

32:1-35.57

October 8, 1969

LEGISLATIVE NOTES ON R.S. 32:1-35.57
(Port of New York Authority - cooperation by states and agencies -
agreements - powers - property)

L. 1962, Chapter 8, § 8 - S134
Introduced January 29 by Farley [& others].
Bill had statement.
Bill was amended during passage.
February 9 - Hearing held - not transcribed.
February 13 - Passed both houses.
February 13 - Approved.

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14 ity or a subsidiary corporation incorporated for any of the purposes of this
15 act shall be deemed to exhaust them or any of them.

1 17. 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 2 States dated April 30, 1921 and amendatory thereof,
4 and shall be liberally construed to effectuate the purposes of said compact
5 and of the comprehensive plan heretofore adopted by the 2 States, and the
6 powers granted to the port authority shall be construed to be in aid of and
7 not in limitation or in derogation of any other powers heretofore conferred
8 upon or granted to the port authority.

1 18. If any section, part, phrase, or provision of this act or the applica-
2 tion thereof to any person or circumstances be adjudged invalid by any court
3 of competent jurisdiction, so long as the act or remainder of the act shall
4 nonetheless permit the effectuation, as a unified project, of the Hudson tubes,
5 Hudson tubes extensions and the world trade center, such judgment shall
6 be confined in its operation to the section, part, phrase, provision or applica-
7 tion directly involved in the controversy in which such judgment shall have
8 been rendered and shall not affect or impair the validity of the remainder
9 of this act or the application thereof to other persons or circumstances and
10 the 2 States hereby declare that they would have entered into this act or the
11 remainder thereof had the invalidity of such provision or application thereof
12 been apparent.

1 19. This act shall take effect upon the enactment into law by the State
2 of New York of legislation having an identical effect with this act, but if the
3 State of New York has already enacted such legislation, this act shall take
4 effect immediately.

Sponsor's STATEMENT

It is the purpose of this bill to agree with the State of New York to author-
ize The Port of New York Authority, the joint agency of the 2 States, to pro-
ceed as rapidly as may be practicable to effectuate a Port Development Project

in order to preserve, provide and maintain adequate facilities for the transportation of New Jersey-New York Metropolitan area commuters and to preserve and protect the position of the Port of New York as the nation's gateway for world commerce.

The unified project would include acquisition, rehabilitation and improvement of the present Hudson & Manhattan Railway system, including its terminals in New York and New Jersey, extensions of the system's lines to stations in a delineated area in New Jersey, affording transfer of passengers between the H & M and other commuter railroads and a World Trade Center on the site of the H & M's Hudson terminal on the lower west side of Manhattan, expanded to include additional property required for the accommodation at a single site of the railroad terminal and the servicing functions and activities and the appropriate governmental, administrative and other services connected with and incidental to the transportation of persons and property and the promotion and protection of the Port's commerce.

The bill provides for payments in lieu of taxes to municipalities and for the protection of Port Authority credit by spelling out to what extent further deficit commuter railroads can be added to Port Authority operations.

CHAPTER 8 LAWS OF N. J. 1962

APPROVED 2-13-62
[OFFICIAL COPY REPRINT]

SENATE, No. 134

STATE OF NEW JERSEY

INTRODUCED JANUARY 29, 1962

By Senators FARLEY, COWGILL, DUMONT, LYNCH, KELLY, FOX,
OZZARD and STOUT

Referred to Committee on Judiciary

AN ACT to provide for the financing and effectuation by the Port of New York Authority of a port development project, consisting of the Hudson tubes, the Hudson tubes extensions and a world trade center, for co-ordinating, facilitating and promoting the transportation of persons and the flow and exchange of trade and commerce in and through the Port of New York District, 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. The States of New York and New Jersey hereby find and determine:

2 (1) that the transportation of persons to, from and within the Port of
3 New York, and the flow of foreign and domestic cargoes to, from and through
4 the Port of New York are vital and essential to the preservation of the eco-
5 nomic well-being of the northern New Jersey-New York metropolitan area;

6 (2) that in order to preserve the northern New Jersey-New York
7 metropolitan area from economic deterioration, adequate facilities for the
8 transportation of **[commuters]** *persons* must be provided, preserved and
9 maintained and that rail services are and will remain of extreme importance
10 to **[commuter travel]** *such transportation of persons;*

11 (3) that the interurban electric railway now or heretofore operated by
12 the Hudson & Manhattan Railroad Company is an essential railroad facil-

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

13 ity serving the northern New Jersey-New York metropolitan area, that its
14 physical plant is in a severely deteriorated condition, and that it is in ex-
15 treme financial condition;

16 (4) that the [best possible hope] *immediate need* for the maintenance
17 and development of adequate railroad facilities for the transportation of
18 [commuters in the] *persons between* northern [New Jersey-New York metro-
19 politan area lies in] *New Jersey and New York would be met by* the acquisi-
19A tion, rehabilitation and operation of the said Hudson & Manhattan interurban
20 electric railway by a public agency, and improvement and extensions of the
21 rail transit lines of said railway to permit transfer of its passengers to and
22 from other transportation facilities and in the provision of transfer facilities
23 at the points of such transfers;

24 (5) that in order to preserve and protect the position of the Port of New
25 York as the nation's leading gateway for world commerce it is incumbent on
26 the States of New York and New Jersey to make every effort to insure that
27 their port receives its rightful share of the oceanborne cargo volumes gen-
28 erated by the economy of the nation;

29 (6) that the servicing functions and activities connected with the ocean-
30 borne and overseas airborne trade and commerce of the Port of New York
31 District, *as defined in the compact between the said 2 States dated April 30,*
31A *1921*, (hereinafter called the port district), including customs clearance,
32 shipping negotiations, cargo routing, freight forwarding, financing, insurance
33 arrangements and other similar transactions which are presently performed
34 in various, scattered locations in the city of New York, State of New York,
35 should be centralized to provide for more efficient and economical trans-
36 portation of persons and more efficient and economical facilities for the
37 exchange and buying, selling and transportation of commodities and other
38 property in world trade and commerce;

39 (7) that unification, at a single, centrally located site, of the principal
40 New York terminal of the aforesaid interurban electric railway and a facil-
41 ity of commerce accommodating the said functions and activities described

42 in subdivision 6 of this section and the appropriate governmental, adminis-
43 trative and other services connected with or incidental to transportation of
44 persons and property and the promotion and protection of port commerce, and
45 providing a central locale for exhibiting and otherwise promoting the ex-
46 change and buying and selling of commodities and property in world trade
47 and commerce, will materially assist in preserving for the 2 States and the
48 people thereof the material and other benefits of a prosperous port com-
49 munity;

50 (8) that the Port of New York Authority (hereinafter called the port
51 authority), which was created by agreement of the 2 States as their joint
52 agent for the development of the transportation and terminal facilities and
53 other facilities of commerce of the port district and for the promotion and
54 protection of the commerce of their port, is the proper agency to act in
55 their behalf (either directly or by or through wholly-owned subsidiary cor-
56 porations) to effectuate, as a unified project, the said interurban electric
57 railway and its extensions and the facility of commerce described in sub-
58 division 7 of this section; and

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

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

3 "Bonds" shall mean bonds, notes, securities or other obligations or
4 evidences of indebtedness;

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

9 "Exchange place terminal area" shall mean the area in the city of Jersey

10 City, State of New Jersey, bounded generally by Exchange place and
11 Montgomery street, by Warren street, by Pearl street, by Greene street, and
12 by Morgan street as extended to the bulkhead line and by said bulkhead line,
13 together with such additional contiguous area[,] as may be agreed upon from
14 time to time between the port authority and the said city[.];

15 "General reserve fund statutes" shall mean chapter 48 of the laws of
16 New York of 1931 as amended, and chapter 5 of the laws of New Jersey of
17 1931 as amended, and "general reserve fund" shall mean the general reserve
18 fund of the port authority authorized by said statutes;

19 "Hudson tubes" shall mean that portion of the port development project
20 constituting a railroad facility consisting of the 4 interstate rail tunnels
21 under the Hudson river now or heretofore owned or operated by the Hudson
22 & Manhattan Railroad Company, the rail transit lines of the Hudson tubes,
23 the balance of the interurban electric railway system in and through said
24 tunnels and over said lines and incidental thereto (including but not limited
25 to the portion of such lines and system now or heretofore operated jointly
26 by said railroad company and the Pennsylvania Railroad Company), term-
27 inals, including but not limited to terminals in the Hudson tubes-world trade
28 center area, in the Journal square terminal area and in the Exchange place
29 terminal area, and other related railroad property;

30 "Hudson tubes extensions" shall mean those portions of the port
31 development project constituting passenger railroad facilities extending
32 directly from the rail transit lines of the Hudson tubes, over new rail transit
33 lines or on or over the existing rail transit lines of other railroads, to transfer
34 facilities in the rail [commuter] *passenger* transfer area, for the transfer of
35 passengers of the Hudson tubes to and from other railroads, and other re-
36 lated railroad property;

37 "Hudson tubes-world trade center area" shall mean the area in the
38 borough of Manhattan, city and State of New York, bounded generally by the
39 [north side of Barclay street on the north, the east side of Church street on
40 the east, the south side of Liberty street on the south and the Hudson river]
40A *east side of Church street on the east, the south side of Liberty street and the*

40B south side of Liberty street extended on the south, the Hudson river on the
40C west, and on the north by a line beginning at the point of intersection of the
40D Hudson river and the north side of Vesey street extended, running along the
40E north side of Vesey street extended and the north side of Vesey street to the
40F west side of Washington street, then along the west side of Washington street
40G to the north side of Barclay street, then along the north side of Barclay street to
40H the east side of West Broadway, then along the east side of West Broadway
40I to the north side of Vesey street, then along the north side of Vesey street to
40J the east side of Church street [on the west], together with such additional
41 contiguous area [,] as may be agreed upon from time to time between the port
42 authority and the said city;

43 “Journal square terminal area” shall mean the area in the city of Jersey
44 City, State of New Jersey, bounded generally by Journal square, Hudson
45 boulevard, Pavonia avenue, Summit avenue and Sip avenue, together with
46 such additional contiguous area [,] as may be agreed upon from time to time
47 between the port authority and the said city;

48 “Municipality” shall mean a county, city, borough, village, town, town-
49 ship or other similar political subdivision of New York or New Jersey;

50 “Parking facilities” forming a part of the Hudson tubes or Hudson tubes
51 extensions shall mean 1 or more areas, buildings, structures, improvements
52 or other accommodations or appurtenances at or in the vicinity of any term-
53 inal or station of the Hudson tubes or Hudson tubes extensions and necessary,
54 convenient or desirable in the opinion of the port authority for the parking
55 of motor vehicles of users of the Hudson tubes or the Hudson tubes exten-
56 sions and of members of the general public and for the parking and storage
57 of omnibuses and railroad cars serving users of the Hudson tubes or the
58 Hudson tubes extensions and for the transfer of the operators and pas-
59 sengers of such motor vehicles, omnibuses and railroad cars to and from the
60 railroad cars of the Hudson tubes or the Hudson tubes extensions, and for
61 purposes incidental thereto;

62 "Purposes of this act" shall mean the effectuation of the port develop-
63 ment project and of each facility constituting a portion thereof and of each
64 part of each such facility, and purposes incidental thereto;

65 "Rail [commuter] *passenger* transfer area" shall mean the area in the
66 State of New Jersey bounded as follows: beginning on the west bank of the
67 Hudson river at the southerly side of the right-of-way of the Central Railroad
68 of New Jersey easterly of the Communipaw station in the city of Jersey City,
69 thence northwestwardly along said southerly side of the right-of-way of the
70 Central Railroad of New Jersey through the cities of Jersey City and Kearny
71 to Broad street in the city of Newark; thence northwardly along Broad street
72 to Clay street, thence eastwardly along Clay street to the boundary between the
73 counties of Hudson and Essex in the Passaic river, thence northwardly along
74 said boundary to its intersection with the boundary line between the counties
75 of Bergen and Hudson, thence eastwardly and northwardly along said
76 boundary to New Jersey State highway route 3, thence eastwardly along said
77 route 3, the Lincoln tunnel viaduct and a line in continuation of said viaduct
78 and tunnel to the west bank of the Hudson river, thence southwardly along
79 said west bank to the point and place of beginning;

80 "Rail transit lines" shall mean right-of-way and related trackage, and
81 the "rail transit lines of the Hudson tubes" shall mean the rail transit
82 lines beginning at the Market street station of the Pennsylvania Railroad
83 Company in the city of Newark, State of New Jersey and extending generally
84 (i) eastwardly along the joint service and operating route now or heretofore
85 used by the Hudson & Manhattan Railroad Company and the Pennsylvania
86 Railroad Company to the point of connection thereof with the tracks now or
87 formerly of the Hudson & Manhattan Railroad Company in or about the
88 Journal square terminal area; thence (ii) continuing eastwardly along the
89 tracks and right-of-way now or heretofore used by the Hudson & Manhattan
90 Railroad Company through the city of Jersey City, State of New Jersey and
91 through the tunnels under the waters of the Hudson river and through
92 Cortlandt and Fulton streets in the borough of Manhattan, city and State of
93 New York to the Hudson terminal in the Hudson tubes-world trade center

94 area; with a branch from the aforesaid route from a point located between
95 the Grove street and Exchange place stations in said city of Jersey City
96 northwardly and eastwardly to the Hoboken terminal station in the city of
97 Hoboken, State of New Jersey and with a second branch from said first branch
98 eastwardly and through the tunnels under the waters of the Hudson river to
99 the said borough of Manhattan passing through or adjacent to Morton street,
100 Greenwich street, Christopher street and the avenue of the Americas
101 (formerly Sixth avenue) to the West Thirty-third street terminal in said
102 borough of Manhattan; and rail transit lines of the Hudson tubes and of the
103 Hudson tubes extensions shall in each case include such rail transit lines as the
104 port authority may deem necessary, convenient or desirable to and from park-
105 ing facilities, storage yards, maintenance and repair shops and yards form-
106 ing part thereof;

107 "Real property" shall mean lands, structures, franchises and interests
108 in land, waters, lands under water and riparian rights and any and all things
109 and rights included within said term, and includes not only fees simple
110 absolute but also any and all lesser interests, including but not limited to
111 easements, rights-of-way, uses, leases, licenses and all other incorporeal
112 hereditaments and every estate, interest or right, legal or equitable, including
113 terms for years, and liens thereon by way of judgments, mortgages or
114 otherwise;

115 "Related railroad property" shall mean any property, real, personal or
116 mixed, necessary, convenient or desirable, in the opinion of the port authority,
117 to the effectuation of a railroad facility which is a portion of the port develop-
118 ment project and shall include but not be limited to rail transit lines;
119 terminals and stations; power, fuel, communication, signal and ventilation
120 systems; cars and other rolling stock; storage yards; repair and maintenance
121 shops, yards, equipment and parts; parking facilities; transfer facilities for
122 transfer of passengers between [such] such railroad facility and other rail-
123 roads or omnibuses; offices; and other buildings, structures, improvements,
124 areas, equipment or supplies; and, in the case of buildings, structures,

125 improvements or areas in which any 1 or more of such railroad functions
126 are accommodated shall include all of such buildings, structures, improve-
127 ments or areas notwithstanding that portions thereof may not be devoted
128 to any of the purposes of the port development project other than the
129 production of incidental revenue available for the expenses of all or part of
130 the port development project, except that in the Hudson tubes-world trade
131 center area the portions of such buildings, structures, improvements or areas
132 constructed or established pursuant to this act which are not devoted
133 primarily to railroad functions, activities or services or to functions, activities
134 or services for railroad passengers shall be deemed a part of the world trade
135 center and not related railroad property;

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

149 "Surplus revenues of the port development project" shall mean the
150 surplus revenues of the Hudson tubes, the Hudson tubes extensions and the
151 world trade center; and

152 "World trade center" shall mean that portion of the port development
153 project constituting a facility of commerce consisting of 1 or more build-
154 ings, structures, improvements and areas necessary, convenient or desirable
155 in the opinion of the port authority for the centralized accommodation of

156 functions, activities and services for or incidental to the transportation of
157 persons, the exchange, buying, selling and transportation of commodities
158 and other property in world trade and commerce, the promotion and protec-
159 tion of such trade and commerce, governmental services related to the fore-
160 going and other governmental services, including but not limited to custom
161 houses, customs stores, inspection and appraisal facilities, foreign trade
162 zones, terminal and transportation facilities, parking areas, commodity and
163 security exchanges, offices, storage, warehouse, marketing and exhibition
164 facilities and other facilities and accommodations for persons and property
165 and, in the case of buildings, structures, improvements and areas in which
166 such accommodation is afforded, shall include all of such buildings, struc-
167 tures, improvements and areas other than portions devoted primarily to
168 railroad functions, activities or services or to functions, activities or services
169 for railroad passengers, notwithstanding that other portions of such build-
170 ings, structures, improvements and areas may not be devoted to purposes of
171 the port development project other than the production of incidental revenue
172 available for the expenses of all or part of the port development project.

1 3. In furtherance of the aforesaid findings and determinations and in
2 partial effectuation of and supplemental to the comprehensive plan hereto-
3 fore adopted by the 2 said States for the development of the said port
4 district, the port authority is hereby authorized and empowered to estab-
5 lish, acquire, construct, effectuate, develop, own, lease, maintain, operate, im-
6 prove and rehabilitate a project herein referred to as the port development
7 project, which shall consist of a facility of commerce herein referred to as the
8 world trade center, to be located within the Hudson tubes-world trade center
9 area, and railroad facilities herein referred to as the Hudson tubes and the
10 Hudson tubes extensions. The port authority shall proceed as rapidly as may
11 be practicable to accomplish the purposes of this act.

12 The port authority is hereby authorized and empowered to establish,
13 levy and collect such rentals, tolls, fares, fees and other charges as it may
14 deem necessary, proper or desirable in connection with any facility or part of

15 any facility constituting a portion of the port development project and to
16 issue bonds for any of the purposes of this act and to provide for payment
17 thereof, with interest upon and the amortization and retirement of such
18 bonds, and to secure all or any portion of such bonds by a pledge of such
19 rentals, tolls, fares, fees, charges and other revenues or any part thereof
20 (including but not limited to the revenues of any subsidiary corporation in-
21 corporated for any of the purposes of this act); and to secure all or any por-
22 tion of such bonds by mortgages upon any property held or to be held by the
23 port authority (or by any such subsidiary corporation) for any of the pur-
24 poses of this act, and for any of the purposes of this act to exercise all appro-
25 priate powers heretofore or hereafter delegated to it by the States of New
26 York and New Jersey, including, but not limited to, those expressly set forth
27 in this act. The surplus revenues of the port development project may be
28 pledged in whole or in part as hereinafter provided.

29 Unless and until hereafter expressly authorized by the 2 States the port
30 authority shall not: (a) operate or permit operation by others of its Hudson
31 tubes railroad cars or other rolling stock or equipment or Hudson tubes
32 extensions railroad cars or other rolling stock or equipment except upon the
33 rail transit lines of the Hudson tubes or of the Hudson tubes extensions and
34 also between the Market street station and the South street station of the
35 Pennsylvania Railroad Company in the city of Newark, State of New Jersey;
36 or (b) except by way of Hudson tubes extensions as herein defined, make
37 additions, betterments or other improvements to or of said Hudson tubes or
38 Hudson tubes extensions by way of extensions of their rail transit lines.
39 Nothing herein contained shall be deemed to prevent the making by the port
40 authority of such joint service or other agreements with railroads as it shall
41 deem necessary, convenient or desirable for the use of the Hudson tubes and
42 Hudson tubes extensions by the railroad cars or other rolling stock or equip-
43 ment of such railroads and the acquisition of the rights of any or all parties
44 in any joint service or other agreements the Hudson & Manhattan Rail-
45 road Company or its successors shall have made with other railroads for such

46 use of the Hudson tubes. The port authority shall not proceed with the effec-
47 tuation of any railroad or railroad facility in addition to the Hudson tubes
48 and the Hudson tube extensions until hereafter expressly authorized by the
49 2 States. *Nothing contained in this act shall authorize or empower the port*
50 *authority to establish, construct or otherwise effectuate an air terminal.*

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

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

1 5. In all cases where the port authority has raised or shall hereafter raise
2 moneys for any of the purposes of this act by the issue and sale of bonds which

3 are secured in whole or in part by a pledge of the general reserve fund or any
4 portion thereof, the surplus revenues from any facility constituting a portion
5 of the port development project and financed in whole or in part out of the
6 proceeds of such bonds and the surplus revenues from any other port au-
7 thority facility the surplus revenues of which at such time may be payable
8 into the general reserve fund shall be pooled and applied by the port authority
9 to the establishment and maintenance of the general reserve fund in an amount
10 equal to 1/10 of the par value of all bonds legal for investment, as defined in
11 the general reserve fund statutes, issued by the port authority and currently
12 outstanding, including such bonds issued for any of the purposes of this act;
13 and all such moneys in said general reserve fund may be pledged and applied
14 in the manner provided in the general reserve fund statutes.

15 In the event that any time the balance of moneys theretofore paid into
16 the general reserve fund and not applied therefrom shall exceed an amount
17 equal to 1/10 of the par value of all bonds upon the principal amount of which
18 the amount of the general reserve fund is calculated, by reason of the retire-
19 ment of bonds issued or incurred from time to time for any of the purposes of
20 this act the par value of which had theretofore been included in the computa-
21 tion of said amount of the general reserve fund, then the port authority may
22 pledge or apply such excess for and only for the purposes for which it is au-
23 thorized by the general reserve fund statutes to pledge the moneys in the
24 general reserve fund and such pledge may be made in advance of the time
25 when such excess may occur.

1 6. The 2 States covenant and agree with each other and with the holders
2 of any affected bonds, as hereinafter defined, that so long as any of such bonds
3 remain outstanding and unpaid and the holders thereof shall not have given
4 their consent as provided in their contract with the port authority, (a) the 2
5 States will not diminish or impair the power of the port authority (or any
6 subsidiary corporation incorporated for any of the purposes of this act) to
7 establish, levy and collect rentals, tolls, fares, fees or other charges in con-
8 nection with any facility constituting a portion of the port development

9 project or any other facility owned or operated by the port authority of which
10 the revenues have been or shall be pledged in whole or in part as security for
11 such bonds (directly or indirectly, or through the medium of the general re-
12 serve fund or otherwise), or to determine the quantity, quality, frequency or
13 nature of the service provided in connection with each such facility; and (b)
14 neither the States nor the port authority nor any subsidiary corporation in-
15 corporated for any of the purposes of this act will apply any of the rentals,
16 tolls, fares, fees, charges, revenues or reserves, which have been or shall be
17 pledged in whole or in part as security for such bonds, for any railroad pur-
18 poses whatsoever other than permitted purposes hereinafter set forth.

19 "Affected bonds" as used in this section shall mean bonds of the port
20 authority issued or incurred by it from time to time for any of the purposes
21 of this act or bonds as security for which there may or shall be pledged, in
22 whole or in part, the general reserve fund or any reserve fund established by
23 or pursuant to contract between the port authority and the holders of such
24 bonds, or the revenues of the world trade center, Hudson tubes, Hudson tubes
25 extensions or any other facility owned or operated by the port authority any
26 surplus revenues of which would be payable into the general reserve fund, or
27 bonds both so issued or incurred and so secured.

28 "Permitted purposes" as used in this section shall mean purposes in con-
29 nection with (i) the Hudson tubes as authorized and limited on the effective
30 date of this covenant and agreement, (ii) railroad freight transportation fa-
31 cilities or railroad freight terminal facilities, (iii) the construction, installa-
32 tion and maintenance of railroad tracks and related facilities on vehicular
33 bridges owned by the port authority, and (iv) any other railroad facility es-
34 tablished, acquired, constructed or otherwise effectuated by the port authority
35 (including but not limited to Hudson tubes extensions) as to which the port
36 authority shall have first certified either that said other railroad facility is
37 self-supporting as hereinafter defined or, if not, that at the end of the preced-
38 ing calendar year the general reserve fund contained an amount equal to 1/10
39 of the par value of bonds of the port authority which were outstanding at

40 said year end and which were legal for investment as defined in the general
41 reserve fund statutes and that the group of facilities consisting of such other
42 railroad facility and of all prior other railroad facilities will not produce
43 deficits in excess of permitted deficits as hereinafter defined. "Prior other
44 railroad facilities" at the time of any certification by the port authority here-
45 under shall mean all the railroad facilities described in subdivisions (i) and
46 (iv) of this paragraph which were theretofore established, acquired, con-
47 structed or otherwise effectuated by the port authority any surplus revenues
48 of which at such time would be payable into the general reserve fund.

49 [Any] An other railroad facility shall be deemed to be "self-supporting"
50 as of the time of any certification hereunder if the amount estimated by the port
51 authority for the ensuing 10 years to be the average annual net income (com-
52 puted without deduction for debt service) derived from or incidental to such
53 facility equals or exceeds the amount estimated by the port authority for such
54 10 years to be the average annual debt service upon bonds for purposes in
55 connection with such proposed facility.

56 "Deficits" of a group of railroad facilities, as used in this section, shall
57 mean the amount estimated by the port authority for the ensuing 10 years
58 to be the average annual combined debt service upon bonds for purposes in
59 connection with the railroad facilities of such group less the amount estimated
60 by the port authority for such 10 years to be the average annual combined net
61 income (computed without deduction for debt service) derived from or inci-
62 dental to such railroad facilities or plus the amount estimated by the port au-
63 thority for such 10 years to be the average annual combined net losses
64 (computed without deduction for debt service) sustained from or incidental
65 to such railroad facilities; the estimate of deficits thus arrived at shall not
66 be effective unless and until concurred in, in writing, by the Governors of the
67 said 2 States.

68 "Permitted deficits" of a group of railroad facilities as used in this sec-
69 tion, shall mean deficits as of the time of any certification hereunder which
70 do not exceed (A) such amount or amounts of deficits as of the time of any

71 certification hereunder for the payment of which 1 or both of the 2 States, in
72 connection with the proposed other railroad facility as to which the certifica-
73 tion is made and in connection with prior other railroad facilities, has made
74 adequate, secure and effective provision for the duration of the period for
75 which the port authority is liable for such deficits, plus (B) the greater of the
76 following 2 amounts: (1) an amount equal to 1/10 of the amount in the gen-
77 eral reserve fund at the end of the preceding calendar year, diminished by
78 an amount equal to 1% of the principal amount of all bonds of the port au-
79 thority outstanding at the end of said preceding calendar year the proceeds
80 of which shall have been applied for purposes in connection with the facil-
81 ities of such group or (2) an amount equal to the sum of 1/10 of the dimin-
82 ished 1/10 amount calculated under clause (1) of this sentence, plus 1% of
83 the equity, at the end of the said preceding calendar year, of the port au-
84 thority in its vehicular bridges and tunnels and in all other facilities owned
85 and operated by it (not including railroad cars financed by state-guaranteed
86 bonds) except those of the aforesaid group of railroad facilities. Equity of
87 the port authority in facilities as to which any calculation of equity shall be
88 made shall mean the principal amount of bonds of the port authority retired
89 from port authority revenues or reserves or both which have been derived
90 from the operation of its facilities and the investment of its funds and not
91 from governmental or other subsidy payments, the proceeds of which retired
92 bonds shall have been applied for purposes in connection with such facilities.

93 Each certification by the port authority hereunder shall be made at the
94 time of the issuance of its first bonds for permitted purposes in connection
95 with a proposed other railroad facility which bonds would be secured in whole
96 or in part by the aforesaid pledged rentals, tolls, fares, fees, charges, reven-
97 ues or reserves, or at such time, prior to such issuance, as any application of
98 such pledged rentals, tolls, fares, fees, charges, revenues or reserves for pur-
99 poses in connection with such proposed other railroad facility would
100 otherwise be permitted or required. Anything herein to the contrary not-
101 withstanding, any such certification by the port authority hereunder shall not

102 be effective unless and until affirmatively concurred in, in writing, by the
103 Governors of the said 2 States.

1 7. The port authority is authorized and empowered to co-operate with
2 the States of New York and New Jersey, with any municipality, with the
3 Federal Government and with any agency or commission of any 1 or more
4 of the foregoing, or with any 1 or more of them, for and in connection
5 with the acquisition, clearance, replanning, rehabilitation, reconstruction or
6 redevelopment of the Hudson tubes-world trade center area or of any other
7 area forming part of the port development project for the purpose of renewal
8 and improvement of said area and for any of the purposes of this act, and
9 to enter into an agreement or agreements (and from time to time to enter
10 into agreements amending or supplementing the same) with any such munici-
11 pality, commission or agency and with the States of New York and New
12 Jersey and with the Federal Government, or with any 1 or more of them,
13 for or relating to such purposes, including but not limited to agreements
14 with respect to financial assistance, loans and grants as provided in title 1 of
15 the housing act of 1949 and all Federal laws amendatory and supplemental
16 thereto and with respect to occupancy of space in the port development
17 project. The port authority is hereby authorized and empowered to apply
18 for and accept financial assistance, loans and grants for such purposes under
19 Federal, State or local laws, and to make application directly to the proper
20 officials or agencies for and receive Federal, State or local loans or grants
21 in aid of any of the purposes of this act.

1 8. Notwithstanding any contrary provision of law, general, special or
2 local, either State and any municipality and any commission or agency of
3 either or both of said 2 States is authorized and empowered to co-operate
4 with the port authority and to enter into an agreement or agreements (and
5 from time to time to enter into agreements amending or supplementing the
6 same) with the port authority for and in connection with or relating to the
7 acquisition, clearance, replanning, rehabilitation, reconstruction, or redevel-
8 opment of the Hudson tubes-world trade center area or of any other area

9 forming part of the port development project for the purpose of renewal
10 and improvement of said area as aforesaid and for any of the purposes of
11 this act, upon such reasonable terms and conditions as may be determined
12 by such State, municipality, agency or commission and the port authority.
13 Such agreement may, without limiting the generality of the foregoing, in-
14 clude consent to the use by the port authority of any real property owned
15 or to be acquired by said State, municipality, agency or commission and
16 consent to the use by such State, municipality, agency or commission of any
17 real property owned or to be acquired by the port authority which in either
18 case is necessary, convenient or desirable in the opinion of the port author-
19 ity for any of the purposes of this act, including such real property, im-
20 proved or unimproved, as has already been devoted to or has been or is
21 to be acquired for urban renewal or other public use, and as an incident to
22 such consents such State, municipality, agency or commission may grant,
23 convey, lease or otherwise transfer any such real property to the port
24 authority and the port authority may grant, convey, lease or otherwise
25 transfer any such real property to such State, municipality, agency or com-
26 mission for such term and upon such conditions as may be agreed upon.
27 If real property of such State, municipality, agency or commission be leased
28 to the port authority for any of the purposes of this act, such State, mu-
29 nicipality, agency or commission may consent to the port authority having
30 the right to mortgage the fee of such property and thus enable the port
31 authority to give as security for its bond or bonds a lien upon the land and
32 improvements, but such State, municipality, agency or commission by con-
33 senting to the execution by the port authority of a mortgage upon the leased
34 property shall not thereby assume and such consent shall not be construed
35 as imposing upon such State, municipality, agency or commission any li-
36 ability upon the bond or bonds secured by the mortgage.

37 Nothing contained in this section shall impair or diminish the powers
38 vested in either State or in any municipality, agency or commission to acquire,
39 clear, replan, reconstruct, rehabilitate or redevelop substandard or insanitary

40 or deteriorating areas and the powers herein granted to the State, municipi-
41 pality, agency or commission shall be construed to be in aid of and not in
42 limitation or in derogation of any such powers heretofore or hereafter con-
43 ferred upon or granted to the State, municipality, agency or commission.

44 Nothing contained in this act shall be construed to authorize the port
45 authority to acquire property now or hereafter vested in or held by any
46 municipality without the authority or consent of such municipality, pro-
47 vided that the State in which said municipality is located may by statute
48 enact that such property may be taken by the port authority by condemna-
49 tion or the exercise of the right of eminent domain without such authority or
50 consent; nor shall anything herein impair or invalidate in any way any
51 bonded indebtedness of the State or such municipality, nor impair the pro-
52 visions of law regulating the payment into sinking funds of revenues de-
53 rived from municipal property, or dedicating the revenues derived from
54 municipal property to a specific purpose.

55 The port authority is hereby authorized and empowered to acquire from
56 any such municipality, or from any other agency or commission having
57 jurisdiction in the premises, by agreement therewith, and such municipality,
58 agency or commission, notwithstanding any contrary provision of law, is
59 hereby authorized and empowered to grant and convey, upon reasonable
60 terms and conditions, any real property which may be necessary, convenient
61 or desirable for any of the purposes of this act, including such real property
62 as has already been devoted to a public use.

63 Any consent by a municipality shall be given and the terms, conditions
64 and execution by a municipality of any agreement, deed, lease, conveyance
65 or other instrument pursuant to this section or any other section of this
66 act shall be authorized in the manner provided in article 22 of the compact
67 of April 30, 1921 between the 2 States creating the port authority. Any con-
68 sent by either State shall be effective if given, and the terms and conditions
69 and execution of any agreement, deed, lease, conveyance or other instrument
70 pursuant to this section or any other section of this act shall be effective if
71 authorized, by the Governor of such State.

1 9. The States of New York and New Jersey hereby consent to suits,
2 actions or proceedings by any municipality against the port authority upon,
3 in connection with or arising out of any agreement, or any amendment
4 thereof, entered into for any of the purposes of this act, as follows:

5 (1) for judgments, orders or decrees restraining or enjoining the port
6 authority from transferring title to real property to other persons in cases
7 where it has agreed with said municipality for transfer of such title to the
8 municipality; and

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

18 Nothing herein contained shall be deemed to revoke, rescind or affect any
19 consent to suits, actions, or proceedings against the port authority heretofore
20 given by the 2 said States in chapter 301 of the laws of New York of 1950
21 and chapter 204 of the laws of New Jersey of 1951.

1 10. The effectuation of the world trade center, the Hudson tubes and the
2 Hudson tubes extensions, or of any of such facilities constituting a portion
3 of the port development project, are and will be in all respects for the benefit
4 of the people of the States of New York and New Jersey, for the increase of
5 their commerce and prosperity and for the improvement of their health and
6 living conditions; and the port authority and any subsidiary corporation in-
7 corporated for any of the purposes of this act shall be regarded as perform-
8 ing an essential governmental function in undertaking the effectuation
9 thereof, and in carrying out the provisions of law relating thereto.

1 11. The port authority shall be required to pay no taxes or assessments
2 upon any of the property acquired or used by it for any of the purposes of

3 this act or upon any deed, mortgage or other instrument affecting such prop-
4 erty or upon the recording of any such instrument. However, to the end that
5 no municipality shall suffer undue loss of taxes and assessments by reason of
6 the acquisition and ownership of property by the port authority for any of
7 the purposes of this act, the port authority is hereby authorized and em-
8 powered, in its discretion, to enter into a voluntary agreement or agreements
9 with any municipality whereby the port authority will undertake to pay in
10 lieu of taxes a fair and reasonable sum or sums annually in connection with
11 any real property acquired and owned by the port authority for any of the
12 purposes of this act. Such sums in connection with any real property
13 acquired and owned by the port authority for any of the purposes of this
14 act shall not be more than the sum last paid as taxes upon such real prop-
15 erty prior to the time of its acquisition by the port authority; provided,
16 however, that in connection with any portion of the Hudson tubes-world
17 trade center area acquired and owned by the port authority for any of the
18 purposes of this act, after such property is improved pursuant to this act
19 with world trade center buildings, structures or improvements greater in
20 value than the buildings, structures or improvements on such Hudson tubes
21 -world trade center area at the time of its acquisition by the port authority,
22 then, with regard to such greater value, such sum or sums may be increased
23 by such additional sum or sums annually as may be agreed upon between the
24 port authority and the city of New York which will not include any considera-
25 tion of the exhibit areas of the world trade center or of any areas which
26 would be tax exempt in their own right if title were in the governmental
27 occupants or of other areas accommodating services for the public or de-
28 voted to general public use. Each such municipality is hereby authorized and
29 empowered to enter into such agreement or agreements with the port author-
30 ity and to accept the payment or payments which the port authority is hereby
31 authorized and empowered to make, and the sums so received by such munici-
32 pality shall be devoted to purposes to which taxes may be applied unless and
33 until otherwise directed by law of the State in which such municipality is
34 located.

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

11 So long as any facility constituting a portion of the port development
12 project shall be owned, controlled or operated by the port authority (either
13 directly or through a subsidiary corporation incorporated for any of the
14 purposes of this act), no agency, commission or municipality of either or both
15 of the 2 States shall have jurisdiction over such facility nor shall any such
16 agency, commission or municipality have any jurisdiction over the terms or
17 method of effectuation of all or any portion thereof by the port authority (or
18 such subsidiary corporation) including but not limited to the transfer of all
19 or any portion thereof to or by the port authority (or such subsidiary
20 corporation).

21 Nothing in this act shall be deemed to prevent the port authority from
22 establishing, acquiring, owning, leasing, constructing, effectuating, develop-
23 ing, maintaining, operating, rehabilitating or improving all or any portion of
24 the port development project through wholly owned subsidiary corporations
25 of the port authority or from transferring to or from any such corporations
26 any moneys, real property or other property for any of the purposes of this
27 act. If the port authority shall determine from time to time to form such
28 a subsidiary corporation it shall do so by executing and filing with the Secre-
29 tary of State of New York and the Secretary of State of New Jersey a cer-
30 tificate of incorporation, which may be amended from time to time by similar
31 filing, which shall set forth the name of such subsidiary corporation, its

32 duration, the location of its principal office, and the purposes of the incor-
33 poration which shall be one or more of the purposes of establishing, acquir-
34 ing, owning, leasing, constructing, effectuating, developing, maintaining,
35 operating, rehabilitating or improving all or any portion of the port develop-
36 ment project. The directors of such subsidiary corporation shall be the same
37 persons holding the offices of commissioners of the port authority. Such sub-
38 sidiary corporation shall have all the powers vested in the port authority
39 itself for the purposes of this act except that it shall not have the power to
40 contract indebtedness. Such subsidiary corporation and any of its property,
41 functions and activities shall have all of the privileges, immunities, tax
42 exemptions and other exemptions of the port authority and of the port au-
43 thority's property, functions and activities. Such subsidiary corporation
44 shall be subject to the restrictions and limitations to which the port author-
45 ity may be subject, including, but not limited to the requirement that no action
46 taken at any meeting of the board of directors of such subsidiary corpora-
47 tion shall have force or effect until the Governors of the 2 States shall have
48 an opportunity, in the same manner and within the same time as now or
49 hereafter provided by law for approval or veto of actions taken at any meet-
50 ing of the port authority itself, to approve or veto such action. Such sub-
51 sidiary corporation shall be subject to suit in accordance with section 9 of
52 this act and chapter 301 of the laws of New York of 1950 and chapter 204
53 of the laws of New Jersey of 1951 as if such subsidiary corporation were the
54 port authority itself. Such subsidiary corporation shall not be a participating
55 employer under the New York Retirement and Social Security law or any
56 similar law of either State and the employees of any such subsidiary corpora-
57 tion, except those who are also employees of the port authority, shall not be
58 deemed employees of the port authority.

59 Whenever any State, municipality, commission, agency, officer, depart-
60 ment, board or division is authorized and empowered for any of the purposes
61 of this act to co-operate and enter into agreements with the port authority or
62 to grant any consent to the port authority or to grant, convey, lease or other-

63 wise transfer any property to the port authority or to execute any document,
64 such State, municipality, commission, agency, officer, department, board or
65 division shall have the same authorization and power for any of such pur-
66 poses to co-operate and enter into agreements with such subsidiary corpora-
67 tion and to grant consents to such subsidiary corporation and to grant, con-
68 vey, lease or otherwise transfer property to such subsidiary corporation and
69 to execute documents for such subsidiary corporation.

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

1 14. If the port authority shall find it necessary, convenient or desirable
2 to acquire (either directly or through a subsidiary corporation) from time
3 to time any real property or any property other than real property (includ-
4 ing but not limited to contract rights and other intangible personal property

5 and railroad cars or other rolling stock, maintenance and repair equipment
6 and parts, fuel and other tangible personal property), for any of the pur-
7 poses of this act whether for immediate or future use (including temporary
8 construction, rehabilitation or improvement), the port authority may find and
9 determine that such property, whether a fee simple absolute or a lesser
10 interest, is required for a public use, and upon such determination the said
11 property shall be and shall be deemed to be required for such public use
12 until otherwise determined by the port authority, and such determination
13 shall not be affected by the fact that such property has theretofore been
14 taken for and is then devoted to a public use; but the public use in the hands
15 of or under the control of the port authority shall be deemed superior to
16 the public use in the hands of any other person, association or corporation.

17 The port authority may acquire and is hereby authorized so to acquire
18 from time to time, for any of the purposes of this act, such property, whether
19 a fee simple absolute or a lesser estate, by condemnation (including the
20 exercise of the right of eminent domain) under and pursuant to the pro-
21 visions of the condemnation law of the State of New York in the case of
22 property located in or having its situs in such State, and Revised Statutes
23 of New Jersey, Title 20:1-1 et seq., in the case of property located in or
24 having its situs in such State, or, at the option of the port authority, as
25 provided in section 15 of chapter 43 of the laws of New Jersey of 1947,
26 as amended, in the case of property located in or having its situs in such
27 State, and as provided in chapter 819 of the laws of New York of 1947 in
28 the case of property located in or having its situs in such State, or pursuant
29 to such other and alternate procedure as may be provided by law of the State
30 in which such property is located or has its situs; and all of said statutes
31 for the condemnation of real property shall, for any of the purposes of this
32 act, be applied also to the condemnation of other property authorized by
33 this section, except that such provisions as pertain to surveys, diagrams,
34 maps, plans or profiles, assessed valuation, lis pendens, service of notice and
35 papers, filing in the office of the clerk in which the real property affected is

36 situated and such other provisions as by their nature cannot be applicable to
37 property other than real property, shall not be applicable to the condem-
38 nation of such other property. In the event that any property other than
39 real property is acquired by condemnation under this act then, with respect
40 to such other property, notice of such proceeding and all subsequent notices
41 or court processes shall be served upon the owners of such other property
42 and upon the port authority by personal service or by registered or certified
43 mail, except as may be otherwise directed by the court.

44 Anything herein to the contrary notwithstanding, any property to be
45 acquired for any of the purposes of this act, which property shall not have
46 been used by its owner or owners or any of his or their predecessors in
47 connection with and shall not have been acquired by its owner or owners
48 or any of his or their predecessors for use in connection with the effectuation
49 by a railroad company or companies of the Hudson tubes or the Hudson
50 tubes extensions prior to port authority acquisition, shall, if such property
51 is personal property, be acquired only by agreement with the owner or
52 owners and shall, if such property is not personal property and is to be
53 acquired by condemnation, be acquired in an action or proceeding in the
54 State in which such property is located or has its situs. Except as so pro-
55 vided, the port authority is hereby authorized and empowered, in its discre-
56 tion, from time to time to combine any property which is to be acquired as
57 aforesaid by condemnation for any of the purposes of this act for acquisition
58 in a single action or proceeding notwithstanding that part of the property
59 so to be acquired is located or has its situs in New Jersey and part in New
60 York or is personal property or mixed real and personal property or may
61 be owned by more than 1 owner; and, except as hereinafter provided, each
62 such single action or proceeding to acquire property located or having its
63 situs part in New Jersey and part in New York shall be pursuant to the
64 laws of whichever of the 2 said States the port authority shall estimate con-
65 tains the greater part in value of all the property to be acquired in such
66 action or proceeding (hereinafter sometimes called the forum State) and

67 in the court or courts specified in the laws of the forum State for the con-
68 demnation by the port authority of property located or having its situs in the
69 forum State pursuant to this act, in which event, notwithstanding the loca-
70 tion or situs of said property, each of said 2 States hereby confers upon its
71 said court or courts jurisdiction of such action or proceeding and the port
72 authority and any subsidiary corporation so acquiring such property and the
73 owners of such property shall be bound by the judgments, orders or decrees
74 therein. In any such action or proceeding the court or courts of the forum
75 State shall apply the laws of valuation of the other State (hereinafter some-
76 times called the nonforum State) to the valuation of the property which is
77 located or has its situs in the nonforum State and shall include in the total
78 compensation to be made to any owner of property in both States being
79 acquired in such action or proceeding the increment, if any, in the value of
80 such property in both States, by reason of its being in a single ownership.
81 If a judgment, order or decree in such an action or proceeding shall vest
82 title in or otherwise award to the condemnor the right to possession of prop-
83 erty located or having its situs in the nonforum State, then the court or
84 courts of the nonforum State shall grant full faith and credit to such judg-
85 ment, order or decree and upon petition by the condemnor to the court or
86 courts of the nonforum State specified in the laws thereof for the condem-
87 nation by the port authority of property located or having its situs in the
88 nonforum State pursuant to this act, presenting a true copy of such judg-
89 ment, order or decree and proof that it is in effect, that any conditions
90 thereof have been met, that at least 5 days' notice of such petition has been
91 served by registered or certified mail upon all owners of the property affected
92 who appeared in the original action or proceeding in the forum State or who
93 may be owners of record, and without further proof, a judgment, order or
94 decree of such court or courts of the nonforum State shall be entered grant-
95 ing condemnor possession of the property located or having its situs in the
96 nonforum State and confirming any title which shall have vested in the con-
97 demnor by the judgment, order or decree of the court or courts of the forum
98 State.

99 The owner of any property acquired by condemnation or the exercise of
100 the right of eminent domain for any of the purposes of this act shall not be
101 awarded for such property any increment above the just compensation re-
102 quired by the constitutions of the United States and of the State or States
103 in which the property is located or has its situs by reason of any circum-
104 stances whatsoever.

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

109 Where a person entitled to an award in the proceedings to condemn any
110 property for any of the purposes of this act remains in possession of such
111 property after the time of the vesting of title in the condemnor, the reason-
112 able value of his use and occupancy of such property subsequent to such
113 time, as fixed by agreement or by the court in such proceedings or by any
114 court of competent jurisdiction, shall be a lien against such award, subject
115 only to liens of record at the time of the vesting of title in the condemnor.

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

1 16. Any declarations contained herein with respect to the governmental
2 nature and public purpose of the world trade center, Hudson tubes and
3 Hudson tubes extensions and to the exemption of the world trade center,
4 Hudson tubes and Hudson tubes extensions property and instruments relat-
5 ing thereto from taxation and to the discretion of the port authority with
6 respect to said facilities shall not be construed to imply that other port
7 authority facilities, property and operations are not of a governmental
8 nature or do not serve public purposes, or that they are subject to taxation,
9 or that the determinations of the port authority with respect thereto are

10 not conclusive. The powers hereby vested in the port authority and in any
 11 subsidiary corporation incorporated for any of the purposes of this act (in-
 12 cluding but not limited to the power to acquire real property by condemna-
 13 tion) shall be continuing powers and no exercise thereof by the port author-
 14 ity or a subsidiary corporation incorporated for any of the purposes of this
 15 act shall be deemed to exhaust them or any of them.

1 17. 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 2 States dated April 30, 1921 and amendatory thereof,
 4 and shall be liberally construed to effectuate the purposes of said compact
 5 and of the comprehensive plan heretofore adopted by the 2 States, and the
 6 powers granted to the port authority shall be construed to be in aid of and
 7 not in limitation or in derogation of any other powers heretofore conferred
 8 upon or granted to the port authority.

1 18. If any section, part, phrase, or provision of this act or the applica-
 2 tion thereof to any person or circumstances be adjudged invalid by any court
 3 of competent jurisdiction, so long as the act or remainder of the act shall
 4 nonetheless permit the effectuation, as a unified project, of the Hudson tubes,
 5 Hudson tubes extensions and the world trade center, such judgment shall
 6 be confined in its operation to the section, part, phrase, provision or applica-
 7 tion directly involved in the controversy in which such judgment shall have
 8 been rendered and shall not affect or impair the validity of the remainder
 9 of this act or the application thereof to other persons or circumstances and
 10 the 2 States hereby declare that they would have entered into this act or the
 11 remainder thereof had the invalidity of such provision or application thereof
 12 been apparent.

1 19. This act shall take effect upon the enactment into law by the State
 2 of New York of legislation having an identical effect with this act, but if the
 3 State of New York has already enacted such legislation, this act shall take
 4 effect immediately.