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 - A478 -- 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 - S147 -- 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).

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

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

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

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

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

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

(d) That such parking threatens irreparable loss in valuations of property in the [city] *municipalities* which can no longer be readily reached by 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.

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

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

(g) "Public body" shall mean the State, or any county, city, town, township, borough, village, school district, authority or any other political subdivision of the State.

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

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

(j) The term "improvement" shall mean and include extension, enlargement and improvement and the term "to improve" shall mean and include, to extend, to enlarge and to improve all in such manner as may be deemed desirable.

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

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

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

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

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

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

A municipality which has created a parking authority may with its consent, evidenced by ordinance, be included within the area of operation of a county authority. In such case the governing body of the county shall ratify the inclusion of such municipality before such area shall be included within the area of operation of such county authority.

23 No municipality which has been included (with its consent) within the
24 area of operation of a county parking authority shall hereafter create a muni-
25 cipal 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 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

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

(e) To lease portions of parking facilities for commercial use where in the opinion of the authority such leasing is desirable and feasible in order to assist in defraying the expenses of the authority; any such lease however to be granted on a fair competitive basis; 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.

(d) Every authority is hereby granted and shall have and may exercise all powers necessary or convenient for the carrying out of the aforesaid purposes including but without limiting the generality of the foregoing the following rights or powers.

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

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

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

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

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

(i) To pledge, hypothecate or otherwise encumber all or any of the obligations of the authority.

(j) To enter into contracts with the State of New Jersey or any municipality, county or authority for the use of any project of the authority.

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

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

7. Right of eminent domain. An authority shall have right to acquire by the exercise of the power of eminent domain any real property which it may deem necessary for its purposes under this chapter after the adoption by it of a resolution declaring that the acquisition of the real property described therein is necessary for such purposes. [unless in the resolution or ordinance creating the authority it is provided that no real property shall be acquired in said manner without the consent of the governing body, in which case said power shall not be exercised without said consent.] Property already devoted to a public use may be acquired in like manner provided that no real property belonging to a public body or *any* corporation itself possessing the power of eminent domain may be acquired without its consent.

law is 6. Section 8 of the act of which this act is amendatory is amended to read as follows:

8. 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

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

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

10. Bonds; Provisions. Bonds of an authority shall be authorized by its resolutions and may be issued in one or more series and shall bear such date or dates, mature at such time or times, bear interest at such rate or rates, not exceeding 6% per annum, be in such denomination or denominations, be in such form, either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment at such place or places, and be subject to such terms of redemption (with or without premium) as such resolution, its trust indenture or mortgage may provide. The bonds of a parking authority may be sold by the parking authority at public or private sale [at such price or prices as the parking authority shall determine] *upon sealed proposals to any financially responsible bidder including technical experts or agents referred to in section 5 of this act, either bidding alone or in conjunction with others*; 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.

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

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

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

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

18. Powers of authority pertaining to other governmental agencies. In addition to the powers conferred upon any authority by other provisions of this chapter, an authority is empowered to borrow money or accept contributions; grants or other financial assistance from the Federal Government, to take over or lease, or manage, any parking project or undertaking constructed or owned by any county or municipality and to these ends, to comply with such conditions and enter into such mortgages, trust indentures, leases, or agreements, as may be necessary, convenient or desirable. It is the purpose and intent of this chapter to authorize every authority to do any and all things necessary or desirable to secure the financial aid or cooperation of the Federal Government, the State Government, or any county or municipality in the undertaking, construction, maintenance, or operation of any parking project by such authority. *The rents, rates and fees to be charged in the operation of a parking authority shall be regulated and determined solely by the authority.*

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

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

the State of New Jersey will not limit or alter the rights hereby vested in the authority and in the holders of such bonds until all bonds at any time issued together with the interest thereon and any premiums upon the redemption thereof are fully met and discharged. The State of New Jersey does further pledge in the event that any Federal agency [and any other Federal agency that to and agree with the United States] shall [construct or] contribute or agree to contribute any funds for the construction, extension, improvement or enlargement of any project or any portion thereof, the State of New Jersey will not alter or limit the rights and powers of the authority in any manner which would be inconsistent with the continued maintenance and operation of the project or the improvement thereof or which would be inconsistent with the due performance of any agreements between the authority and any such Federal agency and the authority shall continue to have and may exercise all powers herein granted so long as the same shall be necessary or desirable for the carrying out of the purposes of this act and the purposes of the United States in the construction or improvement or enlargement of the project or such portion thereof.

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

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

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

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

(2) Any municipality or county may acquire by purchase or condemnation real property in the name of the municipality or county for

any project or for the widening of existing roads, streets, parkways, avenues or highways or for new roads, streets, parkways, avenues or highways to any project, or partly for such purposes and partly for other municipal or county purposes, by purchase or condemnation in the manner provided by law for the acquisition of real property by a municipality or county.

(3) Contracts may be entered into between a municipality or county and an authority providing for the property to be acquired by a municipality or county and so conveyed, and the amounts, terms and conditions of payment to be made by an authority, provided, however, that the designation of parking areas and the location of parking meters shall be within the sole discretion of an authority. Such contracts may contain covenants by a municipality or county as to the road, street, parkway, avenue and highway improvements to be made by a municipality or county, including provisions for the installation of parking meters in designated streets of a municipality or county and for the removal of such parking meters in the event that such parking meters are not found to be necessary or convenient. Any such contract may pledge the revenues of such parking meters and any parking meters installed by a municipality or county prior thereto to the authority. Such contracts may also contain provisions limiting or prohibiting the construction and operation by a municipality or county or any agency thereof in designated areas of public parking facilities and parking meters whether or not a fee or charge is made therefor. Any such contracts between a municipality or county and an authority may be pledged by such authority to secure its bonds, and may not be modified thereafter except as provided by the terms of the contracts or by the terms of the pledge. The governing body may authorize such contracts on behalf of a municipality or county, and no other authorization on the part of a municipality or county for such contracts shall be necessary. The local laws, resolutions, ordinances, rules and regulations of a municipality or county within which a project

to obtain shall apply to such project if so provided in any contract between such authority and a municipality or county, and to the extent provided in such contract.

(g) To lease the authority shall have the use and occupancy of any real property which it shall determine is no longer required by a project then, *if such real property was acquired at the cost and expense of the municipality or county, the authority shall have power to surrender its use and occupancy thereof to the municipality or county, or, if such real property was acquired at the cost and expense of the authority, then the authority shall have power to sell, lease or otherwise dispose of said real property and shall retain and have the power to use the proceeds of sale, rentals or other moneys derived from the disposition thereof for its purposes.*

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

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

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

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

(f) Take additional steps. Do any and all things necessary or convenient to aid and cooperate in the planning, undertaking, construction or operation of such parking projects;

(g) Furnish service. Cause services to be furnished to the parking authority of the character which such public body is otherwise empowered to furnish;

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

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

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

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

authorize and authorized and empowered from time to time to examine the accounts and books of the authority, including its receipts, disbursements, contracts, leases, sinking funds, investments and other records and papers relating to its financial standing. The authority shall have power, notwithstanding the provisions of this paragraph, to contract with the trustee of any of its bonds as to the custody, collection, securing, investment and payment of any moneys of the authority or any moneys held in trust or otherwise for the payment of bonds or in any way to secure bonds, and to carry out any such contract notwithstanding that such contract may be inconsistent with the previous provisions of this paragraph. Moneys held in trust or otherwise for the payment of bonds or in any way to secure bonds and deposits of such moneys may be secured in the same manner as moneys of an authority, and all banks and trust companies are authorized to give such security for such deposits.

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

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

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

15. This act shall take effect immediately.

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 subdivisions of any of their home rule attributes without their consent.

SENATE COMMITTEE AMENDMENTS TO

SENATE, No. 74

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. 71

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).

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

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

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

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

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

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

(d) That such parking threatens irreparable loss in valuations of property in the [city] *municipalities* which can no longer be readily reached by 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.

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

(f) That adequate provision of properly located terminal space for automobiles is a public responsibility.

(g) That the parking problem cannot be remedied by regulatory processes and cannot be effectively dealt with by private enterprise.

(h) That the establishment of parking authorities will promote the public safety, convenience and welfare and the necessity in the public interest for the provisions hereinafter enacted, is hereby declared as a matter of legislative determination.

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

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

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

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

(c) "Governing body" shall mean in the case of a municipality the common council or the board of commissioners or the body managing its affairs, and in the case of a county the board of chosen freeholders.

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

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

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

(g) "Public body" shall mean the State, or any county, city, town, township, borough, village, school district, authority or any other political subdivision of the State.

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

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

(j) The term "improvement" shall mean and include extension, enlargement and improvement and the term "to improve" shall mean and include, to extend, to enlarge and to improve all in such manner as may be deemed desirable.

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

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

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

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

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

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

A municipality which has created a parking authority may with its consent, evidenced by ordinance, be included within the area of operation of a county authority. In such case the governing body of the county shall ratify the inclusion of such municipality before such area shall be included within the area of operation of such county authority.

No municipality which has been included (with its consent) within the area of operation of a county parking authority shall hereafter create a municipal authority.

Upon the creation of any such authority by a municipality, the clerk of the municipality shall certify a copy of the ordinance creating the parking authority, and also a copy of the resolution appointing the commissioners thereof, which documents shall be filed with the clerk of the county and be recorded in records of certificates of incorporation. In like manner, the clerk of the county shall certify the resolutions creating an authority and appointing the commissioners thereof and record such resolutions in the records of certificates of incorporation for said county. In each case the clerk of the county shall cause duplicate certified copies of said documents to be filed forthwith with the Secretary of State.

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

6. Powers of authority. *The* [An] authority shall constitute a public body corporate and politic *and a political subdivision of the State with the same territorial boundaries as the boundaries of the municipality or county creating the authority*, exercising public and essential governmental functions, and having all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this chapter, including the following powers in addition to others herein granted:

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

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

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

(c) To lease portions of parking facilities for commercial use where in the opinion of the authority such leasing is desirable and feasible in order to assist in defraying the expenses of the authority; any such lease however to be granted on a fair competitive basis; 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.

(d) Every authority is hereby granted and shall have and may exercise all powers necessary or convenient for the carrying out of the aforesaid purposes including but without limiting the generality of the foregoing the following rights or powers.

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

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

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

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

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

(i) To pledge, hypothecate or otherwise encumber all or any of the obligations of the authority.

(j) To enter into contracts with the State of New Jersey or any municipality, county or authority for the use of any project of the authority.

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

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

7. Right of eminent domain. An authority shall have right to acquire by the exercise of the power of eminent domain any real property which it may deem necessary for its purposes under this chapter after the adoption by it of a resolution declaring that the acquisition of the real property described therein is necessary for such purposes unless in the resolution or ordinance creating the authority it is provided that no real property shall be acquired in said manner without the consent of the governing body, in which case said power shall not be exercised without said consent. Property already devoted to a public use may be acquired in like manner provided that no real property belonging to a public body or *any* corporation itself possessing the power of eminent domain may be acquired without its consent.

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

8. 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 of 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

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

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

10. Bonds: Provisions. Bonds of an authority shall be authorized by its resolutions and may be issued in one or more series and shall bear such date or dates, mature at such time or times, bear interest at such rate or rates, not exceeding 6% per annum, be in such denomination or denominations, be in such form, either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment at such place or places, and be subject to such terms of redemption (with or without premium) as such resolution, its trust indenture or mortgage may provide. The bonds of a parking authority may be sold by the parking authority at public or private sale [at such price or prices as the parking authority shall determine] *upon sealed proposals to any financially responsible bidder including technical experts or agents referred to in section 5 of this act, either bidding alone or in conjunction with others*; 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.

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

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

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

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

18. Powers of authority pertaining to other governmental agencies. In addition to the powers conferred upon any authority by other provisions of this chapter, an authority is empowered to borrow money or accept contributions, grants or other financial assistance from the Federal Government, to take over or lease, or manage, any parking project or undertaking constructed or owned by any county or municipality and to those ends, to comply with such conditions and enter into such mortgages, trust indentures, leases, or agreements, as may be necessary, convenient or desirable. It is the purpose and intent of this chapter to authorize every authority to do any and all things necessary or desirable to secure the financial aid or cooperation of the Federal Government, the State Government, or any county or municipality in the undertaking, construction, maintenance, or operation of any parking project by such authority. *The rents, rates and fees to be charged in the operation of a parking authority shall be regulated and determined solely by the authority.*

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

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

the State of New Jersey will not limit or alter the rights hereby vested in the authority and in the *holders of* such bonds until all bonds at any time issued together with the interest thereon *and any premiums upon the redemption thereof* are fully met and discharged. The State of New Jersey does further pledge in the event that any Federal agency [and any other Federal agency that to and agree with the United States] shall [construct or] contribute *or agree to contribute* any funds for the construction, extension, improvement or enlargement of any project or any portion thereof, the State of New Jersey will not alter or limit the rights and powers of the authority in any manner which would be inconsistent with the continued maintenance and operation of the project or the improvement thereof or which would be inconsistent with the due performance of any agreements between the authority and any such Federal agency and the authority shall continue to have and may exercise all powers herein granted so long as the same shall be necessary or desirable for the carrying out of the purposes of this act and the purposes of the United States in the construction or improvement or enlargement of the project or such portion thereof.

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

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

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

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

(2) Any municipality or county may acquire by purchase or condemnation real property in the name of the municipality or county for

any project or for the widening of existing roads, streets, parkways, avenues or highways or for new roads, streets, parkways, avenues or highways to any project, or partly for such purposes and partly for other municipal or county purposes, by purchase or condemnation in the manner provided by law for the acquisition of real property by a municipality or county.

(3) Contracts may be entered into between a municipality or county and an authority providing for the property to be acquired by a municipality or county and so conveyed, and the amounts, terms and conditions of payment to be made by an authority, provided, however, that the designation of parking areas and the location of parking meters shall be within the sole discretion of an authority. Such contracts may contain covenants by a municipality or county as to the road, street, parkway, avenue and highway improvements to be made by a municipality or county, including provisions for the installation of parking meters in designated streets of a municipality or county and for the removal of such parking meters in the event that such parking meters are not found to be necessary or convenient. Any such contract may pledge the revenues of such parking meters and any parking meters installed by a municipality or county prior thereto to the authority. Such contracts may also contain provisions limiting or prohibiting the construction and operation by a municipality or county or any agency thereof in designated areas of public parking facilities and parking meters whether or not a fee or charge is made therefor. Any such contracts between a municipality or county and an authority may be pledged by such authority to secure its bonds, and may not be modified thereafter except as provided by the terms of the contracts or by the terms of the pledge. The governing body may authorize such contracts on behalf of a municipality or county, and no other authorization on the part of a municipality or county for such contracts shall be necessary. The local laws, resolutions, ordinances, rules and regulations of a municipality or county within which a project

is located shall apply to such project if so provided in any contract between an authority and a municipality or county, and to the extent provided in such contract.

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

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

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

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

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

(f) Take additional steps. Do any and all things necessary or convenient to aid and co-operate in the planning, undertaking, construction or operation of such parking projects;

(g) Furnish service. Cause services to be furnished to the parking authority of the character which such public body is otherwise empowered to furnish;

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

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

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

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

auditors are authorized and empowered from time to time to examine the accounts and books of the authority, including its receipts, disbursements, contracts, leases, sinking funds, investments and other records and papers relating to its financial standing. The authority shall have power, notwithstanding the provisions of this paragraph, to contract with the holders of any of its bonds as to the custody, collection, securing, investment and payment of any moneys of the authority or any moneys held in trust or otherwise for the payment of bonds or in any way to secure bonds, and to carry out any such contract notwithstanding that such contract may be inconsistent with the previous provisions of this paragraph. Moneys held in trust or otherwise for the payment of bonds or in any way to secure bonds and deposits of such moneys may be secured in the same manner as moneys of an authority, and all banks and trust companies are authorized to give such security for such deposits.

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

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

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

15. This act shall take effect immediately.