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LEGISLATIVE FACT SHEET

N.J.R.S. 32:1-1 et seq. (on Part of New York Authority Compact Amendment)

LAWS OF 1921	CHAPTER 151
SENATE BILL 182	ASSEMBLY BILL
INTRODUCED Feb. 14, 1921	BY Case
SPONSOR'S STATEMENT	YES <input type="radio"/> NO <input checked="" type="radio"/>
ASSEMBLY COMMITTEE STATEMENT	YES <input type="radio"/> NO <input checked="" type="radio"/>
SENATE COMMITTEE STATEMENT	YES <input type="radio"/> NO <input checked="" type="radio"/>
FISCAL NOTE	YES <input type="radio"/> NO <input type="radio"/>
AMENDED DURING PASSAGE	YES <input type="radio"/> NO <input checked="" type="radio"/>
HEARING None discovered	
VETO	

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See Report:

974.90 New York, New Jersey Port and Harbor Development Commission
H255 Joint report with comprehensive
1920d plan and recommendations. 1920

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 14, 1921.

By Mr. CASE.

Referred to Committee on Commerce and Navigation.

AN ACT to authorize a commission to enter into a compact or agreement with the State of New York for the development of the port of New York.

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

1 I. J. Spencer Smith, De Witt Van Buskirk and Frank R. Ford, or any two
2 of them, commissioners heretofore appointed under chapter 130 of the Laws of
3 1917, of the State of New Jersey, together with the Attorney-General of the State
4 of New Jersey, are hereby authorized as commissioners upon the part of the State
5 of New Jersey to enter into, with the State of New York, by and through the com-
6 missioners appointed or who may be appointed under or by virtue of a law of the
7 Legislature of the State of New York, an agreement or compact in the form fol-
8 lowing, that is to say:

9 WHEREAS, In the year 1834 the States of New York and New Jersey did enter
10 into an agreement fixing and determining the rights and obligations of the two
11 States in and about the waters between the two States, especially in and about the
12 bay of New York and the Hudson river; and

13 WHEREAS, Since that time the commerce of the port of New York has greatly
14 developed and increased and the territory in and around the port has become com-
15 mercially one center or district; and

16 WHEREAS, It is commonly believed that a better co-ordination of the terminal,
17 transportation and other facilities of commerce in, about and through the port of

18 New York, will result in great economies, benefiting the Nation, as well as the
19 States of New York and New Jersey; and

20 WHEREAS, The future development of such terminal, transportation and other
21 facilities of commerce will require the expenditure of large sums of money, and
22 the cordial co-operation of the States of New York and New Jersey in the encour-
23 agement of the investment of capital, and in the formulation and execution of the
24 necessary physical plans; and

25 WHEREAS, Such result can best be accomplished through the co-operation of
26 the two States by and through a joint or common agency.

27 Now, Therefore, The said States of New Jersey and New York do supplement
28 and amend the existing agreement of 1834 in the following respects:

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

1 ARTICLE II. To that end the two States do agree that there shall be created
2 and they do hereby create a district to be known as the "Port of New York Dis-
3 trict" (for brevity hereinafter referred to as "The District") which shall embrace
4 the territory bounded and described as follows:

5 The District is included within the boundary lines located by connecting points
6 of known latitude and longitude. The approximate courses and distances of the
7 lines enclosing The District are recited in the description, but The District is de-
8 termined by drawing lines through the points of known latitude and longitude.
9 Beginning at a point A of latitude forty-one degrees and four minutes north and
10 to longitude seventy-three degrees and fifty-six minutes west, said point being about
11 sixty-five hundredths of a mile west of the westerly bank of the Hudson river and
12 two and one-tenth miles northwest of the pier at Piermont, in the county of
13 Rockland, State of New York; thence due south one and fifteen hundredths miles
14 more or less to a point B of latitude forty-one degrees and three minutes north and
15 longitude seventy-three degrees and fifty-six minutes west; said point being about

16 one and three-tenths miles northwest of the pier at Piermont, in the county of
17 Rockland, State of New York; thence south fifty-six degrees and thirty-four min-
18 utes west six and twenty-six hundredths miles more or less to a point C of latitude
19 forty-one degrees and no minutes north and longitude seventy-four degrees and
20 two minutes west, said point being about seven-tenths of a mile north of the rail-
21 road station at Westwood, in the county of Bergen, State of New Jersey; thence
22 south sixty-eight degrees and twenty-four minutes west nine and thirty-seven hun-
23 dredths miles more or less to a point D of latitude forty degrees and fifty-seven
24 minutes north and longitude seventy-four degrees and twelve minutes west, said
25 point about three miles northwest of the business center of the city of Paterson,
26 in the county of Passaic, State of New Jersey; thence south forty-seven degrees
27 and seventeen minutes west eleven and eighty-seven hundredths miles more or less
28 to a point E of latitude forty degrees and fifty minutes north and longitude seventy-
29 four degrees and twenty-two minutes west, said point being about four and five-
30 tenths miles west of the borough of Caldwell, in the county of Morris, State of
31 New Jersey; thence due south nine and twenty hundredths miles more or less to
32 a point F, of latitude forty degrees and forty-two minutes north and longitude
33 seventy-four degrees and twenty-two minutes west, said point being about one- and
34 two-tenths miles southwest of the passenger station of the Delaware, Lackawanna
35 and Western Railroad in the city of Summit, in the county of Union, State of New
36 Jersey; thence south forty-two degrees and twenty-four minutes west, seven and
37 seventy-eight hundredths miles more or less to a point G of latitude forty degrees
38 and thirty-seven minutes north and longitude seventy-four degrees and twenty-eight
39 minutes west, said point being about two and two-tenths miles west of the business
40 center of the city of Plainfield, in the county of Somerset, State of New Jersey;
41 thence due south twelve and sixty-five hundredths miles more or less on a line pass-
42 ing about one mile west of the business center of the city of New Brunswick to a
43 point H of latitude forty degrees and twenty-six minutes north and longitude seventy-
44 four degrees and twenty-eight minutes west, said point being about four and five-
45 tenths miles southwest of the city of New Brunswick, in the county of Middlesex,
46 State of New Jersey; thence south seventy-seven degrees and forty-two minutes

47 east ten and seventy-nine hundredths miles more or less to a point I of latitude forty
48 degrees and twenty-four minutes north and longitude seventy-four degrees and six-
49 teen minutes west, said point being about two miles southwest of the borough of
50 Matawan, in the county of Middlesex, State of New Jersey; thence due east twenty-
51 five and forty-eight hundredths miles more or less, crossing the county of Mon-
52 mouth, State of New Jersey, and passing about one and four-tenths miles south of
53 the pier of the Central Railroad of New Jersey at Atlantic Highlands to a point J
54 of latitude forty degrees and twenty-four minutes north and longitude seventy-
55 three degrees and forty-seven minutes west, said point being in the Atlantic ocean;
56 thence north eleven degrees fifty-eight minutes east twenty-one and sixteen hun-
57 dredths miles more or less to a point K, said point being about five miles east of the
58 passenger station of the Long Island Railroad at Jamaica and about one and three-
59 tenths miles east of the boundary line of the city of New York, in the county of
60 Nassau, State of New York; thence in a northeasterly direction, passing about
61 one-half mile west of New Hyde Park and about one and one-tenth miles east of
62 the shore of Manhasset bay at Port Washington, crossing Long Island sound to a
63 point L, said point being the point of intersection of the boundary line between
64 the States of New York and Connecticut and the meridian of seventy-three degrees
65 thirty-nine minutes and thirty seconds west longitude, said point being also about a
66 mile northeast of the village of Port Chester; thence northwesterly along the
67 boundary line between the States of New York and Connecticut to a point M, said
68 point being the point of intersection between said boundary line between the States
69 of New York and Connecticut and the parallel of forty-one degrees and four min-
70 utes north latitude, said point also being about four and five-tenths miles north-
71 east of the business center of the city of White Plains; thence due west along said
72 parallel, of forty-one degrees and four minutes north latitude, the line passing
73 about one and one-tenth miles north of the business center of the city of White
74 Plains and crossing the Hudson river to the point A, the place of beginning.

75 The boundaries of said district may be changed from time to time by the
76 action of the Legislature of either State concurred in by the Legislature of the
77 other.

1 ARTICLE III. There is hereby created "The Port of New York Authority,"
2 (for brevity hereinafter referred to as the "Port Authority"), which shall be a body
3 corporate and politic, having the powers and jurisdiction hereinafter enumerated,
4 and such other and additional powers as shall be conferred upon it by the Legis-
5 lature of either State concurred in by the Legislature of the other, or by Act or
6 Acts of Congress, as hereinafter provided.

1 ARTICLE IV. The Port Authority shall consist of six commissioners--three
2 resident voters from the State of New York, two of whom shall be resident voters
3 of the City of New York, and three resident voters from the State of New Jersey,
4 two of whom shall be resident voters within the New Jersey portion of the district,
5 the New York members to be chosen by the State of New York and the New Jersey
6 members by the State of New Jersey, in the manner and for the terms fixed and de-
7 termined from time to time by the Legislature of each State respectively, except as
8 herein provided.

9 Each commissioner may be removed or suspended from office as provided by
10 the law of the State for which he shall be appointed.

1 ARTICLE V. The Commissioners shall, for the purpose of doing business, con-
2 stitute a board and may adopt suitable by-laws for its management.

1 ARTICLE VI. The Port Authority shall constitute a body, both corporate
2 and politic, with full power and authority to purchase, construct, lease and/or op-
3 erate any terminal or transportation facility within said district; and to make charges
4 for the use thereof; and for any of such purposes to own, hold, lease and/or op-
5 erate real or personal property, to borrow money and secure the same by bonds or
6 by mortgages upon any property held or to be held by it. No property now or
7 hereafter vested in or held by either State, or by any county, city, borough, village,
8 township or other municipality, shall be taken by the Port Authority, without the
9 authority or consent of such State, county, city, borough, village, township or other
10 municipality, nor shall anything herein impair or invalidate in any way any bonded
11 indebtedness of such State, county, city, borough, village, township or other munici-
12 pality, nor impair the provisions of law regulating the payment into sinking funds

13 of revenues derived from municipal property, or dedicating the revenues derived
14 from any municipal property to a specific purpose.

15 The powers granted in this article shall not be exercised by the Port Authority
16 until the Legislatures of both States shall have approved of a comprehensive plan for
17 the development of the port as hereinafter provided.

1 ARTICLE VII. The Port Authority shall have such additional powers and
2 duties as may hereafter be delegated to or imposed upon it from time to time by
3 the action of the Legislature of either State concurred in by the Legislature of the
4 other. Unless and until otherwise provided, it shall make an annual report to the
5 Legislature of both States, setting forth in detail the operations and transactions
6 conducted by it pursuant to this agreement and any legislation thereunder. The
7 Port Authority shall not pledge the credit of either State except by and with the
8 authority of the Legislature thereof.

1 ARTICLE VIII. Unless and until otherwise provided, all laws now or hereafter
2 vesting jurisdiction or control in the Public Service Commission, or the Public
3 Utilities Commission, or like body, within each State respectively, shall apply to
4 railroads and to any transportation, terminal or other facility owned, operated,
5 leased or constructed by the Port Authority, with the same force and effect as if such
6 railroad, or transportation, terminal or other facility were owned, leased, operated
7 or constructed by a private corporation.

1 ARTICLE IX. Nothing contained in this agreement shall impair the powers of
2 any municipality to develop or improve port and terminal facilities.

1 ARTICLE X. The Legislatures of the two States, prior to the signing of this
2 agreement, or thereafter as soon as may be practicable, will adopt a plan or plans
3 for the comprehensive development of the port of New York.

1 ARTICLE XI. The Port Authority shall from time to time make plans for the
2 development of said district, supplementary to or amendatory of any plan there-
3 fore adopted, and when such plans are duly approved by the Legislatures of the
4 two States, they shall be binding upon both States with the same force and effect
5 as if incorporated in this agreement.

1 **ARTICLE XII.** The Port Authority may from time to time make recommenda-
2 tions to the Legislatures of the two States or to the Congress of the United States,
3 based upon study and analysis, for the better conduct of the commerce passing in
4 and through the port of New York, the increase and improvement of transporta-
5 tion and terminal facilities therein, and the more economical and expeditious han-
6 dling of such commerce.

1 **ARTICLE XIII.** The Port Authority may petition any interstate commerce
2 commission (or like body), public service commission, public utilities commission
3 (or like body), or any other federal, municipal, State or local authority, adminis-
4 trative, judicial or legislative, having jurisdiction in the premises, after the adop-
5 tion of the comprehensive plan as provided for in Article X for the adoption
6 and execution of any physical improvement, change in method, rate of transpor-
7 tation, system of handling freight, warehousing, docking, lightering or transfer
8 of freight, which, in the opinion of the Port Authority, may be designed to im-
9 prove or better the handling of commerce in and through said district, or improve
10 terminal and transportation facilities therein. It may intervene in any proceeding
11 affecting the commerce of the port.

1 **ARTICLE XIV.** The Port Authority shall elect from its number a chairman,
2 vice chairman, and may appoint such officers and employees as it may require for
3 the performance of its duties, and shall fix and determine their qualifications and
4 duties.

1 **ARTICLE XV.** Unless and until the revenues from operations conducted by
2 the Port Authority are adequate to meet all expenditures, the Legislatures of the
3 two States shall appropriate, in equal amounts, annually, for the salaries, office
4 and other administrative expenses, such sum or sums as shall be recommended by
5 the Port Authority and approved by the Governors of the two States, but each
6 State obligates itself thereunder only to the extent of one hundred thousand dollars
7 in any one year.

1 **ARTICLE XVI.** Unless and until otherwise determined by the action of the
2 Legislatures of the two States, no action of the Port Authority shall be binding

3 unless taken at a meeting at which at least two members from each State are
4 present and unless four votes are cast therefor, two from each State. Each State
5 reserves the right hereafter to provide by law for the exercise of a veto power by
6 the Governor thereof over any action of any commissioner appointed therefrom.

1 ARTICLE XVII. Unless and until otherwise determined by the action of the
2 Legislatures of the two States, the Port Authority shall not incur any obligations
3 for salaries, office or other administrative expenses, within the provisions of
4 Article XV, prior to the making of appropriations adequate to meet the same.

1 ARTICLE XVIII. The Port Authority is hereby authorized to make suitable
2 rules and regulations not inconsistent with the Constitution of the United States
3 or of either State, and subject to the exercise of the power of Congress, for the
4 improvement of the conduct of navigation and commerce, which, when concurred
5 in or authorized by the Legislatures of both States, shall be binding and effective
6 upon all persons and corporations affected thereby.

1 ARTICLE XIX. The two States shall provide penalties for violations of any
2 order, rule or regulation of the Port Authority, and for the manner of enforcing
3 the same.

1 ARTICLE XX. The territorial or boundary lines established by the agreement
2 of 1834, or the jurisdiction of the two States established thereby, shall not be
3 changed except as herein specifically modified.

1 ARTICLE XXI. Either State may by its Legislature withdraw from this
2 agreement in the event that a plan for the comprehensive development of the port
3 shall not have been adopted by both States on or prior to July 1, 1923; and when
4 such withdrawal shall have been communicated to the Governor of the other
5 State by the State so withdrawing, this agreement shall be thereby abrogated.

1 ARTICLE XXII. Definitions.—The following words as herein used shall have the
2 following meaning: "Transportation facility" shall include railroads, steam or elec-
3 tric, motor truck or other street or highway vehicles, tunnels, bridges, boats, ferries,
4 car-floats, lighters, tugs, floating elevators, barges, scows or harbor craft of any kind,
5 aircraft suitable for harbor service, and every kind of transportation facility now
6 in use or hereafter designed for use for the transportation or carriage of persons or

7 property. "Terminal facility" shall include wharves, piers, slips, ferries, docks,
8 dry docks, bulkheads, dock-walls, basins, car-floats, float-bridges, grain or other
9 storage elevators, warehouses, cold storage, tracks, yards, sheds, switches, connec-
10 tions, overhead appliances, and every kind of terminal or storage facility now in use
11 or hereafter designed for use for the handling, storage, loading or unloading of
12 freight at steamship, railroad or freight terminals. "Railroads" shall include rail-
13 ways, extensions thereof, tunnels, subways, bridges, elevated structures, tracks, poles,
14 wires, conduits, power houses, substations, lines for the transmission of power, car-
15 barns, shops, yards, sidings, turn-outs, switches, stations and approaches thereto,
16 cars and motive equipment. "Facility" shall include all works, buildings, structures,
17 appliances and appurtenances necessary and convenient for the proper construction,
18 equipment, maintenance and operation of such facility or facilities or any one or
19 more of them. "Real Property" shall include land under water, as well as uplands,
20 and all property either now commonly or legally defined as real property or which
21 may hereafter be so defined. "Personal property" shall include choses in action and
22 all other property now commonly or legally defined as personal property or which
23 may hereafter be so defined. "To lease" shall include to rent or to hire. "Rule or
24 regulation," until and unless otherwise determined by the Legislatures of both
25 States, shall mean any rule or regulation not inconsistent with the Constitution of
26 the United States or of either State, and, subject to the exercise of the power of
27 Congress, for the improvement of the conduct of navigation and commerce within
28 the district, and shall include charges, rates, rentals or tolls fixed or established by
29 the Port Authority; and until otherwise determined as aforesaid, shall not include
30 matters relating to harbor or river pollution. Wherever action by the Legislature of
31 either State is herein referred to, it shall mean an act of the Legislature duly
32 adopted in accordance with the provisions of the Constitution of the State.

33 Plural or singular. The singular wherever used herein shall include the plural.

34 Consent, approval or recommendation of municipality—How given. Wherever
35 herein the consent, approval or recommendation of a "municipality" is required, the
36 word "municipality" shall be taken to include any city or incorporated village with-

37 in the Port District, and in addition in the State of New Jersey any borough, town,
 38 township or any municipality governed by an Improvement Commission within the
 39 District. Such consent, approval or recommendation whenever required in the case
 40 of the City of New York shall be deemed to have been given or made whenever the
 41 Board of Estimate and Apportionment of said city or any body hereafter succeed-
 42 ing to its duties shall by majority vote pass a resolution expressing such consent,
 43 approval or recommendation; and in the case of any municipality now or hereafter
 44 governed by a commission, whenever the commission thereof shall by a majority
 45 vote pass such a resolution; and in all other cases whenever the body authorized to
 46 grant consent to the use of the streets or highways of such municipality shall by a
 47 majority vote pass such a resolution.

1 2. The said agreement or compact, when signed and sealed by the commission-
 2 ers of each State as hereinbefore provided, and the Attorney-General of the State
 3 of New Jersey, and the Attorney-General of the State of New York, if he be desig-
 4 nated so to act by the State of New York, shall become binding upon the State of
 5 New Jersey, and shall be filed in the office of the Secretary of State of the State of
 6 New Jersey.

1 3. If by death, resignation or otherwise, a vacancy occurs among those ap-
 2 pointed hereunder by the State of New Jersey, the Governor is hereby authorized
 3 to fill the same.

1 4. The said commissioners, together with the commissioners appointed from
 2 the State of New York, shall have power to apply to the Congress of the United
 3 States for its consent and approval of the agreement or compact signed by them,
 4 but in the absence of such consent of Congress and until the same shall have been
 5 secured, the said agreement or compact shall be binding upon the State of New
 6 Jersey in all respects permitted by law for the two States of New York and New
 7 Jersey without the consent of Congress to co-operate, for the purposes enumerated
 8 in said agreement or compact, and in the manner provided therein.

1 5. This act shall take effect immediately.

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