

32:1-35.30 et al

**LEGISLATIVE HISTORY CHECKLIST**

**NJSA:** 32:1-35.30 et al (Port Authority of NY and NJ -- waterfront development amendments)

**LAWS OF:** 1984

**CHAPTER:** 107

**Bill No:** S1954

**Sponsor(s):** Jackman, O'Connor and Cowan

**Date Introduced:** June 25, 1984

**Committee:** Assembly: /////

Senate: State Government, Federal & Interstate Relations and Veterans Affairs

**Amended during passage:** Yes Amendments during passage denoted by asterisks. Substituted for A2274 (not attached since identical to S1954)

**Date of Passage:** Assembly: June 28, 1984

Senate: June 28, 1984

**Date of Approval:** August 2, 1984

**Following statements are attached if available:**

**Sponsor statement:** Yes

**Committee statement:** Assembly No

Senate Yes

**Fiscal Note:** No

**Veto Message:** No

**Message on Signing:** Yes

**Following were printed:**

**Reports:** No

**Hearings:** No

8-2-84

[OFFICIAL COPY REPRINT]

## SENATE, No. 1954

## STATE OF NEW JERSEY

INTRODUCED JUNE 25, 1984

By Senators JACKMAN, O'CONNOR and COWAN

Referred to Committee on State Government, Federal and  
Interstate Relations and Veterans Affairs

AN ACT concerning waterfront development projects by the Port Authority of New York and New Jersey, amending P. L. 1947, c. 44, amending and supplementing P. L. 1983, c. 9, and repealing sections 6, 7, 8 and 9 of P. L. 1983, c. 9.

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

1 1. Section 3 of P. L. 1947, c. 44 (C. 32:1-35.30) is amended to  
2 read as follows:

3 3. The following terms as used herein shall mean:

4 "Marine terminals" shall mean developments, consisting of one  
5 or more piers, wharves, docks, bulkheads, slips, basins, vehicular  
6 roadways, railroad connections, side tracks, sidings or other build-  
7 ings, structures, facilities or improvements, necessary or convenient  
8 to the accommodation of steamships or other vessels and their  
9 cargoes or passengers and shall also mean waterfront development  
10 projects. It shall also include such highway projects in the vicinity  
11 of a marine terminal providing improved access to such marine  
12 terminal as shall be designated in legislation adopted by the two  
13 states. Notwithstanding any contrary provision of law, it shall  
14 also mean railroad freight projects related or of benefit to a  
15 marine terminal or which are necessary, convenient or desirable in  
16 the opinion of the port authority for the protection or promotion  
17 of the commerce of the port district, consisting of railroad freight  
18 transportation facilities or railroad freight terminal facilities, and  
19 any equipment, improvement, structure or facility or any land, and  
20 any building, structure, facility or other improvement thereon, or  
21 any combination thereof, and all real and personal property in

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

Matter printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

\*—Senate committee amendments adopted June 28, 1984.

22 connection therewith or incidental thereto, deemed necessary or  
23 desirable in the opinion of the port authority, whether or not now  
24 in existence or under construction, for the undertaking of railroad  
25 freight projects.

26 "Marine terminal purposes" shall mean the effectuation, estab-  
27 lishment, acquisition, construction, rehabilitation, improvement,  
28 maintenance or operation of marine terminals.

29 "Municipality" shall mean a county, city, borough, village,  
30 township, town, public agency, public authority or political sub-  
31 division.

32 "Real property" shall mean lands, structures, franchises and  
33 interests in land, including waters, lands under water and riparian  
34 rights, and any and all things and rights usually included within  
35 the said term, and includes not only fees simple absolute but also  
36 any and all lesser interests, including but not limited to easements,  
37 rights-of-way, uses, leases, licenses and all other incorporeal  
38 hereditaments and every estate, interest or right, legal or equitable,  
39 including terms for years and liens thereon by way of judgments,  
40 mortgages or otherwise.

41 "Waterfront development projects" shall mean projects for the  
42 revitalization and economic development of [the port district's]  
43 waterfront property[, including but not limited to property] *which*  
44 *is not in use for the handling of waterborne cargoes or directly or*  
45 *indirectly related to the water-borne movement of passengers and*  
46 *their vehicles [or to the operation or development of any other*  
47 *Port Authority project or facility. Property for these projects,*  
48 *however, shall not include property in use for the handling of*  
49 *waterborne cargoes]. Waterfront development projects shall*  
50 *include but not be limited to hotels, marinas, commercial offices*  
51 *including the installation of a fiber optic cable within its boundaries,*  
52 *or facilities which serve conference, convention, recreation or*  
53 *entertainment purposes or are retail service establishments, park-*  
54 *ing, technical, satellite antenna, similar communication or other*  
55 *facilities [directly or indirectly related or connected to any of the*  
56 *foregoing and associated improvements necessary or desirable in*  
57 *the opinion of the Port Authority to provide improved public access*  
58 *to waterfront development projects] related to any of the foregoing*  
59 *and associated improvements necessary to provide public access to*  
60 *the waterfront development projects. Notwithstanding the above,*  
61 *a waterfront development project authorized by this act shall not*  
62 *contain any technical, satellite antenna or similar telecommunica-*  
63 *tions facility unless the facility is directly used by, and for the sole*  
64 *use of, end users located on the site of the project. Furthermore,*

65 *no Port Authority money shall be used directly or indirectly in the*  
 66 *financing or construction of any telecommunications facility.*

1 2. Section 4 of P. L. 1983, c. 9 (C. 32:1-35.36e) is amended to  
 2 read as follows:

3 4. The Port Authority is authorized and empowered, *as limited*  
 4 *by sections 6 and 7 of this 1984 amendatory and supplementary act,*  
 5 to effect, establish, acquire, construct, rehabilitate, improve, main-  
 6 tain or operate *one waterfront development [projects] project in*  
 7 *the State of New York and one waterfront development project in*  
 8 *the State of New Jersey*; provided, however, that nothing in this  
 9 act is intended to authorize the Port Authority to *finance*, construct,  
 10 rehabilitate, improve, maintain or operate housing.

1 3. Section 5 of P. L. 1983, c. 9 (C. 32:1-35.36f.) is amended to  
 2 read as follows:

3 5. A waterfront development project in the city of Hoboken shall  
 4 be located on all that certain piece, parcel or tract of land, situate,  
 5 lying and being in the city of Hoboken, in the county of Hudson  
 6 and the State of New Jersey, more particularly bounded and  
 7 described as follows: BEGINNING at the corner formed by the  
 8 intersection of the United States pierhead line with the boundary  
 9 line between the city of Jersey City and the city of Hoboken and  
 10 running thence (1) westerly along said boundary line to its inter-  
 11 section with the westerly line of Henderson Street; thence (2)  
 12 northerly along that westerly line of Henderson Street to its  
 13 intersection with the northerly line of Observer Highway; thence  
 14 (3) easterly along that northerly line of Observer Highway to its  
 15 intersection with the westerly line of Hudson Street; thence (4)  
 16 northerly along that westerly line of Hudson Street to its inter-  
 17 section with the westerly extension of the northerly line of Hudson  
 18 Place; thence (5) easterly along that northerly line of Hudson  
 19 Place to its intersection with the westerly line of River Street;  
 20 thence (6) northerly along that westerly line of River Street and  
 21 along its northerly extension to its intersection with the northerly  
 22 line of Fourth Street; thence (7) easterly along that northerly  
 23 line of Fourth Street and its easterly extension to the southeast  
 24 corner of Stevens Park; thence (8) northerly along the easterly  
 25 line of Stevens Park and its northerly extension to a point in the  
 26 northerly line of Fifth Street, said point being the southeast  
 27 corner of lot 1 in block 234 as shown on the Tax Map of the city of  
 28 Hoboken; thence (9) northerly along the easterly line of lot 1 to its  
 29 intersection with the westerly extension of the northerly line of  
 30 lot 2 in block 258; thence (10) easterly along that extension and  
 31 easterly and northerly along that northerly line of lot 2 in block 258

32 to a corner therein; thence (11) easterly along another northerly  
 33 line of lot 2 in block 258 to its intersection with the United States  
 34 pierhead; thence (12) southerly along that United States pierhead  
 35 to the point and place of beginning[, together with such additional  
 36 contiguous areas as may be agreed upon from time to time  
 37 between the Port Authority and the city of Hoboken or any other  
 38 city in which the areas may be located].

39 *It is the intention of this legislation to permit marginal changes*  
 40 *in the site hereinabove described, but only to the extent required*  
 41 *by the detailed project plan. For the purposes of this section, a*  
 42 *“marginal change” means a change which would not result in a*  
 43 *material expansion in the configuration of the site.*

1 4. Section 10 of P. L. 1983, c. 9 (C 32:1-35.36k) is amended to  
 2 read as follows:

3 10. The Port Authority is hereby authorized and empowered in  
 4 its discretion to enter into an agreement *or agreements* upon terms  
 5 or conditions as it may deem in the public interest, with the United  
 6 States, the State of New York, the State of New Jersey, or any  
 7 agency, department, commission, public authority, board or division  
 8 of any of the foregoing, or any municipality or other public corpo-  
 9 ration in either state, or any person, firm, partnership, association,  
 10 company or corporation, or other legal entity, or any two or more of  
 11 the foregoing, to effectuate, establish, acquire, construct, rehabil-  
 12 itate, improve, maintain, or operate all or any portion or portions  
 13 of any waterfront development project or, subject to the terms of  
 14 any agreement or agreements, to cooperate by assisting either  
 15 State, or any agency, department, commission, public authority,  
 16 board or division of either state, or any municipality or other public  
 17 corporation in either state, or any person, firm, partnership,  
 18 association, company or corporation, or other legal entity, or any  
 19 two or more of the foregoing, in the planning or designing of any  
 20 housing development within the area of any project pursuant to  
 21 this act [or within the areas of any additional or alternative  
 22 waterfront development projects approved pursuant to this act,]  
 23 which is related to any waterfront development project undertaken  
 24 by the Port Authority and which is to be undertaken by either state,  
 25 or any agency, department, commission, public authority, board or  
 26 division of either state, or any municipality or other public corpo-  
 27 ration in either state, or any person, firm, partnership, association,  
 28 company or corporation, or other legal entity, or any two or more  
 29 of the foregoing or in the acquisition, clearance, preparation for  
 30 use or disposition of the land site on which any housing develop-  
 31 ment is to be situated, and in obtaining any permits, approvals,

32 authorizations or financial assistance for the construction of any  
33 housing development. *The foregoing provision shall be limited to*  
34 *waterfront development projects authorized by section 5 of P. L.*  
35 *1983, c. 9 (C. 32:1-35.36f) and by sections 5 and 6 of this 1984*  
36 *amendatory and supplementary act.*

37 Notwithstanding any contrary provision of law, general, special  
38 or local, either state or any agency, department, commission, public  
39 authority, board or division thereof, or any municipality or other  
40 public corporation thereof, or any two or more of the foregoing,  
41 are hereby authorized and empowered to enter into an agreement  
42 with the Port Authority, the United States or any department,  
43 agency or instrumentality thereof, or any person, firm, association,  
44 company or corporation, or any two or more of the foregoing, for  
45 or related to the effectuation, establishment, acquisition, construc-  
46 tion, rehabilitation, improvement, maintenance or operation of any  
47 waterfront development project undertaken by the Port Authority  
48 or of any housing development, provided that such housing develop-  
49 ment is within the area of any project pursuant to this act [or  
50 within the areas of any additional or alternative waterfront devel-  
51 opment projects approved pursuant to this act] and is related to  
52 any waterfront development project undertaken by the Port Au-  
53 thority[. Any] pursuant to section 5 of P. L. 1983, c. 9 (C.  
54 32:1-35.36f.) and sections 5 and 6 of this 1984 amendatory and  
55 supplementary act; and any agreement or agreements may provide,  
56 inter alia, for the effectuation, establishment, acquisition, construc-  
57 tion, rehabilitation, improvement, maintenance or operation of all  
58 or any portion or portions of a waterfront development project or  
59 any housing development by either state, or by any agency,  
60 department, commission, public authority, board or division of  
61 either state or any municipality or other public corporation in  
62 either state, or by any person, firm, partnership, association,  
63 company or corporation, or other legal entity, or any two or more  
64 of the foregoing. In connection with any waterfront development  
65 project pursuant to section 5 of P. L. 1983, c. 9 (C. 32:1-35.36f.)  
66 and sections 5 and 6 of this 1984 amendatory and supplementary  
67 act, either state or any agency, department, commission, public  
68 authority, board or division thereof, the Port Authority and any  
69 person, firm, partnership, association, company, corporation or  
70 other legal entity are empowered to enter into agreements which  
71 may provide, inter alia, for the establishment of prices or rates, a  
72 requirement, that any person, firm, partnership, association, com-  
73 pany, corporation or other legal entity sell, lease or purchase any  
74 commodity or service to or from either state or any agency,

75 department, commission, public authority, board or division thereof  
 76 or the Port Authority, or any other similar arrangement. *Except*  
 77 *that nothing in this act shall be construed to authorize the Port*  
 78 *Authority to finance, construct, improve, maintain or operate*  
 79 *housing.*

1 5. (New section) A waterfront development project to be under-  
 2 taken at Hunter's Point, Queens county, in the City of New York  
 3 shall be located within an area beginning at the corner formed by  
 4 the intersection of the combined U. S. Pierhead and Bulkhead Line  
 5 on the northerly side of Newtown Creek with the U. S. Pierhead  
 6 Line on the easterly side of the East River and running thence  
 7 (1) northerly along the U. S. Pierhead Line to its intersection with  
 8 the northerly line of a canal now or formerly known as the 11th  
 9 Street Basin; thence (2) easterly along the northerly line of the  
 10 canal to its intersection with the prolongation of the easterly line  
 11 of 5th Street; thence (3) southerly along the easterly line of  
 12 5th Street to its intersection with the southerly line of 48th  
 13 Avenue; thence (4) easterly along the southerly line of 48th  
 14 Avenue to its intersection with the westerly line of 11th Street;  
 15 thence (5) southerly along the westerly line of 11th Street to its  
 16 intersection with the southerly property line of lands south of and  
 17 abutting 48th Avenue; thence (6) westerly along the southerly  
 18 property line of the lands and the prolongation of the property  
 19 line to its intersection with the westerly line of 5th Street; thence  
 20 (7) along the southerly property line of the lands referred to in  
 21 courses 5 and 6 by such lands' various courses and distances to the  
 22 intersection with the prolongation of the easterly line of Second  
 23 Street; thence (8) southerly along the easterly line of Second  
 24 Street and its prolongation to its intersection with the U. S.  
 25 Pierhead and Bulkhead Line on the northerly side of Newtown  
 26 Creek; thence (9) westerly along the U. S. Pierhead and Bulkhead  
 27 Line on the northerly side of Newtown Creek; to the point and  
 28 place of beginning.

29 It is the intention of this legislation to permit marginal changes  
 30 in the site hereinabove described, but only to the extent required  
 31 by the detailed project plan. For the purposes of this section, a  
 32 "marginal change" means a change which would not result in a  
 33 material expansion in the configuration of the site.

1 6. (New section) In addition to the waterfront development  
 2 projects authorized pursuant to P. L. 1983, c. 9 (C. 32:1-35.36c.  
 3 et seq.) and this 1984 amendatory and supplementary act, it is the  
 4 object of the two States that the Port Authority be, and it hereby  
 5 is authorized to participate as limited in section 7 of this 1984

6 amendatory and supplementary act, in the effectuation, establish-  
7 ment, acquisition, construction, rehabilitation, improvement, main-  
8 tenance or operation of one waterfront development project in the  
9 State of New York and one waterfront development project in the  
10 State of New Jersey as defined in chapter 631 of the laws of New  
11 York of 1947, as amended, provided, however, that nothing in this  
12 act is intended to authorize the Port Authority to finance, construct,  
13 rehabilitate, improve, maintain or operate housing. The under-  
14 taking by the Port Authority of any waterfront development  
15 project in the State of New York or the State of New Jersey, or of  
16 any alternative to either of the two projects authorized pursuant  
17 to section 5 of P. L. 1983, c. 9 (C. 32:1-35.36f.) and by section 5 of  
18 this 1984 amendatory and supplementary act, shall be subject to  
19 the prior express approval of the project by the city, county, town  
20 or village of the State of New York in which the project is to be  
21 located, or by the city, county, town, borough or township of the  
22 State of New Jersey in which the project is to be located, with any  
23 approval to be given in the manner provided in article 22 of the  
24 compact of April 30, 1921 between the two States creating the  
25 Port Authority, except that as to towns in the State of New York,  
26 approval shall be authorized in the manner provided in the town  
27 law and as to counties in the State of New Jersey, approval shall  
28 be authorized in the manner as provided by law. *\*No city, county,*  
28A *town, borough or township of the State of New Jersey shall give*  
28B *the approval referred to in this section unless approval of the site*  
28C *of the project in the city, county, town, borough or township has*  
28D *been given in a joint resolution adopted by the Legislature of the*  
28E *State of New Jersey.\**

29 At least 30 days prior to the authorization by the Port Authority  
30 of a waterfront development project authorized by this section, the  
31 Port Authority shall submit to the temporary President of the  
32 Senate, Speaker of the Assembly, minority leaders of the Senate  
33 and Assembly and the Chairmen of the Senate Finance Committee  
34 and Assembly Ways and Means Committee of the Legislature of  
35 the State of New York, and the *\*[equivalent leaders and commit-*  
36 *tees]\* \*President of the Senate, the Speaker of the General As-*  
37 *sembly, minority leaders of the Senate and the General Assembly,*  
38 *the chairman of the Senate State Government, Federal and Inter-*  
39 *state Relations and Veterans' Affairs Committee, or its successor,*  
40 *and the chairman of the General Assembly Independent Authorities*  
41 *and Commissions Committee, or its successor,\** of the State of New  
42 Jersey, a complete and comprehensive report on all aspects of the  
43 proposed project, including summaries of : feasibility and marketing



44 studies undertaken; engineering, design, environmental, financing,  
 45 legal or other project-specific studies undertaken; construction and  
 46 development cost estimates; estimates of projected Port Authority  
 47 share of total project costs and revenues; and such other relevant  
 48 information which the temporary President of the Senate, Speaker  
 49 of the Assembly, minority leaders of the Senate and Assembly and  
 50 Chairmen of the Senate Finance Committee and Assembly Ways  
 51 and Means Committee of the Legislature of the State of New York  
 52 and the \***[equivalent leaders and committees]**\* *President of the*  
 53 *Senate, the Speaker of the General Assembly, minority leaders of*  
 54 *the Senate and General Assembly, the chairman of the Senate State*  
 55 *Government, Federal and Interstate Relations and Veterans'*  
 56 *Affairs Committee, or its successor, and the chairman of the*  
 57 *General Assembly Independent Authorities and Commissions Com-*  
 58 *mittee, or its successor,\** of the State of New Jersey, deem appro-  
 58A priate, necessary and desirable. The Port Authority may not  
 58B authorize a waterfront development project in the State of New  
 58C York pursuant to this section unless and until approval of the site  
 58D of the project in the State of New York has been given in a joint  
 58E resolution adopted by the Legislature of the State of New York  
 58F and the two projects authorized in section 5 of P. L. 1983, c. 9  
 58G (C. 32:1-35.36 f.) and section 5 of this 1984 amendatory and supple-  
 58H mentary act have been substantially completed. Additionally, the  
 58I Port Authority may not authorize a waterfront development  
 58J project in the State of New Jersey pursuant to this section unless  
 58K and until the two projects authorized in section 5 of P. L. 1983, c. 9  
 59 (C. 32:1-35.36 f.) and section 5 of this 1984 amendatory and  
 60 supplementary act have been substantially completed.

61 No waterfront development project authorized by this section  
 62 may be undertaken by the Port Authority in the City of New York  
 63 unless the mayor thereof requests it to do so, which request shall  
 64 specify the borough in which such project is to be undertaken. The  
 65 president of any borough within the City of New York in which  
 66 such project is proposed to be undertaken shall receive notice of  
 67 such request and may within 30 days of receipt of such notice, and  
 68 after consulting with and considering any recommendation made  
 69 by the borough board of that borough, notify the mayor of the  
 70 City of New York that the Port Authority is not to undertake  
 71 such requested project in which event such project shall not be  
 72 undertaken by the Port Authority. The Port Authority may agree  
 73 with any municipality in the port district to study the feasibility  
 74 of developing one or more specific waterfront development projects  
 75 within that municipality. In undertaking such a study, the Port

76 Authority shall consult with and consider any recommendation  
77 made by the governing body of such municipality.

78 At least 10 days prior to the commencement by the Port  
79 Authority of any study undertaken pursuant to any such agreement  
80 and the authorization by the Port Authority of any waterfront  
81 development project in addition to the projects designated in  
82 section 5 of P. L. 1983, c. 9 (C. 32:1-35.36 f.) and section 5 of this  
83 1984 amendatory and supplementary act, the Port Authority shall  
84 notify the chief executive officer of each municipality in the port  
85 district for which the Port Authority has studied the feasibility of  
86 developing a waterfront development project of the proposed  
87 study or authorization of the project, shall seek their comments  
88 and shall include with the study or authorization any comments  
89 received from the municipality.

90 Nothing contained in this act shall be construed to limit or impair  
91 the power of the Governor of the State of New York and the  
92 Governor of the State of New Jersey to review the actions of the  
93 Commissioners of the Port Authority as provided for in Chapter  
94 700 of the laws of New York of 1927, as amended and in Chapter  
95 333 of the laws of New Jersey of 1927, as amended.

1 7. (New section) On April 15, 1985, and annually thereafter, the  
2 Port Authority shall submit to the temporary President of the  
3 Senate, Speaker of the Assembly, minority leaders of the Senate  
4 and Assembly and the Chairmen of the Senate Finance Committee  
5 and Assembly Ways and Means Committee of the Legislature of  
6 the State of New York, and *\*to\* the \***[**equivalent leaders and com-  
7 mittees]**]** \*President of the Senate, the Speaker of the General  
8 Assembly, minority leaders of the Senate and General Assembly,  
9 the chairman of the Senate State Government, Federal and Inter-  
10 state Relations and Veterans' Affairs Committee, or its successor,  
11 and the chairman of the General Assembly Independent Authorities  
12 and Commissions Committee, or its successor,\* of the State of New  
13 Jersey, a complete and comprehensive report on the status of all  
14 activities, studies and projects undertaken pursuant to P. L. 1983,  
15 c. 9 (C. 32:1-35.36 c. et seq.) and this 1984 amendatory and supple-  
16 mentary act which shall include summaries of: feasibility studies  
17 undertaken; a summary of any engineering, design, environmental,  
18 financing, legal or other project-specific studies undertaken; and a  
19 review of the construction status of the projects authorized by  
20 P. L. 1983, c. 9 (C. 32:1-35.36 c. et seq.) and this 1984 amendatory  
21 and supplementary act. Specifically, the report shall contain: com-  
22 parisons of original and final costs or current estimates; projected  
23 and actual schedules for completion; an evaluation of the relative*

24 share of private, Port Authority and other sources of capital  
 25 financing; comparability of investment by the Port Authority in  
 26 waterfront development projects in the State of New York and the  
 27 State of New Jersey; reasons for differences between original and  
 28 current final project designs and schedules; the amount of bonds  
 29 and notes outstanding; the schedule for repayment of such bonds  
 30 and notes; and the status of any funds securing such bonds and  
 31 notes. In addition, the Port Authority shall submit any other  
 32 relevant information in connection with such legislation which the  
 33 temporary President of the Senate, Speaker of the Assembly,  
 34 minority leaders of the Senate and Assembly and Chairmen of the  
 35 Senate Finance Committee and Assembly Ways and Means Com-  
 36 mittee of the Legislature of the State of New York and the  
 37 \***[equivalent leaders and committees]**\* *\*President of the Senate,*  
 38 *the Speaker of the General Assembly, minority leaders of the Senate*  
 39 *and General Assembly, the chairman of the Senate State Govern-*  
 40 *ment, Federal and Interstate Relations and Veterans' Affairs*  
 41 *Committee, or its successor, and the chairman of the General As-*  
 42 *sembly Independent Authorities and Commissions Committee, or*  
 43 *its successor,\** of the State of New Jersey, deem appropriate,  
 44 necessary and desirable. Further, the Port Authority shall submit  
 45 any other relevant information in connection with such legislation  
 46 which the Port Authority deems appropriate, necessary and desir-  
 47 able.

1 8. Sections 6, 7, 8 and 9 of P. L. 1983, c. 9 (C. 32:1-35.36g through  
 2 C. 32:1-35.36j, inclusive) are repealed.

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

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STATEMENT

This bill conforms P. L. 1983, c. 9 to changes being made by the New York Legislature in the Port Authority's waterfront development proposal. It:

1. Limits the Port Authority to a project in Hoboken, New Jersey and Hunter's Point, New York plus one additional project in each State;
2. Allows for only marginal changes in a project plan;
3. Provides that the additional waterfront development projects in the State of New York shall be subject to approval by the New York Legislature;
4. Provides that an additional waterfront project in New Jersey and in New York may not be authorized until the Hoboken and Hunter's Point projects have been substantially completed;
5. Prohibits a waterfront development project from containing any technical, satellite antenna or similar telecommunications facility unless the facility is for the sole use of end users located on the site project;
6. Provides for project status reports to the New York and New Jersey Legislatures; and
7. Repeals sections of the existing law concerning selection of a waterfront development project site in New York and the undertaking of additional projects in each State.

S1954 (1984)

SENATE STATE GOVERNMENT, FEDERAL AND  
INTERSTATE RELATIONS AND VETERANS AFFAIRS  
COMMITTEE

STATEMENT TO

**SENATE, No. 1954**

with Senate committee amendments

**STATE OF NEW JERSEY**

DATED: JUNE 28, 1984

This bill conforms P. L. 1983, c. 9 to changes made by the New York Legislature in the Port Authority of New York and New Jersey's waterfront development project proposal. It:

1. Limits the Port Authority to a project in Hoboken, New Jersey and Hunter's Point, New York plus one additional project in each State;
2. Allows for only marginal changes in a project plan;
3. Provides that the additional waterfront development project in the State of New York shall be subject to approval by the New York Legislature;
4. Provides that an additional waterfront project in New Jersey and in New York may not be authorized until the Hoboken and Hunter's Point projects have been substantially completed;
5. Prohibits a waterfront development project from containing any technical, satellite antenna or similar telecommunications facility unless the facility is for the sole use of end users located on the site project;
6. Provides for project status reports to the New York and New Jersey Legislatures; and
7. Repeals sections of the existing law concerning selection of a waterfront development project site in New York and the undertaking of additional projects in each state.

The committee amended the bill to specify which Legislative leaders and committees in New Jersey shall receive waterfront development project reports and to provide that no city, county, town, borough or township of the State of New Jersey shall give project approval unless approval of the site of the project in the city, county, town, borough or township has been given in a joint resolution adopted by the Legislature of the State of New Jersey.

agreement or agreements may provide, inter alia, for the effectuation, establishment, acquisition, construction, rehabilitation, improvement, maintenance or operation of all or any portion or portions of such waterfront development project or any such housing development by either state, or by any agency, department, commission, public authority, board or division of either state, or any municipality or other public corporation in either state, or by any person, firm, partnership, association, company or corporation, or other legal entity, or any two or more of the foregoing. In connection with any waterfront development project, either state or any agency, department, commission, public authority, board or division thereof, the port authority and any person, firm, partnership, association, company, corporation or other legal entity are empowered to enter into agreements which may provide, inter alia, for the establishment of prices or rates, a requirement that any person, firm, partnership, association, company, corporation or other legal entity sell, lease or purchase any commodity or service to or from either state or any agency, department, commission, public authority, board or division thereof or the port authority, or any other similar arrangement.

§ 7. This act shall take effect upon the enactment into law by the state of New Jersey of legislation having an identical effect with this act, but if the state of New Jersey has already enacted such legislation, this act shall take effect immediately.

#### PORT AUTHORITY OF NEW YORK AND NEW JERSEY— WATERFRONT DEVELOPMENT PROJECTS

*Memorandum relating to this chapter, see Executive Memoranda, post*

#### CHAPTER 677

Approved Aug. 1, 1984, effective as provided in section 3

AN ACT to amend chapter six hundred thirty-one of the laws of nineteen hundred forty-seven, relating to the development by the port of New York authority of marine terminals, in relation to the definition of waterfront development projects; to amend a chapter of the laws of nineteen hundred eighty-four, as proposed in legislative bill number S. 4027 - A. 7115 amending chapter six hundred thirty-one of the laws of nineteen hundred forty-seven, relating to authorizing the port authority of New York and New Jersey to participate in effectuating certain waterfront development projects, in relation to authorizing a waterfront development project in the city of Hoboken, New Jersey and at Hunter's Point, Queens county, in the city of New York and to repeal sections four, five and six of such chapter of the laws of nineteen hundred eighty-four, relating thereto

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sixth unnumbered paragraph of section three of chapter six hundred thirty-one of the laws of nineteen hundred forty-seven,

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Additions in text indicated by underline;

relating to the terminals, as added four, relating to Jersey to participate projects, as proposed amended to read as

"Waterfront development and accretion not in use for the indirectly related vehicles[, or (iii) port authority project be limited to hotelation of a fiber serve conference, are retail service tenna, similar connected or connect necessary or design improved public access to any of the foregoing public access to the above, a waterfront not contain any telecommunications facility u sole benefit of, e more, no port a the financing or c

<sup>1</sup> 1984 McKinney Session

§ 2. Sections four hundred eighty-four of the laws of New York and New Jersey relating to waterfront development projects A. 7115, are repealed and are added to read

§ 4. In furtherance of the object of this act, it hereby is amended, in section six-a of this act, construction, rehabilitation waterfront development project in the thirty-one of the laws of New Jersey amended, provide authorize the port authority to provide, maintain or

(a) A waterfront located on all the waterfronts lying and being in the state of New Jersey BEGINNING at the pierhead line with the city of Hoboken

deletions by [brackets]

relating to the development by the Port of New York Authority of marina terminals, as added by a chapter of the laws of nineteen hundred eighty-four, relating to authorizing the Port Authority of New York and New Jersey to participate in effectuating certain waterfront development projects, as proposed in legislative bill number S. 4027 - A. 7115,<sup>1</sup> is amended to read as follows:

"Waterfront development projects" shall mean projects for the revitalization and economic development of waterfront property which is (i) not in use for the handling of water-borne cargoes, or (ii) directly or indirectly related to the water-borne movement of passengers and their vehicles[, or (iii) related to the operation or development of any other port authority project or facility]. Such projects shall include but not be limited to hotels, marinas, commercial offices, including the installation of a fiber optic cable within its boundaries, or facilities which serve conference, convention, recreation or entertainment purposes or are retail service establishments, parking, technical, satellite antenna, similar communication or other facilities [directly or indirectly related or connected to any of the foregoing and associated improvements necessary or desirable in the opinion of the port authority to provide improved public access to such waterfront development projects] related to any of the foregoing and associated improvements necessary to provide public access to such waterfront development projects. Notwithstanding the above, a waterfront development project authorized by this act shall not contain any technical, satellite antenna or similar telecommunications facility unless such facility is directly used by, and for the sole benefit of, end users located on the site of the project. Furthermore, no port authority money shall be used directly or indirectly in the financing or construction of said telecommunications facility.

<sup>1</sup> 1984 McKinney Session Laws, Ch. 676.

§ 2. Sections four, five and six of a chapter of the laws of nineteen hundred eighty-four, relating to authorizing the port authority of New York and New Jersey to participate in effectuating certain waterfront development projects, as proposed in legislative bill number S. 4027 - A. 7115,<sup>1</sup> are REPEALED and four new sections four, five, six and six-a are added to read as follows:

§ 4. In furtherance of the aforesaid findings and determinations, it is the object of each of the two states that the port authority be, and it hereby is authorized to participate as limited in sections six and six-a of this act, in the effectuation, establishment, acquisition, construction, rehabilitation, improvement, maintenance or operation of one waterfront development project in the state of New York and one such project in the state of New Jersey as defined in chapter six hundred thirty-one of the laws of New York of nineteen hundred forty-seven, as amended, provided, however, that nothing in this act is intended to authorize the port authority to finance, construct, rehabilitate, improve, maintain or operate housing.

(a) A waterfront development project in the city of Hoboken shall be located on all that certain piece, parcel or tract of land, situate, lying and being in the city of Hoboken, in the county of Hudson and state of New Jersey, more particularly bounded and described as follows: BEGINNING at the corner formed by the intersection of the United States pierhead line with the boundary line between the city of Jersey City and the city of Hoboken and running thence (1) westerly along said boundary

deletions by [brackets]

line to its intersection with the westerly line of Henderson Street; thence (2) northerly along said westerly line of Henderson Street to its intersection with the northerly line of Observer Highway; thence (3) easterly along said northerly line of Observer Highway to its intersection with the westerly line of Hudson Street; thence (4) northerly along said westerly line of Hudson Street to its intersection with the westerly extension of the northerly line of Hudson Place; thence (5) easterly along said northerly line of Hudson Place to its intersection with the westerly line of River Street; thence (6) northerly along said westerly line of River Street and along its northerly extension to its intersection with the northerly line of Fourth Street; thence (7) easterly along said northerly line of Fourth Street and its easterly extension to the southeast corner of Stevens Parks; thence (8) northerly along the easterly line of Stevens Park and its northerly extension to a point in the northerly line of Fifth Street, said point being the southeast corner of lot 1 in block 234 as shown on the Tax Map of the city of Hoboken; thence (9) northerly along the easterly line of said lot 1 to its intersection with the westerly extension of the northerly line of lot 2 in block 258; thence (10) easterly along said extension and easterly and northerly along said northerly line of lot 2 in block 258 to a corner therein; thence (11) easterly along another northerly line of said lot 2 in block 258 to its intersection with the United States pierhead; thence (12) southerly along said United States pierhead to the point and place of beginning.

(b) A waterfront development project to be undertaken at Hunter's Point, Queens county, in the city of New York will be located within an area beginning at the corner formed by the intersection of the combined U.S. Pierhead and Bulkhead Line on the northerly side of Newtown Creek with the U.S. Pierhead Line on the easterly side of the East River and running thence (1) northerly along said U.S. Pierhead Line to its intersection with the northerly line of a canal now or formerly known as the 11th Street Basin; thence (2) easterly along the northerly line of said canal to its intersection with the prolongation of the easterly line of 5th Street; thence (3) southerly along said easterly line of 5th Street to its intersection with the southerly line of 48th Avenue; thence (4) easterly along the said southerly line of 48th Avenue to its intersection with the westerly line of 11th Street; thence (5) southerly along the said westerly line of 11th Street to its intersection with the southerly property line of lands south of and abutting 48th Avenue; thence (6) westerly along the said southerly property line of such lands and the prolongation of such property line to its intersection with the westerly line of 5th Street; thence (7) along the said southerly property line of the lands referred to in courses 5 and 6 by such lands various courses and distances to the intersection with the prolongation of the easterly line of Second Street; thence (8) southerly along the said easterly line of Second Street and its prolongation to its intersection with the U.S. Pierhead and Bulkhead Line on the northerly side of Newtown Creek; thence (9) westerly along said U.S. Pierhead and Bulkhead Line on the northerly side of Newtown Creek; to the point and place of beginning.

(c) It is the intention of this legislation to permit marginal changes in the sites hereinabove described, but only to the extent required by the detailed project plan. For the purposes of this section, a "marginal

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change" means a change which would not result in a material expansion in the configuration of such sites.

§ 5. In addition to the waterfront development projects authorized pursuant to section four of this act, it is the object of the two states that the port authority be, and it hereby is authorized to participate as limited in sections six and six-a of this act, in the effectuation, establishment, acquisition, construction, rehabilitation, improvement, maintenance or operation of one waterfront development project in the state of New York and one such project in the state of New Jersey as defined in chapter six hundred thirty-one of the laws of New York of nineteen hundred forty-seven, as amended, provided, however, that nothing in this act is intended to authorize the port authority to finance, construct, rehabilitate, improve, maintain or operate housing. The undertaking by the port authority of any waterfront development project in the state of New York or the state of New Jersey, or of any alternative to either of the two projects authorized pursuant to section four of this act shall be subject to the prior express approval of such project by the city, county, town or village of the state of New York in which such project is to be located, or by the city, county, town, borough or township of the state of New Jersey in which such project is to be located, with any such approval to be given in the manner provided in article twenty-two of the compact of April thirtieth, nineteen hundred twenty-one between the two states creating the port authority, except that as to towns in the state of New York, such approval shall be authorized in the manner provided in the town law and as to counties in the state of New Jersey, such approval shall be authorized in the manner provided in New Jersey statutes annotated, forty: one-one, et. seq.

At least thirty days prior to the authorization by the port authority of a waterfront development project authorized by this section, the port authority shall submit to the temporary president of the senate, speaker of the assembly, minority leaders of the senate and assembly and the chairmen of the senate finance committee and assembly ways and means committee of the legislature of the state of New York, and the equivalent leaders and committees of the state of New Jersey, a complete and comprehensive report on all aspects of the proposed project, including summaries of: feasibility and marketing studies undertaken; engineering, design, environmental, financing, legal or other project-specific studies undertaken; construction and development cost estimates; estimates of projected port authority share of total project costs and revenues; and such other relevant information which the temporary president of the senate, speaker of the assembly, minority leaders of the senate and assembly and chairmen of the senate finance committee and assembly ways and means committee of the legislature of the state of New York, and the equivalent leaders and committees of the state of New Jersey, deem appropriate, necessary and desirable. The port authority may not authorize a waterfront development project in the state of New York pursuant to this section unless and until: (i) approval of the site of such project in the state of New York has been given in a joint resolution adopted by the legislature of the state of New York; and (ii) the two projects authorized in section four of this act have been substantially completed. Additionally, the port authority may not authorize a waterfront development project in the state of New Jersey pursuant to this section unless and until the two projects authorized in section four of this act have been substantially completed.

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No waterfront development project authorized by this section may be undertaken by the port authority in the city of New York unless the mayor thereof requests it to do so, which request shall specify the borough or boroughs in which such project is to be undertaken. The president of any borough within the city of New York in which such project is proposed to be undertaken shall receive notice of such request and may within thirty days of receipt of such notice, and after consulting with and considering any recommendation made by the borough board of that borough, notify the mayor of the city of New York that the port authority is not to undertake such requested project in which event such project shall not be undertaken by the port authority. The port authority may agree with any municipality in the port district to study the feasibility of developing one or more specific waterfront development projects within that municipality. In undertaking such a study, the port authority shall consult with and consider any recommendation made by the governing body of such municipality.

At least ten days prior to (1) the commencement by the port authority of any study undertaken pursuant to any such agreement and (2) the authorization by the port authority of any waterfront development project in addition to the projects designated in section four of this act, the port authority shall notify the chief executive officer of each municipality in the port district for which the port authority has studied the feasibility of developing a waterfront development project of the proposed study or authorization of such project, shall seek their comments and shall include with such study or authorization any comments received from such municipality.

Nothing contained in this act shall be construed to limit or impair the power of the governor of the state of New York and the governor of the state of New Jersey to review the actions of the commissioners of the port authority as provided for in chapter seven hundred of the laws of New York of nineteen hundred twenty-seven, as amended, and in chapter three hundred thirty-three of the laws of New Jersey of nineteen hundred twenty-seven, as amended.

§ 6. The port authority is hereby authorized and empowered in its discretion to enter into an agreement or agreements, upon such terms or conditions as it may deem in the public interest, with the United States, the state of New York, the state of New Jersey, or any agency, department, commission, public authority, board or division of any of the foregoing, or any municipality or other public corporation in either state, or any person, firm, partnership, association, company or corporation, or other legal entity, or any two or more of the foregoing, to effectuate, establish, acquire, construct, rehabilitate, improve, maintain, or operate all or any portion or portions of any waterfront development project or, subject to the terms of any such agreement or agreements, to cooperate by assisting any such state, agency, department, commission, public authority, board or division of either state, or any such municipality or other public corporation in either state, or any such person, firm, partnership, association, company or corporation, or other such legal entity, or any two or more of the foregoing, in the planning or designing of any housing development within the areas of any project pursuant to this act, which is related to any waterfront development project undertaken by the port authority and which is to be undertaken by such state, agency, department, commission, public authority, board or division of either state, or any such municipality

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Notwithstanding local, either s authority, board blic corporation hereby authorize with the port au instrumentality corporation, or a effectuation, es improvement, main ject undertaken provided that suc ject pursuant t project undertake five of this act ter alia, for the tion, rehabilita any portion or po such housing dev commission, publi municipality or c son, firm, partne legal entity, c in this act shall finance, constru

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or other public corporation in either state, or any such person, firm, partnership, association, company or corporation, or other such legal entity, or any two or more of the foregoing or in the acquisition, clearance, preparation for use or disposition of the land site on which any such housing development is to be situated, and in obtaining any permits, approvals, authorizations or financial assistance for the construction of any such housing development. The foregoing provisions shall be limited to waterfront development projects authorized by sections four and five of this act.

Notwithstanding any contrary provision of law, general, special or local, either state or any agency, department, commission, public authority, board or division thereof, or any municipality or other public corporation thereof, or any two or more of the foregoing, are hereby authorized and empowered to enter into an agreement or agreements with the port authority, the United States or any department, agency or instrumentality thereof, or any person, firm, association, company or corporation, or any two or more of the foregoing, for or related to the effectuation, establishment, acquisition, construction, rehabilitation, improvement, maintenance or operation of any waterfront development project undertaken by the port authority or of any housing development, provided that such housing development is within the areas of any project pursuant to this act and is related to any waterfront development project undertaken by the port authority pursuant to sections four and five of this act; and any such agreement or agreements may provide, inter alia, for the effectuation, establishment, acquisition, construction, rehabilitation, improvement, maintenance or operation of all or any portion or portions of such waterfront development project or any such housing development by either state, or by any agency, department, commission, public authority, board or division of either state, or any municipality or other public corporation in either state, or by any person, firm, partnership, association, company or corporation, or other legal entity, or any two or more of the foregoing, except that nothing in this act shall be construed to authorize the port authority to finance, construct, rehabilitate, improve, maintain or operate housing.

In connection with any waterfront development project pursuant to sections four and five of this act, either state or any agency, department, commission, public authority, board or division thereof, the port authority and any person, firm, partnership, association, company, corporation or other legal entity are empowered to enter into agreements which may provide, inter alia, for the establishment of prices or rates, a requirement that any person, firm, partnership, association, company, corporation or other legal entity sell, lease or purchase any commodity or service to or from either state or any agency, department, commission, public authority, board or division thereof or the port authority, or any other similar arrangement.

§ 6-a. On April fifteenth, nineteen hundred eighty-five and annually thereafter, the port authority shall submit to the temporary president of the senate, speaker of the assembly, minority leaders of the senate and assembly and the chairmen of the senate finance committee and assembly ways and means committee of the legislature of the state of New York, and the equivalent leaders and committees of the state of New Jersey, a complete and comprehensive report on the status of all activities, studies and projects undertaken pursuant to the subject waterfront development legislation, which would include summaries of: feasibility

studies undertaken; a summary of any engineering, design, environmental, financing, legal or other project-specific studies undertaken; and a review of the construction status of the projects authorized by this act. Specifically, such report shall contain: comparisons of original and final costs or current estimates; projected and actual schedules for completion; an evaluation of the relative share of private, port authority and other sources of capital financing; comparability of investment by the port authority in waterfront development projects in the state of New York and the state of New Jersey; reasons for differences between original and current final project designs and schedules; the amount of bonds and notes outstanding; the schedule for repayment of such bonds and notes; and the status of any funds securing such bonds and notes. In addition, the port authority shall submit any other relevant information in connection with such legislation which the temporary president of the senate, speaker of the assembly, minority leaders of the senate and assembly and chairmen of the senate finance committee and assembly ways and means committee of the legislature of the state of New York, and the equivalent leaders and committees of the state of New Jersey, deem appropriate, necessary and desirable. Further, the port authority shall submit any other relevant information in connection with such legislation which the port authority deems appropriate, necessary and desirable.

1984 McKinney Session Laws, Ch. 676.

§ 3. This act shall take effect on the same day as a chapter of the laws of nineteen hundred eighty-four amending chapter six hundred thirty-one of the laws of nineteen hundred forty-seven relating to the development by the Port of New York Authority of marine terminals, as proposed in legislative bill number S. 4027 - A. 7115,<sup>1</sup> and upon the enactment into law by the state of New Jersey of legislation having an identical effect with this act, but if the state of New Jersey has already enacted such legislation, this act shall take effect immediately.

1984 McKinney Session Laws, Ch. 676.

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# OFFICE OF THE GOVERNOR NEWS RELEASE

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Contact: PAUL WOLCOTT

TRENTON, N.J. 08625  
Release: THURSDAY, AUG. 2, 1984

609-292-6000, Ext. 285

Governor Thomas H. Kean and Governor Mario Cuomo met today at Ferry Terminal Plaza in Hoboken and then at Hunters Point in Queens, New York, to sign legislation which will allow the Port Authority of New York and New Jersey to proceed with major economic development projects at both sites.

The bill, S-1954, was sponsored by Christopher J. Jackman, D-Hudson.

The two governors signed identical legislation amending the charter of the Port Authority to enable that agency to, for the first time, actively participate in waterfront development projects within the Port District.

Kean and Cuomo traveled to Hoboken and Queens to sign the bills at the site of the first two projects to receive Port Authority participation.

Kean called the signing a symbol of the partnership which exists, and must continue to flourish, between the two states for their mutual benefit.

"Ultimately, our economic interests are the same," Kean said, "our fates are inextricably bound. And try as we might, we are not going to get away from each other.

"The bill we are signing today is an exercise in cooperation," Kean said. "It is an important milestone in this region's future, and it bodes well for the economic health of our regional family in years to come."

As finally agreed upon by the Legislatures and Governors of both states, the legislation permits the Port Authority to participate in two economic development projects in each state. State, county and local officials in each state will have authority, under the bill, to control development in their areas.

- more -

Hoboken Bill Signing

Thursday, August 2, 1984

Page Two

Kean said the new charter for the authority should prove to be a potent economic tool for new development on both sides of the Hudson River.

It is particularly important, he said, for the Port Authority to be allowed to work along with private developers to create thousands of new construction and permanent jobs in both states.

"Today," Kean said. "We are taking the essential first step toward bringing those jobs to Hudson County, to New Jersey, and to our region.

"In a few short years this waterfront will be the site of an economic rebirth in Hudson County. The investment will be the product of a partnership between the public and private sectors --- the kind of partnership we have been working so hard to create here in New Jersey these past two and a half years.

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