

R.S. 32:1-35.28 et seq.

May 15, 1969

LEGISLATIVE HISTORY OF R.S. 32:1-35.28 et seq.
(Marine terminals)

D. 1947, Chapter 44 - S169.
March 3 - Introduced by Van Alstyne.
March 18 - Passed in Senate, amended.
March 24 - Passed in Assembly.
April 2 - Approved, Chapter 44
Amended during passage.
Statement.

E. 1948, Chapter 212 - S314 (Van Alstyne)
Not amended during passage.
Statement; copy enclosed.

F. 1953, Chapter 31 - S28
(Title 32 - Interstate)
One of series of Clapp bills.

G. 1953, Chapter 375 - A516
Not amended during passage.
Statement; copy enclosed.

The following reports may provide background on this legislation:

974.90	Port of New York Authority.
A252	Agreement with respect to the Newark
1947e	Marine and Air Terminals.
974.90	Port of New York Authority.
A252	Development of Newark Airport
1946	and Seaport.
974.90	Port of New York Authority.
A252	Development of Newark Seaport
1946c	... Appendices.
974.90	Port of New York Authority.
H255	Development of the Hoboken Piers.
1947	
974.90	Port of New York Authority.
H255	Marine terminal survey of the
1949	New Jersey waterfront.

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SENATE, No. 314

STATE OF NEW JERSEY

INTRODUCED APRIL 26, 1948

By Mr. VAN ALSTYNE

Referred to Committee on Interstate Co-operation

AN ACT providing for an agreement by the States of New Jersey and New York to amend chapter forty-four of the laws of New Jersey of one thousand nine hundred and forty-seven and chapter six hundred and thirty-one of the laws of New York of one thousand nine hundred and forty-seven, and to amend "An act to facilitate the development by the Port of New York Authority of marine terminals, and agreeing with the State of New York with respect thereto," approved April second, one thousand nine hundred and forty-seven (P. L. 1947, c. 44).

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

1 1. Upon the concurrence of the State of New York herein, in accord-
2 ance with section four of this act, the States of New Jersey and New York
3 agree that section one of chapter forty-four of the laws of New Jersey of
4 one thousand nine hundred and forty-seven, entitled "An act to facilitate
5 the development by the Port of New York Authority of marine terminals,
6 and agreeing with the State of New York with respect thereto," is hereby
7 amended to read as follows:

8 1. Upon the concurrence of the State of New York as provided in sec-
9 tion nine hereof, the States of New Jersey and New York hereby agree that
10 municipalities, as hereinafter defined, located [in the State of New Jersey
11 and] within the Port of New York District shall be and they hereby are

12 authorized to co-operate with the Port of New York Authority (hereinafter
 13 called the Port Authority) in the development of marine terminals, and the
 14 two said States further agree that the State of New Jersey may authorize
 15 the Port Authority to acquire by condemnation or the exercise of the right
 16 of eminent domain real property in the State of New Jersey necessary, con-
 17 venient or desirable for marine terminal purposes, under and pursuant to
 18 the Revised Statutes of New Jersey, Title 20:1-1, et seq., or at the option
 19 of the Port Authority pursuant to such other or alternate procedure as
 20 may be provided by law by such State, and that the State of New York may
 21 authorize the Port Authority to acquire by condemnation or the exercise
 22 of the right of eminent domain real property in the State of New York
 23 necessary, convenient or desirable for marine terminal purposes, under and
 24 pursuant to the condemnation law of that State, or at the option of the
 25 Port Authority pursuant to such other or alternate procedure as may be
 26 provided by law by such State.

1 2. Upon the concurrence of the State of New York herein, in accord-
 2 ance with section four of this act, the States of New Jersey and New York
 3 agree that section one of chapter six hundred thirty-one of the laws of New
 4 York of one thousand nine hundred and forty-seven, entitled "An act to
 5 facilitate the development by the Port of New York Authority of marine
 6 terminals, and agreeing with the State of New Jersey with respect thereto,"
 7 is hereby amended to read as follows:

8 1. Upon the concurrence of the State of New Jersey as provided in
 9 section six hereof, the States of New York and New Jersey hereby agree
 10 that municipalities, as hereinafter defined, located [in the State of New Jer-
 11 sey and] within the Port of New York District shall be and they hereby are
 12 authorized to co-operate with the Port of New York Authority (hereinafter
 13 called the Port Authority) in the development of marine terminals, and the
 14 two said States further agree that the State of New Jersey may authorize
 15 the Port Authority to acquire by condemnation or the exercise of the right

16 of eminent domain real property in the State of New Jersey necessary,
17 convenient or desirable for marine terminal purposes, under and pursuant
18 to the Revised Statutes of New Jersey, Title 20:1-1, et seq., or at the option
19 of the Port Authority pursuant to such other or alternate procedure as may
20 be provided by law by such State, and that the State of New York may author-
21 ize the Port Authority to acquire by condemnation or the exercise of the right
22 of eminent domain real property in the State of New York necessary, convenient
23 or desirable for marine terminal purposes, under and pursuant to the con-
24 demnation law of that State, or at the option of the Port Authority pursu-
25 ant to such other or alternate procedure as may be provided by law by
26 such State.

1 3. Upon the concurrence of the State of New York herein, in accord-
2 ance with section four of this act, the States of New Jersey and New York
3 agree that section four of chapter forty-four of the laws of New Jersey of
4 one thousand nine hundred and forty-seven, entitled "An act to facilitate the
5 development by the Port of New York Authority of marine terminals, and
6 agreeing with the State of New York with respect thereto," and section four
7 of chapter six hundred thirty-one of the laws of New York of one thousand
8 nine hundred and forty-seven, entitled "An act to facilitate the development
9 by the Port of New York Authority of marine terminals, and agreeing with
10 the State of New Jersey with respect thereto," are hereby amended to read
10½ as follows:

11 4. Notwithstanding any contrary provision of law, any municipality [of
12 the State of New Jersey] located within the Port of New York District is
13 authorized and empowered to consent to the use by the Port Authority of
14 any marine terminal owned by such municipality or of any real or personal
15 property owned by such municipality and necessary, convenient or desirable
16 in the opinion of the Port Authority for marine terminal purposes, includ-
17 ing such real property as has already been devoted to a public use and as
18 an incident to such consent, to grant, convey, lease or otherwise transfer to

19 the Port Authority any such marine terminal or real or personal property
20 【.】, upon such terms as may be determined by the Port Authority and such
21 municipality. Every such municipality is also authorized and empowered to
22 vest in the Port Authority the control, operation, maintenance, rents, tolls,
23 charges and any and all other revenues of any marine terminal now owned
24 by such municipality, the title to such marine terminal remaining in such
25 municipality. Such consent shall be given, and the execution of any agree-
26 ment, deed, lease, conveyance or other instrument evidencing such consent
27 or given as an incident thereto shall be authorized in the manner provided
28 in Article XXII of the compact of April thirtieth, one thousand nine hundred
29 and twenty-one, between the two States creating the Port Authority.

30 The States of New Jersey and New York hereby consent to suits, actions
31 or proceedings of any form or nature in law, equity or otherwise by any
32 municipality against the Port Authority upon, in connection with or arising
33 out of any such agreement, agreements or any modification thereof or sup-
34 plement thereto, for the following types of relief and for such purposes
35 only:

36 (1) For money damages for breach thereof;

37 (2) For money damages for torts arising out of the operation of
38 the municipal marine terminal;

39 (3) For rent;

40 (4) For specific performance;

41 (5) For reformation thereof;

42 (6) For an accounting;

43 (7) For declaratory judgment;

44 (8) For judgments, orders or decrees restraining or enjoining the
45 Port Authority from transferring title to real property to third persons
46 in cases where it has contracted with such municipality to transfer such
47 title to such municipality; and

48 (9) For judgments, orders or decrees restraining or enjoining the
49 Port Authority from committing or continuing to commit other breaches
50 of such agreements with such municipality; *provided*, that such judg-
51 ment, order or decree shall not be entered except upon two days' prior
52 written notice to the Port Authority of the proposed entry thereof; *and*
53 *provided further*, that upon an appeal taken by the Port Authority
54 from such judgment, order or decree the service of the notice of appeal
55 shall perfect the appeal and shall stay the execution of such judgment,
56 order or decree appealed from, without an undertaking or other se-
57 curity.

58 When rules of venue are applicable, the venue of any such suit, action
59 or proceeding shall be laid in the county or judicial district in which the
60 marine terminal, which is the subject matter of such agreement between the
61 Port Authority and such municipality, or any part thereof, is located.

62 If any clause, sentence, paragraph, or part of this subdivision or the ap-
63 plication thereof to any person or circumstances, shall, for any reason, be
64 adjudged by a court of competent jurisdiction to be invalid, such judgment
65 shall not affect, impair, or invalidate the remainder of this subdivision, and
66 the application thereof to any other person or circumstances, but shall be
67 confined in its operation to the clause, sentence, paragraph or part thereof
68 directly involved in the controversy in which such judgment shall have been
69 rendered and to the person or circumstances involved.

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

STATEMENT

By concurrent legislation adopted last year (chapter 44, laws of New Jersey, 1947, and chapter 631, laws of New York, 1947) the States of New Jersey and New York authorized municipalities in the New Jersey portion of the Port District to enter into agreements with the Port Authority for development and operation by the Port Authority of marine terminals owned by any such municipality.

Pursuant to authority granted by these laws, the city of Newark and the Port of New York Authority entered into an agreement for Port Authority development and operation of Newark Seaport, dated October 22, 1947. As part of such agreement the city of Newark and the Port Authority undertook to seek legislation giving to the city certain rights of action upon causes which might arise out of or in connection with the agreement. Section three of this bill is designed to carry out this agreement.

In addition, the bill extends to municipalities in the New York portion of the Port District the same right to enter into agreements for Port Authority development and operation of municipally owned marine terminals as was given last year to the New Jersey municipalities.

Under the Port Treaty of 1921, and the concurrent legislation supplementary thereto the Port Authority itself is directed by the two States to go forward with the development of marine terminals in the Port District. However, the New York municipalities require the same implementation of their powers to contract with the Port Authority for the development of their municipal waterfront facilities as was extended by the two States last year to the New Jersey municipalities.

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11 District shall be and they hereby are authorized to co-operate with the Port

12 of New York Authority (hereinafter called the Port Authority) in the
13 development of marine terminals, and the two said States further agree
14 that the State of New Jersey may authorize the Port Authority to ac-
15 quire by condemnation or the exercise of the right of eminent domain
16 real property in the State of New Jersey necessary, convenient or
17 desirable for marine terminal purposes, under and pursuant to the
18 Revised Statutes of New Jersey, Title 20:1-1, et seq., or at the option
19 of the Port Authority pursuant to such other or alternate procedure as
20 may be provided by law by such State, and that the State of New York may
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15 erty owned by such municipality and necessary, convenient or desirable
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55 shall perfect the appeal and shall stay the execution of such judgment,
56 order or decree appealed from, without an undertaking or other se-
57 curity.

58 When rules of venue are applicable, the venue of any such suit, action
59 or proceeding shall be laid in the county or judicial district in which the
60 marine terminal, which is the subject matter of such agreement between the
61 Port Authority and such municipality, or any part thereof, is located.

62 If any clause, sentence, paragraph, or part of this subdivision or the ap-
63 plication thereof to any person or circumstances, shall, for any reason, be
64 adjudged by a court of competent jurisdiction to be invalid, such judgment
65 shall not affect, impair, or invalidate the remainder of this subdivision, and
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