said revenues may be applied by the port authority to the fulfill-
5 ment of any other undertakings which it may assume to or for the benefit
6 of the holders of such bonds.

7 5. In all cases where the port authority has raised or shall hereafter
8 raise moneys for any of the purposes of this part by the issue and sale
9 of bonds which are secured in whole or in part by a pledge of the gener-
10 al reserve fund or any portion thereof, the surplus revenues from any
11 facility constituting a portion of the port development project and
12 financed in whole or in part out of the proceeds of such bonds and the
13 surplus revenue from any other port authority facility the surplus
14 revenues of which at such time may be payable into the general reserve
15 fund shall be pooled and applied by the port authority to the establish-
16 ment and maintenance of the general reserve fund in an amount equal to
17 one-tenth of the par value of all bonds legal for investment, as defined
18 in the general reserve fund statutes, issued by the port authority and
19 currently outstanding, including such bonds issued for any of the
20 purposes of this part; and all such moneys in said general reserve fund
21 may be pledged and applied in the manner provided in the general reserve
22 fund statutes.

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

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

50 "Affected bonds" as used in this subdivision shall mean bonds of the
51 port authority issued or incurred by it from time to time for any of the
52 purposes of this part or bonds as security for which there may or shall
53 be pledged, in whole or in part, the general reserve fund or any reserve
54 fund established by or pursuant to contract between the port authority
55 and the holders of such bonds, or the revenues of the world trade
56 center, Hudson tubes, Hudson tubes extensions or any other facility

1 owned or operated by the port authority any surplus revenues of which
2 would be payable into the general reserve fund, or bonds both so issued
3 or incurred and so secured.

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

26 8. Notwithstanding any contrary provision of law, general, special or
27 local, either state and any municipality and any commission or agency of
28 either or both of said two states is authorized and empowered to co-op-
29 erate with the port authority and to enter into an agreement or agree-
30 ments (and from time to time to enter into agreements amending or
31 supplementing the same) with the port authority for and in connection
32 with or relating to the acquisition, clearance, replanning, rehabili-
33 tation, reconstruction, or redevelopment of the Hudson tubes-world trade
34 center area or of any other area forming part of the port development
35 project for the purpose of renewal and improvement of said area as afor-
36 esaid and for any of the purposes of this part, upon such reasonable
37 terms and conditions as may be determined by such state, municipality,
38 agency or commission and the port authority. Such agreement may, without
39 limiting the generality of the foregoing, include consent to the use by
40 the port authority of any real property owned or to be acquired by said
41 state, municipality, agency or commission and consent to the use by such
42 state, municipality, agency or commission of any real property owned or
43 to be acquired by the port authority which in either case is necessary,
44 convenient or desirable in the opinion of the port authority for any of
45 the purposes of this part, including such real property, improved or
46 unimproved, as has already been devoted to or has been or is to be
47 acquired for urban renewal or other public use, and as an incident to
48 such consents such state, municipality, agency or commission may grant,
49 convey, lease or otherwise transfer any such real property to the port
50 authority and the port authority may grant, convey, lease or otherwise
51 transfer any such real property to such state, municipality, agency or
52 commission for such term and upon such conditions as may be agreed upon.
53 If real property of such state, municipality, agency or commission be
54 leased to the port authority for any of the purposes of this part, such
55 state, municipality, agency or commission may consent to the port
56 authority having the right to mortgage the fee of such property and thus

1 enable the port authority to give as security for its bond or bonds a
2 lien upon the land and improvements, but such state, municipality, agen-
3 cy or commission by consenting to the execution by the port authority of
4 a mortgage upon the leased property shall not thereby assume and such
5 consent shall not be construed as imposing upon such state, munici-
6 pality, agency or commission any liability upon the bond or bonds
7 secured by the mortgage.

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

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

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

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

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

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

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

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

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

11. The port authority shall be required to pay no taxes or assessments upon any of the property acquired or used by it for any of the purposes of this part or upon any deed, mortgage or other instrument affecting such property or upon the recording of any such instrument. However, to the end that no municipality shall suffer undue loss of taxes and assessments by reason of the acquisition and ownership of property by the port authority for any of the purposes of this part, the port authority is hereby authorized and empowered, in its discretion, to enter into a voluntary agreement or agreements with any municipality whereby the port authority will undertake to pay in lieu of taxes a fair and reasonable sum or sums annually in connection with any real property acquired and owned by the port authority for any of the purposes of this part. Such sums in connection with any real property acquired and owned by the port authority for any of the purposes of this part shall not be more than the sum last paid as taxes upon such real property prior to the time of its acquisition by the port authority; provided, however, that in connection with any portion of the Hudson tubes-world trade center area acquired and owned by the port authority for any of the purposes of this part, after such property is improved pursuant to this part with world trade center buildings, structures or improvements greater in value than the buildings, structures or improvements on such Hudson tubes-world trade center area at the time of its acquisition by the port authority, then, with regard to such greater value, such sum or sums may be increased by such additional sum or sums annually as may be agreed upon between the port authority and the city of New York which will not include any consideration of the exhibit areas of the world trade center or of any areas which would be tax exempt in their own right if title were in the governmental occupants or of other areas accommodating services for the public or devoted to general public use. Each such municipality is hereby authorized and empowered to enter into such agreement or agreements with the port authority and to accept the

1 payment or payments which the port authority is hereby authorized and
2 empowered to make, and the sums so received by such municipality shall
3 be devoted to purposes to which taxes may be applied unless and until
4 otherwise directed by law of the state in which such municipality is
5 located.

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

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

27 Nothing in this part shall be deemed to prevent the port authority
28 from establishing, acquiring, owning, leasing, constructing, effectuat-
29 ing, developing, maintaining, operating, rehabilitating or improving all
30 or any portion of the port development project through wholly owned
31 subsidiary corporations of the port authority or from transferring to or
32 from any such corporations any moneys, real property or other property
33 for any of the purposes of this part. If the port authority shall deter-
34 mine from time to time to form such a subsidiary corporation it shall do
35 so by executing and filing with the secretary of state of New York and
36 the secretary of state of New Jersey a certificate of incorporation,
37 which may be amended from time to time by similar filing, which shall
38 set forth the name of such subsidiary corporation, its duration, the
39 location of its principal office, and the purposes of the incorporation
40 which shall be one or more of the purposes of establishing, acquiring,
41 owning, leasing, constructing, effectuating, developing, maintaining,
42 operating, rehabilitating or improving all or any portion of the port
43 development project. The directors of such subsidiary corporation shall
44 be the same persons holding the offices of commissioners of the port
45 authority. Such subsidiary corporation shall have all the powers vested
46 in the port authority itself for the purposes of this part except that
47 it shall not have the power to contract indebtedness. Such subsidiary
48 corporation and any of its property, functions and activities shall have
49 all of the privileges, immunities, tax exemptions and other exemptions
50 of the port authority and of the port authority's property, functions
51 and activities. Such subsidiary corporation shall be subject to the
52 restrictions and limitations to which the port authority may be subject,
53 including, but not limited to the requirement that no action taken at
54 any meeting of the board of directors of such subsidiary corporation
55 shall have force or effect until the governors of the two states shall
56 have an opportunity, in the same manner and within the same time as now

1 or hereafter provided by law for approval or veto of actions taken at
2 any meeting of the port authority itself, to approve or veto such
3 action. Such subsidiary corporation shall be subject to suit in accord-
4 ance with subdivision nine of this section and chapter three hundred one
5 of the laws of New York of nineteen hundred fifty as continued by part
6 XXIV of this article, and chapter two hundred four of the laws of New
7 Jersey of nineteen hundred fifty-one as if such subsidiary corporation
8 were the port authority itself. Such subsidiary corporation shall not
9 be a participating employer under the New York retirement and social
10 security law or any similar law of either state and the employees of any
11 such subsidiary corporation, except those who are also employees of the
12 port authority, shall not be deemed employees of the port authority.

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

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

46 14. If the port authority shall find it necessary, convenient or
47 desirable to acquire (either directly or through a subsidiary corpo-
48 ration) from time to time any real property or any property other than
49 real property (including but not limited to contract rights and other
50 intangible personal property and railroad cars or other rolling stock,
51 maintenance and repair equipment and parts, fuel and other tangible
52 personal property), for any of the purposes of this part, whether for
53 immediate or future use (including temporary construction, rehabili-
54 tation or improvement), the port authority may find and determine that
55 such property, whether a fee simple absolute or a lesser interest, is
56 required for a public use, and upon such determination the said property

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

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

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

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

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

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

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

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

1 and reviews thereof, except as hereinafter provided in subdivisions two
2 through five of this section.

3 2. The foregoing consent does not extend to suits, actions or
4 proceedings upon any causes of action whatsoever accruing before the
5 effective date of this part, other than causes of actions upon, in
6 connection with, or arising out of notes, bonds or other obligations or
7 securities secured by a pledge of the general reserve fund of the port
8 authority.

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

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

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

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

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

55 8. The notice of claim required by subdivision seven of this section
56 shall be in writing, sworn to by or on behalf of the claimant or claim-

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

RULES AND REGULATIONS

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

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

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

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

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

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

(g) No person shall get on any car or other rolling stock of the Hudson tubes or Hudson tubes extensions while it is in motion for the purpose of obtaining transportation thereon as a passenger nor shall any person wilfully obstruct, hinder or delay the passage of any such car or rolling stock. No person not authorized by PATH shall walk upon or

1 along any right-of-way or related trackage of the Hudson tubes or Hudson
2 tubes extensions.

3 2. Any violation of the provisions of paragraph (a) of subdivision one
4 of this section, shall be an offense and shall be punishable for a first
5 conviction thereof by a fine of not more than fifty dollars or imprison-
6 ment for not more than thirty days or both; for a second such
7 conviction by a fine of not less than twenty-five dollars nor more than
8 one hundred dollars or imprisonment for not more than sixty days or
9 both; for a third or any other subsequent such conviction, by a fine of
10 not less than fifty dollars nor more than two hundred dollars or by
11 imprisonment for not more than sixty days or both. Any person who is
12 guilty of violating any other provision of subdivision one of this
13 section shall be guilty of an offense and shall be punishable by a fine
14 not exceeding ten dollars or by imprisonment not exceeding thirty days
15 or by both such fine and imprisonment for each conviction thereof.

16 PART XXVI

17 MASS TRANSPORTATION FACILITIES TO AIR TERMINALS

18 Section 2601. Mass transportation facilities to air terminals.

19 § 2601. Mass transportation facilities to air terminals. 1. The
20 states of New York and New Jersey hereby find and determine that:

21 (a) Each air terminal within the port of New York district serves the
22 entire district, and the problem of furnishing proper and adequate air
23 terminal facilities within the district is a regional and interstate
24 problem;

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

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

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

39 (e) Such mass transportation facilities may properly be regarded as
40 constituting a part of each air terminal, the development of which
41 should be the responsibility of those charged with the duties of air
42 terminal development;

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

50 2. In furtherance of the aforesaid findings and determinations and in
51 partial effectuation of the comprehensive plan heretofore adopted by the
52 two states for the development of terminal and transportation facilities
53 in the port of New York district, the port authority of New York and New
54 Jersey is hereby specifically authorized to undertake pursuant to chap-

1 ter forty-three of the laws of New Jersey of nineteen hundred forty-sev-
2 en, as amended, and chapter eight hundred two of the laws of New York of
3 nineteen hundred forty-seven, as amended and continued by part XII of
4 this article, the following separate air terminal facilities:

5 (a) To provide access to Newark international airport. A railroad
6 line connecting Newark international airport, including (i) appropriate
7 mass transportation terminal facilities at and within the said airport;
8 (ii) construction, reconstruction and improvement of suitable offsite
9 facilities for the accommodation of air passengers, baggage, mail,
10 express, freight and other users of the connecting facility; and (iii)
11 such additional rail or other mass transportation, terminal, station,
12 parking, storage and service facilities as operations may require.

13 (b) To provide access to John F. Kennedy international airport. A
14 railroad line connecting John F. Kennedy international airport to the
15 main line of the Long Island railroad in the county of Queens, including
16 (i) a spur or branch to the Montauk line of the said railroad in the
17 said county; (ii) appropriate mass transportation terminal facilities
18 at and within the said airport; (iii) suitable offsite facilities for
19 the accommodation of air passengers, baggage, mail, express, freight and
20 other users of the connecting facility; and (iv) such additional rail or
21 other mass transportation, terminal, station, parking, storage and
22 service facilities, including improvements to the railroad approaches to
23 Pennsylvania Station and Jamaica Terminal in the city of New York, as
24 operations may require.

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

41 4. The port authority of New York and New Jersey is hereby authorized
42 and empowered in its discretion to enter into an agreement or agreements
43 upon such terms and conditions as it may deem in the public interest,
44 with the United States, the state of New Jersey, the state of New York,
45 or any agency, department, commission, public authority, board or divi-
46 sion of any of the foregoing, or any municipality or other public corpo-
47 ration in the state of New Jersey or in the state of New York, or any
48 person, firm, association, company or corporation, or any two or more of
49 the foregoing, to effectuate any one or more of the purposes of this
50 part; and the state of New Jersey, the state of New York, or any agency,
51 department, commission, public authority, board or division of either of
52 the foregoing, or any municipality or other public corporation in the
53 state of New Jersey or the state of New York, or any two or more of the
54 foregoing, are hereby authorized and empowered to enter into an agree-
55 ment or agreements with the port authority to effectuate any one or more
56 of the purposes of this part.

1 5. If any section, phrase, or provision of this part, as hereby
2 amended and supplemented or the application thereof to any person,
3 project or circumstances, be adjudged invalid by any court of competent
4 jurisdiction, such judgment shall be confined in its operation to the
5 section, part, phrase, provision or application directly involved in the
6 controversy in which such judgment shall have been rendered and shall
7 not affect or impair the validity of the remainder of this part or the
8 application thereof to other persons, projects or circumstances and the
9 two states hereby declare that they would have entered into this part or
10 the remainder thereof had the invalidity of such provision or applica-
11 tion thereof been apparent.

PART XXVII

INDUSTRIAL DEVELOPMENT PROJECTS AND FACILITIES

14 Section 2701. Findings and determinations.

15 2702. Definitions.

16 2703. Industrial development projects and facilities.

17 § 2701. Findings and determinations. 1. The states of New York and
18 New Jersey hereby find and determine:

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

26 b. that in order to preserve and protect the position of the port of
27 New York as the nation's leading gateway for world commerce, it is
28 incumbent on the states of New York and New Jersey to make every effort
29 to insure that the port receives its rightful share of interstate and
30 international commerce generated by the manufacturing, industrial, trade
31 and commercial segments of the economy of the nation and of the port
32 district;

33 c. that since nineteen hundred fifty the number of available jobs in
34 the port district, particularly within the older central cities thereof,
35 has decreased, thereby resulting in the underutilization of available
36 land and other resources, the erosion of the port district's tax bases
37 and a rate of unemployment substantially in excess of the national aver-
38 age;

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

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

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

48 g. that providing port district industrial development projects and
49 facilities is in the public interest and involves the exercise of public
50 and essential governmental functions which may include appropriate and
51 reasonable limitations on competition and which must be performed by the
52 two states, or any municipality, public authority, agency or commission
53 of either state and by a joint agency of the two states to accomplish
54 the purposes of this part;

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

5 i. that the acquisition and the use by such joint agency of abandoned,
6 undeveloped or underutilized land or land owned by governmental entities
7 within the port district for the generation of jobs and to reduce the
8 hazards of unemployment would promote, preserve and protect the indus-
9 try, trade and commerce of the port district, and will materially assist
10 in preserving for the two states and the people thereof the material and
11 other benefits of a prosperous port community;

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

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

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

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

55 n. that the undertaking of such industrial development projects and
56 facilities by the port authority has the single object of and is part of

1 a unified plan to aid in preserving the economic well-being of the port
2 district and is found and determined to be in the public interest;

3 o. that no such port district industrial development projects and
4 facilities are to be constructed if the sole intent of the construction
5 thereof would be the removal of an industrial or manufacturing plant of
6 an occupant of such projects and facilities from one location to another
7 location or in the abandonment of one or more plants or facilities of
8 such occupant, unless such port district industrial development projects
9 and facilities are reasonably necessary to discourage such occupant from
10 removing such plant or facility to a location outside the port district
11 or are reasonably necessary to preserve the competitive position of such
12 project occupant in its industry;

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

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

24 § 2702. Definitions. The following terms as used in this part shall
25 have the following meanings:

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

28 b. "Effectuation" of any project or facility or part of any such
29 project or facility shall include but not be limited to its establish-
30 ment, acquisition, construction, development, maintenance, operation,
31 improvement (by way of betterments, additions or otherwise) and rehabil-
32 itation by the port authority or any other person and the provision of
33 funds therefor through the issuance of obligations, the making or grant-
34 ing of loans or otherwise;

35 c. "General reserve fund statutes" shall mean chapter forty-eight of
36 the laws of New York of nineteen hundred thirty-one as amended and
37 continued by part XXIX of this article, and chapter five of the laws of
38 New Jersey of nineteen hundred thirty-one as amended, and "general
39 reserve fund" shall mean the general reserve fund of the port authority
40 authorized by said statutes;

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

45 e. "Industrial development project or facility" or "port district
46 industrial development project or facility" shall mean any equipment,
47 improvement, structure or facility or any land, and any building, struc-
48 ture, facility or other improvement thereon, or any combination thereof,
49 and all real and personal property, located within the New York portion
50 of the port district or within a municipality in the New Jersey portion
51 of the port district which qualified for state aid under the provisions
52 of P.L., 1971, C.64 as most recently supplemented by P.L., 1978, C.14 or
53 which may hereafter qualify for such aid, including, but not limited to,
54 machinery, equipment and other facilities deemed necessary or desirable
55 in connection therewith, or incidental thereto, whether or not now in
56 existence or under construction, which shall be considered suitable by

1 the port authority for manufacturing, research, non-retail commercial or
2 industrial purposes within an industrial park, or for purposes of ware-
3 housing or consumer and supporting services directly related to any of
4 the foregoing or to any other port authority project or facility; and
5 which may also include or be an industrial pollution control facility or
6 a resource recovery facility, provided that no such industrial develop-
7 ment project or facility may include or be a facility used for the stor-
8 age of chemicals, fuel or liquified natural gas unless incidental to the
9 effectuation of such industrial development project or facility;

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

30 g. "Municipality" means a city, county, town or village all or any
31 part of which is located within the New York portion of the port
32 district, or a city, county, town, borough or township all or any part
33 of which is located within the New Jersey portion of the port district;

34 h. "Person" means any person, including individuals, firms, partner-
35 ships, associations, societies, trusts, public utilities, public or
36 private corporations, or other legal entities, including public or
37 governmental bodies, which may include the port authority, as well as
38 natural persons. "Person" shall include the plural as well as the
39 singular;

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

45 j. "Purposes of this part" shall mean the effectuation of industrial
46 development projects and facilities and of each project or facility
47 constituting a portion thereof and of each part of each project or
48 facility, and purposes incidental thereto;

49 k. "Real property" shall mean lands, structures, franchises and inter-
50 ests in land, including air space and air rights, waters, lands under
51 water, wetlands and riparian rights, and any and all things and rights
52 included within the said term, and includes not only fees simple abso-
53 lute but also any and all lesser interests, including but not limited to
54 easements, rights-of-way, uses, leases, licenses and all other incorpo-
55 real hereditaments and every estate, interest or right, legal or equita-

ble, including terms for years and liens thereon by way of judgments, mortgages or otherwise;

1. "Resource recovery facility" shall mean 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 located within the port district, including, but not limited to, machinery, equipment and other facilities deemed necessary or desirable in the opinion of the port authority in connection therewith, or incidental thereto, whether or not now in existence or under construction, for the disposal of refuse or other solid wastes or wastes resulting from other treatment processes and for the recovery and sale or use of energy and other resources from such refuse or other solid wastes or wastes resulting from other treatment processes, provided that no such resource recovery facility may include or be used as a site for organic landfill;

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

n. "Surplus revenues of port district industrial development projects or facilities" shall mean the surplus revenues of all industrial development projects or facilities effectuated pursuant to the terms of this part.

§ 2703. Industrial development projects and facilities. 1. In furtherance of the findings and determinations detailed by section twenty-seven hundred one of this part, in partial effectuation of and supplemental to the comprehensive plan heretofore adopted by the two said states for the development of the said port district, and subject to the preparation and adoption of the plan authorized in subdivision two of this section and the execution of an agreement or agreements authorized by subdivisions eleven and twelve of this section, the port authority is hereby authorized, empowered and directed to establish, acquire, construct, effectuate, develop, own, lease, maintain, operate, improve, rehabilitate, sell, transfer and mortgage projects or facilities herein referred to as port district industrial development projects or facilities, as defined in this part.

The port authority is hereby authorized and empowered to establish, levy and collect such rentals, fares, fees and other charges as it may deem necessary, proper or desirable in connection with any facility or part of any facility constituting a portion of any port district industrial development project or facility and to issue bonds for any of the purposes of this part and to provide for payment thereof, with interest thereon, and for the amortization and retirement of such bonds, and to secure all or any portion of such bonds by a pledge of such rentals, fares, fees, charges and other revenues or any part thereon (including but not limited to the revenues of any subsidiary corporation incorpo-

1 rated for any of the purposes of this part) and to secure all or any
2 portion of such bonds by mortgages upon any property held or to be held
3 by the port authority for any of the purposes of this part, and for any
4 of the purposes of this part to exercise all appropriate powers hereto-
5 fore or hereafter delegated to it by the states of New York and New
6 Jersey, including, but not limited to, those expressly set forth in this
7 part. The surplus revenues of port district industrial development
8 projects or facilities may be pledged in whole or in part as hereinafter
9 provided.

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

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

54 4. The moneys in the general reserve fund may be pledged in whole or
55 in part by the port authority as security for or applied by it to the
56 repayment with interest of any moneys which it may raise upon bonds

1 issued or incurred by it from time to time for any of the purposes of
2 this part or upon bonds secured in whole or in part by the pledge of the
3 revenues from any industrial development project or facility or any
4 portion thereof or upon bonds both so issued or incurred and so secured;
5 and the moneys in said general reserve fund may be applied by the port
6 authority to the fulfillment of any other undertakings which it may
7 assume to or for the benefit of the holders of any such bonds.

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

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

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

51 6. The two states covenant and agree with each other and with the
52 holders of any bonds issued by the port authority for the purposes of
53 this part, that so long as any of such bonds remain outstanding and
54 unpaid and the holders thereof shall not have given their consent as
55 provided in their contract with the port authority, the two states will
56 not diminish or impair the power of the port authority to establish,

1 levy and collect rentals, fares, fees or other charges in connection
2 with industrial development projects or facilities or any other facility
3 owned or operated by the port authority the revenues of which have been
4 or shall be pledged in whole or in part as security for such bonds
5 (directly or indirectly, or through the medium of the general reserve
6 fund or otherwise), or to determine the quantity, quality, frequency or
7 nature of any services provided by the port authority in connection with
8 the operation of each project or facility. This subdivision shall not
9 affect or diminish the provisions of subdivision twelve of this section.

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

1 York of nineteen hundred twenty-seven, as amended and as continued by
2 part IV of this article, and in chapter three hundred thirty-three of
3 the laws of New Jersey of nineteen hundred twenty-seven, as amended, or
4 to authorize the port authority to commence the effectuation of any
5 industrial development project or facility unless and until the munici-
6 pality in which such project or facility is to be located has consented
7 to the commencement of such effectuation, with such consent to be
8 provided for in the agreement authorized by subdivision eleven or subdivi-
9 sion twelve of this section. The port authority is authorized and
10 empowered to enter into an agreement or agreements (and from time to
11 time to enter into agreements amending or supplementing the same) with
12 any public authority, agency or commission of either or both states to
13 provide for the effectuation of any of the purposes of this part through
14 a subsidiary corporation owned jointly by the port authority and any
15 such public authority, agency or commission, and any such public author-
16 ity, agency or commission is authorized and empowered to enter into such
17 agreement or agreements with the port authority.

18 8. Notwithstanding any contrary provision of law, general, special or
19 local, either state and any municipality thereof and any commission,
20 public authority or agency of either or both of said two states is
21 authorized and empowered to co-operate with the port authority and to
22 enter into an agreement or agreements (and from time to time to enter
23 into agreements amending or supplementing the same) with the port
24 authority or with any other person for and in connection with or relat-
25 ing to the acquisition, clearance, replanning, rehabilitation, recon-
26 struction, redevelopment, sale, transfer or mortgage of any industrial
27 development project or facility or of any other area forming part of any
28 industrial development project or facility for the purpose of renewal
29 and improvement of said area as aforesaid or for any of the other
30 purposes of this part, including but not limited to the dedication by
31 the municipalities of the port district of refuse, solid waste or waste
32 resulting from other treatment processes to resource recovery to permit
33 the generation of lower priced energy and the recovery of useful materi-
34 als and a commitment by such municipalities to pay fees to permit the
35 delivery and removal after processing of such refuse or solid waste at
36 rates and for periods of time at least sufficient to assure the contin-
37 ued availability of such energy and recovered materials, upon such
38 reasonable terms and conditions as may be determined by such state,
39 municipality, public authority, agency or commission and the port
40 authority. Such agreement may, without limiting the generality of the
41 foregoing, further include consent to the use by the port authority or
42 any other person of any real property owned or to be acquired by said
43 state, municipality, public authority, agency or commission and consent
44 to the use by such state, municipality, public authority, agency or
45 commission of any real property owned or to be acquired by the port
46 authority or by any other person which in either case is necessary,
47 convenient or desirable in the opinion of the port authority for any of
48 the purposes of this part, including such real property, improved or
49 unimproved, as has already been devoted to or has been or is to be
50 acquired for urban renewal or other public use, and as an incident to
51 such consent such state, municipality, public authority, agency or
52 commission may grant, convey, lease or otherwise transfer any such real
53 property to the port authority or to any other person and the port
54 authority may grant, convey, lease or otherwise transfer any such real
55 property to such state, municipality, public authority, agency, commis-
56 sion or any other person for such term and upon such conditions as may

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

22 Nothing contained in this subdivision shall impair or diminish the
23 powers vested in either state or in any municipality, public authority,
24 agency or commission to acquire, clear, replan, reconstruct, rehabili-
25 tate or redevelop abandoned, undeveloped or underutilized land and the
26 powers herein granted to either state or any municipality, public
27 authority, agency or commission shall be construed to be in aid of and
28 not in limitation or in derogation of any such powers heretofore or
29 hereafter conferred upon or granted to such state, municipality, public
30 authority, agency or commission.

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

47 The port authority, subject to the express authority or consent of any
48 such state, municipality, public authority, agency or commission, is
49 hereby authorized and empowered to acquire from any such state or muni-
50 cipality, or from any other public authority, agency or commission
51 having jurisdiction in the premises, by agreement therewith, and such
52 state or municipality, public authority, agency or commission, notwith-
53 standing any contrary provision of law, is hereby authorized and
54 empowered to grant and convey, upon reasonable terms and conditions, any
55 real property which may be necessary, convenient or desirable for any of

1 the purposes of this part, including such real property as has already
2 been devoted to a public use.

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

8 Any consent by a municipality shall be given and the terms, conditions
9 and execution by a municipality of any agreement, deed, lease, convey-
10 ance 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, forty: one-one, et seq. Any
18 consent by either state shall be effective if given, and the terms and
19 conditions and execution of any agreement, deed, lease, conveyance or
20 other instrument pursuant to this section or any other section of this
21 part shall be effective if authorized by the governor of such state.
22 Any consent by a public authority, agency or commission shall be effec-
23 tive if given by such public authority, agency or commission.

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

29 a. for judgments, orders or decrees restraining or enjoining the port
30 authority from transferring title to real property to other persons in
31 cases where it has agreed with said municipality, public authority,
32 agency, or commission for transfer of such title to the municipality,
33 public authority, agency or commission; and

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

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

49 10. The effectuation of industrial development projects or facilities
50 of any such projects or facilities constituting a portion of any indus-
51 trial development project or facility, are and will be in all respects
52 for the benefit of the people of the states of New York and New Jersey,
53 for the increase of their commerce and prosperity and for the improve-
54 ment of their health and living conditions; and the port authority and
55 any subsidiary corporation incorporated for any of the purposes of this
56 part shall be regarded as performing an essential governmental function

1 in undertaking the effectuation thereof, and in carrying out the
2 provisions of law relating thereto.

3 11. The port authority shall be required to pay no taxes or assess-
4 ments upon any of the property acquired and used by it for any of the
5 purposes of this part or upon any deed, mortgage or other instrument
6 affecting such property or upon the recording of any such instrument.
7 However, to the end that no taxing jurisdiction shall suffer undue loss
8 of taxes and assessments by reason of the acquisition and ownership of
9 property by the port authority for any of the purposes of this part, the
10 port authority is hereby authorized and empowered, in its discretion, to
11 enter into a voluntary agreement or agreements with any city, town,
12 township or village whereby the port authority will undertake to pay in
13 lieu of taxes a fair and reasonable sum, if any, or sums annually in
14 connection with any real property acquired and owned by the port author-
15 ity for any of the purposes of this part and to provide for the payment
16 as a rental or additional rental charge by any person occupying any
17 portion of any industrial development project or facility either as
18 lessee, vendee or otherwise of such reasonable sum, if any, or sums as
19 hereinafter provided. Such sums in connection with any real property
20 acquired and owned by the port authority for any of the purposes of this
21 part shall not be more than the sum last paid as taxes upon such real
22 property prior to the time of its acquisition by the port authority;
23 provided, however, that in connection with any portion of any industrial
24 development project or facility, which is owned by the port authority or
25 another governmental entity and improved pursuant to this part with
26 buildings, structures or improvements greater in value than the build-
27 ings, structures or improvements in existence at the time of its acqui-
28 sition, development or improvement by the port authority, any person
29 occupying such portion of such industrial development project or facili-
30 ty either as lessee, vendee or otherwise shall, as long as title thereto
31 shall remain in the port authority or in another governmental entity,
32 pay as a rental or additional rental charge an amount in lieu of taxes,
33 if any, not in excess of the taxes on such improvements and on personal
34 property, including water and sewer service charges or assessments,
35 which such person would have been required to pay had it been the owner
36 of such property during the period for which such payment is made;
37 provided further, however, that neither the port authority nor any of
38 its projects, facilities, properties, monies or bonds and notes shall be
39 obligated, liable or subject to lien of any kind whatsoever for the
40 enforcement, collection or payment thereof. Each such city, town, town-
41 ship or village is hereby authorized and empowered to enter into such
42 agreement or agreements with the port authority which agreement or
43 agreements may also include provisions with respect to the joint review
44 of categories of tenants proposed as occupants for industrial develop-
45 ment projects or facilities with the cities, towns, townships or
46 villages in which they are proposed to be located, and to accept the
47 payment or payments which the port authority is hereby authorized and
48 empowered to make or which are paid by a person occupying any such
49 portion of such industrial development project or facility as rental or
50 as additional rental in lieu of taxes, and the sums so received by such
51 city, town, township or village shall be devoted to purposes to which
52 taxes may be applied in all affected taxing jurisdictions unless and
53 until otherwise directed by law of the state in which such city, town,
54 township or village is located. At least ten days prior to the authori-
55 zation by the port authority of any agreement provided for in this
56 subdivision, the port authority shall notify the chief executive officer

1 of each city in the port district within which an industrial development
2 project or facility has been included in the master plan provided for in
3 subdivision two of this section of the proposed authorization of such
4 agreement, shall seek their comments and shall include with such author-
5 ization any comments received from such city. The port authority shall
6 not sell or lease substantially all of an industrial development project
7 or facility to a proposed purchaser or lessee without the prior approval
8 by the municipality wherein the project or facility is located of such
9 purchaser or lessee.

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

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

1 Nothing in this part shall be deemed to prevent the port authority
2 from establishing, acquiring, owning, leasing, constructing, effectuat-
3 ing, developing, maintaining, operating, rehabilitating, improving,
4 selling, transferring or mortgaging all or any portion of any industrial
5 development project or facility through wholly owned subsidiary corpo-
6 rations of the port authority or subsidiary corporations owned by the
7 port authority jointly with any public authority, agency or commission
8 of either or both of the two states or from transferring to or from any
9 such corporations any moneys, real property or other property for any of
10 the purposes of this part. If the port authority shall determine from
11 time to time to form such a subsidiary corporation it shall do so by
12 executing and filing with the secretary of state of the State of New
13 York and the secretary of state of the State of New Jersey a certificate
14 of incorporation, which may be amended from time to time by similar
15 filing, which shall set forth the name of such subsidiary corporation,
16 its duration, the location of its principal office, any joint owners
17 thereof, and the purposes of the incorporation which shall be one or
18 more of the purposes of establishing, acquiring, owning, leasing,
19 constructing, effectuating, developing, maintaining, operating, rehabil-
20 itating, improving, selling, transferring or mortgaging all or any
21 portion of any industrial development project or facility. The direc-
22 tors of such subsidiary corporation shall be the same persons holding
23 the offices of commissioners of the port authority together with persons
24 representing any joint owner thereof as provided for in the agreement in
25 connection with the incorporation thereof. Such subsidiary corporation
26 shall have all the powers vested in the port authority itself for the
27 purposes of this part except that it shall not have the power to
28 contract indebtedness. Such subsidiary corporation and any of its prop-
29 erty, functions and activities shall have all of the privileges, immuni-
30 ties, tax exemptions and other exemptions of the port authority and of
31 the port authority's property, functions and activities. Such subsid-
32 iary corporation shall be subject to the restrictions and limitations to
33 which the port authority may be subject, including, but not limited to
34 the requirement that no action taken at any meeting of the board of
35 directors of such subsidiary corporation shall have force or effect
36 until the governors of the two states shall have an opportunity, in the
37 same manner and within the same time as now or hereafter provided by law
38 for approval or veto of actions taken at any meeting of the port author-
39 ity itself, to approve or veto such action. Such subsidiary corporation
40 shall be subject to suit in accordance with subdivision nine of this
41 section and chapter three hundred one of the laws of New York of nine-
42 teen hundred fifty and continued by part XIV of this article, and chap-
43 ter two hundred four of the laws of New Jersey of nineteen hundred
44 fifty-one as if such subsidiary corporation were the port authority
45 itself. Such subsidiary corporation may be a participating employer
46 under the New York retirement and social security law or any similar law
47 of either state and the employees of any such subsidiary corporation,
48 except those who are also employees of the port authority, shall not be
49 deemed employees of the port authority.

50 Whenever any state, municipality, commission, public authority, agen-
51 cy, officer, department, board or division is authorized and empowered
52 for any of the purposes of this part to co-operate and enter into agree-
53 ments with the port authority or to grant any consent to the port
54 authority or to grant, convey, lease or otherwise transfer any property
55 to the port authority or to execute any document, such state, munici-
56 pality, commission, public authority, agency, officer, department, board

1 or division shall have the same authorization and power for any of such
2 purposes to co-operate and enter into agreements with such subsidiary
3 corporation and to grant consents to such subsidiary corporation and to
4 grant, convey, lease or otherwise transfer property to such subsidiary
5 corporation and to execute documents for such subsidiary corporation.

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

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

45 The port authority may acquire and is hereby authorized so to acquire
46 from time to time, for any of the purposes of this part, such property,
47 whether a fee simple absolute or a lesser estate, by condemnation
48 (including the exercise of the right of eminent domain) under and pursu-
49 ant to the provisions of the eminent domain procedure law of the state
50 of New York in the case of property located in or having its situs in
51 such state, and chapter three hundred sixty-one of the laws of New
52 Jersey of nineteen hundred seventy-one, in the case of property located
53 in or having its situs in such state, or, at the option of the port
54 authority, as provided in section fifteen of chapter forty-three of the
55 laws of New Jersey of nineteen hundred forty-seven, as amended, in the
56 case of property located in or having its situs in such state, or pursu-

1 ant to such other and alternate procedure as may be provided by law of
2 the state in which such property is located or has its situs; and all of
3 said statutes for the acquisition of real property shall, for any of the
4 purposes of this part, be applied also to the acquisition of other prop-
5 erty authorized by this subdivision, except that such provisions as
6 pertain to surveys, diagrams, maps, plans or profiles, assessed valu-
7 ation, lis pendens, service of notice and papers, filing in the office
8 of the clerk in which the real property affected is situated and such
9 other provisions as by their nature cannot be applicable to property
10 other than real property, shall not be applicable to the acquisition of
11 such other property. In the event that any property other than real
12 property is acquired for any of the purposes of this part under this
13 section then, with respect to such other property, notice of such
14 proceeding and all subsequent notices or court processes shall be served
15 upon the owners of such other property and upon the port authority by
16 personal service or by registered or certified mail, except as may be
17 otherwise directed by the court.

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

24 The owner of any property acquired by condemnation or the exercise of
25 the right of eminent domain for any of the purposes of this act shall
26 not be awarded for such property any increment above the just compen-
27 sation required by the constitutions of the United States and of the
28 state or states in which the property is located or has its situs by
29 reason of any circumstances whatsoever.

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

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

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

50 16. Any declarations contained herein with respect to the governmental
51 nature and public purpose of any industrial development project or
52 facility and to the exemption of any industrial development project or
53 facility property and instruments relating thereto from taxation and to
54 the discretion of the port authority with respect to said projects or
55 facilities shall not be construed to imply that other port authority
56 facilities, property and operations are not of a governmental nature or

1 do not serve public purposes, or that they are subject to taxation, or
2 that the determinations of the port authority with respect thereto are
3 not conclusive. The powers hereby vested in the port authority and in
4 any subsidiary corporation incorporated for any of the purposes of this
5 act (including but not limited to the power to acquire real property by
6 condemnation or the exercise of the right of eminent domain) shall be
7 continuing powers and no exercise thereof by the port authority or a
8 subsidiary corporation incorporated for any of the purposes of this part
9 shall be deemed to exhaust them or any of them.

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

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

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

49 The temporary president and minority leader of the senate and the
50 speaker and minority leader of the assembly of the state of New York and
51 the speaker of the general assembly and the president of the senate of
52 the state of New Jersey, or their representatives designated by them in
53 writing for this purpose, may by certificate filed with the secretary of
54 the port authority waive the foregoing filing requirement with respect
55 to any specific minutes.

20. The port authority shall file with the temporary president and minority leader of the senate, the speaker and minority leader of the assembly, the chairman of the assembly ways and means committee and the chairman of the senate finance committee of the state of New York and the president, minority leader and secretary of the senate and the speaker and minority leader and clerk of the general assembly of the state of New Jersey a copy of the minutes of any action taken at any public meeting of the port authority in connection with any of the purposes of this part. Such filing shall be made at least ten calendar days before such minutes are transmitted to the governor of each state for review; and notice of such filing shall be provided to the governor of each state at the same time.

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

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

PART XXVIII
BUS TRANSPORTATION

Section 2801. Findings and determinations.

2802. Definitions.

2803. Bus transportation.

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

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

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

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

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

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

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

7 7. The port authority which was created by agreement of the two states
8 as their joint agent for the development of transportation and terminal
9 facilities and other facilities of commerce of the port district and for
10 the promotion and protection of the commerce of their port, is a proper
11 agency to provide such buses to each of the two states and such
12 provision of buses by the port authority is in the interest of the
13 continued viability of the facilities of the port authority, and is in
14 the public interest;

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

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

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

43 § 2802. Definitions. For the purpose of this part:

44 1. "Ancillary bus facilities" shall mean any facilities useful in the
45 provision of service for line-haul regional or feeder bus routes includ-
46 ing but not limited to (a) fare collection, communication, signal and
47 identification equipment, (b) equipment to aid in the provision of bus
48 service to the elderly and handicapped, (c) maintenance, repair and
49 storage facilities and equipment, and (d) bus stations for use primarily
50 by passengers traveling between New York and New Jersey; automobile
51 parking lots for use by people who transfer to buses on line-haul
52 regional bus routes or feeder bus routes; and shelters at roadside bus
53 stops to afford waiting bus passengers protection from precipitation and
54 wind;

55 2. "Buses" shall mean vehicles containing seats for twelve or more
56 passengers which are designed for and regularly used in scheduled common

1 carrier passenger mass transportation service on streets, highways and
2 exclusive busways and which are not designed or used for railroad
3 purposes;

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

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

9 5. "Feeder bus routes" shall mean those bus routes entirely within the
10 regional bus area which connect within the port district with a bus stop
11 on a line-haul regional bus route, a passenger ferry, or a railroad
12 station;

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

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

20 8. "Person" shall mean any person, including individuals, firms, part-
21 nerships, associations, societies, trusts, public utilities, public or
22 private corporations, or other legal entities, including public or
23 governmental bodies, which may include the port authority, as well as
24 natural persons;

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

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

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

54 2. Any such lease, sale, transfer or other disposition of buses and
55 ancillary bus facilities shall be on such terms and conditions, includ-
56 ing consideration, consistent with this part as the port authority shall

1 deem in the public interest and which shall be acceptable to the port
2 authority and the lessee. Notwithstanding any contrary provision of law,
3 general, special or local, part of the consideration for any such lease
4 or transfer shall consist of an agreement by the lessee to maintain and
5 use such buses and ancillary bus facilities, or cause such buses and
6 ancillary bus facilities to be maintained and used by others under
7 agreement with the lessee, in the effective and efficient transportation
8 of passengers in accordance with this act and the port authority may
9 accept such agreement in lieu of any other consideration for such lease
10 or transfer. The lessee shall be responsible for the proper operation,
11 maintenance, repair and use of the buses and ancillary bus facilities
12 and the port authority shall not be liable in any respect by reason of
13 the ownership, development, operation, maintenance, repair or use of
14 such buses and ancillary bus facilities. Anything contained in this part
15 to the contrary notwithstanding, development of such buses and ancillary
16 bus facilities and introduction into service of such buses shall be
17 subject to the approval of the lessee.

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

43 4. Any capital expenditures by the port authority for buses and ancil-
44 lary bus facilities to be leased, sold, transferred or otherwise
45 disposed of pursuant to this part shall be made with the proceeds of
46 consolidated bonds of the port authority, which may be issued to finance
47 such capital expenditures, and such capital expenditures shall be a part
48 of and shall not exceed the allocations for passenger facilities to be
49 made from time to time as determined in accordance with subdivision nine
50 of section twenty-eight hundred one of this part.

51 5. The port authority is authorized and empowered to cooperate with
52 the states of New York and New Jersey, with any municipality thereof,
53 with the federal government and any public authority, agency or commis-
54 sion of the foregoing or with any one or more of them or with any other
55 person to the extent that it finds it necessary and desirable to do so
56 in connection with the acquisition, development, financing, leasing,

1 sale, transfer or other disposition of buses and ancillary bus facilities and to enter into an agreement or agreements (and from time to time to enter into agreements amending or supplementing the same) with said states, municipalities, federal government, public authorities, agencies, commissions and persons or with any one or more of them for or relating to such purposes.

2 6. Notwithstanding any contrary provision of law, general, special or local, either state or any municipality, public authority, agency, or commission of either or both of said two states or any other person is authorized and empowered to cooperate 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 including but not limited to the agreements with respect to buses and ancillary bus facilities leased, transferred or otherwise disposed of pursuant to this part, upon such reasonable terms and conditions as determined by such state, municipality, public authority, agency, commission or person and the port authority.

3 7. Any consent by a municipality shall be given and the terms, conditions and execution by a municipality of any agreement, deed, lease, conveyance or other instrument pursuant to this subdivision or any other subdivision of this section shall be authorized in the manner provided in article twenty-two of the compact of April thirtieth, nineteen hundred twenty-one between the two states creating the port authority, except that as to towns in the state of New York, such consent shall be authorized in the manner provided in the town law and as to counties in the state of New Jersey, such consent shall be authorized in the manner provided in New Jersey statutes annotated, title forty: chapter one, section one, et seq. The terms and conditions and execution by either state of any agreement, consent, designation, determination, deed, lease, conveyance or other instrument pursuant to this subdivision or any other subdivision of this section shall be effective if authorized by the governor of such state. The powers herein granted to either state or any municipality, public authority, agency or commission shall be construed to be in aid of and not in limitation or in derogation of any such powers heretofore or hereafter conferred upon or granted to such state, municipality, public authority, agency or commission. Any consent by a public authority, agency or commission shall be effective if given by such public authority, agency or commission.

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

5 9. The port authority shall not be subject to the jurisdiction of any municipality, public authority, agency or commission of either or both of the two states in connection with the acquisition, development, financing, lease, sale, transfer or other disposition of buses, ancillary bus facilities or otherwise in connection with the purposes of this part.

6 10. The acquisition, development, financing, leasing, sale, transfer or other disposition by the port authority of buses and ancillary bus facilities in accordance with this part are and will be in all respects for the benefit of the people of the said two states, for the increase of their commerce and prosperity and for the improvement of their health, safety and living conditions and shall be deemed to be public

1 purposes; and the port authority shall be regarded as performing an
2 essential governmental function in undertaking such acquisition, devel-
3 opment, financing, leasing, sale, transfer or other disposition or
4 otherwise carrying out the provisions of this part.

5 11. Any declarations contained herein with respect to the governmental
6 nature and public purposes of the facilities authorized by this part and
7 to the exemption of such facilities and instruments relating thereto
8 from taxation and to the discretion of the port authority with respect
9 to said facilities shall not be construed to imply that other port
10 authority facilities, property and operations are not of a governmental
11 nature or do not serve public purposes, or that they are subject to
12 taxation, or that the determinations of the port authority with respect
13 thereto are not conclusive.

14 12. This subdivision and the preceding subdivisions hereof constitute
15 an agreement between the states of New York and New Jersey supplementary
16 to the compact between the two states dated April thirtieth, nineteen
17 hundred twenty-one and amendatory thereof, and shall be liberally
18 construed to effectuate the purposes of said compact and of the compre-
19 hensive plan heretofore adopted by the two states, and the powers grant-
20 ed to the port authority shall be construed to be in aid of and not in
21 limitation or in derogation of any other powers heretofore conferred
22 upon or granted to the port authority.

23 PART XXIX
24 GENERAL RESERVE FUND

25 Section 2901. Definitions.

26 2902. Establishment of general reserve fund.

27 2903. Effective date.

28 § 2901. Definitions. As used in this part:

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

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

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

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

§ 2902. Establishment of general reserve fund. In all cases where the port authority has raised or shall hereafter raise moneys for the establishment, acquisition, construction or effectuation of terminal and/or transportation facilities by the issue and sale of bonds legal for investment, as herein defined and limited, the surplus revenues received by or accruing to the port authority from or in connection with the operation of such terminal and/or transportation facilities built in whole or in part by the proceeds of the sale of such bonds shall be pooled and applied by it to the establishment and maintenance of a general reserve fund in an amount equal to one-tenth (1/10) of the par value of all bonds legal for investment, as herein defined and limited, issued by the port authority and currently outstanding. The moneys in the said general reserve fund may be pledged in whole or in part by the port authority as security for or applied by it to the repayment with interest of any moneys which it has raised or may hereafter raise upon any bonds, legal or investment, as herein defined and limited, and made and issued by it for any of its lawful purposes; and the said moneys may be applied by the port authority to the fulfillment of any other undertakings which it has assumed or may or shall hereafter assume to or for the benefit of the holders of any of such bonds.

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

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

ARTICLE II

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

PART I

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

Section 3001. Compact.

3002. Findings and declarations.

3003. Definitions.

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

3005. General powers of commission.

3006. Pier superintendents and hiring agents.

3007. Stevedores.

3008. Prohibition of public loading.

3009. Longshoreman.

3010. Regularization of longshoremen's employment.

3011. Port watchmen.

3012. Hearings, determinations and review.

3013. Employment information centers.

3014. Expenses of administration.

3015. General violations; prosecutions; penalties.

3016. Collective bargaining safeguarded.

3017. Amendments; construction; short title.

§ 3001. Compact. The "waterfront and airport commission of New York and New Jersey compact" as first enacted by chapter eight hundred eighty-two of the laws of nineteen hundred fifty-three is hereby continued to

1 read as follows. The state of New York hereby agrees with the state of
2 New Jersey, upon the enactment by the state of New Jersey of legislation
3 having the same effect as this section, to the following compact.

4 § 3002. Findings and declarations. 1. The states of New York and New
5 Jersey hereby find and declare that the conditions under which water-
6 front labor is employed within the port of New York district are
7 depressing and degrading to such labor, resulting from the lack of any
8 systematic method of hiring, the lack of adequate information as to the
9 availability of employment, corrupt hiring practices and the fact that
10 persons conducting such hiring are frequently criminals and persons
11 notoriously lacking in moral character and integrity and neither respon-
12 sive or responsible to the employers nor to the uncoerced will of the
13 majority of the members of the labor organizations of the employees;
14 that as a result waterfront laborers suffer from irregularity of employ-
15 ment, fear and insecurity, inadequate earnings, an unduly high accident
16 rate, subjection to borrowing at usurious rates of interest, exploita-
17 tion and extortion as the price of securing employment and a loss of
18 respect for the law; that not only does there result a destruction of
19 the dignity of an important segment of American labor, but a direct
20 encouragement of crime which imposes a levy of greatly increased costs
21 on food, fuel and other necessities handled in and through the port of
22 New York district.

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

37 3. The states of New York and New Jersey hereby find and declare that
38 many of the evils above described result not only from the causes above
39 described but from the lack of regulation of the occupation of steve-
40 dores; that such stevedores have engaged in corrupt practices to induce
41 their hire by carriers of freight by water and to induce officers and
42 representatives of labor organizations to betray their trust to the
43 members of such labor organizations.

44 4. The states of New York and New Jersey hereby find and declare that
45 the occupations of longshoremen, stevedores, pier superintendents,
46 hiring agents and port watchmen are affected with a public interest
47 requiring their regulation and that such regulation shall be deemed an
48 exercise of the police power of the two states for the protection of the
49 public safety, welfare, prosperity, health, peace and living conditions
50 of the people of the two states.

51 § 3003. Definitions. As used in this compact:

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

1 ter one hundred fifty-one of the laws of New Jersey of nineteen hundred
2 twenty-one.

3 2. "Commission" shall mean the waterfront and airport commission of
4 New York and New Jersey established by section three thousand four of
5 this part.

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

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

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

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

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

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

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

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

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

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

43 10. "Port watchman" shall include any watchman, gateman, roundsman,
44 detective, guard, guardian or protector of property employed by the
45 operator of any pier or other waterfront terminal or by a carrier of
46 freight by water to perform services in such capacity on any pier or
47 other waterfront terminal.

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

51 12. "Stevedore" shall mean a contractor (not including an employee)
52 engaged for compensation pursuant to a contract or arrangement with a
53 carrier of freight by water, in moving waterborne freight carried or
54 consigned for carriage by such carrier on vessels of such carrier
55 berthed at piers, on piers at which such vessels are berthed or at other
56 waterfront terminals.

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

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

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

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

1 prevent the circumvention or evasion thereof, to be effective upon
2 publication in the manner which the commission shall prescribe and upon
3 filing in the office of the secretary of state of each state. A certi-
4 fied copy of any such rules and regulations, attested as true and
5 correct by the commission, shall be presumptive evidence of the regular
6 making, adoption, approval and publication thereof;

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

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

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

22 11. To make investigations, collect and compile information concerning
23 waterfront practices generally within the port of New York district and
24 upon all matters relating to the accomplishment of the objectives of
25 this compact;

26 12. To advise and consult with representatives of labor and industry
27 and with public officials and agencies concerned with the effectuation
28 of the purposes of this compact, upon all matters which the commission
29 may desire, including but not limited to the form and substance of rules
30 and regulations, the administration of the compact, maintenance of the
31 longshoremen's register, and issuance and revocation of licenses;

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

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

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

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

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

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

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

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

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

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

3. No such license shall be granted

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

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

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

4. When the application shall have been examined and such further inquiry and investigation made as the commission shall deem proper and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

51 (m) Membership in a labor organization which represents longshoremen
52 or port watchmen; but nothing in this subdivision shall be deemed to
53 prohibit pier superintendents or hiring agents from being represented by
54 a labor organization or organizations which do not also represent long-
55 shoremen or port watchmen. The American Federation of Labor, the
56 Congress of Industrial Organizations and any other similar federation,

1 congress or other organization of national or international occupational
2 or industrial labor organizations shall not be considered an organiza-
3 tion which represents longshoremen or port watchmen within the meaning
4 of this section although one of the federated or constituent labor
5 organizations thereof may represent longshoremen or port watchmen.

6 § 3007. Stevedores. 1. On or after the first day of December, nine-
7 teen hundred fifty-three, no person shall act as a stevedore within the
8 port of New York district without having first obtained a license from
9 the commission, and no person shall employ a stevedore to perform
10 services as such within the port of New York district unless the steve-
11 dore is so licensed.

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

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

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

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

42 3. No such license shall be granted

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

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

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

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

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

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

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

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

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

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

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

1 or the licensee thereunder may be reprimanded for any of the following
2 offenses on the part of the licensee or of any person required by subdi-
3 vision two of this section to sign or be identified in an original
4 application for a license:

5 (a) Conviction of a crime or other cause which would permit or require
6 disqualification of the licensee from receiving a license upon original
7 application;

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

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

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

18 (e) Any other offense described in paragraphs (c) to (i) inclusive, of
19 subdivision seven of section three thousand six of this part.

20 § 3008. Prohibition of public loading. 1. The states of New York and
21 New Jersey hereby find and declare that the transfer of cargo to and
22 from trucks at piers and other waterfront terminals in the port of New
23 York district has resulted in vicious and notorious abuses by persons
24 commonly known as "public loaders." There is compelling evidence that
25 such persons have exacted the payment of exorbitant charges for their
26 services, real and alleged, and otherwise extorted large sums through
27 force, threats of violence, unauthorized labor disturbances and other
28 coercive activities, and that they had been responsible for and abetted
29 criminal activities on the waterfront. These practices which have
30 developed in the port of New York district impose unjustified costs on
31 the handling of goods in and through the port of New York district, and
32 increase the prices paid by consumers for food, fuel and other neces-
33 saries, and impair the economic stability of the port of New York
34 district. It is the sense of the legislatures of the states of New York
35 and New Jersey that these practices and conditions must be eliminated to
36 prevent grave injury to the welfare of the people.

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

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

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

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

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

53 (e) Stevedores licensed under section three thousand eight of this
54 part whether or not such waterborne freight has been or is to be trans-
55 ported by a carrier of freight by water with which such stevedore shall

1 have a contract of the type prescribed by paragraph (d) of subdivision 3
2 of section three thousand seven of this part.

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

9 § 3009. Longshoremen. 1. The commission shall establish a
10 longshoremen's register in which shall be included all qualified long-
11 shoremen eligible, as hereinafter provided, for employment as such in
12 the port of New York district. On or after the first day of December,
13 nineteen hundred fifty-three, no person shall act as a longshoreman
14 within the port of New York district unless at the time he is included
15 in the longshoremen's register, and no person shall employ another to
16 work as a longshoreman within the port of New York district unless at
17 the time such other person is included in the longshoremen's register.

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

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

26 (a) Who has been convicted by a court of the United States or any
27 state or territory thereof, without subsequent pardon, of treason,
28 murder, manslaughter or of any felony or high misdemeanor or of any of
29 the misdemeanors or offenses described in paragraph (b) of subdivision
30 three of section three thousand six of this part or of attempt or
31 conspiracy to commit any of such crimes;

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

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

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

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

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

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

(c) Transfer or surrender of possession to any person either temporarily or permanently of any card or other means of identification issued by the commission as evidence of inclusion in the longshoremen's register, without satisfactory explanation;

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

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

(f) Any other offense described in subdivisions (c) to (f) inclusive of subdivision seven of section three thousand six of this part.

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

7. Nothing contained in this article shall be construed to limit in any way any rights of labor reserved by section three thousand sixteen of this part.

§ 3010. Regularization of longshoremen's employment. 1. On or after the first day of December, nineteen hundred fifty-four, the commission shall, at regular intervals, remove from the longshoremen's register any person who shall have been registered for at least nine months and who shall have failed during the preceding six calendar months either to have worked as a longshoreman in the port of New York district or to have applied for employment as a longshoreman at an employment information center established under section three thousand thirteen of this part for such minimum number of days as shall have been established by the commission pursuant to subdivision two of this section.

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

3. In establishing any such minimum number of days or period, 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 more closely 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 eliminate oppressive and evil hiring practices affecting longshoremen and waterborne commerce in the port of New York district;

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

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

4. A longshoreman who has been removed from the longshoremen's register pursuant to this section may seek reinstatement upon fulfilling the same requirements as for initial inclusion in the longshoremen's register, but not before the expiration of one year from the date of removal, except that immediate reinstatement shall be made upon proper showing that the registrant's failure to work or apply for work the minimum

1 number of days above described was caused by the fact that the regis-
2 trant was engaged in the military service of the United States or was
3 incapacitated by ill health, physical injury, or other good cause.

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

7 § 3011. Port watchmen. 1. On or after the first day of December, nine-
8 teen hundred fifty-three, no person shall act as a port watchman within
9 the port of New York district without first having obtained a license
10 from the commission, and no person shall employ a port watchman who is
11 not so licensed.

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

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

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

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

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

23 3. No such license shall be granted

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

26 (b) If the applicant has, without subsequent pardon, been convicted by
27 a court of the United States or of any state or territory thereof of the
28 commission of, or the attempt or conspiracy to commit, treason, murder,
29 manslaughter or any felony or high misdemeanor or any of the misdemea-
30 nors or offenses described in paragraph (b) of subdivision three of
31 section three thousand six of this part;

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

35 (d) If the applicant shall be a member of any labor organization which
36 represents longshoremen or pier superintendents or hiring agents; but
37 nothing in this section shall be deemed to prohibit port watchmen from
38 being represented by a labor organization or organizations which do not
39 also represent longshoremen or pier superintendents or hiring agents.
40 The American Federation of Labor, the Congress of Industrial Organiza-
41 tions and any other similar federation, congress or other organization
42 of national or international occupational or industrial labor organiza-
43 tions shall not be considered an organization which represents long-
44 shoremen or pier superintendents or hiring agents within the meaning of
45 this article although one of the federated or constituent labor organ-
46 izations thereof may represent longshoremen or pier superintendents or
47 hiring agents;

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

52 4. When the application shall have been examined and such further
53 inquiry and investigation made as the commission shall deem proper and
54 when the commission shall be satisfied therefrom that the applicant
55 possesses the qualifications and requirements prescribed by this section
56 and regulations issued pursuant thereto, the commission shall issue and

1 deliver a license to the applicant. The commission may issue a tempo-
2 rary permit to any applicant for a license under the provisions of this
3 section pending final action on an application made for such a license.
4 Any such permit shall be valid for a period not in excess of thirty
5 days.

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

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

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

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

17 (c) Any other offense described in subdivisions (c) to (i), inclusive,
18 of subdivision seven of section three thousand six of this part.

19 § 3012. Hearings, determinations and review. 1. The commission shall
20 not deny any application for a license or registration without giving
21 the applicant or prospective licensee reasonable prior notice and an
22 opportunity to be heard.

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

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

40 4. Pending the determination of such hearing pursuant to subdivision
41 three of this section the commission may temporarily suspend a license
42 or registration if in the opinion of the commission the continuance of
43 the license or registration for such period is inimicable to the public
44 peace or safety.

45 5. The commission, or such member, officer, employee or agent of the
46 commission as may be designated by the commission for such purpose,
47 shall have the power to issue subpoenas to compel the attendance of
48 witnesses and the giving of testimony or production of other evidence
49 and to administer oaths in connection with any such hearing. It shall be
50 the duty of the commission or of any such member, officer, employee or
51 agent of the commission designated by the commission for such purpose to
52 issue subpoenas at the request of and upon behalf of the licensee,
53 registrant or applicant. The commission or such person conducting the
54 hearing shall not be bound by common law or statutory rules of evidence
55 or by technical or formal rules of procedure in the conduct of such
56 hearing.

6. Upon the conclusion of the hearing, the commission shall take such action upon such findings and determination 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 registration shall be the granting or denial thereof. The action in the case of a licensee shall be revocation of the license or suspension thereof for a fixed period or reprimand or a dismissal of the charges. The action in the case of a registered longshoreman shall be dismissal of the charges, reprimand or removal from the longshoremen's register for a fixed period or permanently.

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

§ 3013. Employment information centers. 1. The states of New York and New Jersey hereby find and declare that the method of employment of longshoremen and port watchmen in the port of New York district, commonly known as the "shape-up", has resulted in vicious and notorious abuses, of which such employees have been the principal victims. There is compelling evidence that the "shape-up" has permitted and encouraged extortion from employees as the price of securing or retaining employment and has subjected such employees to threats of violence, unwilling joinder in unauthorized labor disturbances and criminal activities on the waterfront. The "shape-up" has thus resulted in a loss of fundamental rights and liberties of labor, has impaired the economic stability of the port of New York district and weakened law enforcement therein. 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 waterfront laborers and of the people at large and that the elimination of the "shape-up" and the establishment of a system of employment information centers are necessary to a solution of these public problems.

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

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

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

11 § 3014. Expenses of administration. 1. By concurrent legislation
12 enacted by their respective legislatures, the two states may provide
13 from time to time for meeting the commission's expenses. Until other
14 provision shall be made, such expense shall be met as authorized in this
15 section.

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

21 3. After taking into account such funds as may be available to it from
22 reserves, federal grants or otherwise, the balance of the commission's
23 budgeted expenses shall be assessed upon employers of persons registered
24 or licensed under this compact. Each such employer shall pay to the
25 commission as assessment computed upon the gross payroll payments made
26 by such employer to longshoremen, pier superintendents, hiring agents
27 and port watchmen for work or labor performed within the port of New
28 York district, at a rate, not in excess of two per cent, computed by the
29 commission in the following manner; the commission shall annually esti-
30 mate the gross payroll payments to be made by employers subject to
31 assessment and shall compute a rate thereon which will yield revenues
32 sufficient to finance the commission's budget for each year. Such budg-
33 et may include a reasonable amount for a reserve but such amount shall
34 not exceed ten per cent of the total of all other items of expenditure
35 contained therein. Such reserve shall be used for the stabilization of
36 annual assessments, the payment of operating deficits and for the repay-
37 ment of advances made by the two states.

38 4. The amount required to balance the commission's budget, in excess
39 of the estimated yield of the maximum assessment, shall be certified by
40 the commission, with the approval of the respective governors, to the
41 legislatures of the two states, in proportion to the gross annual wage
42 payments made to longshoremen for work in each state within the port of
43 New York district. The legislatures shall annually appropriate to the
44 commission the amount so certified.

45 5. The commission may provide by regulation for the collection and
46 auditing of assessments. Such assessments hereunder shall be payable
47 pursuant to such provisions for administration, collection and enforce-
48 ment as the states may provide by concurrent legislation. In addition
49 to any other sanction provided by law, the commission may revoke or
50 suspend any license held by any person under this compact, or his privi-
51 lege of employing persons registered or licensed hereunder, for non-pay-
52 ment of any assessment when due.

53 6. The assessment hereunder shall be in lieu of any other charge for
54 the issuance of licenses to stevedores, pier superintendents, hiring
55 agents and pier watchmen or for the registration of longshoremen or the
56 use of an employment information center. The commission shall establish

1 reasonable procedures for the consideration of protests by affected
2 employers concerning the estimates and computation of the rate of
3 assessment.

4 § 3015. General violations; prosecutions; penalties. 1. The failure
5 of any witness, when duly subpoenaed to attend, give testimony or
6 produce other evidence, whether or not at a hearing, shall be punishable
7 by the superior court in New Jersey and the supreme court in New York in
8 the same manner as said failure is punishable by such court in a case
9 therein pending.

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

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

20 4. Any person who interferes with or impedes the orderly registration
21 of longshoremen pursuant to this compact or who conspires to or attempts
22 to interfere with or impede such registration shall be punishable as may
23 be provided by the two states by action of the legislature of either
24 state concurred in by the legislature of the other.

25 5. Any person who directly or indirectly inflicts or threatens to
26 inflict any injury, damage, harm or loss or in any other manner prac-
27 tices intimidation upon or against any person in order to induce or
28 compel such person or any other person to refrain from registering
29 pursuant to this compact shall be punishable as may be provided by the
30 two states by action of the legislature of either state concurred in by
31 the legislature of the other.

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

36 § 3016. Collective bargaining safeguarded. 1. This compact is not
37 designed and shall not be construed to limit in any way any rights
38 granted or derived from any other statute or any rule of law for employ-
39 ees to organize in labor organizations, to bargain collectively and to
40 act in any other way individually, collectively, and through labor
41 organizations or other representatives of their own choosing. Without
42 limiting the generality of the foregoing, nothing contained in this
43 compact shall be construed to limit in any way the right of employees to
44 strike.

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

54 § 3017. Amendments; construction; short title. 1. Amendments and
55 supplements to this compact to implement the purposes thereof may be

1 adopted by the action of the legislature of either state concurred in by
2 the legislature of the other.

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

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

16 PART II

17 WATERFRONT COMMISSION COMPACT

18 3101. Waterfront commission compact.

19 3102. Expenses of administration.

20 3103. Reimbursement.

21 3104. Penalties.

22 3105. Federal funds.

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24 3107. Additional powers of the commission.

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27 3110. Hearings.

28 3111. Denial of applications.

29 3112. Revocation of licenses and registrations.

30 3113. Removal of port watchmen's ineligibility.

31 3114. Petition for order to remove an ineligibility.

32 3115. Denial of stevedore applications.

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35 3118. Suspension or acceptance of applications for inclusion in
36 longshoremen's register; exceptions.

37 3119. Temporary suspension of permits, licenses and registra-
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39 3120. Continuance of port watchmen's licenses.

40 3121. Regularization of port watchmen's employment.

41 3122. Duration of stevedore's license.

42 3123. Implementation of telecommunications hiring system for
43 longshoremen and checkers and registration of telecommu-
44 nications system controller.

45 § 3101. Waterfront commission compact. This compact shall be known
46 and may be cited as the "Waterfront Commission Compact."

47 § 3102. Expenses of administration. 1. Every person subject to the
48 payment of any assessment under the provisions of subdivision three of
49 section three thousand fourteen of this article shall file on or before
50 the fifteenth day of the first month of each calendar quarter-year a
51 separate return, together with the payment of the assessment due, for
52 the preceding calendar quarter-year during which any payroll payments
53 were made to longshoremen, pier superintendents, hiring agents or port

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

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

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

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

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

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

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

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

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

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

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

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

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

53 § 3103. Reimbursement. The commission shall reimburse each state for
54 any funds advanced to the commission exclusive of sums appropriated
55 pursuant to subdivision four of section three thousand fourteen of this
56 article.

1 § 3104. Penalties. Any person who shall violate any of the provisions
2 of the compact or of section thirty-one hundred two of this part for
3 which no other penalty is prescribed shall be guilty of a misdemeanor,
4 punishable by a fine of not more than five hundred dollars or by impri-
5 sonment for not more than one year, or both.

6 § 3105. Federal funds. 1. The waterfront commission of New York
7 harbor is hereby designated on its own behalf or as agent of the state
8 of New York and the state of New Jersey, as provided by the act of the
9 congress of the United States, effective June sixth, nineteen hundred
10 thirty-three, entitled "An act to provide for the establishment of a
11 national employment system and for cooperating with the states in the
12 promotion of such system and for other purposes" as amended, for the
13 purpose of obtaining such benefits of such act of congress as are neces-
14 sary or appropriate to the establishment and operation of employment
15 information centers authorized by section three thousand thirteen of
16 this article.

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

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

29 § 3106. Supplementary definitions. As used in the compact established
30 by part I of this article:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

55 Whenever, as a result of legislative amendments to this article or of
56 a ruling by the commission, registration as a longshoreman is required

1 for any person to continue in his employment, such person shall be
2 registered as a longshoreman without regard to the provisions of section
3 thirty-one hundred eighteen of this part, provided, however, that such
4 person satisfies all the other requirements of this article for regis-
5 tration as a longshoreman.

6 § 3107. Additional powers of the commission. In addition to the
7 powers and duties elsewhere described in this part, the commission shall
8 have the following powers:

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

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

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

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

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

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

1 admissible against him upon any criminal proceeding concerning such
2 perjury or contempt.

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

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

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

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

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

51 § 3108. Regularization of longshoremen's employment. 1. Notwithstand-
52 ing any other provisions of section three thousand ten of this article,
53 the commission shall have the power to remove from the longshoremen's
54 register any person (including those persons registered as longshoremen
55 for less than nine months) who shall have failed to have worked as a
56 longshoreman in the port of New York district for such minimum number of

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

25 § 3109. Additional violations. Any person who, having been duly sworn
26 or affirmed as a witness in any investigation, interview or other
27 proceeding conducted by the commission pursuant to the provisions of
28 this part, shall wilfully give false testimony shall be guilty of a
29 misdemeanor punishable by a fine of not more than one thousand dollars
30 or imprisonment for not more than one year or both.

31 § 3110. Hearings. 1. At hearings conducted by the commission pursuant
32 to section three thousand twelve of this article, applicants, prospec-
33 tive licensees, licensees and registrants shall have the right to be
34 accompanied and represented by counsel.

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

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

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

54 § 3111. Denial of applications. In addition to the grounds elsewhere
55 set forth in this article, the commission may deny an application for a
56 license or registration for any of the following:

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

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

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

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

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

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

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

48 § 3112. Revocation of licenses and registrations. In addition to the
49 grounds elsewhere set forth in this part, any license or registration
50 issued or made pursuant thereto may be revoked or suspended for such
51 period as the commission deems in the public interest or the licensee or
52 registrant may be reprimanded, for:

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

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

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

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

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

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

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

46 § 3113. Removal of port watchmen's ineligibility. Any port watchman
47 ineligible for a license by reason of the provisions of paragraph (b) of
48 subdivision three of section three thousand eleven of this article may
49 petition for and the commission may issue an order removing the ineligi-
50 bility in the manner provided in paragraph (b) of subdivision three of
51 section three thousand six of this article.

52 § 3114. Petition for order to remove an ineligibility. A petition for
53 an order to remove an ineligibility under paragraph (b) of subdivision
54 three of section three thousand six, paragraph (e) of subdivision three
55 of section three thousand seven, paragraph (b) of subdivision three of
56 section three thousand six of this article, or paragraph (b) of subdivi-

1 sion three of section thirty-one hundred sixteen of this part may be
2 made to the commission before or after the hearing required by section
3 three thousand twelve of this article.

4 § 3115. Denial of stevedore applications. In addition to the grounds
5 elsewhere set forth in this part the commission shall not grant an
6 application for a license as stevedore if on or after July first, nine-
7 teen hundred fifty-six, the applicant has paid, given, caused to have
8 been paid or given or offered to pay or give to any agent of any carrier
9 of freight by water any valuable consideration for an improper or unlaw-
10 ful purpose or, without the knowledge and consent of such carrier, to
11 induce such agent to procure the employment of the applicant by such
12 carrier or its agent for the performance of stevedoring services.

13 § 3116. Checkers. 1. The commission shall establish within the
14 longshoremen's register a list of all qualified longshoremen eligible,
15 as hereinafter provided, for employment as checkers in the port of New
16 York district. No person shall act as a checker within the port of New
17 York district unless at the time he is included in the longshoremen's
18 register as a checker, and no person shall employ another to work as a
19 checker within the port of New York district unless at the time such
20 other person is included in the longshoremen's register as a checker.

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

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

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

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

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

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

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

1 payment of any fine imposed upon such person or the suspension of
2 sentence or from the date of his unrevoked release from custody by
3 parole, commutation or termination of his sentence;

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

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

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

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

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

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

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

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

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

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

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

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

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

53 7. Nothing contained in this section shall be construed to limit in
54 any way any rights of labor reserved by section three thousand six of
55 this article.

§ 3117. Supplementary violations. 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 licensed or registered by the commission, or any other person, or attempts, conspires or threatens so to do, in order to interfere with, impede or influence such licensed or registered person in the performance or discharge of his duties or obligations shall be punishable as 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;

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

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

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

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

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

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

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

1 limit or restrict in any way any of the rights protected by section
2 three thousand sixteen of this article.

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

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

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

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

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

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

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

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

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

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

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

54 § 3119. Temporary suspension of permits, licenses and registrations.

55 1. The commission may temporarily suspend a temporary permit or a
56 permanent license or a temporary or permanent registration pursuant to

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

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

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

44 § 3120. Continuance of port watchmen's licenses. Notwithstanding any
45 provision of subdivision five of section three thousand eleven of this
46 article, a license to act as a port watchman shall continue and need not
47 be renewed, provided the licensee shall, as required by the commission:

48 1. Submit to a medical examination and meet the physical and mental
49 fitness standards established by the commission pursuant to subdivision
50 three of section three thousand eleven of this article;

51 2. Complete a refresher course of training; and

52 3. Submit supplementary personal history information.

53 § 3121. Regularization of port watchmen's employment. The commission
54 shall, at regular intervals, cancel the license or temporary permit of a
55 port watchman who shall have failed during the preceding twelve months
56 to have worked as a port watchman in the port of New York district a

1 minimum number of hours as shall have been established by the commis-
2 sion, except that immediate restoration of such license or temporary
3 permit shall be made upon proper showing that the failure to so work was
4 caused by the fact that the licensee or permittee was engaged in the
5 military service of the United States or was incapacitated by ill
6 health, physical injury or other good cause.

7 § 3122. Duration of stevedore's license. A stevedore's license grant-
8 ed pursuant to section three thousand seven of this article shall be for
9 a term of five years or fraction of such five year period, and shall
10 expire on the first day of December. In the event of the death of the
11 licensee, if a natural person, or its termination or dissolution by
12 reason of a death of a partner, if a partnership, or if the licensee
13 shall cease to be a party to any contract of the type required by para-
14 graph (d) of subdivision three of section three thousand seven of this
15 article, the license shall terminate ninety days after such event or
16 upon its expiration date, whichever shall be sooner. A license may be
17 renewed by the commission for successive five year periods upon fulfill-
18 ing the same requirements as are set forth in section three thousand
19 seven of this article for an original application for a stevedore's
20 license.

21 § 3123. Implementation of telecommunications hiring system for long-
22 shoremen and checkers and registration of telecommunications system
23 controller. 1. The commission may designate one of the employment
24 information centers it is authorized to establish and maintain under
25 section three thousand thirteen of this article for the implementation
26 of a telecommunications hiring system through which longshoremen and
27 checkers may be hired and accept employment without any personal appear-
28 ance at said center. Any such telecommunications hiring system shall
29 incorporate hiring and seniority agreements between the employers of
30 longshoremen and checkers and the labor organization representing long-
31 shoremen and checkers in the port of New York district, provided said
32 agreements are not in conflict with the provisions of this part.

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

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

54 PART III

55 COMMISSION ESTABLISHED FOR NEW YORK STATE

3201. Commission established for New York state.

3202. Prohibition against loitering.

3203. Prohibition against unions having officers, agents or employees who have been convicted of certain crimes and offenses.

3204. Exception to section 3203 of this part for certain employees.

§ 3201. Commission established for New York state. Unless and until the provisions of the compact contained in part I of this article shall have been concurred in by the state of New Jersey, the consent of congress given thereto, and the commission, provided for therein, established:

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

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

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

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

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

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

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

(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;

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

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

3. Notwithstanding any other provision of law, the officers, employees and agents of the commission established by this section may be appointed or employed without regard to their state of residence. Such commission may appoint or employ the same person to a similar office or

1 employment in this state as he holds in a similar commission or agency
2 of the state of New Jersey.

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

10 § 3202. Prohibition against loitering. No person shall, without a
11 satisfactory explanation, loiter upon any vessel, dock, wharf, pier,
12 bulkhead, terminal, warehouse, or other waterfront facility or within
13 five hundred feet thereof in that portion of the port of New York
14 district within the state of New York.

15 § 3203. Prohibition against unions having officers, agents or employ-
16 ees who have been convicted of certain crimes and offenses. No person
17 shall solicit, collect or receive any dues, assessments, levies, fines
18 or contributions, or other charges within the state for or on behalf of
19 any labor organization which represents employees registered or licensed
20 pursuant to the provisions of this article or which derives its charter
21 from a labor organization representing one hundred or more of such
22 registered or licensed employees, if any officer, agent or employee of
23 such labor organization, or of a welfare fund or trust administered
24 partially or entirely by such labor organization or by trustees or other
25 persons designated by such labor organization, has been convicted by a
26 court of the United States, or any state or territory thereof, of a
27 felony, any misdemeanor involving moral turpitude or any crime or
28 offense enumerated in subdivision three (b) of section thirty-one
29 hundred sixteen of this article, unless he has been subsequently
30 pardoned therefor by the governor or other appropriate authority of the
31 state or jurisdiction in which such conviction was had or has received a
32 certificate of good conduct from the board of parole pursuant to the
33 provisions of the executive law to remove the disability. No person so
34 convicted shall serve as an officer, agent or employee of such labor
35 organization, welfare fund or trust unless such person has been so
36 pardoned or has received a certificate of good conduct. No person,
37 including such labor organization, welfare fund or trust, shall know-
38 ingly permit such convicted person to assume or hold any office, agency,
39 or employment in violation of this section.

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

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

51 § 3204. Exception to section thirty-two hundred three of this part for
52 certain employees. If upon application to the commission by an employee
53 who has been convicted of a crime or offense specified in section thir-
54 ty-two hundred three of this part the commission, in its discretion,
55 determines in an order that it would not be contrary to the purposes and
56 objectives of this article for such employee to work in a particular

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

10 PART IV
11 COMPACT

12 3301. Compact.

13 3302. Findings and declarations.

14 3303. Definitions.

15 3304. General powers of the commission.

16 3305. Airfreightmen and airfreightman supervisors.

17 3306. Air freight terminal operators; air freight truck carri-
18 ers; and airfreightmen; labor relations consultants.

19 3307. Air freight security area.

20 3308. Hearings, determinations and review.

21 3309. Expenses of administration.

22 3310. General violations; prosecutions; penalties.

23 3311. Amendments; construction; short title.

24 § 3301. Compact. The state of New York hereby agrees with the state
25 of New Jersey, upon the enactment by the state of New Jersey of legis-
26 lation having the same effect as this section, to the following compact:

27 § 3302. Findings and declarations. 1. The states of New York and New
28 Jersey hereby find and declare that the movement of freight through the
29 two states is vital to their economies and prosperity; that ever
30 increasing amounts of such freight are being carried by the air freight
31 industry; that said air freight industry in the two states constitutes
32 an inseparable and integral unit of the commerce of the two states;
33 that criminal and racketeer elements have infiltrated the air freight
34 industry; that such criminal infiltration is threatening the growth of
35 said air freight industry; that one of the means by which such criminal
36 and racketeer elements infiltrate the air freight industry is by posing
37 as labor relations consultants and that firms handling air freight are
38 often forced to employ or engage such persons; that the air freight
39 industry is suffering an alarming rise in the amount of pilferage and
40 theft of air freight; and that it is imperative to the continued growth
41 and economic well-being of the states of New York and New Jersey that
42 every possible effective measure be taken to prevent the pilferage and
43 theft of air freight and the criminal infiltration of the air freight
44 industry.

45 2. The states of New York and New Jersey hereby find and declare that
46 many of the evils existing in the air freight industry result not only
47 from the causes above described but from the lack of regulation of the
48 air freight industry in and about the port of New York district; that
49 the air freight industry is affected with a public interest requiring
50 regulation, just as the states of New York and New Jersey have hereto-
51 fore found and declared in respect to the shipping industry; and that
52 such regulation of the air freight industry shall be deemed an exercise
53 of the police power of the two states for the protection of the public

1 safety, welfare, prosperity, health, peace and living conditions of the
2 people of the states.

3 § 3303. Definitions. As used in this compact:

4 1. "Commission" shall mean the waterfront and airport commission of
5 New York and New Jersey established by section three thousand four of
6 this article.

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

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

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

24 5. "Air freight terminal" shall include any warehouse, depot or other
25 terminal (other than an airport) (a) any part of which is located within
26 an airport and any part of which is used for the storage of air freight,
27 or (b) which is operated by an air carrier or a contractor of an air
28 carrier and any part of which is used for the storage of air freight and
29 any part of which is located within the port of New York district.

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

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

40 8. "Air freight security area" shall mean any area located within the
41 airport to which the commission determines that limited ingress and
42 egress is required for the protection and security of any air freight
43 located within the airport.

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

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

48 (b) by an air carrier or an air freight terminal operator or an air
49 freight truck carrier to transport or to assist in the transportation of
50 air freight to or from an airport or air freight terminal; or

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

54 10. "Airfreightman supervisor" shall mean a natural person who is
55 employed to supervise directly and immediately the work of an airfr-
56 eightman 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 bargaining 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

1 and regulations of the commission shall be effective upon publication in
2 the manner which the commission shall prescribe and upon filing in the
3 office of the secretary of state of each state. A certified copy of any
4 such rules and regulations, attested as true and correct by the commis-
5 sion, shall be presumptive evidence of the regular making, adoption,
6 approval and publication thereof;

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

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

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

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

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

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

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

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

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

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

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

1 time by the action of the legislature of either state concurred in by
2 the legislature of the other.

3 § 3305. Airfreightmen and airfreightman supervisors. 1. On and after
4 the ninetieth day after the effective date of this compact, no person
5 shall act as an airfreightman or an airfreightman supervisor within the
6 state of New York or the state of New Jersey without having first
7 obtained from the commission a license to act as such airfreightman or
8 airfreightman supervisor, as the case may be, and no person shall employ
9 another person to act as an airfreightman or airfreightman supervisor
10 who is not so licensed.

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

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

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

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

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

50 (d) Violation of any provision of this section or the commission of
51 any offense thereunder;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 § 3306. Air freight terminal operators; air freight truck carriers;
25 and airfreightmen; labor relations consultants. 1. On and after the
26 ninetieth day after the effective date of this compact, no person,
27 except an air carrier, shall act as an air freight terminal operator or
28 as an air freight truck carrier or as an airfreightman labor relations
29 consultant within the state of New York or the state of New Jersey with-
30 out having first obtained a license from the commission to act as an air
31 freight terminal operator or as an air freight truck carrier or as an
32 airfreightman labor relations consultant, as the case may be, and no
33 person shall employ or engage another person to perform services as an
34 air freight terminal operator or as an air freight truck carrier or as
35 an airfreightman labor relations consultant who is not so licensed.

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

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

50 (b) If the applicant is a corporation, the application shall be signed
51 and verified by the president, secretary and treasurer thereof, and
52 shall specify the name of the corporation, the date and place of its
53 incorporation, the location of its principal place of business, the
54 names and addresses of, and the amount of the stock held by stockholders
55 owning ten per cent or more of any of the stock thereof, and of all the
56 officers (including all members of the board of directors). The

1 requirements of paragraph (a) of this subdivision as to a natural person
2 who is a member of a partnership, and such requirements as may be speci-
3 fied in rules and regulations promulgated by the commission, shall apply
4 to each such officer or stockholder and their successors in office or
5 interest as the case may be.

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

11 3. No such license shall be granted

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

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

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

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

48 (e) If, on or after the effective date of this compact, the applicant
49 has paid, given, caused to have been paid, or given or offered to pay or
50 give to any officer or representative of a labor organization any valu-
51 able consideration for an improper or unlawful purpose or to induce such
52 officer or representative to subordinate the interest of such labor
53 organization or its members in the management of the affairs of such
54 labor organization to the interests of the applicant or any other
55 person;

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

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

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

(a) Any cause set forth in subdivision five of section thirty-three hundred five of this part;

(b) 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 licensed activities;

(c) 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;

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

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

§ 3307. Air freight security area. 1. On or after the effective date of this compact, the commission shall have the power to designate any area located within an airport as an air freight security area. No person who is not licensed by the commission pursuant to this compact shall have ingress to an air freight security area unless issued a permit by the commission.

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

3. Any person whose business, employment or occupation requires him to have ingress upon a regular basis to an air freight security area shall be required, in order to obtain ingress to such area, to apply to the

1 commission for a permit for a fixed period of duration to be determined
2 by the commission. Such applicant for a permit of a fixed period of
3 duration shall fulfill the same requirements as the prospective licensee
4 for an airfreightman's license. The commission may in the exercise of
5 its discretion suspend or revoke such permit of a fixed period of dura-
6 tion for the same causes which would permit the commission to revoke the
7 license of an airfreightman.

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

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

15 § 3308. Hearings, determinations and review. 1. The commission shall
16 not deny any application for a license or permit without giving the
17 applicant or prospective licensee or permittee reasonable prior notice
18 and an opportunity to be heard.

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

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

35 4. Pending the determination of such hearing pursuant to subdivision
36 three of this section, the commission may temporarily suspend a license
37 or permit if in the opinion of the commission the continuance of the
38 license or permit for such period is inimical to the public peace or
39 safety.

40 5. The commission, or such member, officer, employee or agent of the
41 commission as may be designated by the commission for such purpose,
42 shall have the power to issue subpoenas throughout both states to compel
43 the attendance of witnesses and the giving of testimony or production of
44 other evidence and to administer oaths in connection with any such hear-
45 ing. It shall be the duty of the commission or of any such member,
46 officer, employee or agent of the commission designated by the commis-
47 sion for such purpose to issue subpoenas at the request of and upon
48 behalf of the licensee, permittee or applicant. The commission or such
49 person conducting the hearing shall not be bound by common law or statu-
50 tory rules of evidence or by technical or formal rules or procedure in
51 the conduct of such hearing.

52 6. Upon the conclusion of the hearing, the commission shall take such
53 action upon such findings and determinations as it deems proper and
54 shall execute an order carrying such findings into effect. The action
55 in the case of an application for a license or permit shall be the
56 granting or denial thereof. The action in the case of a licensee or

1 permittee shall be revocation of the license or permit or suspension
2 thereof for a fixed period or reprimand or a dismissal of the charges.

3 7. The action of the commission in denying any application for a
4 license or permit or in suspending or revoking such license or permit or
5 in reprimanding a licensee or permittee shall be subject to judicial
6 review by a proceeding instituted in either state at the instance of the
7 applicant, licensee or permittee in the manner provided by the law of
8 such state for review of the final decision or action of administrative
9 agencies of such state, provided, however, that notwithstanding any
10 other provision of law the court shall have power to stay for not more
11 than thirty days an order of the commission suspending or revoking a
12 license or permit.

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

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

34 § 3309. Expenses of administration. 1. In addition to the budget of
35 its expenses under the waterfront commission compact, the commission
36 shall annually adopt a budget of its expenses under this compact for
37 each year. The annual budget shall be submitted to the governors of the
38 two states and shall take effect as submitted provided that either
39 governor may within thirty days disapprove or reduce any item or items,
40 and the budget shall be adjusted accordingly.

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

47 3. With respect to airfreightmen and airfreightman supervisors who are
48 employed by an air freight truck carrier regularly to move freight to or
49 from an airport, the employers shall pay to the commission for each such
50 airfreightman and airfreightman supervisor a license fee to be deter-
51 mined by the commission, not in excess of one hundred dollars for each
52 year, commencing with the first day of April. The employer of every
53 person who is issued a permit of fixed duration by the commission for
54 ingress to an air freight security area, or the permittee himself if he
55 is self-employed, shall pay to the commission a fee to be determined by
56 the commission, not in excess of seventy-five dollars for each year,

1 commencing with the first day of April. The commission shall reduce the
2 maximum fees payable under this section proportionately with any
3 reduction in the maximum assessment rate of two per cent provided for by
4 this section.

5 4. Every employer of airfreightmen and airfreightman supervisors
6 licensed by the commission, except as otherwise provided in subdivision
7 three of this section, shall pay to the commission an assessment
8 computed upon the gross payroll payments made by such employer to airfr-
9 eightmen and airfreightman supervisors for work performed as such, at a
10 rate, not in excess of two per cent, computed by the commission, in the
11 following manner: the commission shall annually estimate the fees paya-
12 ble under this section and the gross payroll payments to be made by
13 employers subject to assessment and shall compute the fees and a rate of
14 assessment which will yield revenues sufficient to finance the balance
15 of the commission's budget for each year as provided in subdivision two
16 of this section. The commission may hold in reserve an amount not to
17 exceed ten per cent of its total budgeted expenses for the year, which
18 reserve shall not be included as part of the budget. Such reserve shall
19 be held for the stabilization of annual assessments, the payment of
20 operating deficits and for the repayment of any advances made by the two
21 states.

22 5. The amount required to balance the commission's budget in excess of
23 the estimated yield of the maximum fees and assessment, shall be certi-
24 fied by the commission, with the approval of the respective governors,
25 to the legislatures of the two states, in proportion to the respective
26 totals of the assessments and fees paid to the commission by persons in
27 each of the two states. The legislatures shall annually appropriate to
28 the commission the amount so certified.

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

32 7. In addition to any other sanction provided by law, the commission
33 may revoke or suspend any license or permit held by any employer under
34 this compact and/or the license or permit held under this compact by any
35 employees of such employer, or the permit held under this compact by any
36 permittee who is self-employed, and in addition the commission may deny
37 ingress to such employers, employees or permittees to air freight secu-
38 rity areas, for nonpayment of any assessment or fee when due.

39 8. Every person subject to the payment of any assessment under this
40 compact shall file on or before the twentieth day of the first month of
41 each calendar quarter-year a separate return, together with the payment
42 of the assessment due, for the preceding calendar quarter-year during
43 which any payroll payments were made to licensed persons for whom
44 assessments are payable for work performed as such. Returns covering the
45 amount of assessment payable shall be filed with the commission on forms
46 to be furnished for such purpose and shall contain such data, informa-
47 tion or matter as the commission may require to be included therein.
48 The commission may grant a reasonable extension of time for filing
49 returns, or for payment of assessment, whenever good cause exists.
50 Every return shall have annexed thereto a certification to the effect
51 that the statements contained therein are true.

52 9. Every person subject to the payment of assessment hereunder shall
53 keep an accurate record of his employment of licensed persons for whom
54 assessments are payable, which shall show the amount of compensation
55 paid and such other information as the commission may require. Such
56 records shall be preserved for a period of three years and be open for

1 inspection at reasonable times. The commission may consent to the
2 destruction of any such records at any time after said period or may
3 require that they be kept longer but not in excess of six years.

4 10. (a) The commission shall audit and determine the amount of assess-
5 ment due from the return filed and such other information as is avail-
6 able to it. Whenever a deficiency in payment of the assessment is
7 determined the commission shall give notice of any such determination to
8 the person liable therefor. Such determination shall finally and
9 conclusively fix the amount due, unless the person against whom it is
10 assessed shall, within thirty days after the giving of notice of such
11 determination, apply in writing to the commission for a hearing, or
12 unless the commission on its own motion shall reduce the same. After
13 such hearing, the commission shall give notice of its decision to the
14 person liable therefor. A determination of the commission under this
15 subdivision shall be subject to judicial review, if application for such
16 review is made within thirty days after the giving of notice of such
17 decision. Any determination under this section shall be made within
18 five years from the time the return was filed and if no return was filed
19 such determination may be made at any time.

20 (b) Any notice authorized or required under this section may be given
21 by mailing the same to the person for whom it is intended at the last
22 address given by him to the commission, or in the last return filed by
23 him with the commission under this section, or if no return has been
24 filed then to such address as may be obtainable. The mailing of such
25 notice shall be presumptive evidence of the receipt of same by the
26 person to whom addressed. Any period of time, which is determined
27 according to the provision of this subdivision, for the giving of notice
28 shall commence to run from the date of mailing of such notice.

29 11. Every person required to pay a fee for a license or a permit under
30 this section shall pay the same upon filing of the application with the
31 commission for such license or permit. The fee for such license or
32 permit shall be prorated for the fiscal year for which the same is paya-
33 ble as of the date the application for such license or permit is filed
34 with the commission. The commission shall prorate and make a refund of
35 such fee for the period between the date of application and the date of
36 the issuance of such license or permit. Upon surrender of such license
37 or permit or upon the revocation of any such license or permit issued to
38 an employee before the expiration of the fiscal year, the commission
39 shall make a refund prorated for the unexpired portion of the year, less
40 ten per cent of such refund. In the event of denial of any application
41 for a license or permit, the commission shall refund the fee paid upon
42 application, less ten per cent of such refund.

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

48 13. The employment by a nonresident of a licensed person or permittee
49 for whom assessments or fees are payable in either state or the desig-
50 nation by a nonresident of a licensed person or permittee to perform
51 work in such state shall be deemed equivalent to an appointment by such
52 nonresident of the secretary of state of such state to be his true and
53 lawful attorney upon whom may be served the process in any action or
54 proceeding against him growing out of any liability for assessments or
55 fees, penalties or interest, and a consent that any such process against
56 him which is so served shall be of the same legal force and validity as

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

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

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

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

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

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

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

53 20. The commission shall reimburse each state for any funds advanced
54 to the commission exclusive of sums appropriated pursuant to subdivision
55 five of this section.

1 § 3310. General violations; prosecutions; penalties. 1. The failure
2 of any witness, when duly subpoenaed to attend, to give testimony or
3 produce other evidence in any investigation, interview or other proceed-
4 ing conducted by the commission pursuant to the provisions of this
5 compact, shall be punishable by the superior court in New Jersey and the
6 supreme court in New York in the same manner as said failure is punisha-
7 ble by such court in a case therein pending.

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

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

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

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

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

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

43 § 3311. Amendments; construction; short title. 1. Amendments and
44 supplements to this compact to implement the purposes thereof may be
45 adopted by the action of the legislature of either state concurred in by
46 the legislature of the other.

47 2. If any part or provision of this compact or the application there-
48 of to any person or circumstances be adjudged invalid by any court of
49 competent jurisdiction, such judgment shall be confined in its operation
50 to the part, provision or application directly involved in the contro-
51 versy in which such judgment shall have been rendered and shall not
52 affect or impair the validity of the remainder of this compact or the
53 application thereof to other persons or circumstances and the two states
54 hereby declare that they would have entered into this compact or the
55 remainder thereof had the invalidity of such provision or application
56 thereof been apparent.

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

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

6 PART V
7 OFFICERS AND EMPLOYEES;
8 CIVIL PENALTIES AND ENFORCEMENT

9 3401. Prohibition against unions having officers, agents or
10 employees who have been convicted of certain crimes and
11 offenses.

12 3402. Prohibition against employer organizations having offi-
13 cers, agents or employees who have been convicted of
14 certain crimes and offenses.

15 3403. Exceptions to sections thirty-four hundred one and thir-
16 ty-four hundred two of this part for certain employees.

17 3404. Civil penalties.

18 3405. Civil enforcement.

19 3406. Exemption from arrest and service of process.

20 3407. Nonresident witnesses.

21 3408. Officers and employees.

22 3409. Penalties.

23 3410. Short title.

24 § 3401. Prohibition against unions having officers, agents or employ-
25 ees who have been convicted of certain crimes and offenses. No person
26 shall solicit, collect or receive any dues, assessments, levies, fines
27 or contributions, or other charges within the state for or on behalf of
28 any labor organization which receives, directly or indirectly, twenty
29 per cent or more of its dues, assessments, levies, fines or contrib-
30 utions, or other charges from persons who hold licenses issued by the
31 commission pursuant to the airport commission compact, or for or on
32 behalf of a labor organization which derives its charter from a labor
33 organization which receives, directly or indirectly, twenty per cent or
34 more of its dues, assessments, levies, fines or contributions, or other
35 charges from persons who hold licenses issued by the commission pursuant
36 to the airport commission compact, if any officer, agent or employee of
37 such labor organization, or of a welfare fund or trust administered
38 partially or entirely by such labor organization or by trustees or other
39 persons designated by such labor organization, has been convicted by a
40 court of the United States, or any state or territory thereof, of a
41 felony, any misdemeanor involving moral turpitude or any crime or
42 offense enumerated in subdivision (a) of subdivision three of section
43 thirty-three hundred five of this article, unless he has been subse-
44 quently pardoned therefor by the governor or other appropriate authority
45 of the state or jurisdiction in which such conviction was had or has
46 received a certificate of good conduct or other relief from disabili-
47 ties arising from the fact of conviction from a board of parole or simi-
48 lar authority. No person so convicted shall serve as an officer, agent
49 or employee of such labor organization, welfare fund or trust unless
50 such person has been so pardoned or has received such a certificate of
51 good conduct. No person, including such labor organization, welfare
52 fund or trust, shall knowingly permit such convicted person to assume or
53 hold any office, agency or employment in violation of this section.

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

10 § 3402. Prohibition against employer organizations having officers,
11 agents or employees who have been convicted of certain crimes and
12 offenses. No person shall solicit, collect or receive any dues, assess-
13 ments, levies, fines or contributions, or other charges within the state
14 for or on behalf of any organization of employers (whether incorporated
15 or not) twenty per cent or more of whose members have in their employ-
16 ment any employees who are members of a labor organization to which the
17 prohibition of section thirty-four hundred one of this part is applica-
18 ble, if any officer, agent or employee of such employer organization or
19 of a welfare fund or trust administered partially or entirely by such
20 employer organization or by trustees or other persons designated by such
21 employer organization, has been convicted by a court of the United
22 States, or any state or territory thereof, of a felony, any misdemeanor
23 involving moral turpitude or any crime or offense enumerated in para-
24 graph (a) of subdivision three of section thirty-three hundred five of
25 the compact established pursuant to part IV of this article, unless he
26 has been subsequently pardoned therefor by the governor or other appro-
27 priate authority of the state or jurisdiction in which such conviction
28 was had or has received a certificate of good conduct or other relief
29 from disabilities arising from the fact of conviction from a board of
30 parole or similar authority. No person so convicted shall serve as an
31 officer, agent or employee of such employer organization, welfare fund
32 or trust unless such person has been so pardoned or has received such a
33 certificate of good conduct. No person, including such employer organ-
34 ization, welfare fund or trust, shall knowingly permit such convicted
35 person to assume or hold any office, agency or employment in violation
36 of this section.

37 § 3403. Exceptions to sections thirty-four hundred one and thirty-four
38 hundred two of this part for certain employees. If upon application to
39 the commission by an employee who has been convicted of a crime or
40 offense specified in section thirty-four hundred one or section thirty-
41 four hundred two of this part the commission, in its discretion, deter-
42 mines in an order that it would not be contrary to the purposes and
43 objectives of the airport commission compact for such employee to work
44 in a particular employment otherwise prohibited by section thirty-four
45 hundred one or section thirty-four hundred two, the provisions of
46 section thirty-four hundred one or section thirty-four hundred two, as
47 the case may be, shall not apply to the particular employment of such
48 employee with respect to such conviction or convictions as are specified
49 in the commission's order. This section is applicable only to those
50 employees who for wages or salary perform manual, mechanical or physical
51 work of a routine or clerical nature at the premises of the labor organ-
52 ization, employer organization, welfare fund or trust by which they are
53 employed.

54 § 3404. Civil penalties. The commission may maintain a civil action
55 on behalf of the state against any person who violates or attempts or
56 conspires to violate any provision of this part or who fails, omits or

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

11 § 3405. Civil enforcement. The commission may maintain a civil action
12 against any person to compel compliance with any of the provisions of
13 this compact or any order or direction of the commission issued under
14 this compact or to prevent violations, attempts or conspiracies to
15 violate any such provisions, or interference, attempts or conspiracies
16 to interfere with or impede the enforcement of any such provisions or
17 the exercise or performance of any power or duty thereunder, either by
18 mandamus, injunction or action or proceeding in lieu of prerogative
19 writ.

20 § 3406. Exemption from arrest and service of process. If a person in
21 obedience to a subpoena, issued pursuant to this part directing him to
22 attend and testify comes into either state party to this part from the
23 other state, he shall not, while in that state pursuant to such subpoe-
24 na, be subject to arrest or the service of process, civil or criminal,
25 in connection with matters which arose before his entrance into such
26 state under the subpoena.

27 § 3407. Nonresident witnesses. Any investigation, interview or other
28 proceeding conducted by the commission pursuant to the provisions of
29 this compact shall be deemed to be a civil action pending in the supreme
30 court in New York or in the superior court in New Jersey so as to permit
31 the commission to obtain disclosure, in accordance with the provisions
32 governing disclosure in such civil actions, from any person who may be
33 outside the states.

34 § 3408. Officers and employees. Any officer or employee in the state,
35 county or municipal civil service in either state who shall transfer to
36 service with the commission may be given one or more leaves of absence
37 without pay and may, before the expiration of such leave or leaves of
38 absence, and without further examination or qualification, return to his
39 former position or be certified by the appropriate civil service agency
40 for retransfer to a comparable position in such state, county, or munic-
41 ipal civil service if such a position is then available.

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

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

1 commission may, by agreement with the appropriate federal agency, make
2 similar provisions relating to continuance of retirement system member-
3 ship for any federal officer or employee so transferred.

4 § 3409. Penalties. Any person who shall violate any of the provisions
5 of this compact, for which no other penalty is prescribed, shall be
6 guilty of a misdemeanor, punishable by a fine of not more than one thou-
7 sand dollars or imprisonment for not more than one year or both.

8 § 3410. Short title. This part shall be known and may be cited as the
9 "Waterfront and airport commission act".

10 § 31. Chapter 28 of the consolidated laws constituting the interstate
11 authorities law created by section thirty of this act shall be deemed
12 for all purposes to be a continuation of the port authority of New York
13 and New Jersey as it was constituted immediately preceding the effective
14 date of this act and shall not be construed as a newly created authori-
15 ty. All unexpended balances of appropriations of monies heretofore
16 made or allocated to the port authority of New York and New Jersey as
17 such authority was constituted immediately preceding the effective date
18 of this act, whether obligated or unobligated, are hereby transferred to
19 and made available to the port authority of New York and New Jersey as
20 created in section thirty of this act. All rules, regulations, orders,
21 determinations, and decisions of the port authority of New York and New
22 Jersey, as it was constituted immediately preceding the effective date
23 of this act, shall continue in full force and effect as rules, regu-
24 lations, orders, determinations and decisions of the port authority of
25 New York and New Jersey created by section thirty of this act.

26 § 32. Severability clause. If any clause, sentence, paragraph, subdi-
27 vision, section or part of this act shall be adjudged by any court of
28 competent jurisdiction to be invalid, such judgment shall not affect,
29 impair, or invalidate the remainder thereof, but shall be confined in
30 its operation to the clause, sentence, paragraph, subdivision, section
31 or part thereof directly involved in the controversy in which such judg-
32 ment shall have been rendered. It is hereby declared to be the intent of
33 the legislature that this act would have been enacted even if such
34 invalid provisions had not been included herein.

35 § 33. This act shall take effect upon the enactment into law by the
36 state of New Jersey of legislation having an identical effect with this
37 act, but if the state of New Jersey shall have already enacted such
38 legislation this act shall take effect on the one hundred eightieth day
39 after it shall have become a law. Effective immediately, the addition,
40 amendment and/or repeal of any rule or regulation necessary for the
41 implementation of this act on its effective date are authorized to be
42 made and completed on or before such effective date. The chairman of the
43 port authority shall notify the legislative bill drafting commission
44 upon the enactment into law of such legislation by both such states in
45 order that the commission may maintain an accurate and timely effective
46 data base of the official text of the laws of the state of New York in
47 furtherance of effecting the provision of section 44 of the legislative
48 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 Congressional 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 information 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 not 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 facili-

ties; 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 accordance 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.