

SENATE, No. 168

STATE OF NEW JERSEY

INTRODUCED MARCH 3, 1947

By Mr. VAN ALSTYNE

Referred to Committee on Federal and Interstate Relations

AN ACT to facilitate the financing and effectuation of air terminals by the Port of New York Authority and agreeing with the State of New York with respect thereto.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

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

8 Accordingly, in furtherance of said policy and in partial effectuation of
9 the Comprehensive Plan, heretofore adopted by the two States for the de-
10 velopment of terminal and transportation facilities in the Port of New York
11 District, the States of New Jersey and New York agree that the Port of
12 New York Authority (hereinafter called the Port Authority) shall be author-
13 ized to effectuate, establish, acquire, construct, rehabilitate, improve, main-
14 tain and operate air terminals, as hereinafter defined, with the Port of New
15 York District, and the two said States further agree that all cities and other
16 State and local agencies shall be and they hereby are authorized to cooper-

17 ate with the Port Authority in the development of air terminals, as herein-
18 after provided.

1 2. Nothing herein contained shall be construed to authorize the **Port**
2 Authority to require any air terminal owned or operated by any city or other
3 municipality or public authority, or any other property now or hereafter
4 vested in or held by any city or other municipality or public authority, with-
5 out the authority or consent of such city or other municipality or public
6 authority, as provided in the Compact of April thirtieth, one thousand nine
7 hundred and twenty-one, between the State of New Jersey and New York,
8 nor shall anything herein impair or invalidate in any way any bonded in-
9 debtedness of the State, or any city or other municipality or public authority,
10 nor impair the provisions of law regulating the payment into sinking funds
11 of revenue derived from municipal property, or dedicating the revenues de-
12 rived from municipal property to a specific purpose.

1 3. The following terms as used herein shall mean:

2 "Air terminals" shall mean developments consisting of runways, hang-
3 ars, control towers, ramps, wharves, bulkheads, buildings, structures, park-
4 ing areas, improvements, facilities or other real property necessary, con-
5 venient or desirable for the landing, taking off, accommodation and servic-
6 ing of aircraft of all types, including but not limited to airplanes, airships,
7 dirigibles, helicopters, gliders, amphibians, seaplanes, or any other contriv-
8 ance now or hereafter used for the navigation of or flight in air or space, op-
9 erated by carriers engaged in the transportation of passengers or cargo, or
10 for the loading, unloading, interchange or transfer of such passengers or their
11 baggage, or such cargo, or otherwise for the accommodation, use or conven-
12 ience of such passengers, or such carriers or their employees (facilities and
13 accommodations at sites removed from landing fields and other landing areas,
14 however, to be limited to ticket stations and passenger stations for air pas-
15 sengers, to express and freight stations for air express and air freight, and to
16 beacons and other aids to air navigation), or for the landing, taking off, ac-
17 commodation and servicing of aircraft owned or operated by persons other
18 than carriers.

321 of any lot or parcel of real property so under lease or other contract shall
322 be so taken, all contracts and engagements respecting the same, upon such
323 vesting of title, shall cease and determine and be absolutely discharged as
324 to the part thereof so taken, but shall remain valid and obligatory as to the
325 residue thereof. All tenants in possession of such premises at the time of
326 the vesting of title thereto in the Port Authority shall become tenants at
327 will of the Port Authority unless within ten days after the vesting of title
328 they shall elect to vacate and give up their respective holdings.

1 16. This act shall take effect upon the enactment into law by the State
2 of New York of legislation having an identical effect with sections one to
3 fourteen, inclusive, of this act; but if the State of New York shall have
4 already enacted such legislation, then this act shall take effect immediately.

STATEMENT

Studies to determine the feasibility of the operation of the airports in the Port District by the Port of New York Authority were undertaken at the request of the Board of Commissioners of the city of Newark and the Board of Estimate of the city of New York. As a result of these studies, the Port Authority has submitted a proposal to the city of Newark to go forward with the financing and development of Newark Airport and Marine Terminal and has submitted a similar proposal to the city of New York with respect to the New York City airports.

This bill constitutes an agreement with the State of New York which grants certain supplementary powers to the Port Authority which will be necessary if the cities accept these proposals.

It authorizes the Port Authority to proceed with the acquisition by conveyance, lease or otherwise and with the operation, of air terminals in the Port of New York District. It permits the Port Authority to pledge its general reserve fund for bonds issued for air terminal purposes, and makes such bonds legal for

investment. It also contains a grant of the right of condemnation for airport purposes.

It provides, however, that no air terminal or other property owned by any municipality within the Port District may be acquired or leased by the Port Authority without the consent of such municipality, and the bill in no way interferes with the present or future operation of any airport.

The purpose of this bill is to implement the powers of the Port Authority and the cities to go forward with the plans for airports now in process of preparation if the cities or either of them so desire. A separate bill has been introduced covering marine terminals in New Jersey.

LAWS OF 1947

(Unless otherwise noted, take effect immediately)

*Effective July 4, 1947—R. S. 1:2-3

‡Effective July 1, 1947

§Effective June 30, 1947

***Effective Sept. 1, 1947

**Effective on passage of corresponding act by New York Legislature

†Effective immediately, expires July 1, 1947

(1)Effective May 15, 1947

****Effective January 1, 1948

(a)Effective July 1, 1948

Date	Chap.	Synopsis	R. S.	Bill No.	Date	Chap.	Synopsis	R. S.	Bill No.	Date	Chap.
Jan. 20	1	Phone rate probe—Appro.....	48:2-21	S 1	Apr. 17	59	Engineers—License	45:8-50	A 128	May 7	114
Feb. 3	2	School election officials—Fees	18:7-35	A 81	Apr. 17	60	Engineers—License	45:8-1	A 129	May 7	115‡
Feb. 11	3	Budgets—Validates	40:2-52	S 41	Apr. 17	61	Conklin—Pension		A 179	May 7	116‡
Feb. 13	4	State road aid—Appropriation	40:2-13	S 6	Apr. 17	62	Municipalities—State road aid	27:15-1	A 202	May 7	117‡
Feb. 13	5	Governor—Personal counsel..	52:15-8	A 103	Apr. 17	63	Veterans—Civil Service	11:27-1	A 341	May 7	118‡
Feb. 13	6	Election recounts—Security ..	19:29-2	A 91	Apr. 17	64	Hunting licenses—Issue	23:3-7	S 120	May 7	119‡
Feb. 13	7	Edison Centennial—Decorations		A 190	Apr. 17	65	State police—Officers	53:1-2	S 122	May 7	120
Feb. 17	8	Constitution—Convention		S 100	Apr. 17	66	Municipalities—Utility consents	48:9-17	S 133	May 7	121
Feb. 21	9	School Bonds—Validates		A 120	Apr. 17	67	Annual appropriation bill.....		S 200	May 7	122
Feb. 24	10	Saturdays—Bank holidays	36:1-1	S 22	Apr. 17	68	Striped bass—Angling	23:5-5.1	S 296	May 7	123
Mar. 11†	11	Primary petitions—Date	19:23-14.1	S 207	Apr. 18*	69	Municipal referenda—Ballots	19:37-2	A 51	May 7	124
Mar. 11	12	Servicemen—Voting	19:55-29	A 204	Apr. 18	70	Wills—Validates		A 153	May 7	125
Mar. 12	13	State road aid—Co. budgets..	54:10A	S 7	Apr. 19	71	4th class cities—Sales tax.....	40:48-8.15	A 343	May 7	126
Mar. 14	14	State officers—Appointments	52:14-16.2	S 23	Apr. 17	72	Chanicery funds—Escheat	2:29-82.1	S 144	May 7	127
Mar. 14	15	Freeway—Creates	27:6-1	A 44	Apr. 21	73	Palisades Park—Taxes	54:4A-4	A 71	May 7	128
Mar. 17	16	School budgets—Emergency funds	40:2-11.1	S 73	Apr. 21	74	Palisades Pkway.—Creates	27:6-1	S 104	May 7	129
Mar. 17	17	Railroads—Race tracks	48:12-32.1	A 7	Apr. 22	75	Utility strikes—Amends act..	34:13B-1	S 333	May 9	130
Mar. 21	18	Liquor License fee.....	54:41-2	A 2	Apr. 23	76	Legislature—Appropriation ..		S-300	May 9	131
Mar. 21	19	Athletes—Bribes	2:114-14	A 63	Apr. 23	77	Standard time—Defines	1:1-2.3	A 449	May 9	132
Mar. 21	20	Athletes—Bribes	2:114-16	A 74	Apr. 25	78	Voting machines—Instruc-tions	19:50-1	S 83	May 9	133
Mar. 21	21	Teachers' pension fund—Transfer		S 8	Apr. 25	79	Sample ballots—Mailing	19:49-4	S 84	May 9	134
Mar. 21	22	Land sales—Validates		S 123	Apr. 28	80	Title companies—Capital	17:17-4	S 20	May 9	135
Mar. 21	23	Public workers—Bonus	40:11	A 77	Apr. 28	81	B & L mortgages—Cancellation	46:18-8	S 30	May 9	136
Mar. 21	24	Corp. deeds—Validates		A 55	Apr. 28†	82	Trucks, buses—Reflectors	39:3-64	S 64	May 9	137
Mar. 21	25	Auto drivers—Non-licensed..	39:3-40	A 73	Apr. 28	83	Hospitals—Federal grants	30:1-19	S 66	May 9	138
Mar. 24	26	Park lands—Housing	40:37-11.2	A 124	Apr. 28	84	Insurance cos.—Corporate status	17:35-14.1	S 67	May 9	139
Mar. 27	27	Camp meeting land—Veterans loans	17:2-1	S 17	Apr. 28	85	Municipalities—Airports	40:8-2	S 160	May 9	140
Mar. 27	28	Civil Service—Referenda.....	11:20-1	S 42	Apr. 28	86	School districts—Amends act	18:5-16.1	S 253	May 9	141
Mar. 27	29	Religious Assns. — Conveyances		S 113	Apr. 28	87	Public property—Veterans	40:60-40.1	A 40	May 9	142
Mar. 28	30	Jr. colleges—County funds....	40:23-8.2	S 19	Apr. 28	88	Vaccine—Purchase		S 335	May 9	143
Mar. 28	31	Work. comp.—Minors	34:15-48	S 89	Apr. 30	89	Railroads—Completion	48:12-31	S 9	May 9	144
Mar. 31	32	Yacht basin—Leonardo		S 18	Apr. 30	90	Savings Ass'ns—Foreign land	17:12A-78	S 31	May 9	145
Mar. 31	33	Councilmen—Salaries	40:46-26	S 46	May 1	91	Bank deposits—Escheat	17:9-19	S 184	May 9	146
Mar. 31	34	Counties—Hospitals	30:9-12.1	S 196	May 1	92	Bank deposits—Escheat	17:9-27	S 188	May 9	147
Mar. 31	35	Wages—Unemploy. Comp. ..	43:21-4	A 255	May 1	93	Tax appeals—Fee	54:3-21.3	A 107	May 9	148
Apr. 2	36	Bizub—Estate		S 71	May 1	94	Liquor licenses—Limits	33:1-12.13 (1)	A 199	May 9	149
Apr. 2	37	Sunken boats—Removal	12:4-7	A 70	May 5	95	Public works—Plan filing.....	52:27C-35	S 247	May 9	150
Apr. 2	38	School property—Sale		A 99	May 5	96	Morris Road—Appropriation		S 291	May 9	151
Apr. 2	39	Freeholders—Road land	27:16-54	A 102	May 5	97	Utility Board—Fees	48:2-53	A 1	May 9	152
Apr. 2	40	Townships—Recorders	2:226-1	A 117	May 5	98	Tax appeals—Fees	54:2-44	A 349	May 9	153
Apr. 2	41	District cts.—Reports	2:8-48.13	A 168	May 5	99	Sec. of State—Filing fee increase	46:35-13	A 466	May 9	154
Apr. 2	42	Econom. Devel.—Civil Service	11:4-3	S 59	May 5	100	Sec. of State—Non-profit corp. reports	15:1-11.1	A 467	May 9	155
Apr. 2**43		Port Authority—Airports	32:1-35.1	S 168	May 5	101	Sec. of State—New filing schedule	22:4-1	A 468	May 9	156
Apr. 2**44		Port Authority—Marine terminals	32:1-35.28	S 169	May 5	102	Sec. of State—Filing trade names	56:3-3	A 469	May 9	157
Apr. 2**45		Port Authority—Bonds	7:5-11	S 170	May 6	103	Firemen—Legal counsel	40:11-19	S 12	May 9	158
Apr. 2	46	Rent control—Extends	2:58-32.18	S 243	May 6	104	Election ballots—Marking	19:14-4	S 53	May 9	159
Apr. 9	47	Utility strikes—Mediation	34:13B-1	S 323	May 6	105	Chief of Staff—Naming	38:2-2	S 334	May 9	160
Apr. 9	48	Trout—Taking	23:5-1	A 112	May 6	106	County livestock—Sale	40:23-27	A 67	May 9	161
Apr. 11‡	49	Road districts—Creates	40:153-36	A 49	May 6	107	Racing—Breakage	5:5-64	A 443	May 9	162
Apr. 14	50	Corp. taxes—Amends	54:10A-4	A 464	May 6	108	Military enlistment age.....	38:1-1	A 505	May 9	163
Apr. 15	51	Corp. taxes—Recovery	54:10A-12	A 57	May 7	109	Commodore Barry—Exercises	18:14-89.1	S 79	May 9	164
Apr. 16	52	Veterans—Housing	55:14G-2	S 174	May 7	110‡	Public finance—Amends law..	40:1-16	S 255	May 9	165
Apr. 17	53	Sample ballots—Mailing	19:14-27	S 85	May 7	111‡	Public finance—Amends law..	40:1-25.1	S 256	May 9	166
Apr. 17	54	Municipalities—Refinancing ..	52:27-17	A 29	May 7	112‡	Public finance—Amends law..	40:1-7.1	S 257	May 9	167
Apr. 17	55	Route 25—Extends	27:6-1	A 31	May 7	113‡	Public finance—Amends law..	40:2-2	S 258	May 9	168
Apr. 17	56	Freeway—Creates	27:6-1	A 33						May 9	169
Apr. 17	57	Kane estate—Title		A 41						May 9	170
Apr. 17	58	Freeway—Creates	27:6-1	A 43						May 9	171

NOTATIONS

S 160 Young Mar. 3—Permits municipalities to operate airports outside municipal limits.

Mar. 10—Passed in Senate.
Mar. 18—Passed in Assembly.
Apr. 28—Approved, Chapter 85.

S 161 Proctor Mar. 3—Creates children's treatment center administered by Department of Institutions and Agencies and situated on late Arthur Brisbane estate at Allaire, Monmouth County, for treatment of nervous and otherwise maladjusted children.

Mar. 3—Inst. and Agencies Com.
Mar. 25—Reported with com. amend's.
Mar. 25—Read second time.
Mar. 25—Passed in Senate, amended.
Mar. 31—Received in Assembly.
Mar. 31—Inst. and Agencies Com.
Apr. 7—Reported.
Apr. 7—Read second time.
Apr. 14—Passed in Assembly.

S 162 Lewis Mar. 3—Changes name of State Board of Children's Guardians to State Board of Child Welfare.

Mar. 10—Passed in Senate.
Mar. 31—Passed in Assembly.

S 163 Pascoe Mar. 10—Defines duties of president of Civil Service Commission; abolishes exempt class in counties, municipalities and school districts; protects exempt employes in tenure and other rights; amends Civil Service regulation with relation to veterans.

Mar. 10—Judiciary Com.

S 164 Pascoe Mar. 10—Repeals sundry statutes concerning Civil Service system as it relates to State, counties, municipalities and school districts.

Mar. 10—Judiciary Com.

S 165 Littell Mar. 3—Increases from \$3,500 to \$5,000, annual salary of Common Pleas Judges in counties of not less than 20,000 nor more than 30,000 population.

Apr. 14—Passed in Senate.
Apr. 21—Passed in Assembly.

S 166 Pascoe Mar. 3—Amends Chapter 63, Laws of 1946, school equalization law; appropriates \$13,000,000 as State aid to public schools; increases present guaranteed equalization basis from \$94 per pupil per year to \$110 and raises present \$3 per pupil minimum aid to \$30.

Mar. 3—Appropriations Com.

S 167 Littell Mar. 3—Increases from \$3,000 to \$3,900, annual salary of Prosecutors in counties of not less than 24,000 nor more than 50,000 population.

Apr. 14—Passed in Senate.
Apr. 21—Passed in Assembly.

S 168 Van Alstyne Mar. 3—Authorizes Port of New York Authority to acquire and to operate air terminals on regional basis; permits Authority to issue bonds for such purpose and to pledge its General Reserve Fund to retire bonds.

Mar. 3—Fed. and Inter. Rel. Com.
Mar. 18—Reported with com. amend's.
Mar. 18—Read second time.
Mar. 18—Passed in Senate, amended.
Mar. 24—Received in Assembly.
Mar. 24—Judiciary Com.
Mar. 24—Reported.
Mar. 24—Read second time.
Mar. 24—Passed in Assembly.
Apr. 2—Approved, Chapter 43.

S 169 Van Alstyne Mar. 3—Provides procedure for New Jersey municipalities in Port of New York district to cooperate with Port of New York Authority to develop marine terminals.

Mar. 3—Fed. and Inter. Rel. Com.
Mar. 18—Reported.
Mar. 18—Read second time.
Mar. 18—Amended.
Mar. 18—Passed in Senate, amended.
Mar. 24—Received in Assembly.
Mar. 24—Judiciary Com.
Mar. 24—Reported.
Mar. 24—Read second time.
Mar. 24—Passed in Assembly.
Apr. 2—Approved, Chapter 44.

NOTATIONS

S 170 Van Alstyne Mar. 3—Provides that bonds of Port of New York Authority be negotiable, despite mandatory provision for their conversion or exchange into general and refunding bonds.

Mar. 18—Passed in Senate.
Mar. 24—Passed in Assembly.
Apr. 2—Approved, Chapter 45.

S 171 Van Alstyne Mar. 3—Permits municipalities to name municipal youth guidance councils of not more than seven members to combat juvenile delinquency.

Mar. 3—Judiciary Com.
Mar. 10—Reported with com. amend's.
Mar. 10—Read second time.
Mar. 10—Passed in Senate, amended.
Mar. 11—Received in Assembly.
Mar. 11—Judiciary Com.
Mar. 17—Reported.
Mar. 17—Read second time.
Mar. 18—Passed in Assembly.

S 172 Van Alstyne Mar. 3—Provides for prosecution of persons violating Child Welfare Act in Special Sessions Court, where indictment and jury trials are waived, rather than in Juvenile and Domestic Relations Court.

Mar. 3—Judiciary Com.
Mar. 10—Reported.
Mar. 10—Read second time.
Mar. 11—Passed in Senate.
Mar. 11—Received in Assembly.
Mar. 11—Judiciary Com.

S 173 Van Alstyne Mar. 10—Permits issue of bonds over limitations for school district governed by Chapter 7, Title 18, Revised Statutes, under certain conditions, with approval of State Commissioner of Education and Local Government Board.

Mar. 18—Passed in Senate.
Mar. 25—Passed in Assembly.
May 13—Approved, Chapter 153.

S 174 Barton Mar. 3—Amends Veterans' Housing Act of 1946 to define emergency housing as either temporary or permanent housing; provides municipalities may finance such housing: (1) by emergency notes, (2) by bonds or notes, (3) by bond and mortgage on real estate included in such emergency housing; provides that obligation of municipality under (3) be a limited obligation payable solely from housing revenues.

Mar. 3—Judiciary Com.
Mar. 11—Reported.
Mar. 11—Read second time.
Apr. 8—Amended.
Apr. 8—Passed in Senate, amended.
Apr. 14—Received in Assembly.
Apr. 14—No Reference.
Apr. 14—Read second time.
Apr. 14—Passed in Assembly.
Apr. 16—Approved, Chapter 52.

S 175 Young Mar. 10—Validates issue of school bonds.

Mar. 10—Education Com.
Mar. 17—Reported by com. sub.
Mar. 17—Read second time.
Mar. 18—Com. sub. passed in Senate.
Mar. 18—Received in Assembly.
Mar. 18—Education Com.
Mar. 24—Reported.
Mar. 24—Read second time.
Mar. 31—Sen. com. sub. passed in Assembly.
May 9—Approved, Chapter 137.

S 176 Young Mar. 10—Permits municipalities to acquire land in own or other municipality by gift, devise, purchase or condemnation, for enlargement of airports.

Mar. 10—Municipalities Com.

S 177 Wright Mar. 18—Requires courts to notify municipalities of deleterious conditions leading to conviction of defendants or juvenile delinquency; requires courts to send copies of such reports to municipal youth guidance commissions where such commissions exist.

Apr. 1—Passed in Senate.
Apr. 21—Passed in Assembly.

S 178 Wright Mar. 17—Creates State Probation Commission of seven members appointed by Chief Justice of Supreme Court, to consist of judges, a chief probation officer, lay citizens, Commissioner of Institutions and Agencies and Superintendent of State Police; commission to exercise general supervision of probation administration and work of probation officers.

Mar. 17—Appropriations Com.

NOTATIONS

STATE OF NEW JERSEY

INTRODUCED MARCH 3, 1947

By Mr. VAN ALSTYNE

Referred to Committee on Federal and Interstate Relations

AN ACT to facilitate the financing and effectuation of air terminals by the Port of New York Authority and agreeing with the State of New York with respect thereto.

**1 BE IT ENACTED by the Senate and General Assembly of the State of New
2 Jersey:**

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

**8 Accordingly, in furtherance of said policy and in partial effectuation of
9 the Comprehensive Plan, heretofore adopted by the two States for the de-
10 velopment of terminal and transportation facilities in the Port of New York
11 District, the States of New Jersey and New York agree that the Port of
12 New York Authority (hereinafter called the Port Authority) shall be author-
13 ized to effectuate, establish, acquire, construct, rehabilitate, improve, main-
14 tain and operate air terminals, as hereinafter defined, with the Port of New
15 York District, and the two said States further agree that all cities and other
16 State and local agencies shall be and they hereby are authorized to co-oper-**

17 ate with the Port Authority in the development of air terminals, as herein-
18 after provided.

1 2. Nothing herein contained shall be construed to authorize the Port
2 Authority to require any air terminal owned or operated by any city or other
3 municipality or public authority, or any other property now or hereafter
4 vested in or held by any city or other municipality or public authority, with-
5 out the authority or consent of such city or other municipality or public
6 authority, as provided in the Compact of April thirtieth, one thousand nine
7 hundred and twenty-one, between the State of New Jersey and New York,
8 nor shall anything herein impair or invalidate in any way any bonded in-
9 debtedness of the State, or any city or other municipality or public authority,
10 nor impair the provisions of law regulating the payment into sinking funds
11 of revenue derived from municipal property, or dedicating the revenues de-
12 rived from municipal property to a specific purpose.

1 3. The following terms as used herein shall mean:

2 "Air terminals" shall mean developments consisting of runways, hang-
3 ars, control towers, ramps, wharves, bulkheads, buildings, structures, park-
4 ing areas, improvements, facilities or other real property necessary, con-
5 venient or desirable for the landing, taking off, accommodation and servic-
6 ing of aircraft of all types, including, but not limited to airplanes, airships,
7 dirigibles, helicopters, gliders, amphibians, seaplanes, or any other contriv-
8 ance now or hereafter used for the navigation of or flight in air or space, op-
9 erated by carriers engaged in the transportation of passengers or cargo, or
10 for the loading, unloading, interchange or transfer of such passengers or their
11 baggage, or such cargo, or otherwise for the accommodation, use or conven-
12 ience of such passengers, or such carriers or their employees (facilities and
13 accommodations at sites removed from landing fields and other landing areas,
14 however, to be limited to ticket stations and passenger stations for air pas-
15 sengers, to express and freight stations for air express and air freight, and to
16 beacons and other aids to air navigation), or for the landing, taking off, ac-
17 commodation and servicing of aircraft owned or operated by persons other
18 than carriers.

19
20 for
21
22 qui
23 of
24 ity
25 of
26
27 de
28
29 Pe
30 of
31 th
32 an
33
34 la
35 an
36 th
37
38 to
39
40 in
41 pa
42 te
43 in
44 lic
45 rig
46 of
1
2 tio
3 Au

19 "Air terminal bonds" shall mean bonds issued by the Port Authority
20 for air terminal purposes.

21 "Air terminal purposes" shall mean the effectuation, establishment, ac-
22 quisition, construction, rehabilitation, improvement, maintenance or operation
23 of air terminals owned, leased or operated by the Port of New York Author-
24 ity (including airports operated under revocable permits) or operated by
25 others pursuant to agreements with the Port Authority.

26 "Bonds" shall mean bonds, notes, securities or other obligations or evi-
27 dences of indebtedness.

28 "General Reserve Fund" shall mean the General Reserve Fund of the
29 Port Authority authorized by chapter forty-eight of the laws of New York
30 of one thousand nine hundred and thirty-one as amended, and chapter five of
31 the laws of New Jersey of one thousand nine hundred and thirty-one, as
32 amended.

33 "General Reserve Fund statutes" shall mean chapter forty-eight of the
34 laws of New York of one thousand nine hundred and thirty-one as amended,
35 and chapter five of the laws of New Jersey of one thousand nine hundred and
36 thirty-one, as amended.

37 "Municipality" shall mean a county, city, borough, village, township,
38 town, public agency, public authority or political subdivision.

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

1 4. The effectuation, establishment, acquisition, construction, rehabilita-
2 tion, improvement, maintenance and operation of air terminals by the Port
3 Authority is and will be in all respects for the benefit of the people of the

17 authority to the fulfillment of any other undertakings which it may assume to
18 or for the benefit of the holders of such bonds.

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

1 8. (a) Notwithstanding any contrary provision of law, every municipal-
2 ity in the Port of New York District is authorized and empowered to con-
3 sent to the use by the Port Authority of any air terminal owned by such
4 municipality or of any real or personal property owned by such municipal-
5 ity and necessary, convenient or desirable in the opinion of the Port Au-
6 thority for air terminal purposes, including such real property as has already
7 been devoted to a public use, and as an incident to such consent, to grant, con-
8 vey, lease, or otherwise transfer to the Port Authority any such air terminal
9 or real or personal property. Every such municipality is also authorized
10 and empowered as an incident to such consent to vest in the Port Authority
11 the control, operation, maintenance, rents, tolls, charges and any and all
12 other revenues of any air terminal now owned by such municipality, the title
13 to such air terminal remaining in such municipality. Such consent shall be
14 given and the execution of any agreement, deed, lease, conveyance, or other

15 instrument evidencing such consent or given as an incident thereto shall be
16 authorized in the manner provided in Article XXII of the Compact of April
17 thirtieth, one thousand nine hundred and twenty-one, between the two States
18 creating the Port Authority.

19 (b) Notwithstanding any contrary provision of law, every municipality
20 outside the Port District is authorized and empowered to consent to the use
21 of real property owned by such municipality and necessary, convenient or
22 desirable in the opinion of the Port Authority for beacons or other aids to
23 navigation, or to the use of any air space over real property owned by such
24 municipality; and as an incident to such consent, to grant, lease, convey or
25 otherwise transfer to the Port Authority such real property or air space.

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

31 (c) The States of New York and New Jersey hereby consent to suits
32 against the Port Authority upon such agreement by any county, city,
33 borough, village, township, municipality, public agency or authority for the
34 recovery of any moneys agreed to be paid by the Port Authority thereunder,
35 and for such purpose only, and any judgment therein against the Port Au-
36 thority shall be payable only from such funds as the Port Authority may have
37 available for the payment of such judgment.

1 9. The powers hereinafter granted to the Port Authority to acquire real
2 property by condemnation or the right of eminent domain shall be subject
3 to the limitations set forth in section two hereof, and also to the following
4 further limitations:

5 (a) Unless and until the State of New York otherwise provides by law,
6 the Port Authority shall not have power to acquire real property in that
7 State for air terminal purposes by condemnation or the right of eminent
8 domain except for the purpose of making additions, extensions and improve-

9 ments to the three air terminals in New York City known as LaGuardia Air-
 10 port, Idlewild Airport (sometimes known as Major General Alexander E.
 11 Anderson Airport), and Floyd Bennett Airport, for the purpose of acquir-
 12 ing air rights or preventing or removing actual or potential hazards to air
 13 navigation within three miles of the runways at said air terminals as such
 14 runways may now or hereafter exist, and for the purpose of establishing
 15 or maintaining beacons and other aids to air navigation in connection with
 16 said three air terminals, whether or not within three miles of said run-
 17 ways.

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

30 (c) Unless otherwise provided by law by the State in which such real
 31 property is located, the Port Authority shall not have power to acquire for
 32 air terminal purposes by condemnation or the right of eminent domain sub-
 33 sequent to June thirtieth, one thousand nine hundred and fifty-two, any real
 34 property taken for and actually devoted to a public use; *provided*, that this
 35 limitation shall not apply to real property a proceeding for the acquisition
 36 of which was initiated prior to that date.

37 The foregoing limitations shall not be construed to limit, affect or im-
 38 pair the power of the Port Authority to acquire real property at any time
 39 and place for air terminal purposes by negotiation or in any other manner
 40 than by condemnation or the exercise of the right of eminent domain.

70-ately or by a definite future date, it may file with any petition in any con-
73 demnation proceeding brought pursuant to law or at any time thereafter
74 a notice that it requires the possession thereof, either immediately or at a
75 date specified in such notice. In such event, the Port Authority shall cause
76 a duplicate of such notice and an affidavit of the filing thereof to be re-
77 corded in the office in which deeds are required to be recorded in the county
78 wherein the land involved is situated and upon such recording the Port Au-
79 thority may enter upon and shall be entitled to the possession, use and oc-
80 cupation of such real property at the time specified in said notice without
81 suit or other judicial proceedings; *provided*, that it shall first deposit with
82 the court a sum equal to the assessed valuation of such real property, or in
83 the event that the assessed valuation thereof cannot be readily ascertained
84 such sum as in the judgment of the Port Authority shall be sufficient as
85 compensation for the real property acquired. The sum so deposited with
86 the court shall be applied to the satisfaction of any award thereafter made
87 in any condemnation proceeding. Such filing and recording of said notice
88 shall be conclusive evidence of the entry upon and appropriation of said
89 property by the Port Authority, and title to said property shall vest in
90 the Port Authority on the date specified in such notice.

1 10. The Port Authority may make application directly to the proper
2 Federal officials or agencies for Federal loans or grants in aid of air terminals
3 owned or operated by it; *provided*, that if either State shall have or adopt
4 general legislation governing applications for Federal aid for air terminals
5 by municipalities of such State, or the receipt or disbursement of such
6 Federal aid by or on behalf of such municipalities, then such legislation shall
7 at the option of such State apply to applications by the Port Authority for
8 Federal aid for air terminals located in such State and to the receipt and
9 disbursement of such Federal aid by or on behalf of the Port Authority, in
10 the same manner and to the same extent as other municipalities of such State.
11 Except as above provided, no agency or commission of either State shall
12 have jurisdiction over any air terminals under the control of the Port

18 Authority, and all details of financing, construction, leasing, charges, rates,
14 tolls, contracts and the operation of air terminals owned or controlled by the
15 Port Authority shall be within its sole discretion and its decision in connec-
16 tion with any and all matters concerning such air terminals shall be con-
17 trolling and conclusive.

1 11. In the event that the Port Authority shall find it necessary or desir-
2 able to acquire any unappropriated State lands or lands under water in the
3 State of New York for air terminal purposes, the Board of Commissioners of
4 the Land Office of that State may grant, transfer or convey such unappro-
5 priated State lands or lands under water to the Port Authority upon such
6 consideration, terms and conditions as may be determined by said board.

7 In the event that the Port Authority shall find it necessary or desirable
8 to acquire any lands under water in the State of New Jersey for air terminal
9 purposes, the Division of Navigation of the Department of Conservation of
10 that State may grant, transfer or convey such lands under water to the Port
11 Authority in accordance with the statutes of that State governing the mak-
12 ing of riparian grants and leases, upon such terms and conditions as may be
13 determined by said division.

14 In the event that the Port Authority shall find it necessary or desirable
15 to acquire any real property required or used for State highway purposes in
16 the State of New Jersey, the State Highway Department of the State of New
17 Jersey may grant, transfer or convey such real property to the Port Au-
18 thority upon such terms and conditions as may be determined by said State
19 Highway Department.

20 12. The two States covenant and agree with each other and with the
21 holders of any bonds of the Port Authority issued or incurred for air terminal
22 purposes and as security for which there may or shall be pledged (directly
23 or indirectly, or through the medium of its General Reserve Fund or other-
24 wise), the revenues, or any part thereof, of any air terminal or other facility
25 owned or operated by the Port Authority, that the two States will not, so
26 long as any of such bonds or other obligations remain outstanding and unpaid,

8 diminish or impair the power of the Port Authority to establish, levy and
9 collect landing fees, charges, rents, tolls or other fees in connection therewith.

1 13. Any declarations contained herein and in the concurrent act of the
2 State of New York with respect to the governmental nature of air terminals
3 and to the exemption of air terminal property from taxation and to the
4 discretion of the Port Authority with respect to air terminal operations shall
5 not be construed to imply that other Port Authority property and opera-
6 tions are not of a governmental nature, or that they are subject to taxation,
7 or that the determinations of the Port Authority with respect thereto are not
8 conclusive.

1 14. This section and the preceding sections hereof constitute an agree-
2 ment between the States of New York and New Jersey supplementary to the
3 compact between the two States dated April thirtieth, one thousand nine
4 hundred and twenty-one, and amendatory thereof, and shall be liberally con-
5 strued to effectuate the purposes of said compact and of the comprehensive
6 plan heretofore adopted by the two States, and the powers vested in the
7 Port Authority hereby shall be construed to be in aid of and supplemental to
8 and not in limitation of or in derogation of any of the powers heretofore
9 conferred upon or delegated to the Port Authority.

1 15. The Port Authority may exercise the right of eminent domain or
2 condemnation to acquire real property for air terminal purposes as set forth
3 in this section:

4 (a) As used in this section, unless otherwise expressly stated or unless
5 context or subject matter otherwise requires, the following terms shall mean:

6 (1) "Days": Calendar days exclusive of Sundays and full legal
7 holidays.

8 (2) "Owner": A person having an estate, interest or easement in
9 the real property being acquired or a lien, charge or encumbrance thereon.

10 (b) Whenever the Port Authority shall determine that it is necessary to
11 acquire real property for air terminal purposes for the public use by the
12 exercise of the right of eminent domain or condemnation, it shall prepare

13 three similar surveys, diagrams, maps, plans or profiles of the real property
14 being acquired, stating thereon that the Port Authority has determined that
15 it is necessary to acquire said property, and the amount or valuation at which
16 each parcel of real property to be acquired has been assessed for purposes
17 of taxation on the tax rolls for each of the three years preceding, and if the
18 interest being taken shall be less than the fee, the estimated value of such
19 interest; one of such surveys, diagrams, maps, plans or profiles shall be
20 filed in the office of the secretary of the Port Authority, the second shall be
21 filed in the office in which instruments affecting real property are required
22 to be recorded, in the county in which such real property is situated, and
23 the third copy shall be filed in the office of the Clerk of the Supreme Court;
24 and it shall file in the office of the clerk of the county where the real prop-
25 erty to be acquired or any part thereof is situated a notice of the pendency
26 of a proceeding for the acquisition of such property. Such notice shall briefly
27 state the object of the proceeding and shall contain a brief description of
28 the real property being acquired thereby. It shall also state the names of
29 such of the owners of such real property as may be known to the Port
30 Authority, and in case any of the owners are unknown, a statement to that
31 effect shall be made in such notice. Such notice, from the time of filing, shall
32 be constructive notice to a purchaser or encumbrancer of the real property
33 affected thereby from or against any person interested as owner with respect
34 to whom the notice is directed to be indexed.

35 It shall be lawful for the duly authorized agents of the Port Authority,
36 and all persons acting under its authority and by its direction, to enter in
37 the daytime into and upon such real property which it shall be necessary so
38 to enter, for the purpose of making such surveys, diagrams, maps or plans,
39 or for the purpose of making such soundings or borings as the Port Author-
40 ity may deem necessary.

41 (c) Whenever any land or other property taken for public use shall lie
42 or be in two or more counties, all reports, petitions, orders and other papers
43 required to be filed shall be filed in the clerk's office of the county in which

44 the greater part in value of the land or other property is situate and a certi-
45 fied copy thereof shall be filed and recorded in the clerk's office of the other
46 county or counties. The commissioners, if any be designated, shall be real-
47 dents of the county in which the greater part in value of the land or other
48 property is situate.

49 (d) Upon the filing of the lis pendens, the Port Authority shall cause
50 notice by advertisement to be published on one day in each of four succes-
51 sive weeks in a newspaper published and of general circulation in the county
52 in which the real property to be acquired is located, of its intention to make
53 application to one of the justices of the Supreme Court, at a time and place
54 to be stated in such notice, to have the compensation which should justly
55 be made to the respective owners of the real property proposed to be taken,
56 ascertained and determined by the justice. Such notice shall indicate the
57 real property to be taken by a general description and by reference to the
58 map on file in the office of the Port Authority, in the office in which instru-
59 ments affecting real property are required to be recorded, and in the office
60 of the Clerk of the Supreme Court.

61 (e) In addition to the provisions contained in subdivision (d) above, writ-
62 ten notice of the application shall be given by the Port Authority to the
63 owners of all property affected by the proceeding at least ten days prior to
64 such application, by mailing the same to such owners at the address regis-
65 tered or filed with the collector of taxes for the purpose of forwarding to
66 them bills for taxes or assessments. Such notice shall state the purpose
67 for which the property is to be acquired and the date when such applica-
68 tion will be presented and shall contain a copy of such application. Fail-
69 ure to comply with the directions contained in this subdivision shall not
70 invalidate or affect the proceeding.

71 (f) Upon the application to condemn, the Port Authority shall present
72 to the justice a verified petition setting forth:

73 (1) The action had by the Board of Commissioners of the Port
74 Authority with reference to the proceeding;

75 (2) The real property to be acquired therein by setting forth a
76 specific description thereof, and its location with reasonable certainty
77 and by reference to the map on file in the office of the Port Authority,
78 in the office in which instruments affecting real property are required to
79 be recorded, and in the office of the Clerk of the Supreme Court, a copy
80 of which shall be attached to the petition;

81 (3) The amount of valuation at which each parcel of the real prop-
82 erty to be acquired has been assessed for purposes of taxation on the
83 tax rolls for each of the three years preceding the date of the petition,
84 or if the interests being taken shall be less than the fee, the estimated
85 value of such interest;

86 (4) A prayer that the real property described therein be condemned.

87 (g) At the time and place mentioned in the notice published pursuant
88 to subdivision (d) hereof, unless the justice shall adjourn the application to
89 a subsequent day, and in that event, at the time and place to which such appli-
90 cation may be adjourned, upon due proof to his satisfaction of the publication
91 and mailing of such notice and upon filing such petition, the justice shall
92 enter an order granting the application, which order shall be filed in the office
93 of the Clerk of the Supreme Court. The Port Authority shall, within ten
94 days after the entry of such order, cause a certified copy thereof to be
95 recorded in the office where instruments affecting real property are required
96 to be recorded, in every county in which any part of the real property affected
97 is situated, in the same manner as deeds are recorded, and the register of
98 deeds or county clerk with whom such certified copy shall be recorded, shall
99 index the same in the same manner as recorded deeds are indexed.

100 (h) The Port Authority, after the filing of the order granting the appli-
101 cation to condemn, shall cause to be published on one day in each of four
102 successive weeks in a newspaper published and of general circulation in the
103 county in which the real property to be acquired is located, a notice con-
104 taining a general description of the real property to be acquired, a state-
105 ment that such order has been filed and requiring that all owners of such

106 real property shall, on or before a date specified in the order granting the
107 application, file in the office of the Clerk of the Supreme Court, a written claim
108 or demand, duly verified, setting forth the real property owned by the claim-
109 ant, his post-office address, and the nature of his interest in said real prop-
110 erty. The claimant shall within the same time serve on the Port Author-
111 ity a copy of such verified claim.

112 (i) Proof of title to the real property to be acquired, where the same
113 is undisputed, together with proof of liens or encumbrances thereon, shall be
114 submitted by the claimant to the Port Authority. The Port Authority shall
115 serve upon all parties or their attorneys who have served upon it copies of
116 their verified claims, a notice of the time and place at which it will receive
117 such proof of title. Where the title of the claimant is disputed, such dis-
118 pute shall not act as a stay of the proceeding to determine the value of the
119 property to be taken, but the proceeding shall continue in the same manner
120 as it would if there were no dispute as to the title, and the award, if any,
121 shall be paid into the Court of Chancery by order of the Chancellor, and
122 shall there be distributed, according to law, on the application of any per-
123 son interested therein. Written notice given to the owner or owners and to
124 persons interested that such moneys have been so paid into court shall have
125 the same effect as if the moneys so awarded had been actually tendered to
126 the owner or persons entitled thereto. Notice by advertisement in such man-
127 ner as the Chancellor shall direct shall be deemed sufficient notice.

128 (j) After all parties who have filed verified claims, as provided in sub-
129 division (h) hereof, have proved their titles, or have failed to do so after
130 being notified by the Port Authority of the time and place where such proof
131 of title would be received, the Port Authority shall apply to a justice of the
132 Supreme Court for leave to bring on before him upon a day to be fixed by
133 said justice a hearing upon the claim so filed, or in case no claims are filed,
134 to fix the amount to be paid for such lands.

135 In order to advise the said justice, he may appoint three commissioners
136 to view said lands, and to advise him what damages, if any, should be assessed

137 for the taking of such lands. The commissioners shall proceed under such
138 directions and rules as shall from time to time be fixed by the said justice
139 to view the lands, to hear such evidence as they may desire, and to fix such
140 sum, if any, that in their judgment will represent the fair value of the lands
141 so taken. The said justice may review such findings and shall not be bound
142 thereby, but may alter or reject such findings in such manner as will, in his
143 judgment, fairly protect the interests of the parties, and such review may be
144 made either with or without further hearing. The commissioners so ap-
145 pointed to advise said justice shall make their report to him within one hun-
146 dred days from the date of their qualification.

147 After said justice shall have ascertained and estimated the compensa-
148 tion which should justly be made by the Port Authority to the respective
149 owners of the real property being acquired, he shall then order that judg-
150 ment be entered in the amount so determined.

151 (k) It shall be the duty of the justice, or the commissioners designated
152 by him, to view the real property to be acquired. Where title to real prop-
153 erty being acquired in a proceeding shall have been vested in the Port Author-
154 ity, and buildings or improvements situated thereon shall have been removed
155 or destroyed by the Port Authority or pursuant to its authority prior to
156 the proceeding, and whereby the justice is, or the commissioners are, deprived
157 of a view of the buildings or improvements so removed or destroyed, the fact
158 that the justice has not had, or the commissioners have not had a view thereof,
159 shall not preclude the justice or the commissioners from receiving in the
160 proceeding, testimony and evidence as to the damage sustained by the claim-
161 ant by reason of the taking thereof, when offered on behalf of either the
162 claimant or the Port Authority.

163 (l) No evidence shall be admitted in the proceeding, as against an owner
164 of real property being acquired, of an offer made by or on behalf of such
165 owner for the sale of his property or any part thereof to the Port Author-
166 ity, or for the sale or assignment of any right and title to the award or
167 awards, or any part thereof, to be made for such property or any part thereof,

165 in the proceeding; nor shall any evidence be received, as against the Port
169 Authority, of any offer made to such owner, by or on its behalf, for the
170 purchase of such property or any part thereof or for the purchase of the
171 award or awards or any part thereof, to be made for such property, or any
172 part thereof, in the proceeding.

173 (m) The Port Authority shall furnish to the justice such surveys, dia-
174 grams, maps, plans and profiles as the justice shall require, to enable the
175 justice to hear and determine the claims of the owners of the real property
176 affected by the proceeding. Such surveys, diagrams, maps, plans and pro-
177 files shall distinctly indicate by separate numbers, the names of the claim-
178 ants to, or of the owners of the respective parcels of real property to be
179 taken in such proceeding, so far as the same are known, and shall also
180 specify in figures with sufficient accuracy the dimensions and bounds of such
181 real property. Where possible, such real property shall be designated on such
182 maps by the same ward or block and lot numbers or other designations as
183 shall be used to designate such real property on the tax books and tax maps
184 of the taxing agency in which it is located. The justice may require the Port
185 Authority to furnish such other surveys, diagrams, maps, plans and profiles
186 and such other information as shall aid and assist the justice in the pro-
187 ceeding.

188 (n) The Port Authority, or any party or person affected by the pro-
189 ceeding and aggrieved by the judgment made therein as to awards may peti-
190 tion the Supreme Court or a justice thereof for a writ of certiorari to
191 review the proceeding in accordance with the provisions contained in chap-
192 ter eighty-one of Title 2 of the Revised Statutes. If the judgment entered
193 in the proceeding to condemn should be reversed upon any subsequent review,
194 such reversal shall not divest the Port Authority of title to the real prop-
195 erty thereby affected.

196 (o) All damages awarded by the justice, with interest thereon from the
197 date of the filing of the judgment, or if the title to the real property acquired
198 shall have vested in the Port Authority prior thereto, from the date of such

199 vesting, shall be paid by the Port Authority to the respective owners to whom
200 the damages were awarded in the judgment, within two calendar months after
201 the entry of the judgment, without further order of the court, or application
202 for such payment by said owners. Property owners appearing in the proceed-
203 ing shall not be entitled to recover counsel fees, costs, disbursements or allow-
204 ances. Any outstanding taxes, assessments or other liens shall be deducted
205 from the amount of the award and no interest shall be paid by the Port
206 Authority upon the sum or sums so deducted. Payment of an award to a
207 person named in the judgment as the owner thereof, if not under legal dis-
208 ability, shall in the absence of notice in writing to the Port Authority of
209 adverse claims thereto protect the Port Authority and shall be a full acquit-
210 tance and release of all claims to said award.

211 In case there shall be a dispute as to title, or the party entitled to receive
212 the amount assessed by the justice shall refuse upon tender thereof to receive
213 the same, or shall be out of the State or under any legal disability, or in case
214 several parties being interested in the fund shall not agree as to the distri-
215 bution thereof, or in case the lands or other property taken are encumbered
216 by mortgage, judgment or other lien, or if for any other reason the Port
217 Authority cannot safely pay the amount awarded to any person, in all such
218 cases, on petition to the Chancellor, to which shall be annexed a copy of the
219 petition in condemnation and of the findings of the justice or commissioners,
220 if there be any, the amount awarded may be paid into the Court of Chan-
221 cery by order of the Chancellor, and shall there be distributed according to
222 law, on the application of any person interested therein. Written notice given
223 to the owner or owners and to persons interested that such moneys have been
224 so paid into court shall have the same effect as if the moneys so awarded
225 had been actually tendered to the owner or persons entitled thereto. Notice
226 by advertisement in such manner as the Chancellor shall direct shall be
227 deemed sufficient notice.

228 (p) The Port Authority may pay to the person entitled to an award for
229 real property acquired in a proceeding, in advance of the final judgment, a
230 sum to be determined by the Port Authority, not exceeding sixty per centum
231 (60%) of the assessed value of the real property taken less the liens and
232 encumbrances of record thereon; *provided*, that when the real property taken
233 shall be less than the fee, then such sum shall not exceed sixty per centum
234 (60%) of the amount set forth in the petition as the estimated value of such
235 interest, less the liens and encumbrances thereon. If the Port Authority shall
236 make a partial payment in advance either pursuant to this subsection or
237 pursuant to section nine hereof, interest on the sum so paid in advance shall
238 cease to run on and after a date five days after such person shall have
239 been notified by mail or otherwise that the Port Authority is ready to pay
240 the same. In case the person entitled to an award at the date of the vest-
241 ing of title to the real property in the Port Authority shall have transferred
242 or assigned his claim, such transfer or assignment made by him, or by his
243 successor in interest or legal representative, shall not become binding upon
244 the Port Authority unless the instrument or instruments evidencing such
245 transfer or assignment shall have been filed in the office of the Port Author-
246 ity prior to any such advance payment. When any such advance payment
247 shall have been made, the Port Authority, on paying the awards for the real
248 property acquired, shall deduct from the total amount allowed as compen-
249 sation the sum advanced plus interest thereon from the date of the payment
250 of such advance to the date of the final judgment, and the balance shall be
251 paid as hereinbefore provided in subdivision (o) hereof.

252 (q) In any proceeding hereunder, in which title to the real property to
253 be acquired shall have become vested in the Port Authority prior to the
254 entry of final judgment, the Port Authority shall have power and is hereby
255 authorized to purchase from the owners of such real property at the date
256 of the vesting of title thereto, or their successors in interest or legal repre-
257 sentatives, their right and title to the award or awards, or any part thereof,
258 to be made in such proceeding and to take an assignment thereof to the Port
259 Authority.

260 (r) No pledge, sale, transfer or assignment of an award by the per-
261 son entitled to receive the same by virtue of the judgment or by other order
262 of the justice, shall be valid unless the instrument evidencing such pledge,
263 sale, transfer or assignment shall be acknowledged or proved as instruments
264 are required to be acknowledged or proved for the recording of transfers
265 of real property and shall be filed in the office of the Port of New York
266 Authority. Every such instrument not so filed shall be void as against any
267 subsequent pledgee or assignee in good faith and for a valuable considera-
268 tion from the same pledgor or assignor, his heirs, administrators or assigns,
269 of the same award or any portion thereof, the assignment of which is first
270 duly filed in the office of the Port Authority. The Port Authority shall main-
271 tain in its office a record of all pledges or assignments filed with it under the
272 provisions hereof.

273 (s) The justice at any time may correct any defect or informality in
274 any notice, petition, pleading, order or judgment in the proceeding, or cause
275 real property affected by such defect, informality or lack of jurisdiction to
276 be excluded therefrom or any other real property affected by such defect,
277 informality or lack of jurisdiction to be included therein by amendment upon
278 ten days' notice published as provided for the institution of the proceed-
279 ing and may direct such further notices to be given to any party in interest
280 as it shall deem proper.

281 (t) The Board of Commissioners of the Port Authority by resolution
282 may abandon any proceeding as to the whole or a part of the lands to be
283 acquired in such proceeding, at any time before title to the real property
284 to be thereby acquired shall have vested in the Port Authority, and may
285 cause new proceedings to be taken for the condemnation of such real prop-
286 erty. In case of such abandonment, however, the reasonable actual cash dis-
287 bursements, necessarily incurred and made in good faith by any party inter-
288 ested, shall be paid by the Port Authority, after the same shall have been
289 taxed by a justice of the Supreme Court, upon ten days' notice of such taxa-
290 tion being previously given to the Port Authority, provided the application

291 to have such disbursements taxed shall be made and presented to the ju-
292 tice within one year after the adoption of the resolution of the Board dis-
293 continuing the proceeding in whole or in part. For the purposes of this
294 section, the fair and reasonable value of the services of an attorney retained
295 by any interested party to represent his interests in said condemnation pro-
296 ceeding, whether on a contingent fee basis or otherwise, if such retainer be
297 made in good faith, shall be deemed to be an actual cash disbursement, nec-
298 essarily incurred by such interested party and shall be taxable in the same
299 manner as other disbursements. The amounts taxed as disbursements shall
300 be due and payable thirty days after written demand for payment thereof
301 shall have been filed with the Port Authority.

302 (u) The title to any piece or parcel of the real property, or any inter-
303 est therein, authorized to be acquired hereunder shall be vested in the Port
304 Authority upon the entry of the order granting the application to condemn.
305 The Port Authority, however, may direct that the title shall be vested in
306 the Port Authority upon a specified date after the date of the entry of the
307 order granting the application to condemn, or upon the date of the filing of
308 the final judgment, but not later than the date of the filing of the final judg-
308½ ment. Upon the date when title to the real property shall have vested as
309 herein provided, the Port Authority shall become and be seized in fee of or
310 of an easement in, over, above, through, upon or under such real property
311 or such other interest therein as may have been specified, the same to be held,
312 appropriated, converted and used for the purposes for which the proceed-
313 ing was instituted. The Port Authority or any person acting under its
314 authority shall immediately or at any time thereafter take possession of such
315 property without suit or other judicial proceedings.

316 (v) Where the whole of any lot or parcel of real property, under lease
317 or other contract, shall be taken, all the covenants, contracts and engage-
318 ments between landlord and tenant and other contracting parties touching
319 the same or any part thereof, upon the vesting of title in the Port Authority,
320 shall cease and determine and be absolutely discharged. Where a part only

321 of any lot or parcel of real property so ~~and lease of other contract shall~~
322 be so taken, all contracts and engagements respecting the same, upon such
323 vesting of title, shall cease and determine and be absolutely discharged as
324 to the part thereof so taken, but shall remain valid and obligatory as to the
325 residue thereof. All tenants in possession of such premises at the time of
326 the vesting of title thereto in the Port Authority shall become tenants at
327 will of the Port Authority unless within ten days after the vesting of title
328 they shall elect to vacate and give up their respective holdings.

16. This act shall take effect upon the enactment into law by the State
of New York of legislation having an identical effect with sections one to
fourteen, inclusive, of this act; but if the State of New York shall have
already enacted such legislation, then this act shall take effect immediately.

STATEMENT

Studies to determine the feasibility of the operation of the airports in the
Port District by the Port of New York Authority were undertaken at the
request of the Board of Commissioners of the city of Newark and the Board of
Estimate of the city of New York. As a result of these studies, the Port Au-
thority has submitted a proposal to the city of Newark to go forward with the
financing and development of Newark Airport and Marine Terminal and has sub-
mitted a similar proposal to the city of New York with respect to the New York
City airports.

This bill constitutes an agreement with the State of New York which grants
certain supplementary powers to the Port Authority which will be necessary if
the cities accept these proposals.

It authorizes the Port Authority to proceed with the acquisition by convey-
ance, lease or otherwise and with the operation, of air terminals in the Port of
New York District. It permits the Port Authority to pledge its general reserve
fund for bonds issued for air terminal purposes, and makes such bonds legal for

investment. It also contains a grant of the right of condemnation for airport purposes.

It provides, however, that no air terminal or other property owned by any municipality within the Port District may be acquired or leased by the Port Authority without the consent of such municipality, and the bill in no way interferes with the present or future operation of any airport.

The purpose of this bill is to implement the powers of the Port Authority and the cities to go forward with the plans for airports now in process of preparation if the cities or either of them so desire. A separate bill has been introduced covering marine terminals in New Jersey.

STATE OF NEW JERSEY

INTRODUCED MARCH 3, 1947

By Mr. VAN ALSTYNE

Referred to Committee on Federal and Interstate Relations

AN ACT to facilitate the financing and effectuation of air terminals by the Port of New York Authority and agreeing with the State of New York with respect thereto.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

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

8 Accordingly, in furtherance of said policy and in partial effectuation of
9 the Comprehensive Plan, heretofore adopted by the two States for the de-
10 velopment of terminal and transportation facilities in the Port of New York
11 District, the States of New Jersey and New York agree that the Port of
12 New York Authority (hereinafter called the Port Authority) shall be author-
13 ized to effectuate, establish, acquire, construct, rehabilitate, improve, main-
14 tain and operate air terminals, as hereinafter defined, within the Port of New
15 York District, and the two said States further agree that all cities and other
16 State and local agencies shall be and they hereby are authorized to co-oper-

17 ate with the Port Authority in the development of air terminals, as herein-
18 after provided.

1 2. Nothing herein contained shall be construed to authorize the Port
2 Authority to acquire any air terminal owned or operated by any city or other
3 municipality or public authority, or any other property now or hereafter
4 vested in or held by any city or other municipality or public authority, with-
5 out the authority or consent of such city or other municipality or public
6 authority, as provided in the Compact of April thirtieth, one thousand nine
7 hundred and twenty-one, between the State of New Jersey and New York,
8 nor shall anything herein impair or invalidate in any way any bonded in-
9 debtedness of the State, or any city or other municipality or public authority,
10 nor impair the provisions of law regulating the payment into sinking funds
11 of revenue derived from municipal property, or dedicating the revenues de-
12 rived from municipal property to a specific purpose.

1 3. The following terms as used herein shall mean:

2 "Air terminals" shall mean developments consisting of runways, hang-
3 ars, control towers, ramps, wharves, bulkheads, buildings, structures, park-
4 ing areas, improvements, facilities or other real property necessary, con-
5 venient or desirable for the landing, taking off, accommodation and servic-
6 ing of aircraft of all types, including but not limited to airplanes, airships,
7 dirigibles, helicopters, gliders, amphibians, seaplanes, or any other contriv-
8 ance now or hereafter used for the navigation of or flight in air or space, op-
9 erated by carriers engaged in the transportation of passengers or cargo, or
10 for the loading, unloading, interchange or transfer of such passengers or their
11 baggage, or such cargo, or otherwise for the accommodation, use or conven-
12 ience of such passengers, or such carriers or their employees (facilities and
13 accommodations at sites removed from landing fields and other landing areas,
14 however, to be limited to ticket stations and passenger stations for air pas-
15 sengers, to express and freight stations for air express and air freight, and to
16 beacons and other aids to air navigation), or for the landing, taking off, ac-
17 commodation and servicing of aircraft owned or operated by persons other
18 than carriers.

19 "Air terminal bonds" shall mean bonds issued by the Port Authority
20 for air terminal purposes.

21 "Air terminal purposes" shall mean the effectuation, establishment, ac-
22 quisition, construction, rehabilitation, improvement, maintenance or operation
23 of air terminals owned, leased or operated by the Port of New York Author-
24 ity (including airports operated under revocable permits) or operated by
25 others pursuant to agreements with the Port Authority.

26 "Bonds" shall mean bonds, notes, securities or other obligations or evi-
27 dences of indebtedness.

28 "General Reserve Fund" shall mean the General Reserve Fund of the
29 Port Authority authorized by chapter forty-eight of the laws of New York
30 of one thousand nine hundred and thirty-one as amended, and chapter five of
31 the laws of New Jersey of one thousand nine hundred and thirty-one, as
32 amended.

33 "General Reserve Fund statutes" shall mean chapter forty-eight of the
34 laws of New York of one thousand nine hundred and thirty-one as amended,
35 and chapter five of the laws of New Jersey of one thousand nine hundred and
36 thirty-one, as amended.

37 "Municipality" shall mean a county, city, borough, village, township,
38 town, public agency, public authority or political subdivision.

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

1 4. The effectuation, establishment, acquisition, construction, rehabilita-
2 tion, improvement, maintenance and operation of air terminals by the Port
3 Authority is and will be in all respects for the benefit of the people of the

4 States of New York and New Jersey, for the increase of their commerce and
5 prosperity, and for the improvement of their health and living conditions;
6 and the Port Authority shall be regarded as performing an essential govern-
7 mental function in undertaking the effectuation, establishment, acquisition,
8 construction, rehabilitation, improvement, maintenance or operation thereof,
9 and in carrying out the provisions of law relating thereto.

1 5. The Port Authority shall be required to pay no taxes or assessments
2 upon any of the property acquired or used by it for air terminal purposes;
3 but this shall not be construed to prevent the Port Authority and munici-
4 palities from entering into agreements for the payment of fair and reason-
5 able sums by the Port Authority annually in accordance with legislation
6 heretofore adopted by the two States, to the end that such municipalities
7 may not suffer undue loss of taxes and assessments by reason of the acqui-
8 sition and ownership of property by the Port Authority for air terminal pur-
9 poses.

1 6. The moneys in the General Reserve Fund of the Port Authority may
2 be pledged in whole or in part by the Port Authority as security for or ap-
3 plied by it to the repayment with interest of any moneys which it may raise
4 upon bonds issued by it from time to time to provide funds for air terminal
5 purposes; and the moneys in said General Reserve Fund may be applied by
6 the Port 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 of the Port Authority from facilities established, constructed, ac-
12 quired or effectuated through the issuance or sale of bonds of the Port Au-
13 thority secured by a pledge of its General Reserve Fund may be pledged in
14 whole or in part as security for or applied by it to the repayment with interest
15 of any moneys which it may raise upon bonds issued by it to provide funds
16 for air terminal purposes, and said revenues may be applied by the Port Au-

17 thorty to the fulfillment of any other undertakings which it may assume to
18 or for the benefit of the holders of such bonds.

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

1 8. (a) Notwithstanding any contrary provision of law, every municipal-
2 ity in the Port of New York District is authorized and empowered to con-
3 sent to the use by the Port Authority of any air terminal owned by such
4 municipality or of any real or personal property owned by such municipal-
5 ity and necessary, convenient or desirable in the opinion of the Port Au-
6 thorty for air terminal purposes, including such real property as has already
7 been devoted to a public use, and as an incident to such consent, to grant, con-
8 vey, lease, or otherwise transfer to the Port Authority any such air terminal
9 or real or personal property. Every such municipality is also authorized
10 and empowered as an incident to such consent to vest in the Port Authority
11 the control, operation, maintenance, rents, tolls, charges and any and all
12 other revenues of any air terminal now owned by such municipality, the title
13 to such air terminal remaining in such municipality. Such consent shall be
14 given and the execution of any agreement, deed, lease, conveyance, or other

15 instrument evidencing such consent or given as an incident thereto shall be
16 authorized in the manner provided in Article XXII of the Compact of April
17 thirtieth, one thousand nine hundred and twenty-one, between the two States
18 creating the Port Authority.

19 (b) Notwithstanding any contrary provision of law, every municipality
20 outside the Port District is authorized and empowered to consent to the use
21 of real property owned by such municipality and necessary, convenient or
22 desirable in the opinion of the Port Authority for beacons or other aids to
23 navigation, or to the use of any air space over real property owned by such
24 municipality; and as an incident to such consent, to grant, lease, convey or
25 otherwise transfer to the Port Authority such real property or air space.

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

31 (c) The States of New York and New Jersey hereby consent to suits
32 against the Port Authority upon such agreement by any county, city,
33 borough, village, township, municipality, public agency or authority for the
34 recovery of any moneys agreed to be paid by the Port Authority thereunder,
35 and for such purpose only, and any judgment therein against the Port Au-
36 thority shall be payable only from such funds as the Port Authority may have
37 available for the payment of such judgment.

1 9. The powers hereinafter granted to the Port Authority to acquire real
2 property by condemnation or the right of eminent domain shall be subject
3 to the limitations set forth in section two hereof, and also to the following
4 further limitations:

5 (a) Unless and until the State of New York otherwise provides by law,
6 the Port Authority shall not have power to acquire real property in that
7 State for air terminal purposes by condemnation or the right of eminent
8 domain except for the purpose of making additions, extensions and improve-

9 wants to the three air terminals in New York City known as LaGuardia Air-
10 port, Idlewild Airport (sometimes known as Major General Alexander B.
11 Anderson Airport), and Floyd Bennett Airport, for the purpose of acquir-
12 ing air rights or preventing or removing actual or potential hazards to air
13 navigation within three miles of the runways at said air terminals as such
14 runways may now or hereafter exist, and for the purpose of establishing
15 or maintaining beacons and other aids to air navigation in connection with
16 said three air terminals, whether or not within three miles of said run-
17 ways.

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

30 (c) Unless otherwise provided by law by the State in which such real
31 property is located, the Port Authority shall not have power to acquire for
32 air terminal purposes by condemnation or the right of eminent domain sub-
33 sequent to June thirtieth, one thousand nine hundred and fifty-two, any real
34 property taken for and actually devoted to a public use; *provided*, that this
35 limitation shall not apply to real property a proceeding for the acquisition
36 of which was initiated prior to that date.

37 The foregoing limitations shall not be construed to limit, affect or im-
38 pair the power of the Port Authority to acquire real property at any time
39 and place for air terminal purposes by negotiation or in any other manner
40 than by condemnation or the exercise of the right of eminent domain.

41 Subject to the foregoing limitations, if the Port Authority shall find it
42 necessary or convenient to acquire any real property for air terminal pur-
43 poses, whether for immediate or future use, the Port Authority may find
44 and determine that such property, whether a fee simple absolute or a lesser
45 interest, is required for a public use, and upon such determination the said
46 property shall be and shall be deemed to be required for such public use
47 until otherwise determined by the Port Authority, and such determination
48 shall not be affected by the fact that such property has theretofore been
49 taken for and is then devoted to a public use; but the public use in the
50 hands or under the control of the Port Authority shall be deemed superior
51 to the public use in the hands of any other person, association or corpora-
52 tion. The Port Authority may acquire and is hereby authorized to acquire
53 such property, whether a fee simple absolute or a lesser estate, by con-
54 demnation or the exercise of the right of eminent domain under and pursu-
55 ant to the condemnation law of the State of New York, in the case of prop-
56 erty located in such State, and Revised Statutes of New Jersey, Title 20:1-1
57 et seq., in the case of property situated in such State, or at the option of
58 the Port Authority pursuant to such other and alternate procedure in each
59 State as may be provided by law by such State. The Port Authority shall
60 have such power of condemnation or eminent domain not only in respect to
61 real property located within the Port of New York District but also as to
62 any real property located outside of the Port District which is necessary,
63 incidental or convenient for the effectuation, establishment, acquisition, con-
64 struction, rehabilitation or improvement, and maintenance and operation of
65 air terminals within the Port District. Nothing herein contained shall be
66 construed to prevent the Port Authority from bringing any proceedings to
67 remove a cloud on title or such other proceedings as it may, in its discre-
68 tion, deem proper and necessary, or acquiring any such property by nego-
69 tiation or purchase.

70 In the event the Port Authority shall deem that the use by it of any
71 real property for any purpose hereunder will be necessary either immedi-

72 ately or by a definite future date, it may file with any petition in any con-
73 demnation proceeding brought pursuant to law or at any time thereafter
74 a notice that it requires the possession thereof, either immediately or at a
75 date specified in such notice. In such event, the Port Authority shall cause
76 a duplicate of such notice and an affidavit of the filing thereof to be re-
77 corded in the office in which deeds are required to be recorded in the county
78 wherein the land involved is situated and upon such recording the Port Au-
79 thority may enter upon and shall be entitled to the possession, use and oc-
80 cupation of such real property at the time specified in said notice without
81 suit or other judicial proceedings; *provided*, that it shall first deposit with
82 the court a sum equal to the assessed valuation of such real property, or in
83 the event that the assessed valuation thereof cannot be readily ascertained
84 such sum as in the judgment of the Port Authority shall be sufficient as
85 compensation for the real property acquired. The sum so deposited with
86 the court shall be applied to the satisfaction of any award thereafter made
87 in any condemnation proceeding. Such filing and recording of said notice
88 shall be conclusive evidence of the entry upon and appropriation of said
89 property by the Port Authority, and title to said property shall vest in
90 the Port Authority on the date specified in such notice.

1 10. The Port Authority may make application directly to the proper
2 Federal officials or agencies for Federal loans or grants in aid of air terminals
3 owned or operated by it; *provided*, that if either State shall have or adopt
4 general legislation governing applications for Federal aid for air terminals
5 by municipalities of such State, or the receipt or disbursement of such
6 Federal aid by or on behalf of such municipalities, then such legislation shall
7 at the option of such State apply to applications by the Port Authority for
8 Federal aid for air terminals located in such State and to the receipt and
9 disbursement of such Federal aid by or on behalf of the Port Authority, in
10 the same manner and to the same extent as other municipalities of such State.
11 Except as above provided, no agency or commission of either State shall
12 have jurisdiction over any air terminals under the control of the Port

13 Authority, and all details of financing, construction, leasing, charges, rates,
14 tolls, contracts and the operation of air terminals owned or controlled by the
15 Port Authority shall be within its sole discretion and its decision in connec-
16 tion with any and all matters concerning such air terminals shall be con-
17 trolling and conclusive.

1 11. In the event that the Port Authority shall find it necessary or desir-
2 able to acquire any unappropriated State lands or lands under water in the
3 State of New York for air terminal purposes, the Board of Commissioners of
4 the Land Office of that State may grant, transfer or convey such unappro-
5 priated State lands or lands under water to the Port Authority upon such
6 consideration, terms and conditions as may be determined by said board.

7 In the event that the Port Authority shall find it necessary or desirable
8 to acquire any lands under water in the State of New Jersey for air terminal
9 purposes, the Division of Navigation of the Department of Conservation of
10 that State may grant, transfer or convey such lands under water to the Port
11 Authority in accordance with the statutes of that State governing the mak-
12 ing of riparian grants and leases, upon such terms and conditions as may be
13 determined by said division.

14 In the event that the Port Authority shall find it necessary or desirable
15 to acquire any real property required or used for State highway purposes in
16 the State of New Jersey, the State Highway Department of the State of New
17 Jersey may grant, transfer or convey such real property to the Port Au-
18 thority upon such terms and conditions as may be determined by said State
19 Highway Department.

1 12. The two States covenant and agree with each other and with the
2 holders of any bonds of the Port Authority issued or incurred for air terminal
3 purposes and as security for which there may or shall be pledged (directly
4 or indirectly, or through the medium of its General Reserve Fund or other-
5 wise), the revenues, or any part thereof, of any air terminal or other facility
6 owned or operated by the Port Authority, that the two States will not, so
7 long as any of such bonds or other obligations remain outstanding and unpaid,

8 diminish or impair the power of the Port Authority to establish, levy and
9 collect landing fees, charges, rents, tolls or other fees in connection therewith.

1 13. Any declarations contained herein and in the concurrent act of the
2 State of New York with respect to the governmental nature of air terminals
3 and to the exemption of air terminal property from taxation and to the
4 discretion of the Port Authority with respect to air terminal operations shall
5 not be construed to imply that other Port Authority property and opera-
6 tions are not of a governmental nature, or that they are subject to taxation,
7 or that the determinations of the Port Authority with respect thereto are not
8 conclusive.

1 14. This section and the preceding sections hereof constitute an agree-
2 ment between the States of New York and New Jersey supplementary to the
3 compact between the two States dated April thirtieth, one thousand nine
4 hundred and twenty-one, and amendatory thereof, and shall be liberally con-
5 strued to effectuate the purposes of said compact and of the comprehensive
6 plan heretofore adopted by the two States, and the powers vested in the
7 Port Authority hereby shall be construed to be in aid of and supplemental to
8 and not in limitation of or in derogation of any of the powers heretofore
9 conferred upon or delegated to the Port Authority.

1 15. The Port Authority may exercise the right of eminent domain or
2 condemnation to acquire real property for air terminal purposes as set forth
3 in this section:

4 (a) As used in this section, unless otherwise expressly stated or unless
5 context or subject matter otherwise requires, the following terms shall mean:

6 (1) "Days": Calendar days exclusive of Sundays and full legal
7 holidays.

8 (2) "Owner": A person having an estate, interest or easement in
9 the real property being acquired or a lien, charge or encumbrance thereon.

10 (b) Whenever the Port Authority shall determine that it is necessary to
11 acquire real property for air terminal purposes for the public use by the
12 exercise of the right of eminent domain or condemnation, it shall prepare

13 three similar surveys, diagrams, maps, plans or profiles of the real property
14 being acquired, stating thereon that the Port Authority has determined that
15 it is necessary to acquire said property, and the amount or valuation at which
16 each parcel of real property to be acquired has been assessed for purposes
17 of taxation on the tax rolls for each of the three years preceding, and if the
18 interest being taken shall be less than the fee, the estimated value of such
19 interest; one of such surveys, diagrams, maps, plans or profiles shall be
20 filed in the office of the secretary of the Port Authority, the second shall be
21 filed in the office in which instruments affecting real property are required
22 to be recorded, in the county in which such real property is situated, and
23 the third copy shall be filed in the office of the Clerk of the Supreme Court;
24 and it shall file in the office of the clerk of the county where the real prop-
25 erty to be acquired or any part thereof is situated a notice of the pendency
26 of a proceeding for the acquisition of such property. Such notice shall briefly
27 state the object of the proceeding and shall contain a brief description of
28 the real property being acquired thereby. It shall also state the names of
29 such of the owners of such real property as may be known to the Port
30 Authority, and in case any of the owners are unknown, a statement to that
31 effect shall be made in such notice. Such notice, from the time of filing, shall
32 be constructive notice to a purchaser or encumbrancer of the real property
33 affected thereby from or against any person interested as owner with respect
34 to whom the notice is directed to be indexed.

35 It shall be lawful for the duly authorized agents of the Port Authority,
36 and all persons acting under its authority and by its direction, to enter in
37 the daytime into and upon such real property which it shall be necessary so
38 to enter, for the purpose of making such surveys, diagrams, maps or plans,
39 or for the purpose of making such soundings or borings as the Port Author-
40 ity may deem necessary.

41 (c) Whenever any land or other property taken for public use shall lie
42 or be in two or more counties, all reports, petitions, orders and other papers
43 required to be filed shall be filed in the clerk's office of the county in which

44 the greater part in value of the land or other property is situate and a certi-
45 fied copy thereof shall be filed and recorded in the clerk's office of the other
46 county or counties. The commissioners, if any be designated, shall be resi-
47 dents of the county in which the greater part in value of the land or other
48 property is situate.

49 (d) Upon the filing of the lis pendens, the Port Authority shall cause
50 notice by advertisement to be published on one day in each of four succes-
51 sive weeks in a newspaper published and of general circulation in the county
52 in which the real property to be acquired is located, of its intention to make
53 application to one of the justices of the Supreme Court, at a time and place
54 to be stated in such notice, to have the compensation which should justly
55 be made to the respective owners of the real property proposed to be taken,
56 ascertained and determined by the justice. Such notice shall indicate the
57 real property to be taken by a general description and by reference to the
58 map on file in the office of the Port Authority, in the office in which instru-
59 ments affecting real property are required to be recorded, and in the office
60 of the Clerk of the Supreme Court.

61 (e) In addition to the provisions contained in subdivision (d) above, writ-
62 ten notice of the application shall be given by the Port Authority to the
63 owners of all property affected by the proceeding at least ten days prior to
64 such application, by mailing the same to such owners at the address regis-
65 tered or filed with the collector of taxes for the purpose of forwarding to
66 them bills for taxes or assessments. Such notice shall state the purpose
67 for which the property is to be acquired and the date when such applica-
68 tion will be presented and shall contain a copy of such application. Fail-
69 ure to comply with the directions contained in this subdivision shall not
70 invalidate or affect the proceeding.

71 (f) Upon the application to condemn, the Port Authority shall present
72 to the justice a verified petition setting forth:

73 (1) The action had by the Board of Commissioners of the Port
74 Authority with reference to the proceeding;

75 (2) The real property to be acquired therein by setting forth a
76 specific description thereof, and its location, with reasonable certainty
77 and by reference to the map on file in the office of the Port Authority,
78 in the office in which instruments affecting real property are required to
79 be recorded, and in the office of the Clerk of the Supreme Court, a copy
80 of which shall be attached to the petition;

81 (3) The amount of valuation at which each parcel of the real prop-
82 erty to be acquired has been assessed for purposes of taxation on the
83 tax rolls for each of the three years preceding the date of the petition,
84 or if the interests being taken shall be less than the fee, the estimated
85 value of such interest;

86 (4) A prayer that the real property described therein be condemned.

87 (g) At the time and place mentioned in the notice published pursuant
88 to subdivision (d) hereof, unless the justice shall adjourn the application to
89 a subsequent day, and in that event, at the time and place to which such appli-
90 cation may be adjourned, upon due proof to his satisfaction of the publication
91 and mailing of such notice and upon filing such petition, the justice shall
92 enter an order granting the application, which order shall be filed in the office
93 of the Clerk of the Supreme Court. The Port Authority shall, within ten
94 days after the entry of such order, cause a certified copy thereof to be
95 recorded in the office where instruments affecting real property are required
96 to be recorded, in every county in which any part of the real property affected
97 is situated, in the same manner as deeds are recorded, and the register of
98 deeds or county clerk with whom such certified copy shall be recorded, shall
99 index the same in the same manner as recorded deeds are indexed.

100 (h) The Port Authority, after the filing of the order granting the appli-
101 cation to condemn, shall cause to be published on one day in each of four
102 successive weeks in a newspaper published and of general circulation in the
103 county in which the real property to be acquired is located, a notice con-
104 taining a general description of the real property to be acquired, a state-
105 ment that such order has been filed and requiring that all owners of such

106 real property shall, on or before a date specified in the order granting the
107 application, file in the office of the Clerk of the Supreme Court, a written claim
108 or demand, duly verified, setting forth the real property owned by the claim-
109 ant, his post-office address, and the nature of his interest in said real prop-
110 erty. The claimant shall within the same time serve on the Port Author-
111 ity a copy of such verified claim.

112 (i) Proof of title to the real property to be acquired, where the same
113 is undisputed, together with proof of liens or encumbrances thereon, shall be
114 submitted by the claimant to the Port Authority. The Port Authority shall
115 serve upon all parties or their attorneys who have served upon it copies of
116 their verified claims, a notice of the time and place at which it will receive
117 such proof of title. Where the title of the claimant is disputed, such dis-
118 pute shall not act as a stay of the proceeding to determine the value of the
119 property to be taken, but the proceeding shall continue in the same manner
120 as it would if there were no dispute as to the title, and the award, if any,
121 shall be paid into the Court of Chancery by order of the Chancellor, and
122 shall there be distributed, according to law, on the application of any per-
123 son interested therein. Written notice given to the owner or owners and to
124 persons interested that such moneys have been so paid into court shall have
125 the same effect as if the moneys so awarded had been actually tendered to
126 the owner or persons entitled thereto. Notice by advertisement in such man-
127 ner as the Chancellor shall direct shall be deemed sufficient notice.

128 (j) After all parties who have filed verified claims, as provided in sub-
129 division (h) hereof, have proved their titles, or have failed to do so after
130 being notified by the Port Authority of the time and place where such proof
131 of title would be received, the Port Authority shall apply to a justice of the
132 Supreme Court for leave to bring on before him upon a day to be fixed by
133 said justice a hearing upon the claim so filed, or in case no claims are filed,
134 to fix the amount to be paid for such lands.

135 In order to advise the said justice, he may appoint three commissioners
136 to view said lands, and to advise him what damages, if any, should be assessed

137 for the taking of such lands. The commissioners shall proceed under such
138 directions and rules as shall from time to time be fixed by the said justice
139 to view the lands, to hear such evidence as they may desire, and to fix such
140 sum, if any, that in their judgment will represent the fair value of the lands
141 so taken. The said justice may review such findings and shall not be bound
142 thereby, but may alter or reject such findings in such manner as will, in his
143 judgment, fairly protect the interests of the parties, and such review may be
144 made either with or without further hearing. The commissioners so ap-
145 pointed to advise said justice shall make their report to him within one hun-
146 dred days from the date of their qualification.

147 After said justice shall have ascertained and estimated the compensa-
148 tion which should justly be made by the Port Authority to the respective
149 owners of the real property being acquired, he shall then order that judg-
150 ment be entered in the amount so determined.

151 (k) It shall be the duty of the justice, or the commissioners designated
152 by him, to view the real property to be acquired. Where title to real prop-
153 erty being acquired in a proceeding shall have been vested in the Port Author-
154 ity, and buildings or improvements situated thereon shall have been removed
155 or destroyed by the Port Authority or pursuant to its authority prior to
156 the proceeding, and whereby the justice is, or the commissioners are, deprived
157 of a view of the buildings or improvements so removed or destroyed, the fact
158 that the justice has not had, or the commissioners have not had a view thereof,
159 shall not preclude the justice or the commissioners from receiving in the
160 proceeding, testimony and evidence as to the damage sustained by the claim-
161 ant by reason of the taking thereof, when offered on behalf of either the
162 claimant or the Port Authority.

163 (l) No evidence shall be admitted in the proceeding, as against an owner
164 of real property being acquired, of an offer made by or on behalf of such
165 owner for the sale of his property or any part thereof to the Port Author-
166 ity, or for the sale or assignment of any right and title to the award or
167 compensation, or any part thereof, to be made for such property or any part thereof,

168 in the proceeding; nor shall any evidence be received, as against the Port
169 Authority, of any offer made to such owner, by or on its behalf, for the
170 purchase of such property or any part thereof or for the purchase of the
171 award or awards or any part thereof, to be made for such property, or any
172 part thereof, in the proceeding.

173 (m) The Port Authority shall furnish to the justice such surveys, dia-
174 grams, maps, plans and profiles as the justice shall require, to enable the
175 justice to hear and determine the claims of the owners of the real property
176 affected by the proceeding. Such surveys, diagrams, maps, plans and pro-
177 files shall distinctly indicate by separate numbers, the names of the claim-
178 ants to, or of the owners of the respective parcels of real property to be
179 taken in such proceeding, so far as the same are known, and shall also
180 specify in figures with sufficient accuracy the dimensions and bounds of such
181 real property. Where possible, such real property shall be designated on such
182 maps by the same ward or block and lot numbers or other designations as
183 shall be used to designate such real property on the tax books and tax maps
184 of the taxing agency in which it is located. The justice may require the Port
185 Authority to furnish such other surveys, diagrams, maps, plans and profiles
186 and such other information as shall aid and assist the justice in the pro-
187 ceeding.

188 (n) The Port Authority, or any party or person affected by the pro-
189 ceeding and aggrieved by the judgment made therein as to awards may peti-
190 tion the Supreme Court or a justice thereof for a writ of certiorari to
191 review the proceeding in accordance with the provisions contained in chap-
192 ter eighty-one of Title 2 of the Revised Statutes. If the judgment entered
193 in the proceeding to condemn should be reversed upon any subsequent review,
194 such reversal shall not divest the Port Authority of title to the real prop-
195 erty thereby affected.

196 (o) All damages awarded by the justice, with interest thereon from the
197 date of the filing of the judgment, or if the title to the real property acquired
198 shall have vested in the Port Authority prior thereto, from the date of such

199 vesting, shall be paid by the Port Authority to the respective owners to whom
200 the damages were awarded in the judgment, within two calendar months after
201 the entry of the judgment, without further order of the court, or application
202 for such payment by said owners. Property owners appearing in the proceed-
203 ing shall not be entitled to recover counsel fees, costs, disbursements or allow-
204 ances. Any outstanding taxes, assessments or other liens shall be deducted
205 from the amount of the award and no interest shall be paid by the Port
206 Authority upon the sum or sums so deducted. Payment of an award to a
207 person named in the judgment as the owner thereof, if not under legal dis-
208 ability, shall in the absence of notice in writing to the Port Authority of
209 adverse claims thereto protect the Port Authority and shall be a full acquit-
210 tance and release of all claims to said award.

211 In case there shall be a dispute as to title, or the party entitled to receive
212 the amount assessed by the justice shall refuse upon tender thereof to receive
213 the same, or shall be out of the State or under any legal disability, or in case
214 several parties being interested in the fund shall not agree as to the distri-
215 bution thereof, or in case the lands or other property taken are encumbered
216 by mortgage, judgment or other lien, or if for any other reason the Port
217 Authority cannot safely pay the amount awarded to any person, in all such
218 cases, on petition to the Chancellor, to which shall be annexed a copy of the
219 petition in condemnation and of the findings of the justice or commissioners,
220 if there be any, the amount awarded may be paid into the Court of Chan-
221 cery by order of the Chancellor, and shall there be distributed according to
222 law, on the application of any person interested therein. Written notice given
223 to the owner or owners and to persons interested that such moneys have been
224 so paid into court shall have the same effect as if the moneys so awarded
225 had been actually tendered to the owner or persons entitled thereto. Notice
226 by advertisement in such manner as the Chancellor shall direct shall be
227 deemed sufficient notice.

228 (p) The Port Authority may pay to the person entitled to an award for
229 real property acquired in a proceeding, in advance of the final judgment, a
230 sum to be determined by the Port Authority, not exceeding sixty per centum
231 (60%) of the assessed value of the real property taken less the liens and
232 encumbrances of record thereon; *provided*, that when the real property taken
233 shall be less than the fee, then such sum shall not exceed sixty per centum
234 (60%) of the amount set forth in the petition as the estimated value of such
235 interest, less the liens and encumbrances thereon. If the Port Authority shall
236 make a partial payment in advance either pursuant to this subsection or
237 pursuant to section nine hereof, interest on the sum so paid in advance shall
238 cease to run on and after a date five days after such person shall have
239 been notified by mail or otherwise that the Port Authority is ready to pay
240 the same. In case the person entitled to an award at the date of the vest-
241 ing of title to the real property in the Port Authority shall have transferred
242 or assigned his claim, such transfer or assignment made by him, or by his
243 successor in interest or legal representative, shall not become binding upon
244 the Port Authority unless the instrument or instruments evidencing such
245 transfer or assignment shall have been filed in the office of the Port Author-
246 ity prior to any such advance payment. When any such advance payment
247 shall have been made, the Port Authority, on paying the awards for the real
248 property acquired, shall deduct from the total amount allowed as compen-
249 sation the sum advanced plus interest thereon from the date of the payment
250 of such advance to the date of the final judgment, and the balance shall be
251 paid as hereinbefore provided in subdivision (o) hereof.

252 (q) In any proceeding hereunder, in which title to the real property to
253 be acquired shall have become vested in the Port Authority prior to the
254 entry of final judgment, the Port Authority shall have power and is hereby
255 authorized to purchase from the owners of such real property at the date
256 of the vesting of title thereto, or their successors in interest or legal repre-
257 sentatives, their right and title to the award or awards, or any part thereof,
258 to be made in such proceeding and to take an assignment thereof to the Port
259 Authority.

260 (r) No pledge, sale, transfer or assignment of an award by the per-
261 son entitled to receive the same by virtue of the judgment or by other order
262 of the justice, shall be valid unless the instrument evidencing such pledge,
263 sale, transfer or assignment shall be acknowledged or proved as instruments
264 are required to be acknowledged or proved for the recording of transfers
265 of real property and shall be filed in the office of the Port of New York
266 Authority. Every such instrument not so filed shall be void as against any
267 subsequent pledgee or assignee in good faith and for a valuable considera-
268 tion from the same pledgor or assignor, his heirs, administrators or assigns,
269 of the same award or any portion thereof, the assignment of which is first
270 duly filed in the office of the Port Authority. The Port Authority shall main-
271 tain in its office a record of all pledges or assignments filed with it under the
272 provisions hereof.

273 (s) The justice at any time may correct any defect or informality in
274 any notice, petition, pleading, order or judgment in the proceeding, or cause
275 real property affected by such defect, informality or lack of jurisdiction to
276 be excluded therefrom or any other real property affected by such defect,
277 informality or lack of jurisdiction to be included therein by amendment upon
278 ten days' notice published as provided for the institution of the proceed-
279 ing and may direct such further notices to be given to any party in interest
280 as it shall deem proper.

281 (t) The Board of Commissioners of the Port Authority by resolution
282 may abandon any proceeding as to the whole or a part of the lands to be
283 acquired in such proceeding, at any time before title to the real property
284 to be thereby acquired shall have vested in the Port Authority, and may
285 cause new proceedings to be taken for the condemnation of such real prop-
286 erty. In case of such abandonment, however, the reasonable actual cash dis-
287 bursements, necessarily incurred and made in good faith by any party inter-
288 ested, shall be paid by the Port Authority, after the same shall have been
289 taxed by a justice of the Supreme Court, upon ten days' notice of such taxa-
290 tion being previously given to the Port Authority, provided the application

291 to have such disbursements taxed shall be made and presented to the judge
292 tice within one year after the adoption of the resolution of the Board dis-
293 continuing the proceeding in whole or in part. For the purposes of this
294 section, the fair and reasonable value of the services of an attorney retained
295 by any interested party to represent his interests in said condemnation pro-
296 ceeding, whether on a contingent fee basis or otherwise, if such retainer be
297 made in good faith, shall be deemed to be an actual cash disbursement, nec-
298 essarily incurred by such interested party and shall be taxable in the same
299 manner as other disbursements. The amounts taxed as disbursements shall
300 be due and payable thirty days after written demand for payment thereof
301 shall have been filed with the Port Authority.

302 (u) The title to any piece or parcel of the real property, or any inter-
303 est therein, authorized to be acquired hereunder shall be vested in the Port
304 Authority upon the entry of the order granting the application to condemn.
305 The Port Authority, however, may direct that the title shall be vested in
306 the Port Authority upon a specified date after the date of the entry of the
307 order granting the application to condemn, or upon the date of the filing of
308 the final judgment, but not later than the date of the filing of the final judg-
308½ ment. Upon the date when title to the real property shall have vested as
309 herein provided, the Port Authority shall become and be seized in fee of or
310 of an easement in, over, above, through, upon or under such real property
311 or such other interest therein as may have been specified, the same to be held,
312 appropriated, converted and used for the purposes for which the proceed-
313 ing was instituted. The Port Authority or any person acting under its
314 authority shall immediately or at any time thereafter take possession of such
315 property without suit or other judicial proceedings.

316 (v) Where the whole of any lot or parcel of real property, under lease
317 or other contract, shall be taken, all the covenants, contracts and engage-
318 ments between landlord and tenant and other contracting parties touching
319 the same or any part thereof, upon the vesting of title in the Port Authority,
320 shall cease and determine and be absolutely discharged. Where a part only

321. of any lot or parcel of real property so under lease or other contract shall
322 be so taken, all contracts and engagements respecting the same, upon such
323 vesting of title, shall cease and determine and be absolutely discharged as
324 to the part thereof so taken, but shall remain valid and obligatory as to the
325 residue thereof. All tenants in possession of such premises at the time of
326 the vesting of title thereto in the Port Authority shall become tenants at
327 will of the Port Authority unless within ten days after the vesting of title
328 they shall elect to vacate and give up their respective holdings.

1 16. The State of New Jersey hereby elects to exercise the option re-
2 served to each State by section ten of this act (and by the corresponding
3 section of the New York statute concurring herein); and accordingly, if
4 by the effective date of this act, this State has adopted, or if thereafter it
5 shall adopt general legislation governing applications for Federal aid for
6 air terminals by municipalities of this State or the receipt or disburse-
7 ment of such Federal aid by or on behalf of such municipalities, such legis-
8 lation shall apply to applications by the Port Authority for Federal aid
9 for air terminals located in this State in the same manner and to the same
10 extent as other municipalities of this State, *provided*, that if such legisla-
11 tion shall require such applications for Federal aid to be approved by any
12 officer, board, commission, department or other agency of this State or shall
13 require the consent of any such agency of this State to the submission
14 thereof to the Federal Government, or shall require any such agency of
15 this State to be designated by municipalities as their agent to collect or
16 disburse such Federal aid, or shall contain any other requirement vesting
17 any such agency of this State with power or discretion with respect to the
18 making of such applications for Federal aid or the receipt or disbursement
19 thereof, then such officer, board, commission, department or other agency of
20 this State shall have power to waive such requirement in whole or in part
21 temporarily or permanently insofar as the Port Authority is concerned.

1 17. This act shall take effect upon the enactment into law by the State
2 of New York of legislation having an identical effect with sections one to
3 fourteen, inclusive, of this act; but if the State of New York shall have
4 already enacted such legislation, then this act shall take effect immediately.