

April 3, 1964

R.S. 40:11A-1 et seq

COPY NO. 1

LEGISLATIVE HISTORY OF R.S. 40:11A-1 et seq

(Parking Authorities)

1948, Chapter 198 - 4478 -- Introduced April 26, 1948 by Mr. Mehorter.
This bill had statement:

The purpose of this bill is indicated in its title, and the declaration of the necessity of the legislation in section two.

The greatly increased use of motor vehicles has caused serious traffic congestion on the streets of centers of population, which, in a large part, is attributed to the parking of motor vehicles on the street. The resulting slowing down of traffic movement is causing serious economic losses in many respects. Irreparable loss in valuations of property which cannot be readily reached by motor vehicles, free circulation of traffic for the fighting of fires, disposition of police forces, are conditions which result from the lack of sufficient off-street parking facilities. The situation is yearly becoming much more acute.

The bill is designed to set up a governmental agency which can cope with this problem. Under the proposed act, counties and municipalities may appoint parking authorities which are given all the necessary powers to obtain land and provide for constructions to create off-street parking facilities. The bill also provides for county and municipal aid for such programs.

Other progressive States have enacted or are planning similar legislation. With the greatly increased traffic expected in the post-war era, the necessity of enabling legislation to authorize a broad and State-wide approach to the problem is pressing.

Bill was amended on May 10, 1948 by the Assembly:

Mr. Mehorter offered the following amendment to Assembly Bill No. 478:

Amendment proposed to Assembly Bill No. 478:

Amend section 6, subsection (c), change the period at the end of line 20, page 7, to a semicolon and add the following: "provided, however, that no authority except by lease or concession to a private person, firm or corporation, shall within or on any such parking facilities or portions thereof sell, dispense or otherwise handle any product used in or for the servicing of motor vehicles."

Mr. Mehorter moved the adoption of the Assembly amendments to Assembly Bill No. 478.

1948 Assembly Minutes, page 793

searched the following without success: N.J. Municipalities, 1948, 1954.

1953, Chapter 37 - S34 -- Introduced January 13, 1953 by Mr. Clapp.
Not amended during passage.
Technical amendments to Title 40.

1953, Chapter 153 - A501 -- Introduced March 16, 1953 by Mr. Salzburg.
Not amended during passage.
No statement.

1954, Chapter 138 - S74 -- Introduced March 22, 1954 by Senator Hand.
Amendments to original bill made in Senate were purely technical (removal of brackets).
Bill had statement:

The purpose of this amendment to the Parking Authority Statute enacted in 1948, L. 1948, c. 198 as amended L. 1953, c. 153, is to enable municipalities and counties to contract with parking authorities so that revenues of the parking meters may be pledged as collateral for Parking Authority bond issues. The enactment of this amendment in no way deprives the political subdivision of any of their home rule attributes without their consent.

1958, Chapter 22 - S117 -- Introduced March 17, 1958 by Senators Fox and Stout.
Not amended during passage.
This bill had statement.

This bill amends the Parking Authority Law (P.L. 1948, c. 198) for the purpose of revising certain provisions of said law so as to assist financing and other operations of parking authorities in carrying out statutory and public purposes by clarifying the powers of such authorities and establishing the extent to which parking authorities may receive financial or other assistance from municipalities whether by contract or otherwise.

Under existing legislation and due to unfavorable bond marketing conditions, parking authorities have been unable to finance necessary parking projects without paying high rates of interest. The amendment would empower parking authorities to undertake and to finance parking projects as heretofore and to issue bonds of a parking authority payable from the revenues of a parking authority generally or from particular revenues or secured by pledge of moneys

SENATE, No. 74
STATE OF NEW JERSEY

INTRODUCED MARCH 22, 1954

By Mr. HAND

Referred to Committee on Judiciary

An Act to amend and supplement the "Parking Authority Law," approved July 2, 1948 (P. L. 1948, c. 198).

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

1 1. Section 2 of the act of which this act is amendatory is amended to read
2 as follows:

3 2. Declaration of necessity of legislation. It is hereby determined and
4 declared:

5 (a) That the greatly increased use by the public of motor vehicles of all
6 kinds has caused serious traffic congestion on the streets of urban centers of
7 population in the municipalities of this State.

8 (b) That the parking of an excessive number of motor vehicles on the
9 streets has contributed to this congestion to such an extent as to interfere
10 seriously with the primary use of such streets for the movement of traffic.

11 (c) That such parking prevents the free circulation of traffic in, through
12 and from municipalities, impedes rapid and effective fighting of fires and the
13 disposition of police forces and endangers the health, safety and welfare of
14 the general public.

15 (d) That such parking threatens irreparable loss in valuations of prop-
16 erty in the [city] municipalities which can no longer be readily reached by
16A vehicular traffic.

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

20 (e) "Area of operation": (1) in the case of a parking authority of a
21 municipality shall include the area of such municipality; (2) in the case of a
22 parking authority of a county, shall include all the county except that portion
23 which lies within the territorial limits of a municipality for which a parking
24 authority has been created; with respect to any municipality which has not
25 created a parking authority of a county shall not include such municipality
26 within its area of operation, unless it has first secured the approval of such ac-
27 tion by said municipality (such approval to be evidenced by an ordinance
28 adopted by the governing body of the municipality).

29 (f) The term "Federal agency" shall mean and include the United States
30 of America, the President of the United States of America and any depart-
31 ment or corporation agency or instrumentality heretofore or hereafter cre-
32 ated, designated or established by the United States of America.

33 (g) "Public body" shall mean the State, or any county, city, town, town-
34 ship, borough, village, school district, authority or any other political subdivi-
35 sion of the State.

36 (h) "Bonds" shall mean any bonds, notes, interim certificates, debentures,
37 or other obligations issued by an authority pursuant to this chapter.

38 (i) The term "construction" shall mean and include acquisition and con-
39 struction and the term "to construct" shall mean and include to acquire and
40 to construct all in such manner as may be deemed desirable.

41 (j) The term "improvement" shall mean and include extension, enlarge-
42 ment and improvement and the term "to improve" shall mean and include, to
43 extend, to enlarge and to improve all in such manner as may be deemed de-
44 sirable.

45 (k) The term "persons" shall mean and include natural persons.

46 (l) The term "project" shall mean [any structure or structures, facility
47 or undertaking which the authority is authorized to acquire, construct, im-
48 prove, maintain or operate under the provisions of this act] *any area or place*
49 *operated or to be operated by the authority for the parking or storing of*
50 *motor and other vehicles and shall, without limiting the foregoing, include all*

51 *real and personal property, driveways, roads, approaches, structures, ga-*
 52 *rages, meters, mechanical equipment, and all appurtenances and facilities*
 53 *either on, above or under the ground which are used or usable in connection*
 54 *with such parking or storing of such vehicles.*

55 (m) The term "facilities" shall mean buildings and structures above, at
 56 or below the surface of the earth, including *meters, equipment, entrances,*
 57 *exits, fencing and all other accessories above, at or below the surface of the*
 58 *earth necessary or desirable for the safety and convenience of the parking of*
 59 *vehicles.*

1 3. Section 4 of the act of which this act is amendatory is amended to read
 2 as follows:

3 4. Any governing body may, by resolution in the case of counties or or-
 4 dinance in the case of municipalities, create a body corporate and politic *and*
 5 *a political subdivision of the State to be known as the "Parking Authority*
 6 *....."* inserting the name of the municipality or county
 7 creating such authority. [The creating resolution in the case of counties and
 8 the creating ordinance in the case of municipalities may provide that no real
 9 property shall be acquired by the power of eminent domain without the con-
 10 sent of the governing body.] Such authority shall constitute an agency and
 11 instrumentality of the municipality or county creating it. Thereupon the
 12 governing body shall appoint 5 persons as commissioners of the authority.
 13 The commissioners who are first appointed shall be designated to serve for
 14 terms of 1, 2, 3, 4 and 5 years, respectively, from the date of their appoint-
 15 ment, but thereafter commissioners shall be appointed as aforesaid for a
 16 term of 5 years, except that all vacancies shall be filled for the unexpired
 17 term.

18 A municipality which has created a parking authority may with its con-
 19 sent, evidenced by ordinance, be included within the area of operation of a
 20 county authority. In such case the governing body of the county shall ratify
 21 the inclusion of such municipality before such area shall be included within
 22 the area of operation of such county authority.

23 ~~no municipality which has been included (with its consent) within the~~
 24 ~~of any county parking authority shall hereafter create a municipal~~
 25 ~~authority.~~
 26 Upon the creation of any such authority by a municipality, the clerk of
 27 the municipality shall certify a copy of the ordinance creating the parking
 28 authority, and also a copy of the resolution appointing the commissioners
 29 thereof, which documents shall be filed with the clerk of the county and be
 30 recorded in records of certificates of incorporation. In like manner, the clerk
 31 of the county shall certify the resolutions creating an authority and appoint-
 32 ing the commissioners thereof and record such resolutions in the records of
 33 certificates of incorporation for said county. In each case the clerk of the
 34 county shall cause duplicate certified copies of said documents to be filed
 35 forthwith with the Secretary of State.

1 Section 4 of the act of which this act is amendatory is amended to
 2 read as follows:

3 Section 6. Powers of authority. The [An] authority shall constitute a public
 4 body corporate and politic and a political subdivision of the State with the
 5 same territorial boundaries as the boundaries of the municipality or county
 6 creating the authority, exercising public and essential governmental func-
 7 tions, and having all the powers necessary or convenient to carry out and
 8 effectuate the purposes and provisions of this chapter, including the follow-
 9 ing powers in addition to others herein granted:

10 (a) To sue and be sued; to have a seal and to alter the same at pleasure;
 11 to have perpetual succession; to make and execute contracts and other instru-
 12 ments necessary or convenient to the exercise of the powers of the authority;
 13 and to make and from time to time amend and repeal by-laws, rules and reg-
 14 ulations, not inconsistent with this chapter, to carry into effect the powers
 15 and purposes of the authority.

16 (b) To conduct research respecting off-street parking and the necessity
 17 of the fulfillment of the parking needs in relation thereto; to construct, im-
 18 prove, maintain, operate, own, lease either in a capacity of lessor or lessee of

19. land and facilities to be devoted to the parking of vehicles of any kind.

20. (c) To lease portions of parking facilities for commercial use where in
21. the opinion of the authority such leasing is desirable and feasible in order
22. to assist in defraying the expenses of the authority; any such lease however
23. to be granted on a fair competitive basis; provided, however, that no author-
24. ity except by lease or concession to a private person, firm or corporation
25. shall within or on any such parking facilities or portions thereof sell, dispense
26. or otherwise handle any product used in or for the servicing of motor vehi-
27. cles.

28. (d) Every authority is hereby granted and shall have and may exercise
29. all powers necessary or convenient for the carrying out of the aforesaid pur-
30. poses including but without limiting the generality of the foregoing the fol-
31. lowing rights or powers.

32. (e) To acquire, purchase, hold, lease as lessee and use any franchise,
33. property, real, personal or mixed, tangible or intangible, or any interest
34. therein necessary or desirable for carrying out the purpose of the authority
35. and to sell, lease as lessor, transfer and dispose of any property or interest
36. therein at any time required by it; to acquire, by purchase, lease or otherwise
37. and to construct, improve, maintain, repair and operate projects.

38. (f) To fix, alter, charge and collect *rents*, rates and other charges in the
39. area served by its facilities, at reasonable rates to be determined exclusively
40. by it *for the use of the facilities and projects of the authority and for all*
41. *services sold, furnished or supplied directly or indirectly by the authority*
42. *through said facilities and projects* and which shall, together with such
43. grants, contributions or income from other sources, be sufficient to provide
44. for the payment of the expenses of the authority, repair, maintenance and
45. operation of its facilities and projects, the payment of the principal of and
46. interest [on its] *on, and any premiums upon the redemption of, its bonds and*
47. *other obligations, and to fulfill the terms and provisions of any agreements*
48. *made with the purchasers or holders of any such bonds and other obligations.*

49. (g) To invest any funds held in reserve or sinking funds, or any funds

50 not required for immediate disbursement, in property or securities in which
51 savings banks may legally invest funds subject to their control. [3] to pur-
52 chase its bonds at a price not more than the principal amount thereof and
53 accrued interest; all bonds so purchased to be cancelled.]

54 (h) Without limitation of the foregoing to borrow money and accept
55 grants from and to enter into contracts, leases or other transactions with
56 the State of New Jersey, any Federal agency, municipality, county or other
57 public body.

58 (i) To pledge, hypothecate or otherwise encumber all or any of the ob-
59 ligations of the authority.

60 (j) To enter into contracts with the State of New Jersey or any muni-
61 pality, county or authority for the use of any project of the authority.

62 (k) To do all acts and things necessary or convenient for the promo-
63 tion of its business and the general welfare of the authority to carry out
64 the powers granted to it by this act or any other acts.

1 5. Section 7 of the act of which this act is amendatory is amended to read
2 as follows:

3 7. Right of eminent domain. An authority shall have right to acquire
4 by the exercise of the power of eminent domain any real property which it
5 may deem necessary for its purposes under this chapter after the adoption
6 by it of a resolution declaring that the acquisition of the real property de-
7 scribed therein is necessary for such purposes. [unless in the resolution or
8 ordinance creating the authority it is provided that no real property shall be
9 acquired in said manner without the consent of the governing body, in which
10 case said power shall not be exercised without said consent.] Property al-
11 ready devoted to a public use may be acquired in like manner provided that
12 no real property belonging to a public body or any corporation itself possess-
13 ing the power of eminent domain may be acquired without its consent.

Section 6 of the act of which this act is amendatory is amended to read as follows:

6. **Bonds: Power to issue.** An authority shall have the power to issue bonds from time to time in its discretion, for any of its corporate purposes. An authority shall also have power to issue refunding bonds for the purpose of paying or retiring bonds previously issued by it. An authority may issue such types of bonds as it may determine, including (without limiting the generality of the foregoing) bonds on which the principal and interest are payable: (a) exclusively from the income and revenues of the parking project financed with the proceeds of such bonds; (b) exclusively from the income and revenues of certain designated parking projects whether or not they are financed in whole or in part with the proceeds of such bonds; or (c) from its revenues generally. Any such bonds may be additionally secured by a pledge of any grant or contributions from the Federal Government, State or county, or municipality, or a pledge of any income or revenues of the authority, or a mortgage of any parking project, projects or other property of the authority. This act shall be complete authority for the issuance of bonds by an authority, and the provisions of any other law shall not apply to the issuance of such bonds. Whenever and for so long as any authority has issued and has outstanding bonds pursuant to this act, it shall be the mandatory duty of the authority to fix, charge and collect rents, rates and other charges in accordance with paragraph (f) of section 6.

7. Section 9 of the act of which this act is amendatory is amended to read as follows:

9. **Bonds: liability.** Neither the commissioners of an authority nor any person executing the bonds shall be liable personally on the bonds by reason of the issuance thereof. The bonds and other obligations of an authority (and such bonds and obligations shall so state on their face) shall not be a debt of the State or any political subdivision thereof *except the authority*, and neither the State nor any political subdivision thereof *except the authority* shall be liable thereon, nor in any event shall such bonds or obligations be payable out

10 of any funds or properties other than those of said authority. The bonds
11 shall not constitute an indebtedness within the meaning of any constitutional
12 or statutory debt limitation or restriction. Bonds of an authority are de-
13 clared to be issued for an essential public and governmental purpose and to
14 be public instrumentalities, and, together with interest thereon and income
15 therefrom, shall be exempt from taxes.

1 8. Section 10 of the act of which this act is amendatory is amended to
2 read as follows:

3 10. Bonds: Provisions. Bonds of an authority shall be authorized by its
4 resolutions and may be issued in one or more series and shall bear such date
5 or dates, mature at such time or times, bear interest at such rate or rates,
6 not exceeding 6% per annum, be in such denomination or denominations, be
7 in such form, either coupon or registered, carry such conversion or registra-
8 tion privileges, have such rank or priority, be executed in such manner, be
9 payable in such medium of payment at such place or places, and be subject
10 to such terms of redemption (with or without premium) as such resolution,
11 its trust indenture or mortgage may provide. The bonds of a parking au-
12 thority may be sold by the parking authority at public or private sale [at
13 such price or prices as the parking authority shall determine] upon sealed
14 proposals to any financially responsible bidder including technical experts or
15 agents referred to in section 5 of this act, either bidding alone or in conjunc-
16 tion with others; provided, however, that the interest cost to maturity of the
17 money received for any issue of bonds (computed according to standard tables
18 of bond values) shall not exceed 6% per annum.

1 9. Section 11 of the act of which this act is amendatory is amended to
2 read as follows:

3 11. Bonds: Validity. In case any of the commissioners or officers of the
4 authority whose signatures appear on any bonds or coupons shall cease to
5 be such commissioners or officers before the delivery of such bonds, such
6 signatures shall, nevertheless, be valid and sufficient for all purposes, the
7 same as if such commissioners or officers had remained in office until such

8 delivery. [Any provision of any law to the contrary notwithstanding, any
 9 bonds issued pursuant to this act shall be freely negotiable.] All bonds
 10 such under the provisions of this act are hereby made and declared to be
 11 negotiable instruments under the negotiable instruments law of this State.
 12 (Subtitle 1 of Title 7 of the Revised Statutes.)

1 10. Section 18 of the act of which this act is amendatory is amended to
 2 read as follows:

3 18. Powers of authority pertaining to other governmental agencies. In
 4 addition to the powers conferred upon any authority by other provisions of
 5 this chapter, an authority is empowered to borrow money or accept contri-
 6 butions; grants or other financial assistance from the Federal Government,
 7 to take over or lease, or manage, any parking project or undertaking con-
 8 structed or owned by any county or municipality and to these ends, to com-
 9 ply with such conditions and enter into such mortgages, trust indentures,
 10 leases, or agreements, as may be necessary, convenient or desirable. It is
 11 the purpose and intent of this chapter to authorize every authority to do
 12 any and all things necessary or desirable to secure the financial aid or co-
 13 operation of the Federal Government, the State Government, or any county
 14 or municipality in the undertaking, construction, maintenance, or operation
 15 of any parking project by such authority. The rents, rates and fees to be
 16 charged in the operation of a parking authority shall be regulated and deter-
 17 mined solely by the authority.

1 11. Section 20 of the act of which this act is amendatory is amended to
 2 read as follows:

3 20. Restriction on alteration of powers. The provisions of this act shall
 4 constitute a part of any and all contracts entered into by an authority cre-
 5 ated hereunder for the benefit and security of the creditors of such author-
 6 ity, and the State of New Jersey does hereby pledge to and agree with any
 7 person, firm or corporation or Federal agency subscribing to or acquiring
 8 the bonds [to be] issued by the authority for the construction, extension,
 9 improvement or enlargement of any project or facilities or part thereof that

10 the State of New Jersey will not limit or alter the rights hereby vested in
 11 the authority and in the holders of such bonds until all bonds at any time
 12 issued together with the interest thereon and any premiums upon the re-
 13 demption thereof are fully met and discharged. The State of New Jersey
 14 does further pledge in the event that any Federal agency [and any other
 15 Federal agency that to and agree with the United States] shall [construct
 16 or] contribute or agree to contribute any funds for the construction, ex-
 17 tension, improvement or enlargement of any project or any portion thereof,
 18 the State of New Jersey will not alter or limit the rights and powers of the
 19 authority in any manner which would be inconsistent with the continued
 20 maintenance and operation of the project or the improvement thereof or
 21 which would be inconsistent with the due performance of any agreements
 22 between the authority and any such Federal agency and the authority shall
 23 continue to have and may exercise all powers herein granted so long as the
 24 same shall be necessary or desirable for the carrying out of the purposes
 25 of this act and the purposes of the United States in the construction or
 26 improvement or enlargement of the project or such portion thereof.

1 12. Section 23 of the act of which this act is amendatory is amended to
 2 read as follows:

3 23. Aid by public bodies. For the purpose of aiding and co-operating in
 4 the planning, undertaking, construction or operation of parking projects lo-
 5 cated within the area in which it is authorized to act, any public body may
 6 upon such terms, with or without consideration, as it may determine:

7 (a) Dispose of property interest. Dedicate, sell, convey or lease any of
 8 its property to a parking authority.

9 (1) Any governing body may, by resolution in the case of counties
 10 or ordinance in the case of municipalities, convey to an authority real
 11 and personal property owned by the municipality or county for use by
 12 the authority as a project or a part thereof.

13 (2) Any municipality or county may acquire by purchase or con-
 14 demnation real property in the name of the municipality or county for

15 any project or for the widening of existing roads, streets, parkways, ave-
16 nues or highways or for new roads, streets, parkways, avenues or high-
17 ways to any project, or partly for such purposes and partly for other mu-
18 nicipal or county purposes, by purchase or condemnation in the manner
19 provided by law for the acquisition of real property by a municipality or
20 county.

21 (3) Contracts may be entered into between a municipality or county
22 and an authority providing for the property to be acquired by a munic-
23 ipality or county and so conveyed, and the amounts, terms and condi-
24 tions of payment to be made by an authority, provided, however, that the
25 designation of parking areas and the location of parking meters shall be
26 within the sole discretion of an authority. Such contracts may contain
27 covenants by a municipality or county as to the road, street, parkway,
28 avenue and highway improvements to be made by a municipality or
29 county, including provisions for the installation of parking meters in
30 designated streets of a municipality or county and for the removal of
31 such parking meters in the event that such parking meters are not found
32 to be necessary or convenient. Any such contract may pledge the revenues
33 of such parking meters and any parking meters installed by a munic-
34 ipality or county prior thereto to the authority. Such contracts may also
35 contain provisions limiting or prohibiting the construction and operation
36 by a municipality or county or any agency thereof in designated areas of
37 public parking facilities and parking meters whether or not a fee or
38 charge is made therefor. Any such contracts between a municipality or
39 county and an authority may be pledged by such authority to secure its
40 bonds, and may not be modified thereafter except as provided by the
41 terms of the contracts or by the terms of the pledge. The governing body
42 may authorize such contracts on behalf of a municipality or county, and
43 no other authorization on the part of a municipality or county for such
44 contracts shall be necessary. The local laws, resolutions, ordinances,
45 rules and regulations of a municipality or county within which a project

50 is located shall apply to such project if so provided in any contract or
51 with a municipality or county, and to the extent pro-
52 vided in such contract.

53 (g) If the authority shall have the use and occupancy of any
54 real property which it shall determine is no longer required by a project
55 then, if such real property was acquired at the cost and expense of the
56 municipality or county, the authority shall have power to surrender its
57 use and occupancy thereof to the municipality or county, or, if such
58 real property was acquired at the cost and expense of the authority,
59 then the authority shall have power to sell, lease or otherwise dispose of
60 said real property and shall retain and have the power to use the pro-
61 ceeds of sale, rentals or other moneys derived from the disposition
62 thereof for its purposes.

63 (h) Furnish facilities. Cause water, sewer, lighting and drainage fa-
64 cilities, or other works which it is otherwise empowered to undertake to be fur-
65 nished adjacent to or in connection with parking projects; provided, nothing
66 in this chapter shall authorize the construction of any public utility service
67 or facility which would be competitive with any existing public utility as the
68 same is defined by section R. S. 48:2-13 of the Title, Public Utilities;

69 (i) Furnish additional facilities. Furnish, dedicate, close, pave, install,
70 grade, regrade, plan, or replan streets, roads, roadways, alleys, sidewalks or
71 other places which it is otherwise empowered to undertake;

72 (j) Zoning. Plan or replan, zone or rezone any part of such public body;
73 make exceptions from building regulations and ordinances and change its
74 map;

75 (k) Agreements. Enter into agreements (which may extend over any
76 period, notwithstanding any provision or rule of law to the contrary), with a
77 parking authority or the Federal Government or any public body of the State
78 of New Jersey respecting action to be taken by such public body pursuant to
79 any of the powers granted by this act;

76 (f) Take additional steps. Do any and all things necessary or conven-
77 ient to aid and cooperate in the planning, undertaking, construction or opera-
78 tion of such parking projects;

79 (g) Furnish service. Cause services to be furnished to the parking au-
80 thority of the character which such public body is otherwise empowered to
81 furnish;

82 (h) Enter into agreements with a parking authority respecting the ex-
83 ercise by such public body of its powers relating to the elimination, destruc-
84 tion or removal of unsafe, insanitary or unfit buildings;

85 (i) Bonds. Purchase or legally invest in any of the bonds or other obli-
86 gations of a parking authority and exercise all of the rights of any holder of
87 such bonds.

88 (j) Incurring expense. In connection with any public improvements
89 made by a public body in exercising the powers herein granted, such public
90 body may incur the entire expense thereof. Any law or statute to the con-
91 trary notwithstanding, any sale, conveyance, lease or agreement provided for
92 in this section may be made by a public body without appraisal, public notice,
93 advertisement or public bidding.

94 (k) *Moneys of an authority.* An authority shall appoint a treasurer,
95 who may also act as secretary of the authority, and all moneys of an author-
96 ity shall be paid to the treasurer of the authority. Such treasurer shall file a
97 bond of indemnity with the authority in an amount sufficient to cover the mon-
98 eys from time to time under his control. Such moneys shall be deposited in a
99 separate bank account or accounts. The moneys in such accounts shall be
100 paid out on checks of the treasurer on requisitions of the chairman of the au-
101 thority or of such other person or persons as the authority may authorize to
102 make such requisitions. All deposits of such moneys shall, if required by the
103 treasurer or the authority, be secured by obligations of the United States or
104 of the State of New Jersey of a market value equal at all times to the amount
105 of the deposit, and all banks and trust companies are authorized to give such
106 security for such deposits. The treasurer and his legally authorized repre-

108: resolution or order of the board and management from time to time to transmit the
109: records and books of the authority, including its receipts, disbursements, con-
110: tracts, leases, sinking funds, investments and other records and papers relat-

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111: ing to its financial standing. The authority shall have power, notwithstanding
112: any provision of this paragraph, to contract with the holder of any of its

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113: bonds into the custody, collection, securing, investment and payment of any
114: moneys of the authority, or any moneys held in trust or otherwise for the pay-
115: ment of bonds or in any way to secure bonds, and to carry out any such con-
116: tract notwithstanding that such contract may be inconsistent with the pro-
117: visions provisions of this paragraph. Moneys held in trust or otherwise for the
118: payment of bonds or in any way to secure bonds and deposits of such moneys
119: and trust companies are authorized to give such security for such deposits.

1 13. Whenever an authority, or any municipality or county which has ac-
2 quired by purchase or condemnation real property for any project or for the
3 widening of existing roads, streets, parkways, avenues or highways or for
4 new roads, streets, parkways, avenues or highways to any project or partly
5 for such purposes and partly for other municipal or county purposes, shall
6 determine that it is necessary that any tracks, pipes, mains, conduits, cables,
7 wires, towers, poles and other equipment and appliances (herein called "pub-
8 lic utility facilities") of any public utility as defined in section 27:7-1 of the
9 Revised Statutes in, on, along, over or under any project or any real prop-
10 erty acquired as aforesaid, should be relocated in, or removed from, such
11 project or real property acquired as aforesaid, the public utility owning or
12 operating such public utility facilities shall relocate or remove the same in
13 accordance with the order of such authority, municipality or county; provided,
14 however, that the cost and expenses of such relocation or removal, including
15 the cost of installing such public utility facilities in a new location, or new
16 locations, and the cost of any lands, or any rights or interest in lands, or
17 any other rights acquired to accomplish such relocation or removal, less the
18 cost of any lands or any rights or interest in lands or any other rights of the

19 public utility paid to the public utility in connection with the relocation or
20 removal of such property, shall be ascertained and paid for the authority,
21 municipality or county making such order. In case of any such relocation
22 or removal of public utility facilities, as aforesaid, the public utility owning
23 or operating the same, its successors or assigns, may maintain and operate
24 such facilities, with the necessary appurtenances, in the new location or new
25 locations, for as long a period, and upon the same terms and conditions, as
26 it had the right to maintain and operate such public utility facilities in their
27 former location or locations.

1 14. All general or special laws, or parts thereof, inconsistent herewith
2 are hereby declared to be inapplicable to the exercise of the powers, duties
3 and obligations authorized under the provisions of this act.

1 15. This act shall take effect immediately.

STATEMENT

The purpose of this amendment to the Parking Authority Statute enacted
in 1948, L. 1948, c. 153 as amended L. 1953, c. 153, is to enable municipalities
and counties to contract with parking authorities so that revenues of the park-
ing meters may be pledged as collateral for Parking Authority bond issues. The
enactment of this amendment in no way deprives the political subdivisions of
any of their home rule attributes without their consent.

SENATE COMMITTEE AMENDMENTS TO

SENATE, No. 74

STATE OF NEW JERSEY
STATE OF NEW JERSEY

ADOPTED MAY 10, 1954

Amend page 4, section 3, lines 7 and 10, delete the brackets.

Amend page 7, section 5, line 7, delete the period and bracket.

Amend page 7, section 5, line 10, delete the bracket.

[OFFICIAL COPY REPRINT]

SENATE, No. 74

STATE OF NEW JERSEY

INTRODUCED MARCH 22, 1954

By Mr. HAND

Referred to Committee on Judiciary

An Act to amend and supplement the "Parking Authority Law," approved July 2, 1948 (P. L. 1948, c. 198).

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

1 1. Section 2 of the act of which this act is amendatory is amended to read
2 as follows:

3 2. Declaration of necessity of legislation. It is hereby determined and
4 declared:

5 (a) That the greatly increased use by the public of motor vehicles of all
6 kinds has caused serious traffic congestion on the streets of urban centers of
7 population in the municipalities of this State.

8 (b) That the parking of an excessive number of motor vehicles on the
9 streets has contributed to this congestion to such an extent as to interfere
10 seriously with the primary use of such streets for the movement of traffic.

11 (c) That such parking prevents the free circulation of traffic in, through
12 and from municipalities, impedes rapid and effective fighting of fires and the
13 disposition of police forces and endangers the health, safety and welfare of
14 the general public.

15 (d) That such parking threatens irreparable loss in valuations of prop-
16 erty in the [city] municipalities which can no longer be readily reached by
16A vehicular traffic.

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

17 (e) That this parking crisis which threatens the welfare of the community
18 can be reduced by providing sufficient off-street and on-street parking facilities
19 properly located in the several residential, commercial and industrial areas
20 of municipalities.

21 (f) That adequate provision of properly located terminal space for auto-
22 mobiles is a public responsibility.

23 (g) That the parking problem cannot be remedied by regulatory proc-
24 esses and cannot be effectively dealt with by private enterprise.

25 (h) That the establishment of parking authorities will promote the pub-
26 lic safety, convenience and welfare and the necessity in the public interest for
27 the provisions hereinafter enacted, is hereby declared as a matter of legisla-
28 tive determination.

1 2. Section 3 of the act of which this act is amondatory is amondod to read
2 as follows:

3 3. Definitions. The following terms, wherover used or referred to in this
4 chapter, shall have the following respective meanings, unless a different mean-
5 ing clearly appears from the context:

6 (a) "Authority" or "parking authority" or "authorities" or "parking
7 authorities" shall mean any of the public corporations created by this chapter.

8 (b) "Municipality" shall mean any city of any class, any town, township,
9 village, borough or any municipal subdivision of this State. "County" shall
10 mean any county in the State. "The municipality" shall mean the particular
11 municipality or municipalities for which a particular parking authority is
12 created. "The county" shall mean the particular county for which a particu-
13 lar parking authority is created.

14 (c) "Governing body" shall mean in the case of a municipality the com-
15 mon council or the board of commissioners or the body managing its affairs,
16 and in the case of a county the board of chosen freeholders.

17 (d) "Clerk" shall mean the clerk of the municipality or the clerk of the
18 county, as the case may be, or the officer charged with the duties customarily
19 imposed on such clerk.

20 (e) "Area of operation": (1) in the case of a parking authority of a
21 municipality shall include the area of such municipality; (2) in the case of a
22 parking authority of a county, shall include all the county except that portion
23 which lies within the territorial limits of a municipality for which a parking
24 authority has been created; with respect to any municipality which has not
25 created a parking authority of a county shall not include such municipality
26 within its area of operation, unless it has first secured the approval of such ac-
27 tion by said municipality (such approval to be evidenced by an ordinance
28 adopted by the governing body of the municipality).

29 (f) The term "Federal agency" shall mean and include the United States
30 of America, the President of the United States of America and any depart-
31 ment or corporation agency or instrumentality heretofore or hereafter cre-
32 ated, designated or established by the United States of America.

33 (g) "Public body" shall mean the State, or any county, city, town, town-
34 ship, borough, village, school district, authority or any other political subdivi-
35 sion of the State.

36 (h) "Bonds" shall mean any bonds, notes, interim certificates, debentures,
37 or other obligations issued by an authority pursuant to this chapter.

38 (i) The term "construction" shall mean and include acquisition and con-
39 struction and the term "to construct" shall mean and include to acquire and
40 to construct all in such manner as may be deemed desirable.

41 (j) The term "improvement" shall mean and include extension, enlarge-
42 ment and improvement and the term "to improve" shall mean and include, to
43 extend, to enlarge and to improve all in such manner as may be deemed de-
44 sirable.

45 (k) The term "persons" shall mean and include natural persons.

46 (l) The term "project" shall mean [any structure or structures, facility
47 or undertaking which the authority is authorized to acquire, construct, im-
48 prove, maintain or operate under the provisions of this act] *any area or place*
49 *operated or to be operated by the authority for the parking or storing of*
50 *motor and other vehicles and shall, without limiting the foregoing, include all*

51 real and personal property, driveways, roads, approaches, structures, ga-
52 rages, meters, mechanical equipment, and all appurtenances and facilities
53 either on, above or under the ground which are used or usable in connection
54 with such parking or storing of such vehicles.

55 (m) The term "facilities" shall mean buildings and structures above, at
56 or below the surface of the earth, including meters, equipment, entrances,
57 exits, fencing and all other accessories above, at or below the surface of the
58 earth necessary or desirable for the safety and convenience of the parking of
59 vehicles.

1 3. Section 4 of the act of which this act is amendatory is amended to read
2 as follows:

3 4. Any governing body may, by resolution in the case of counties or or-
4 dinance in the case of municipalities, create a body corporate and politic and
5 a political subdivision of the State to be known as the "Parking Authority
6, " inserting the name of the municipality or county
7 creating such authority. The creating resolution in the case of counties and
8 the creating ordinance in the case of municipalities may provide that no real
9 property shall be acquired by the power of eminent domain without the con-
10 sent of the governing body. Such authority shall constitute an agency and
11 instrumentality of the municipality or county creating it. Thereupon the
12 governing body shall appoint 5 persons as commissioners of the authority.
13 The commissioners who are first appointed shall be designated to serve for
14 terms of 1, 2, 3, 4 and 5 years, respectively, from the date of their appoint-
15 ment, but thereafter commissioners shall be appointed as aforesaid for a
16 term of 5 years, except that all vacancies shall be filled for the unexpired
17 term.

18 A municipality which has created a parking authority may with its con-
19 sent, evidenced by ordinance, be included within the area of operation of a
20 county authority. In such case the governing body of the county shall ratify
21 the inclusion of such municipality before such area shall be included within
22 the area of operation of such county authority.

25. No municipality which has been included (with its consent) within the
 26 area of operation of a county parking authority shall thereafter create a new
 27 municipal authority or authorities or alter the area of operation of any
 28 municipal authority.

29. Upon the creation of any such authority by a municipality, the clerk of
 30 the municipality shall certify a copy of the ordinance creating the parking
 31 authority, and also a copy of the resolution appointing the commissioners
 32 thereof, which documents shall be filed with the clerk of the county and be
 33 recorded in records of certification of incorporation. In like manner, the clerk
 34 of the county shall certify the resolutions creating an authority and appoint-
 35 ing the commissioners thereof and record such resolutions in the records of
 36 certification of incorporation for said county. In each case the clerk of the
 37 county shall cause duplicate certified copies of said documents to be filed
 38 forthwith with the Secretary of State.

1. 4. Section 6 of the act of which this act is amendatory is amended to
 2 read as follows:

3 6. Powers of authority. The [An] authority shall constitute a public
 4 body corporate and politic and a political subdivision of the State with the
 5 same territorial boundaries as the boundaries of the municipality or county
 6 creating the authority, exercising public and essential governmental func-
 7 tions, and having all the powers necessary or convenient to carry out and
 8 effectuate the purposes and provisions of this chapter, including the follow-
 9 ing powers in addition to others herein granted:

10 (a) To sue and be sued; to have a seal and to alter the same at pleasure;
 11 to have perpetual succession; to make and execute contracts and other instru-
 12 ments necessary or convenient to the exercise of the powers of the authority;
 13 and to make and from time to time amend and repeal by laws, rules and reg-
 14 ulations, not inconsistent with this chapter, to carry into effect the powers
 15 and purposes of the authority.

16 (b) To conduct research respecting off-street parking and the necessity
 17 of the fulfillment of the parking needs in relation thereto; to construct, im-
 18 prove, maintain, operate, own, lease either in a capacity of lessor or lessee of

19 land and facilities to be devoted to the parking of vehicles of any kind.

20 (c) To lease portions of parking facilities for commercial use where in
21 the opinion of the authority such leasing is desirable and feasible in order
22 to assist in defraying the expenses of the authority; any such lease however
23 to be granted on a fair competitive basis; provided, however, that no author-
24 ity except by lease or concession to a private person, firm or corporation
25 shall within or on any such parking facilities or portions thereof sell, dispense
26 or otherwise handle any product used in or for the servicing of motor vehi-
27 cles.

28 (d) Every authority is hereby granted and shall have and may exercise
29 all powers necessary or convenient for the carrying out of the aforesaid pur-
30 poses including but without limiting the generality of the foregoing the fol-
31 lowing rights or powers.

32 (e) To acquire, purchase, hold, lease as lessee and use any franchise,
33 property, real, personal or mixed, tangible or intangible, or any interest
34 therein necessary or desirable for carrying out the purpose of the authority
35 and to sell, lease as lessor, transfer and dispose of any property or interest
36 therein at any time required by it; to acquire, by purchase, lease or otherwise
37 and to construct, improve, maintain, repair and operate projects.

38 (f) To fix, alter, charge and collect *rents, rates and other charges* in the
39 area served by its facilities, at reasonable rates to be determined exclusively
40 by it *for the use of the facilities and projects of the authority and for all*
41 *services sold, furnished or supplied directly or indirectly by the authority*
42 *through said facilities and projects* and which shall, together with such
43 grants, contributions or income from other sources, be sufficient to provide
44 for the payment of the expenses of the authority, repair, maintenance and
45 operation of its facilities and projects, the payment of the principal of and
46 interest [on its] *on, and any premiums upon the redemption of, its bonds and*
47 *other obligations, and to fulfill the terms and provisions of any agreements*
48 *made with the purchasers or holders of any such bonds and other obligations.*

49 (g) To invest any funds held in reserve or sinking funds, or any funds

50 not required for immediate disbursement, in property or securities in which
51 savings banks may legally invest funds subject to their control; to pur-
52 chase its bonds at a price not more than the principal amount thereof and
53 accrued interest, all bonds so purchased to be cancelled.]

54 (h) Without limitation of the foregoing to borrow money and accept
55 grants from and to enter into contracts, leases or other transactions with
56 the State of New Jersey, any Federal agency, municipality, county or other
57 public body.

58 (i) To pledge, hypothecate or otherwise encumber all or any of the ob-
59 ligations of the authority.

60 (j) To enter into contracts with the State of New Jersey or any munici-
61 pality, county or authority for the use of any project of the authority.

62 (k) To do all acts and things necessary or convenient for the promo-
63 tion of its business and the general welfare of the authority to carry out
64 the powers granted to it by this act or any other acts.

1 5. Section 7 of the act of which this act is amendatory is amended to read
2 as follows:

3 7. Right of eminent domain. An authority shall have right to acquire
4 by the exercise of the power of eminent domain any real property which it
5 may deem necessary for its purposes under this chapter after the adoption
6 by it of a resolution declaring that the acquisition of the real property de-
7 scribed therein is necessary for such purposes unless in the resolution or
8 ordinance creating the authority it is provided that no real property shall be
9 acquired in said manner without the consent of the governing body, in which
10 case said power shall not be exercised without said consent. Property al-
11 ready devoted to a public use may be acquired in like manner provided that
12 no real property belonging to a public body or any corporation itself possess-
13 ing the power of eminent domain may be acquired without its consent.

1 ~~Section 8 of the act of which this act is amendatory is amended to read~~
 2 ~~as follows:~~

3 ~~8. Bonds: Power to issue. An authority shall have the power to issue~~
 4 ~~bonds from time to time in its discretion, for any of its corporate purposes.~~
 5 ~~An authority shall also have power to issue refunding bonds for the purpose~~
 6 ~~of paying or retiring bonds previously issued by it. An authority may issue~~
 7 ~~such types of bonds as it may determine, including (without limiting the gen-~~
 8 ~~erality of the foregoing) bonds on which the principal and interest are pay-~~
 9 ~~able; (a) exclusively from the income and revenues of the parking project fi-~~
 10 ~~nanced with the proceeds of such bonds; (b) exclusively from the income and~~
 11 ~~revenues of certain designated parking projects whether or not they are fi-~~
 12 ~~nanced in whole or in part with the proceeds of such bonds; or (c) from its~~
 13 ~~revenues generally. Any such bonds may be additionally secured by a pledge~~
 14 ~~of any grant or contributions from the Federal Government, State or county,~~
 15 ~~or municipality, or a pledge of any income or revenues of the authority, or a~~
 16 ~~mortgage of any parking project, projects or other property of the authority.~~
 17 ~~This act shall be complete authority for the issuance of bonds by an author-~~
 18 ~~ity, and the provisions of any other law shall not apply to the issuance of such~~
 19 ~~bonds. Whenever and for so long as any authority has issued and has out-~~
 20 ~~standing bonds pursuant to this act, it shall be the mandatory duty of the~~
 21 ~~authority to fix, charge and collect rents, rates and other charges in accord-~~
 22 ~~ance with paragraph (f) of section 6.~~

1 7. Section 9 of the act of which this act is amendatory is amended to read
 2 as follows:

3 9. Bonds: Liability. Neither the commissioners of an authority nor any
 4 person executing the bonds shall be liable personally on the bonds by reason
 5 of the issuance thereof. The bonds and other obligations of an authority (and
 6 such bonds and obligations shall so state on their face) shall not be a debt of
 7 the State or any political subdivision thereof *except the authority*, and neither
 8 the State nor any political subdivision thereof *except the authority* shall be
 9 liable thereon, nor in any event shall such bonds or obligations be payable out

9
10 of any funds or properties other than those of said authority. The bonds
11 shall not constitute an indebtedness within the meaning of any constitutional
12 or statutory debt limitation or restriction. Bonds of an authority are de-
13 clared to be issued for an essential public and governmental purpose and to
14 be public instrumentalities, and, together with interest thereon and income
15 therefrom, shall be exempt from taxes.

1 8. Section 10 of the act of which this act is amendatory is amended to
2 read as follows:

3 10. Bonds: Provisions. Bonds of an authority shall be authorized by its
4 resolutions and may be issued in one or more series and shall bear such date
5 or dates, mature at such time or times, bear interest at such rate or rates,
6 not exceeding 6% per annum, be in such denomination or denominations, be
7 in such form, either coupon or registered, carry such conversion or registra-
8 tion privileges, have such rank or priority, be executed in such manner, be
9 payable in such medium of payment at such place or places, and be subject
10 to such terms of redemption (with or without premium) as such resolution,
11 its trust indenture or mortgage may provide. The bonds of a parking au-
12 thority may be sold by the parking authority at public or private sale [at
13 such price or prices as the parking authority shall determine] upon sealed
14 proposals to any financially responsible bidder including technical experts or
15 agents referred to in section 5 of this act, either bidding alone or in conjunc-
16 tion with others; provided, however, that the interest cost to maturity of the
17 money received for any issue of bonds (computed according to standard tables
18 of bond values) shall not exceed 6% per annum.

1 9. Section 11 of the act of which this act is amendatory is amended to
2 read as follows:

3 11. Bonds: Validity. In case any of the commissioners or officers of the
4 authority whose signatures appear on any bonds or coupons shall cease to
5 be such commissioners or officers before the delivery of such bonds, such
6 signatures shall, nevertheless, be valid and sufficient for all purposes, the
7 same as if such commissioners or officers had remained in office until such

8 delivery. [Any provision of any law to the contrary notwithstanding, any
 9 bonds issued pursuant to this act shall be freely negotiable.] All bonds is-
 10 sued under the provisions of this act are hereby made and declared to be
 11 negotiable instruments under the negotiable instruments law of this State.
 12 (Subtitle 1 of Title 7 of the Revised Statutes.)

1 10. Section 18 of the act of which this act is amendatory is amended to
 2 read as follows:

3 18. Powers of authority pertaining to other governmental agencies. In
 4 addition to the powers conferred upon any authority by other provisions of
 5 this chapter, an authority is empowered to borrow money or accept contri-
 6 butions; grants or other financial assistance from the Federal Government,
 7 to take over or lease, or manage, any parking project or undertaking con-
 8 structed or owned by any county or municipality and to those ends, to com-
 9 ply with such conditions and enter into such mortgages, trust indentures,
 10 leases, or agreements, as may be necessary, convenient or desirable. It is
 11 the purpose and intent of this chapter to authorize every authority to do
 12 any and all things necessary or desirable to secure the financial aid or co-
 13 operation of the Federal Government, the State Government, or any county
 14 or municipality in the undertaking, construction, maintenance, or operation
 15 of any parking project by such authority. *The rents, rates and fees to be*
 16 *charged in the operation of a parking authority shall be regulated and deter-*
 17 *mined solely by the authority.*

1 11. Section 20 of the act of which this act is amendatory is amended to
 2 read as follows:

3 20. Restriction on alteration of powers. *The provisions of this act shall*
 4 *constitute a part of any and all contracts entered into by an authority cre-*
 5 *ated hereunder for the benefit and security of the creditors of such author-*
 6 *ity, and the State of New Jersey does hereby pledge to and agree with any*
 7 *person, firm or corporation or Federal agency subscribing to or acquiring*
 8 *the bonds [to be] issued by the authority for the construction, extension,*
 9 *improvement or enlargement of any project or facilities or part thereof that*

10 the State of New Jersey will not limit or alter the rights hereby vested in
 11 the authority and in the holders of such bonds until all bonds at any time
 12 issued together with the interest thereon and any premiums upon the re-
 13 demption thereof are fully met and discharged. The State of New Jersey
 14 does further pledge in the event that any Federal agency [and any other
 15 Federal agency that to and agree with the United States] shall [construct
 16 or] contribute or agree to contribute any funds for the construction, ex-
 17 tension, improvement or enlargement of any project or any portion thereof,
 18 the State of New Jersey will not alter or limit the rights and powers of the
 19 authority in any manner which would be inconsistent with the continued
 20 maintenance and operation of the project or the improvement thereof or
 21 which would be inconsistent with the due performance of any agreements
 22 between the authority and any such Federal agency and the authority shall
 23 continue to have and may exercise all powers herein granted so long as the
 24 same shall be necessary or desirable for the carrying out of the purposes
 25 of this act and the purposes of the United States in the construction or
 26 improvement or enlargement of the project or such portion thereof.

1 12. Section 23 of the act of which this act is amendatory is amended to
 2 read as follows:

3 23. Aid by public bodies. For the purpose of aiding and co-operating in
 4 the planning, undertaking, construction or operation of parking projects lo-
 5 cated within the area in which it is authorized to act, any public body may
 6 upon such terms, with or without consideration, as it may determine:

7 (a) Dispose of property interest. Dedicate, sell, convey or lease any of
 8 its property to a parking authority.

9 (1) Any governing body may, by resolution in the case of counties
 10 or ordinance in the case of municipalities, convey to an authority real
 11 and personal property owned by the municipality or county for use by
 12 the authority as a project or a part thereof.

13 (2) Any municipality or county may acquire by purchase or con-
 14 demnation real property in the name of the municipality or county for

15 any project or for the widening of existing roads, streets, parkways, ave-
16 nues or highways or for new roads, streets, parkways, avenues or high-
17 ways to any project, or partly for such purposes and partly for other mu-
18 nicipal or county purposes, by purchase or condemnation in the manner
19 provided by law for the acquisition of real property by a municipality or
20 county.

21 (3) Contracts may be entered into between a municipality or county
22 and an authority providing for the property to be acquired by a munic-
23 ipality or county and so conveyed, and the amounts, terms and condi-
24 tions of payment to be made by an authority, provided, however, that the
25 designation of parking areas and the location of parking meters shall be
26 within the sole discretion of an authority. Such contracts may contain
27 covenants by a municipality or county as to the road, street, parkway,
28 avenue and highway improvements to be made by a municipality or
29 county, including provisions for the installation of parking meters in
30 designated streets of a municipality or county and for the removal of
31 such parking meters in the event that such parking meters are not found
32 to be necessary or convenient. Any such contract may pledge the revenues
33 of such parking meters and any parking meters installed by a munic-
34 ipality or county prior thereto to the authority. Such contracts may also
35 contain provisions limiting or prohibiting the construction and operation
36 by a municipality or county or any agency thereof in designated areas of
37 public parking facilities and parking meters whether or not a fee or
38 charge is made therefor. Any such contracts between a municipality or
39 county and an authority may be pledged by such authority to secure its
40 bonds, and may not be modified thereafter except as provided by the
41 terms of the contracts or by the terms of the pledge. The governing body
42 may authorize such contracts on behalf of a municipality or county, and
43 no other authorization on the part of a municipality or county for such
44 contracts shall be necessary. The local laws, resolutions, ordinances,
45 rules and regulations of a municipality or county within which a project

46. is located shall apply to such project if so provided in any contract be-
47. tween an authority and a municipality or county, and to the extent pro-
48. vided in such contract.

49. (4) In case an authority shall have the use and occupancy of any
50. real property which it shall determine is no longer required by a project
51. then, if such real property was acquired at the cost and expense of the
52. municipality or county, the authority shall have power to surrender its
53. use and occupancy thereof to the municipality or county, or, if such
54. real property was acquired at the cost and expense of the authority,
55. then the authority shall have power to sell, lease or otherwise dispose of
56. said real property and shall retain and have the power to use the pro-
57. ceeds of sale, rentals or other moneys derived from the disposition
58. thereof for its purposes.

59. (b) Furnish facilities. Cause water, sewer, lighting and drainage fa-
60. cilities, or other works which it is otherwise empowered to undertake to be fur-
61. nished adjacent to or in connection with parking projects; provided, nothing
62. in this chapter shall authorize the construction of any public utility service
63. or facility which would be competitive with any existing public utility as the
64. same is defined by section R. S. 46:2-13 of the Title, Public Utilities;

65. (c) Furnish additional facilities. Furnish, dedicate, close, pave, install,
66. grade, regrade, plan, or replan streets, roads, roadways, alleys, sidewalks or
67. other places which it is otherwise empowered to undertake;

68. (d) Zoning. Plan or replan, zone or rezone any part of such public body;
69. make exceptions from building regulations and ordinances and change its
70. map;

71. (e) Agreements. Enter into agreements (which may extend over any
72. period, notwithstanding any provision or rule of law to the contrary), with a
73. parking authority or the Federal Government or any public body of the State
74. of New Jersey respecting action to be taken by such public body pursuant to
75. any of the powers granted by this act;

76 (f) Take additional steps. Do any and all things necessary or conven-
77 tent to aid and cooperate in the planning, undertaking, construction or opera-
78 tion of such parking projects;

79 (g) Furnish services. Cause services to be furnished to the parking au-
80 thority of the character which such public body is otherwise empowered to
81 furnish;

82 (h) Enter into agreements with a parking authority respecting the ex-
83 ercise by such public body of its powers relating to the elimination, destruc-
84 tion or removal of unsafe, insanitary or unfit buildings;

85 (i) Bonds. Purchase or legally invest in any of the bonds or other obli-
86 gations of a parking authority and exercise all of the rights of any holder of
87 such bonds.

88 (j) Incurring expense. In connection with any public improvements
89 made by a public body in exercising the powers herein granted, such public
90 body may incur the entire expense thereof. Any law or statute to the con-
91 trary notwithstanding, any sale, conveyance, lease or agreement provided for
92 in this section may be made by a public body without appraisal, public notice,
93 advertisement or public bidding.

94 (k) *Moneys of an authority. An authority shall appoint a treasurer,*
95 *who may also act as secretary of the authority, and all moneys of an author-*
96 *ity shall be paid to the treasurer of the authority. Such treasurer shall file a*
97 *bond of indemnity with the authority in an amount sufficient to cover the mon-*
98 *ey from time to time under his control. Such moneys shall be deposited in a*
99 *separate bank account or accounts. The moneys in such accounts shall be*
100 *paid out on checks of the treasurer on requisitions of the chairman of the au-*
101 *thority or of such other person or persons as the authority may authorize to*
102 *make such requisitions. All deposits of such moneys shall, if required by the*
103 *treasurer or the authority, be secured by obligations of the United States or*
104 *of the State of New Jersey of a market value equal at all times to the amount*
105 *of the deposit, and all banks and trust companies are authorized to give such*
106 *security for such deposits. The treasurer and his legally authorized repre-*

107 *committees are authorized and empowered from time to time to examine the*
108 *accounts and books of the authority, including its receipts, disbursements, con-*
109 *tracts, leases, sinking funds, investments and other records and papers relat-*
110 *ing to its financial standing. The authority shall have power, notwithstanding*
111 *the provisions of this paragraph, to contract with the holders of any of its*
112 *bonds as to the custody, collection, securing, investment and payment of any*
113 *moneys of the authority or any moneys held in trust or otherwise for the pay-*
114 *ment of bonds or in any way to secure bonds, and to carry out any such con-*
115 *tract notwithstanding that such contract may be inconsistent with the pre-*
116 *vious provisions of this paragraph. Moneys held in trust or otherwise for the*
117 *payment of bonds or in any way to secure bonds and deposits of such moneys*
118 *may be secured in the same manner as moneys of an authority, and all banks*
119 *and trust companies are authorized to give such security for such deposits.*

1 13. Whenever an authority, or any municipality or county which has ac-
2 quired by purchase or condemnation real property for any project or for the
3 widening of existing roads, streets, parkways, avenues or highways or for
4 new roads, streets, parkways, avenues or highways to any project or partly
5 for such purposes and partly for other municipal or county purposes, shall
6 determine that it is necessary that any tracks, pipes, mains, conduits, cables,
7 wires, towers, poles and other equipment and appliances (herein called "pub-
8 lic utility facilities") of any public utility as defined in section 27:7-1 of the
9 Revised Statutes in, on, along, over or under any project or any real prop-
10 erty acquired as aforesaid, should be relocated in, or removed from, such
11 project or real property acquired as aforesaid, the public utility owning or
12 operating such public utility facilities shall relocate or remove the same in
13 accordance with the order of such authority, municipality or county; provided,
14 however, that the cost and expenses of such relocation or removal, including
15 the cost of installing such public utility facilities in a new location, or new
16 locations, and the cost of any lands, or any rights or interest in lands, or
17 any other rights acquired to accomplish such relocation or removal, less the
18 cost of any lands or any rights or interest in lands or any other rights of the

20 public utility grid to the public utility in connection with the relocation or
21 removal of such property, shall be ascertained and paid by the authority,
22 municipality or county making such order. In case of any such relocation
23 or removal of public utility facilities as aforesaid, the public utility owning
24 or operating the same, its successors or assigns, may maintain and operate
25 such facilities, with the necessary appurtenances, in the new location or new
26 locations, for as long a period, and upon the same terms and conditions, as
27 if had the right to maintain and operate such public utility facilities in their
28 former location or locations.

1 29. All general or special laws, or parts thereof, inconsistent herewith
2 are hereby declared to be inapplicable to the exercise of the powers, duties
3 and obligations authorized under the provisions of this act.

1 30. This act shall take effect immediately.

STATE OF NEW JERSEY

INTRODUCED MARCH 17, 1958

By Senators FOX and STOUT

Referred to Committee on State, County and Municipal Government

AN ACT to amend "An act to provide for the creation as bodies corporate and politic 'parking authorities' in counties and municipalities, prescribing the rights, powers, and duties of such authorities; authorizing such authorities to acquire, construct, improve, maintain and operate parking projects; to conduct research of the parking problem, and to borrow money and issue bonds therefor, providing for the payment of such bonds and prescribing the rights of the holders thereof, conferring the right of eminent domain on such authorities, empowering such authorities to enter into contracts with and to accept grants from the Federal Government, the State, political subdivisions of the State or any agency thereof, providing for exempting the property of such parking authorities from taxation; and authorizing counties and municipalities to grant financial and other aid to parking projects," approved July 2, 1948 (P. L. 1948, c. 198).

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

1 1. Section 3 of the act of which this act is amendatory is amended to read
2 as follows:

3 3. [Definitions.] The following terms, wherever used or referred to in
4 this [chapter] *act*, shall have the following respective meanings, unless a
5 different meaning clearly appears from the context:

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

6 (a) "Authority" or "parking authority" or "authorities" or "parking
7 authorities" shall mean any of the public corporations created [by] pursuant
8 to this act [chapter].

9 (b) "Municipality" shall mean any city of any class, any town, town-
10 ship, village, borough or any [municipal subdivision] other municipality of
11 this State other than a county or a school district. "County" shall mean any
12 county of any class of this [in the] State. "The municipality" shall mean
13 the particular municipality [or municipalities] for which a particular park-
14 ing authority is created. "The county" shall mean the particular county for
15 which a particular parking authority is created.

16 (c) "Governing body" shall mean in the case of a municipality the
17 [common] commission, council [or the], board [of commissioners] or [the]
18 body, by whatever name it may be known, having charge of the finances of
19 the municipality [managing its affairs], and in the case of a county the board
20 of chosen freeholders.

21 (d) "Clerk" shall mean the clerk of the municipality or the clerk of
22 the board of chosen freeholders of the county, as the case may be, or the officer
23 charged with the duties customarily imposed on such clerk.

24 (e) "Area of operation" [:(1)] in the case of a parking authority of
25 a municipality, shall [include] mean the area of such municipality [;(2)],
26 and in the case of a parking authority of a county, shall mean the area [include
27 all the county except that portion which lies within the territorial limits] of
28 [a] each municipality in the county [for which a parking authority has
29 been created; with respect to any municipality which has not created a park-
30 ing authority of a county shall not include such] (1) the governing body of
31 which, by ordinance, has consented to inclusion of the territory of the munic-
32 ipality within [its] such area of operation, and (2) for which no parking au-
33 thority was created prior to such consent or for which the parking authority
34 previously created shall have ceased to exist prior to such consent [unless
35 it has first secured the approval of such action by said municipality (such
36 approval to be evidenced by an ordinance adopted by the governing body of
37 the municipality)].

38 (f) [The term] "Federal agency" shall mean and include the United
39 States of America, the President of the United States of America and any
40 department or corporation, agency or instrumentality heretofore or hereafter
41 created, designated or established by the United States of America.

42 (g) "Public body" shall mean the State, or any county, city, town, town-
43 ship, borough, village, school district, authority or any other political sub-
44 division of the State.

45 (h) "Bonds" shall mean any bonds, notes, interim certificates, deben-
46 tures, or other obligation[s] issued by an authority pursuant to this *act*
47 [chapter].

48 (i) [The term] "Construct" and "construction" shall mean and include
49 *acts of planning, designing, [acquisition and] construction, reconstruction,*
50 *replacement, enlargement, improvement and betterment, [the term "to con-*
51 *struct" shall mean] and [include to acquire and] also demolition or re-*
52 *moval of buildings or structures on land acquired, held, leased or used for or*
53 *with respect to a project [construct all in such manner as may be deemed*
54 *desirable.*

55 (j) The term "improvement" shall mean and include extension, enlarge-
56 ment and improvement and the term "to improve" shall mean and include,
57 to extend, to enlarge and to improve all in such manner as may be deemed
58 desirable].

59 [(k) The term "persons" (j) "Person" shall mean [and include
60 natural persons] *any person, association, corporation, nation, State or any*
61 *agency or subdivision thereof, other than a county or municipality of this State*
62 *or a parking authority.*

63 [(1) The term "project" (k) "Project" or "parking project" shall
64 mean any area or place [operated or to be operated by the authority], *garage,*
65 *building, or other improvement or structure for the parking or storage [stor-*
66 *ing] of motor [and] or other vehicles [and shall] including, without limit-*
67 *ing the foregoing, [include] all real and personal property, [driveways,*
68 *roads,] approaches, [structures, garages,] meters, mechanical equipment,*

69 [and all] appurtenances and facilities either on, above or under the ground
 70 [which are used or usable] *necessary or useful and convenient for or in con-*
 71 *nection with such parking or [storing of such vehicles] storage, together with*
 72 *such additional structures, buildings, space or accommodations as may be*
 73 *provided in accordance with paragraph (5) of section 6 hereof.*

74 [(m) The term "facilities"] (1) "Approach" shall mean any drive-
 75 way, road or other structure or area necessary or useful or convenient for
 76 access to a project from a public street, road or highway [buildings and
 77 structures above, at or below the surface of the earth, including meters, equip-
 78 ment, entrances, exits, fencing and all other accessories above, at or below the
 79 surface of the earth necessary or desirable for the safety and convenience of
 80 the parking of vehicles].

1 2. Section 4 of the act of which this act is amendatory is amended to
 2 read as follows:

3 4. Any governing body may, by resolution in the case of counties or ordi-
 4 nance in the case of municipalities, create a *public* body corporate and politic
 5 and a political subdivision of the State to be known as the "Parking Authority
 6 of the," inserting *all or any significant part of* the name of the
 7 municipality or county creating such authority. The creating resolution in
 8 the case of counties and the creating ordinance in the case of municipalities
 9 may provide that no real property shall be acquired by the power of eminent
 10 domain without the consent of the governing body. Such authority shall con-
 11 stitute an agency and instrumentality of the municipality or county creating
 12 it. Thereupon the governing body shall, *by resolution*, appoint 5 persons as
 13 commissioners of the authority. The commissioners who are first appointed
 14 shall be designated to serve for terms of 1, 2, 3, 4 and 5 years, respectively,
 15 from the date of their appointment, but thereafter commissioners shall be ap-
 16 pointed as aforesaid for a term of 5 years, except that all vacancies shall be
 17 filled for the unexpired term.

18 [A municipality which has created a parking authority may with its con-
 19 sent, evidenced by ordinance, be included within the area of operation of a

20 county authority. In such case the governing body of the county shall ratify
 21 the inclusion of such municipality before such area shall be included within the
 22 area of operation of such county authority.]

23 No municipality *the area of* which has been included (with its consent)
 24 within the area of operation of a [county] parking authority *created by a*
 25 county shall [hereafter] *thereafter* create a [municipal] parking authority.

26 Upon the creation of any such authority [by a municipality], the clerk
 27 [of the municipality] shall certify a copy of the ordinance *or resolution*
 28 creating the parking authority, and also a copy of the resolution appointing
 29 the *first* commissioners thereof, which documents shall be filed with the clerk
 30 of the county and be recorded in records of certificates of [incor-
 31 poration. In like manner, the clerk of the county shall certify the resolutions
 32 creating an authority and appointing the commissioners thereof and record
 33 such resolutions in the records of certificates of incorporation for said county.
 34 In each case] *incorporation, and* the clerk of the county shall cause duplicate
 35 certified copies of said documents to be filed forthwith with the Secretary of
 36 State.

1 3. Section 6 of the act of which this act is amendatory is amended to
 2 read as follows:

3 6. [Powers of authority. The] (1) *Every parking* authority shall con-
 4 stitute a public body corporate and politic and a political subdivision of the
 5 State with the same territorial boundaries as the boundaries of the munic-
 6 ipality or county creating the authority, exercising public and essential gov-
 7 ernmental functions, and having all the powers necessary or convenient to
 8 carry out and effectuate *its corporate purposes and* the purposes and
 9 provisions of this act [chapter, including the following powers].

10 (2) *The purposes of every parking authority shall be the construction,*
 11 *provision or operation of off-street parking projects within its area of opera-*
 12 *tion and the consequent promotion of free movement of traffic and relief of*
 13 *traffic congestion on the streets of said area and improvement of conditions*
 14 *affecting the public safety and welfare therein.*

15 (3) Every parking authority is hereby authorized to plan, design, con-
16 struct, reconstruct, enlarge, improve, manage, maintain, repair, operate and
17 use such parking project or projects as in the opinion of the authority will
18 provide an effective and satisfactory method for promoting the purposes of
19 the authority.

20 (4) Every parking authority shall have perpetual succession and have
21 the following powers in addition to any others herein granted:

22 (a) To sue and be sued; to have a seal and to alter the same at pleasure;
23 [to have perpetual succession;] to make and execute contracts and other in-
24 struments necessary or convenient to the exercise of the powers of the
25 authority; and to make and from time to time amend and repeal by-laws,
26 rules and regulations, not inconsistent with this [chapter] act, to carry into
27 effect the powers and purposes of the authority.

28 (b) To conduct research respecting [off-street] parking and the pos-
29 sibility or necessity of [the] fulfillment of [the parking] public needs in
30 relation thereto [;].

31 (c) To acquire by gift, purchase, lease, devise or otherwise and hold and
32 use, and to construct, improve, maintain, operate, own, manage, or lease either
33 in a capacity of lessor or lessee [of] parking projects and any land, fran-
34 chise, property, real, personal or mixed, tangible or intangible, or any interest
35 therein, meters, equipment or [and] facilities to be devoted to the parking
36 or storage of vehicles of any kind or which in the opinion of the authority
37 are necessary or useful and convenient in connection therewith or with the
38 promotion of free movement of traffic.

39 [(c) To] (d) Subject to the provisions of paragraph 5 of this section,
40 to lease as lessor any real property, parking project or portion or portions
41 of parking projects [facilities] for any business, commercial or other use
42 [where in the opinion of the authority such leasing is desirable and feasible
43 in order] to [assist in defraying the expenses of the authority;] any [such
44 lease however to be granted on a fair competitive basis; provided, however,
45 that no authority except by lease or concession to a private] person [, firm

46 or corporation shall within or on any such parking facilities or portions
47 thereof sell, dispense or otherwise handle any product used in or] for [the
48 servicing of motor vehicles] *such consideration and for such period*
49 *or periods of time and upon such other terms and conditions as it may fix*
50 *and agree upon. Any such lease may be upon condition that the lessee shall*
51 *or may construct or provide any building or buildings or other facilities on*
52 *such real property, parking project or projects or portions thereof, including*
53 *space for business, commercial or other uses, all upon such terms and con-*
54 *ditions as may be agreed upon.*

55 [(d) Every authority is hereby granted and shall have and may exercise
56 all powers necessary or convenient for the carrying out of the aforesaid pur-
57 poses including but without limiting the generality of the foregoing the fol-
58 lowing rights or powers.]

59 (e) To [acquire, purchase, hold, lease as lessee and use any franchise,
60 property, real, personal or mixed, tangible or intangible, or any interest
61 therein necessary or desirable for carrying out the purpose of the authority
62 and to] sell, [lease as lessor,] transfer and dispose of any property or in-
63 terest therein at any time [required] *acquired by it upon such terms and*
64 *conditions as it may determine, with or without public bidding* [: to acquire,
65 by purchase, lease or otherwise, and to construct, improve, maintain, repair
66 and operate projects].

67 (f) To fix, alter, charge and collect rents, rates and other charges [in
68 the area served by its facilities], at reasonable rates to be determined ex-
69 clusively by it, for the use of the facilities and projects of the authority and
70 for all services sold, furnished or supplied directly or indirectly by
71 the authority through said facilities and projects, [and] which shall, to-
72 gether with *any* [such] grants, *receipts*, contributions or income from other
73 sources, be sufficient to provide for the payment of the expenses of the
74 authority, repair, maintenance and operation of its facilities and projects,
75 [the] *and* payment of the principal of and interest on, and any premiums
76 upon the redemption of, its bonds and other obligations, and to fulfill the

77 terms and provisions of any agreements made with the purchasers or
78 holders of any such bonds **[and]** or other obligations.

79 (g) To invest any funds held in reserve or sinking funds, or any funds
80 not required for immediate disbursement, in property or securities in which
81 savings banks may legally invest funds subject to their control.

82 (h) **[Without limitation of the foregoing to]** To borrow money and ac-
83 cept grants from and to enter into contracts, leases or other transactions with
84 the State of New Jersey, any Federal agency, *any person, or any*
85 municipality, county or other public body.

86 (i) To *mortgage*, pledge, hypothecate or otherwise encumber all or any
87 of **[the obligations of the authority]** *its property or assets then existing or*
88 *thereafter acquired or coming into existence, including real and personal*
89 *property donated to it by a municipality or county.*

90 (j) To enter into contracts with the State of New Jersey or any munic-
91 ipality, county or **[authority]** *governmental agency* for the use of any
92 project of the authority.

93 (k) To do and perform any acts and things authorized by this act under,
94 through or by means of its own officers, agents and employees, or by con-
95 tract with any person.

96 (l) To enter into and perform any and all contracts, execute any and
97 all instruments, and do and perform any and all acts and things necessary
98 or useful and convenient for the **[promotion of its business and the general**
99 **welfare]** *purposes of the authority or to carry out any of the powers expressly*
100 *granted to it by this act or any other acts.*

101 (5) *No parking authority shall engage directly in the sale of gasoline*
102 *or accessories for, or in the repair or other servicing of, automobiles and*
103 *other motor vehicles except in emergency, or shall engage directly in the*
104 *sale of any commodity of trade or commerce, but any authority may include*
105 *in any parking project, and provide and lease as lessor, structures, build-*
106 *ings, space or accommodations (whether constructed by the authority or by*
107 *a lessee) for any business, commercial or other use, including the sale of*

108 gasoline or accessories for, or the repair or other servicing of, automobiles
 109 and other motor vehicles, if, in the opinion of the authority, such inclusion,
 110 provision and proposed leasing is necessary to assist in defraying the ex-
 111 penses of the authority and make possible the operation of the parking facil-
 112 ities of such project at reasonable rates and will increase the facilities for
 113 off-street parking which can be feasibly included, financed, constructed and
 114 operated as part of such project.

1 4. Section 8 of the act of which this act is amendatory is amended to
 2 read as follows:

3 8. **[Bonds: Power to issue. An]** Every authority shall have **[the]** power
 4 to issue its bonds from time to time in its discretion**[.]** for any of its
 5 corporate **[purposes.]** purposes, including **[An authority shall also have**
 6 power to issue refunding bonds for] the **[purpose of]** paying or retiring of
 7 any bonds previously issued by it and the payment of any expense incurred
 8 or expected to be incurred and payable by it. **[An]** Said authority may issue
 9 such types of bonds as it may determine, including (without limiting the
 10 generality of the foregoing) bonds on which the principal and interest are
 11 payable**[:]** (a) exclusively from the income and revenues of the parking
 12 project financed with the proceeds of such bonds; (b) exclusively from the
 13 income and revenues of certain designated parking projects whether or not
 14 they are financed in whole or in part with the proceeds of such bonds; or (c)
 15 from its revenues generally. Any such bonds may be additionally secured
 16 by a pledge of any grant or contributions from the Federal Government,
 17 State or county, or municipality, or a pledge of any income **[of]** or revenues
 18 of the authority, or a mortgage of any parking project, projects or other
 19 property of the authority. This act shall be complete authority for the is-
 20 suance of bonds by an authority, and the provisions of any other law shall
 21 not apply to the issuance of such bonds. Whenever and for so long as any
 22 authority has issued and has outstanding bonds pursuant to this act, it shall
 23 be the mandatory duty of the authority to fix, charge and collect rents, rates
 24 and other charges in accordance with clause (f) of paragraph **[(f)]** (4) of
 25 section 6 of this act.

1 5. Section 9 of the act of which this act is amendatory is amended to
2 read as follows:

3 9. **[Bonds: Liability.]** Neither the commissioners of an authority nor
4 any person executing **[the]** bonds shall be liable personally on the bonds by
5 reason of the issuance thereof. The bonds and other obligations of an au-
6 thority (and such bonds and obligations shall so state on their face) shall not
7 be a debt of the State or any political subdivision thereof except the author-
8 ity *or a public body which in accordance with this act shall have guaranteed*
9 *payment of principal of and interest on the same*, and neither the State nor
10 any political subdivision thereof **[except]** *other than the authority or such a*
11 *public body* shall be liable thereon **[,** nor in any event shall such bonds or ob-
12 ligations be payable out of any funds or properties other than those of said
13 authority**]**. *Except to the extent and for the purposes otherwise expressly*
14 *provided by other laws, the* **[The]** bonds shall not constitute an indebted-
15 ness within the meaning of any constitutional or statutory debt limitation or
16 restriction. Bonds of an authority are declared to be issued for an essential
17 public and governmental purpose and to be public instrumentalities, and, to-
18 gether with interest thereon and income therefrom, shall be exempt from
19 taxes.

1 6. Section 10 of the act of which this act is amendatory is amended to
2 read as follows:

3 10. **[Bonds: Provisions.]** Bonds of an authority shall be authorized by
4 its resolutions and may be issued in 1 or more series and shall bear such
5 date or dates, mature at such time or times, bear interest at such rate or
6 rates, not exceeding 6% per annum, be in such denomination or denomina-
7 tions, be in such form, either coupon or registered, carry such conversion
8 or registration privileges, have such rank or priority, be executed in such
9 manner, be payable in such medium of payment at such place or places, and
10 be subject to such terms of redemption (with or without premium) as such
11 **[resolution, its]** *resolution or the trust indenture or mortgage (hereinafter*
12 *mentioned) securing such bonds* may provide. The bonds of a parking au-

thority may be sold by the parking authority at public or private sale [upon sealed proposals] to [any financially responsible bidder including] such person or persons (whether or not constituting technical experts or agents referred to in section 5 of this act, either bidding alone or in conjunction with others) and at such price or prices as the parking authority shall determine; provided, however, that the interest cost to maturity of the money received for any issue of bonds (computed according to standard tables of bond values) shall not exceed 6% per annum.

7. Section 14 of the act to which this act is amendatory is amended to read as follows:

14. [Powers of authority after default.] (1) Any bonds or any issue or issues of bonds of an authority may, in the discretion of the authority, be secured by a mortgage or trust indenture by and between the authority and a trustee or trustees within or without the State of New Jersey. Any such mortgage or trust indenture or any resolution authorizing the issuance of such bonds may include and set forth the agreements, covenants, pledges and other provisions on the part of the authority to be performed and made by the authority pursuant to this act in order to secure the payment of such bonds.

(2) An authority shall have power by its resolution, trust indenture, mortgage, lease, or other contract to confer upon any obligee holding or representing a specified amount in bonds, or holding a lease, the right (in addition to all rights[,] that may otherwise be conferred), upon the happening of an event of default as defined in such resolution or instrument, by suit, action or proceeding in any court of competent jurisdiction [:] :

(a) To cause possession of any parking project or any part thereof to be surrendered to any such obligee.

(b) To obtain the appointment of a receiver of any parking project of said authority or any part thereof and of the rents and profits therefrom [.] If such receiver be appointed, he] who may enter and take possession of such parking project or any part thereof and operate and maintain same, and

24 collect and receive all fees, rents, revenues, or other charges thereafter aris-
25 ing therefrom, and shall keep such moneys in a separate account or accounts
26 and apply the same in accordance with the obligations of said authority as
27 the court shall direct.

28 (c) To require said authority and the commissioners thereof to account
29 as if it and they were the trustees of an express trust.

30 (3) *Any pledge of revenues or other moneys made by an authority pur-*
31 *suant to this act shall be valid and binding from the time when the pledge is*
32 *made; the revenues or other moneys so pledged and thereafter received by*
33 *the authority shall immediately be subject to the lien of such pledge without*
34 *any physical delivery thereof or further act; and the lien of any such pledge*
35 *shall be valid and binding as against all parties having claims of any kind in*
36 *tort, contract or otherwise against the authority irrespective of whether such*
37 *parties have notice thereof. Neither the resolution or resolutions, mortgage*
38 *or trust indenture, nor any other instrument by which such pledge is created,*
39 *need be recorded.*

40 [(d)] (4) In the event of a default by [the] an authority which results
41 in [possession or] title to a parking project passing to a private mortgagee
42 or person, all tax exemption privilege or other special privilege accorded to
43 such parking project because of its public nature shall cease, *except exemp-*
44 *tions from tax of bonds or the interest thereon or the income therefrom.*

1 8. Section 18 of the act of which this act is amendatory is amended to
2 read as follows:

3 18. [Powers of authority pertaining to other governmental agencies.] In
4 addition to the powers conferred upon any authority by other provisions of
5 this [chapter] act, [an] every authority is empowered to borrow money or
6 accept contributions [;], grants or other financial assistance from the Federal
7 Government, and, with the consent of the county or municipality, to acquire,
8 take over or lease, or manage, any parking project or undertaking constructed
9 or owned by [any] such county or municipality or any meters, equipment or
10 other facilities of such county or municipality devoted to the parking or stor-

11 *age of vehicles of any kind or necessary or useful and convenient in connec-*
12 *tion therewith or with the promotion of the free movement of traffic, and to*
13 *these ends, to comply with such conditions and enter into such mortgages,*
14 *trust indentures, leases, or agreements, as may be necessary, convenient or*
15 *desirable. It is the purpose and intent of this [chapter] act to authorize*
16 *every authority to do any and all things necessary or desirable to secure the*
17 *financial aid or co-operation of the Federal Government, the State Govern-*
18 *ment, or any county or municipality in the undertaking, construction, main-*
19 *tenance, or operation of any parking project by such authority. [The] Not-*
20 *withstanding the provisions of any other law, the rents, rates and fees to be*
21 *charged in the operation [of] by a parking authority of any off-street parking*
22 *project owned or leased by it shall be regulated and determined solely by the*
23 *authority, and the local laws, ordinances, resolutions, rules and regulations*
24 *of a municipality or county regulating the parking of vehicles shall apply to*
25 *said project but only to such extent as may from time to time be approved*
26 *by resolution of the authority.*

1 9. Section 22 of the act of which this act is amendatory is amended to read
2 as follows:

3 22. [How powers exercised procedure.] (1) The [exercise by a public
4 body of the powers herein granted may be authorized by resolution of the
5 governing body of such public body adopted by a majority of the members of
6 its governing body present at a meeting at which such resolution is intro-
7 duced. Such a resolution or resolutions shall take effect immediately and
8 need not be laid over or published or posted] *municipality for which a park-*
9 *ing authority shall have been created shall have the power from time to time,*
10 *by or pursuant to ordinance duly adopted or by instruments or other action*
11 *authorized by such an ordinance and for such period and upon such terms,*
12 *with or without consideration, as may be provided in such ordinance and ac-*
13 *cepted by the authority.*

14 (a) *To pledge to the authority, and covenant and agree with the authority*
15 *to pay to or on the order of the authority, all or any part of any funds*

16 *thereof or thereafter received by the municipality for or with respect to*
17 *the parking or storage of motor vehicles, in streets or otherwise, including*
18 *funds collected in parking meters located in or along streets or otherwise;*

19 (b) *To sell, lease, lend, donate, grant or convey to the authority, or*
20 *permit the authority to use, maintain or operate as part of its projects or to*
21 *manage, any parking project or undertaking constructed or owned by the*
22 *municipality, or any meters, equipment or other real or personal property*
23 *owned by the municipality, which may be necessary or useful and convenient*
24 *for the purposes of the authority and accepted by the authority;*

25 (c) *To appropriate money for all or any part of the cost of acquisition*
26 *or construction of any parking project of the authority and, in accordance*
27 *with the limitations and any exceptions thereto and in the manner or mode*
28 *of procedure prescribed by the local bond law (article 1 of chapter 1 of*
29 *Title 40 of the Revised Statutes), to incur indebtedness, borrow money and*
30 *issue its negotiable bonds for the purpose of financing such project and ap-*
31 *propriation, and to pay the proceeds of such bonds to the authority;*

32 (d) *To covenant and agree with the authority to pay to or on the order*
33 *of the authority annually or at shorter intervals as a subsidy for the promo-*
34 *tion of its purposes not exceeding such sums of money as may be stated in*
35 *such ordinance;*

36 (e) *To unconditionally guarantee the punctual payment of the principal*
37 *of and interest on any bonds of the authority; and*

38 (f) *Upon authorization by it in accordance with law of the performance*
39 *of any act or thing which it is empowered by law to authorize and perform*
40 *and after appropriation of the moneys (if any) necessary for such per-*
41 *formance, to covenant and agree with the authority to do and perform such*
42 *act or thing and as to the time, manner and other details of its doing and*
43 *performance.*

44 (2) *Any guaranty of bonds of an authority made pursuant to this section*
45 *shall be evidenced by endorsement thereof on such bonds, executed in the*
46 *name of the municipality and on its behalf by such officer thereof as may be*

47 *designated in the ordinance authorizing such guaranty, and such municipi-*
 48 *pality shall thereupon and thereafter be obligated to pay the principal of and*
 49 *interest on said bonds in the same manner and to the same extent as in the*
 50 *case of bonds issued by it.*

51 (3) *Every municipality which shall make any contract, covenant or*
 52 *agreement with an authority or pledge to an authority pursuant to this*
 53 *section is hereby authorized and directed to do and perform any and all acts*
 54 *or things necessary, convenient or desirable to carry out and perform the*
 55 *same and to provide for the payment or discharge of any obligation there-*
 56 *under in the same manner as other obligations of such municipality. Any such*
 57 *contract, covenant, agreement or pledge, and any instrument making or*
 58 *evidencing the same, may be pledged or assigned by the authority to secure*
 59 *its bonds and thereafter may not be modified except as provided by the terms*
 60 *of such instrument or by the terms of such pledge or assignment.*

1 10. Section 23 of the act to which this act is amendatory is amended to
 2 read as follows:

3 23. **[Aid by public bodies.]** (1) For the purpose of aiding and co-operat-
 4 ing in the planning, undertaking, construction or operation of parking
 5 projects of an authority **[located within the area in which it is authorized to**
 6 **act]**, any public body *within the territory of which any such project is located*
 7 **may [upon such terms, with or without consideration, as it may determine]:**

8 (a) **[Dispose of property interest. Dedicate, sell, convey or lease any**
 9 **of its property to a parking authority.**

10 (1) Any governing body may, by resolution in the case of counties or
 11 ordinance in the case of municipalities, convey to an authority real and
 12 personal property owned by the municipality or county for use by the
 13 authority as a project or a part thereof.

14 (2) Any municipality or county may acquire **Acquire [by purchase**
 15 **or condemnation]** real property in **[the] its name [of the municipality**
 16 **or county]** for any project or for the widening of existing roads, streets,
 17 parkways, avenues or highways or for new roads, streets, park-
 18a ways, avenues or highways to any project, or partly for such pur-

18 poses and partly for other municipal or county purposes, by purchase or
19 condemnation in the manner provided by law for the acquisition of real
20 property by a municipality or county [.] ;

21 [(3) Contracts may be entered into between a municipality or
22 county and an authority providing for the property to be acquired by a
23 municipality or county and so conveyed, and the amounts, terms and
24 conditions of payment to be made by an authority, provided, however,
25 that the designation of parking areas and the location of parking meters
26 shall be within the sole discretion of an authority. Such contracts may
27 contain covenants by a municipality or county as to the road, street, park-
28 way, avenue and highway improvements to be made by a municipality
29 or county, including provisions for the installation of parking meters
30 in designated streets of a municipality or county and for the removal
31 of such parking meters in the event that such parking meters are not
32 found to be necessary or convenient. Any such contract may pledge
33 the revenues of such parking meters and any parking meters installed
34 by a municipality or county prior thereto to the authority. Such con-
35 tracts may also contain provisions limiting or prohibiting the construc-
36 tion and operation by a municipality or county or any agency thereof
37 in designated areas of public parking facilities and parking meters
38 whether or not a fee or charge is made therefor. Any such contracts
39 between a municipality or county and an authority may be pledged by
40 such authority to secure its bonds, and may not be modified thereafter
41 except as provided by the terms of the contracts or by the terms of the
42 pledge. The governing body may authorize such contracts on behalf of a
43 municipality or county, and no other authorization on the part of a munic-
44 ipality or county for such contracts shall be necessary. The local laws,
45 resolutions, ordinances, rules and regulations of a municipality or
46 county within which a project is located shall apply to such project if
47 so provided in any contract between an authority and a municipality
48 or county, and to the extent provided in such contract.

49 (4) In case an authority shall have the use and occupancy of any
50 real property which it shall determine is no longer required by a project
51 then, if such real property was acquired at the cost and expense of the
52 municipality or county, the authority shall have power to surrender its
53 use and occupancy thereof to the municipality or county, or, if such real
54 property was acquired at the cost and expense of the authority, then
55 the authority shall have power to sell, lease or otherwise dispose of said
56 real property and shall retain and have the power to use the proceeds of
57 sale, rentals or other moneys derived from the disposition thereof for
58 its purposes.]

59 (b) [Furnish facilities.] Cause water, sewer, lighting and drainage
60 facilities, or other works which it is otherwise empowered to undertake to
61 be furnished adjacent to or in connection with parking projects; provided,
62 nothing in this act [chapter] shall authorize the construction of any public
63 utility service or facility which would be competitive with any existing pub-
64 lic utility as the same is defined by section R. S. 48:2-13 of the Title, Public
65 Utilities;

66 (c) [Furnish additional facilities.] Furnish, dedicate, close, pave, in-
67 stall, grade, regrade, plan, or replan streets, roads, roadways, alleys, side-
68 walks or other places which it is otherwise empowered to undertake;

69 (d) [Zoning. Plan or replan, zone or rezone any part of such public
70 body; make exceptions from building regulations and ordinances and change
71 its map;

72 (e) Agreements. Enter into agreements (which may extend over any
73 period, notwithstanding any provision or rule of law to the contrary), with
74 a parking authority or the Federal Government or any public body of the
75 State of New Jersey respecting action to be taken by such public body pur-
76 suant to any of the powers granted by this act; (f) Take additional steps.]
77 Do any and all things necessary or convenient to aid and co-operate in the
78 planning, undertaking, construction or operation of such parking projects
79 [; (g) Furnish service. Cause], and cause services to be furnished to the

80 parking authority of the character which such public body is otherwise em-
81 powered to furnish [;

82 (h) Enter into agreements with a parking authority respecting the
83 exercise by such public body of its powers relating to the elimination, de-
84 struction or removal of unsafe, insanitary or unfit buildings ;

85 (i) Bonds. Purchase or legally invest in any of the bonds or other
86 obligations of a parking authority and exercise all of the rights of any holder
87 of such bonds].

88 [(j) Incurring expense.] (2) In connection with any public improve-
89 ments made by a public body in exercising the powers herein granted or
90 referred to, such public body may incur the entire expense thereof. Any
91 law or statute to the contrary notwithstanding, any sale, lease, loan, grant,
92 gift, conveyance, [lease] contract, pledge or agreement provided for in this
93 section or in section 22 of this act may be made by a public body without
94 prior appropriation therefor, or referendum, or appraisal, or public notice,
95 advertisement or [public] bidding, and without the consent of any board,
96 officer or other agency of the State, and without regard to the provisions of
97 chapter 2 and chapter 50 of Title 40 of the Revised Statutes.

98 [k] (3) [Moneys of an authority.] An authority shall appoint a treas-
99 urer, who may also act as secretary of the authority, and all moneys of an
100 authority shall be paid to the treasurer of the authority. Such treasurer
101 shall file a bond of indemnity with the authority in an amount sufficient to
102 cover the moneys from time to time under his control. Such moneys shall
103 be deposited in a separate bank account or accounts. The moneys in such
104 accounts shall be paid out on checks of the treasurer on requisitions of the
105 chairman of the authority or of such other person or persons as the au-
106 thority may authorize to make such requisitions. All deposits of such moneys
107 shall, if required by the treasurer or the authority, be secured by obliga-
108 tions of the United States or of the State of New Jersey of a market value
109 equal at all times to the amount of the deposit, and all banks and trust com-
110 panies are authorized to give such security for such deposits. The treasurer

111 and his legally authorized representatives are authorized and empowered
112 from time to time to examine the accounts and books of the authority, in-
113 cluding its receipts, disbursements, contracts, leases, sinking funds, invest-
114 ments and other records and papers relating to its financial standing. The
115 authority shall have power, notwithstanding the provisions of this para-
116 graph, to contract with the holders of any of its bonds as to the custody,
117 collection, securing, investment and payment of any moneys of the authority
118 or any moneys held in trust or otherwise for the payment of bonds or in any
119 way to secure bonds, and to carry out any such contract notwithstanding
120 that such contract may be inconsistent with the previous provisions of this
121 paragraph. Moneys held in trust or otherwise for the payment of bonds or
122 in any way to secure bonds and deposits of such moneys may be secured in
123 the same manner as moneys of an authority, and all banks and trust com-
124 panies are authorized to give such security for such deposits.

125 (4) *A parking authority shall not be subject to, or constitute a munic-*
126 *ipality or agency or component of a municipality subject to, the provisions of*
127 *chapter 50 or any other provisions of Title 40 of the Revised Statutes.*

1 11. This act shall take effect immediately.

STATEMENT

This bill amends the Parking Authority Law (P. L. 1948, c. 198) for the purpose of revising certain provisions of said law so as to assist financing and other operations of parking authorities in carrying out statutory and public purposes by clarifying the powers of such authorities and establishing the extent to which parking authorities may receive financial or other assistance from municipalities whether by contract or otherwise.

Under existing legislation and due to unfavorable bond marketing conditions, parking authorities have been unable to finance necessary parking projects without paying high rates of interest. The amendment would empower parking authorities to undertake and to finance parking projects as heretofore

and to issue bonds of a parking authority payable from the revenues of a parking authority generally or from particular revenues or secured by pledge of moneys to be received from a municipality, including receipts from municipal parking meters, and in addition it would also permit municipalities to issue bonds under the Local Bond Law (R. S. 40:1-1 to R. S. 40:1-88) in aid of financing a project of a parking authority, and to covenant with an authority as to financial aid or subsidy, and to guarantee the payment by the municipality of the principal of and the interest on bonds of a parking authority. Legislative safeguards have already been enacted as to the issuance of any such bonds by a municipality or the guaranty of bonds of a parking authority by chapter 172 of the pamphlet laws of 1957 which provides in substance that any such bonds, for municipal debt limitation purposes, shall be deemed to have been issued for a "public parking system" of the municipality.

The amendment would clearly permit parking authorities to give additional security in the way of mortgage of any properties, and to lease as lessor any real property or parking project or portion thereof for business, commercial or other use upon agreed terms and conditions (including construction of facilities by a lessee) to help support a parking authority project and to sell any properties, all without competitive bidding.