SENATE, No. 202

STATE OF NEW JERSEY

INTRODUCED MARCH 10, 1949

By Mr. VAN ALSTYNE

Referred to Committee on Judiciary

An Act authorizing the Port of New York Authority to acquire real property by condemnation or the right of eminent domain for and in connection with the air terminal known as Teterboro Airport.

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

1 1. The States of New Jersey and New York having, by chapter forty-
2 three of the laws of New Jersey of one thousand nine hundred and forty-
3 seven and chapter eight hundred two of the laws of New York of one thou-
4 sand nine hundred and forty-seven, agreed that the Port of New York
5 Authority (hereinafter called the Port Authority) should have power to ac-
6 quire real property for air terminal purposes by condemnation or the right
7 of eminent domain for the purpose of making additions, extensions and im-
8 provements to the air terminal known as Newark Airport, and other purposes
9 incidental to said airport, but that, unless and until this State otherwise pro-
10 vided by law, it should not have power to acquire other real property for air
11 terminal purposes in that manner in this State.

12 Now, therefore, the Port Authority is hereby authorized and empowered
13 to acquire real property by condemnation or the right of eminent domain
14 pursuant to and in accordance with the provisions of said chapter forty-three

15 of the laws of New Jersey of one thousand nine hundred and forty-seven, for
16 and in connection with the air terminal known as Teterboro Airport located in
17 the borough of Teterboro, county of Bergen, State of New Jersey, including
18 additions, extensions and improvements to said air terminal located in said
19 borough and in the boroughs of Moonachie and Hasbrouck Heights or in
20 other boroughs contiguous to the present or future boundaries of said air-
21 port, and for the purpose of acquiring air rights or preventing or removing
22 actual or potential hazards to air navigation within three miles of the run-
23 ways at said air terminal as such runways may now or hereafter exist, and
24 for the purpose of establishing or maintaining beacons and other aids to air
25 navigation in connection with said air terminal, whether or not within three
26 miles of said runways.

1 2. The following terms, as used herein, shall mean:

2 "Air terminal or terminals" shall mean developments consisting of run-
3 ways, hangars, control towers, ramps, wharves, bulkheads, buildings, struc-
4 tures, parking areas, improvements, facilities or other real property neces-
5 sary, convenient or desirable for the landing, taking off, accommodation and
6 servicing of aircraft of all types, including but not limited to airplanes, air-
7 ships, dirigibles, helicopters, gliders, amphibians, seaplanes, or any other
8 contrivance now or hereafter used for the navigation of or flight in air or
9 space, operated by carriers engaged in the transportation of passengers or
10 cargo, or for the loading, unloading, interchange or transfer of such passen-
11 gers or their baggage, or such cargo, or otherwise for the accommodation,
12 use or convenience of such passengers, or such carriers or their employees
13 (facilities and accommodations at sites removed from landing fields and
14 other landing areas, however, to be limited to ticket stations and passen-
15 ger stations for air passengers, to express and freight stations for air ex-
16 press and air freight, and to beacons and other aids to air navigation), or
17 for the landing, taking off, accommodation and servicing of aircraft owned
18 or operated by persons other than carriers.

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

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

1 3. This act shall take effect immediately.

STATEMENT

The purpose of this bill is to authorize and empower the Port Authority to acquire by condemnation land necessary for the expansion of Teterboro Airport.

The powers granted to the Port Authority to acquire real property by condemnation or by the right of eminent domain pursuant to Chapter forty-three of the laws of nineteen hundred and forty-seven are subject to the limitation that unless and until the State of New Jersey otherwise provides by law, the Port Authority shall not have the power to acquire real property in the State of New Jersey for air terminal purposes by condemnation or the right of eminent domain except for the purposes of the development of Newark Airport.

The Port Authority, in order to further the policy of the State of New Jersey to encourage the integration of air terminals, by an Agreement dated August 12, 1948, contracted to acquire by purchase the premises known as Teterboro Airport.

It is necessary and desirable that Teterboro Airport be expanded to accommodate the volume of air traffic which is presently utilizing this airport and which will utilize it increasingly in the future. In order to accomplish this expansion, the Port Authority should be authorized to acquire property for and in connection with Teterboro Airport by the exercise of the right of eminent domain.

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5 Authority (hereinafter called the Port Authority) should have power to ac-
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7 of eminent domain for the purpose of making additions, extensions and im-
8 provements to the air terminal known as Newark Airport, and other purposes
9 incidental to said airport, but that, unless and until this State otherwise pro-
10 vided by law, it should not have power to acquire other real property for air
11 terminal purposes in that manner in this State.

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18 additions, extensions and improvements to said air terminal located in said
19 borough and in the boroughs of Moonachie and Hasbrouck Heights or in
20 other boroughs contiguous to the present or future boundaries of said air-
21 port, and for the purpose of acquiring air rights or preventing or removing
22 actual or potential hazards to air navigation within three miles of the run-
23 ways at said air terminal as such runways may now or hereafter exist, and
24 for the purpose of establishing or maintaining beacons and other aids to air
25 navigation in connection with said air terminal, whether or not within three
26 miles of said runways.

1 2. The following terms, as used herein, shall mean:

2 "Air terminal or terminals" shall mean developments consisting of run-
3 ways, hangars, control towers, ramps, wharves, bulkheads, buildings, struc-
4 tures, parking areas, improvements, facilities or other real property neces-
5 sary, convenient or desirable for the landing, taking off, accommodation and
6 servicing of aircraft of all types, including but not limited to airplanes, air-
7 ships, dirigibles, helicopters, gliders, amphibians, seaplanes, or any other
8 contrivance now or hereafter used for the navigation of or flight in air or
9 space, operated by carriers engaged in the transportation of passengers or
10 cargo, or for the loading, unloading, interchange or transfer of such passen-
11 gers or their baggage, or such cargo, or otherwise for the accommodation,
12 use or convenience of such passengers, or such carriers or their employees
13 (facilities and accommodations at sites removed from landing fields and
14 other landing areas, however, to be limited to ticket stations and passen-
15 ger stations for air passengers, to express and freight stations for air ex-
16 press and air freight, and to beacons and other aids to air navigation), or
17 for the landing, taking off, accommodation and servicing of aircraft owned
18 or operated by persons other than carriers.

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

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

1 3. This act shall take effect immediately.

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ASSEMBLY AMENDMENT TO

SENATE, No. 202

STATE OF NEW JERSEY

ADOPTED MARCH 31, 1949

Amend page 2, section 1, line 26, by striking out the period at the end of the line and inserting the following: "; *provided, however,* nothing herein contained shall be construed to permit the taking by the Port Authority of any property owned by any railroad or railway corporation, or by any other corporation which is a 'public utility' as defined in section 48:2-13 of the Revised Statutes, and devoted to use by such corporation in its operations, or acquired prior to the effective date of this act and held for such use, without the authority or consent of such corporation."

CHAPTER 81 LAWS OF N. J. 1949
5-6-49

[SECOND OFFICIAL COPY REPRINT]

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STATE OF NEW JERSEY

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22 actual or potential hazards to air navigation within three miles of the run-
23 ways at said air terminal as such runways may now or hereafter exist, and
24 for the purpose of establishing or maintaining beacons and other aids to air
25 navigation in connection with said air terminal, whether or not within three
26 miles of said runways; *provided, however,* nothing herein contained shall be
27 construed to permit the taking by the Port Authority of any property owned
28 by any railroad or railway corporation, or by any other corporation which is
29 a "public utility" as defined in section 48:2-13 of the Revised Statutes, and
30 devoted to use by such corporation in its operations, or acquired prior to the
31 effective date of this act and held for such use, without the authority or
32 consent of such corporation.

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