

32: 1-35.30 et al

LEGISLATIVE HISTORY CHECKLIST

NJSA: 32:1-35.30 et al

(Port Authority--allows to operate waterfront development projects)

LAWS OF: 1983

CHAPTER: 9

Bill No: S1687

Sponsor(s): LaRocca

Date Introduced: September 16, 1982

Committee: Assembly: Independent Authorities and Commissions

Senate: State Governments, Federal & Interstate Relation and Veterans Affairs

Amended during passage: YES Amendments during passage denoted by asterisks. Substituted for A1879 (not attached since identical to S1687)

Date of Passage: Assembly: November 29, 1982

Senate: November 8, 1983

Date of Approval: January 18, 1983

Following statements are attached if available:

Sponsor statement: YES

Committee statement: Assembly YES

Senate YES

Fiscal Note: NO

Veto Message: NO

Message on Signing: YES

Following were printed:

Reports: NO

Hearings: NO

Bills, pending before New York Legislature-attached

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SENATE, No. 1687

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 16, 1982

By Senator LARocca

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 **and amending** and
supplementing ***[Title 32 of the Revised Statutes]*** **P. L. 1947.*
c. 44.*

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

1 1. **(New section)** The Legislature hereby finds and declares
1A that:

2 a. The Port Authority of New York and New Jersey (hereinafter
3 called the Port Authority) has performed studies concerning the
4 feasibility of redevelopment of specific waterfront areas in the
5 port district which are no longer utilized in the movement of car-
6 goes, or which are related to the movement of passengers and their
7 vehicles, or which concern the operation or development of any
8 other Port Authority project or facility;

9 b. The revitalization and economic development of those sections
10 in the port district's waterfront through the construction of hotels,
11 marinas, commercial offices, or facilities which serve conference,
12 convention, recreation or entertainment purposes or are retail
13 service establishments, parking, technical, communication or other
14 facilities directly or indirectly related or connected to any of those
15 sections of the port district's waterfront is in the public interest
16 and involves the exercise of public and essential governmental
17 functions which may include appropriate and reasonable limita-
18 tions on competition and which should be performed by either state,

**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 October 25, 1982.**

19 or any municipality, public authority, agency or commission of
 20 either or both states and would provide significant economic bene-
 21 fits to the municipality in which the project is to be located;

22 c. The Port Authority, in view of its extensive experience both
 23 in waterfront construction and in the administration of waterfront
 24 projects and operations, including waterfront cleanup projects, is
 25 a proper agency to act on behalf of either state to finance and
 26 effectuate such waterfront development projects as may be ap-
 27 proved by the city, county, town, village, borough or township in
 28 which they are to be located;

29 d. The construction of each such waterfront development project
 30 shall conform to the policies of the state wherein such project is
 31 to be located with respect to affirmative action and equal employ-
 32 ment opportunities; and

33 e. It is therefore the object of this act to authorize the Port
 34 Authority to participate in the financing and effectuation of water-
 35 front development projects since it is in the public interest.

1 ***2.** As used in this act:

2 a. "Municipality" means a county, city, borough, village, town-
 3 ship, town, public agency, public authority or any other political
 4 subdivision of the State.

5 b. "Real property" means lands, structures, franchises and in-
 6 terests in land, including waters, lands under water and riparian
 7 rights, and any and all things and rights usually included within
 8 the term, and includes not only fees simple absolute but also any
 9 and all lesser interests, including but not limited to easements,
 10 rights-of-way, uses, leases, licenses and all other incorporeal heredi-
 11 taments and every estate, interest or right, legal or equitable,
 12 including terms for years and liens thereon by way of judgments,
 13 mortgages or otherwise.

14 c. "Waterfront development projects" means projects for the
 15 revitalization and economic development of waterfront property
 16 which is not in use for the handling of water-borne cargoes or is
 17 directly or indirectly related to the water-borne movement of pass-
 18 engers and their vehicles, or related to the operation or develop-
 19 ment of any other Port Authority project or facility. These proj-
 20 ects shall include, but not be limited to, hotels, marinas, commer-
 21 cial offices or facilities which serve conference, convention, recrea-
 22 tion or entertainment purposes or are retail service establishments,
 23 parking, technical, satellite antenna, similar communication or
 24 other facilities directly or indirectly related or connected to any
 25 of the foregoing and associated improvements necessary or de-
 26 sirable in the opinion of the Port Authority to provide improved
 27 public access to waterfront development projects.]*

1 *2. Section 3 of P. L. 1947, c. 44 (C. 32:1-35.30) is amended to
2-4 read as follows:

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

6 “Marine terminals” shall mean developments, consisting of one
7 or more piers, wharves, docks, bulkheads, slips, basins, vehicular
8 roadways, railroad connections, side tracks, sidings or other build-
9 ings, structures, facilities or improvements, necessary or convenient
10 to the accommodation of steamships or other vessels and their
11 cargoes or passengers *and shall also mean waterfront development*
12 *projects*. It shall also include such highway projects in the vicinity
13 of a marine terminal providing improved access to such marine
14 terminal as shall be designated in legislation adopted by the two
15 states. Notwithstanding any contrary provision of law, it shall
16 also mean railroad freight projects related or of benefit to a
17 marine terminal or which are necessary, convenient or desirable in
18 the opinion of the port authority for the protection or promotion
19 of the commerce of the port district, consisting of railroad freight
20 transportation facilities or railroad freight terminal facilities, and
21 any equipment, improvement, structure or facility or any land, and
22 any building, structure, facility or other improvement thereon, or
23 any combination thereof, and all real and personal property in
24 connection therewith or incidental thereto, deemed necessary or
25 desirable in the opinion of the port authority, whether or not now
26 in existence or under construction, for the undertaking of railroad
27 freight projects.

28 “Marine terminal purposes” shall mean the effectuation, estab-
29 lishment, acquisition, construction, rehabilitation, improvement,
30 maintenance or operation of marine terminals.

31 “Municipality” shall mean a county, city, borough, village,
32 township, town, public agency, public authority or political sub-
33 division.

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

43 *“Waterfront development projects” shall mean projects for the*
 44 *revitalization and economic development of the port district’s*
 45 *waterfront property, including but not limited to property directly*
 46 *or indirectly related to the water-borne movement of passengers*
 47 *and their vehicles or to the operation or development of any other*
 48 *Port Authority project or facility. Property for these projects,*
 49 *however, shall not include property in use for the handling of*
 50 *waterborne cargoes. Waterfront development projects shall include*
 51 *but not be limited to hotels, marinas, commercial offices or facilities*
 52 *which serve conference, convention, recreation or entertainment*
 53 *purposes or are retail service establishments, parking, technical,*
 54 *satellite antenna, similar communication or other facilities directly*
 55 *or indirectly related or connected to any of the foregoing and*
 56 *associated improvements necessary or desirable in the opinion of*
 57 *the Port Authority to provide improved public access to waterfront*
 58 *development projects.**

1 3. **(New section)** The obligations issued by the Port Authority
 2 to provide funds for any **[waterfront development projects]**
 3 **marine terminal purpose** are hereby made securities in which
 4 all state and municipal officers and bodies of both states, all
 4A trust companies and banks other than savings banks, all
 5 building and loan associations, savings and loan associations,
 6 investment companies and other persons carrying on a commercial
 7 banking business, all insurance companies, insurance associations
 8 and other persons carrying on an insurance business, and all admin-
 9 istrators, executors, guardians, trustees and other fiduciaries, and
 10 all other persons and legal entities whatsoever (other than savings
 11 banks), who are now or may hereafter be authorized by either state
 12 to invest in bonds of such state, may properly and legally invest
 13 any funds, including capital, belonging to them or within their
 14 control, and those obligations are hereby made securities which
 15 may properly and legally be deposited with and shall be received
 16 by any state or municipal officer or agency of either state for any
 17 purpose for which the deposit of bonds of that state is now or may
 18 hereafter be authorized. The obligations issued by the Port
 19 Authority to provide funds for any **[waterfront developmen proj-*
 20 *ects]* *marine terminal purpose** as security for which the general
 21 reserve fund of the Port Authority **authorized by R. S. 32:1-141*
 22 *et seq.** shall have been pledged in whole or in part are hereby
 23 made securities in which all savings banks also may properly and
 24 legally invest any funds, including capital, belonging to them or
 25 within their control.

1 4. **(New section)** The Port Authority is authorized and em-
 2 powered to effect, establish, acquire, construct, rehabilitate,
 3 improve, maintain or operate waterfront development projects;
 4 provided, however, that nothing in this act is intended to authorize
 5 the Port Authority to construct, rehabilitate, improve, maintain or
 6 operate housing.

1 5. **(New section)** A waterfront development project in the
 2 city of Hoboken shall be located on that certain piece, parcel
 3 or tract of land, situate, lying and being in the city of Hoboken,
 4 in the county of Hudson and the State of New Jersey, more
 5 particularly **[bonded]** **bounded** and described as follows:
 6 BEGINNING at the corner formed by the intersection of the
 6A United States pierhead line with the boundary line between
 7 the city of Jersey City and the city of Hoboken and running thence
 8 (1) westerly along said boundary line to its intersection with the
 9 westerly line of Henderson Street; thence (2) northerly along that
 10 westerly line of Henderson Street to its intersection with the
 11 northerly line of Observer Highway; thence (3) easterly along that
 12 northerly line of Observer Highway to its intersection with the
 13 westerly line of Hudson Street; thence (4) northerly along that
 14 westerly line of Hudson Street to its intersection with the westerly
 15 extension of the northerly line of Hudson Place; thence (5) easterly
 16 along that northerly line of Hudson Place to its intersection with
 17 the westerly line of River Street; thence (6) northerly along that
 18 westerly line of River Street and along its northerly extension to
 19 its intersection with the northerly line of Fourth Street; thence
 20 (7) easterly along that northerly line of Fourth Street and its
 21 easterly extension to the southeast corner of Stevens Park; thence
 22 (8) northerly along the easterly line of Stevens Park and its
 23 northerly extension to a point in the northerly line of Fifth Street,
 24 said point being the southeast corner of lot 1 in block 234 as
 25 shown on the Tax Map of the city of Hoboken; thence (9) northerly
 26 along the easterly line of lot 1 to its intersection with the westerly
 27 extension of the northerly line of lot 2 in block 258; thence (10)
 28 easterly along that extension and easterly and northerly along that
 29-39 northerly line of lot 2 in block 258 to a corner therein; thence
 40 (11) easterly along another northerly line of lot 2 in block 258
 41 to its intersection with the United States pierhead; thence (12)
 42 southerly along that United States pierhead to the point and place
 43 of beginning, together with such additional contiguous areas as
 44 may be agreed upon from time to time between the Port Authority
 45 and the city of Hoboken or any other city in which the areas
 46 may be located.

1 6. **(New section)** No later than 180 days following the effective
 2 date of this act, the Port Authority, after consultation with the
 3 Mayor of the City of New York or his designated representative,
 4 shall propose to him a site within New York City which the Port
 5 Authority considers suitable for the effectuation of a waterfront
 6 development project. Within 90 days of receipt of the proposal, the
 7 mayor may request the Port Authority to propose an alternative
 8 site and within 180 days of receipt of the request, if any, the Port
 9 Authority may submit the proposal to him. The President of any
 10 borough within New York City in which any proposed site is
 11 located shall receive notice of the proposal and may within 30
 12 days of receipt of the notice, and after consulting with and con-
 13 sidering any recommendation made by the borough board of that
 14 borough, notify the Mayor that the Port Authority is not to
 15 undertake any waterfront development project at such proposed
 16 site, in which event the project shall not be undertaken by the
 17 Port Authority.

18 No later than 180 days after his receipt of the initial Port
 19 Authority site proposal or the alternative site proposal, if any,
 20 the Mayor ***[shal]** **shall** give notice to the Port Authority as to
 21 whether he considers the proposed site suitable for the effectuation
 22 of a waterfront development project. The Port Authority may
 23 propose the effectuation of a waterfront development project at a
 24 proposed site if the Mayor has given notice to the Port Authority
 25 that he considers the site suitable for development or if the Port
 26 Authority has not received any notice from him within that period.
 27 The undertaking by the Port Authority of a waterfront development
 28 project at a proposed site shall be subject to the prior express
 29 approval of the project by the City of New York, with any
 30 approval to be given in the manner provided in article 22 of the
 31 compact of April 30, 1921 between the two states creating the
 32 Port Authority.

1 7. **(New section)** The undertaking by the Port Authority of
 2 additional **or alternative** waterfront development projects in
 3 either state shall be subject to the prior express approval of
 4 the city, county, town or village of the State of New York in which
 5 the project is to be located, or by the city, county, town, borough
 6 or township of ***[that]** **the** State of New Jersey in which the
 7 project is to be located, with any approval to be given in the
 8 manner provided in article 22 of the compact of April 30, 1921
 9 between the two states creating the Port Authority.

1 8. **(New section)** The Port Authority may agree with any
 2 municipality in the port district to study the feasibility of develop-

3 ing one or more specific waterfront development projects within
4 that municipality. In undertaking a study, the Port Authority shall
5 consult with and consider any recommendation made by the govern-
6 ing body of the municipality. No waterfront development project
7 may be undertaken by the Port Authority in the City of New York
8 unless the mayor thereof requests it do so, which request shall
9 specify the borough or boroughs in which the project is to be under-
10 taken. The president of any borough within the City of New York in
11 which a project is proposed to be undertaken shall receive notice of
12 the request and may within 30 days of receipt of notice, and after
13 consulting with and considering any recommendation made by the
14 borough board of that borough, notify the Mayor of the City of
15 New York that the Port Authority is not to undertake the requested
16 project, in which event the project shall not be undertaken by the
17 Port Authority.

18 At least 10 days prior to (1) the recommendation by the Port
19 Authority of any study undertaken pursuant to any agreement and
20 (2) the authorization by the Port Authority of any waterfront
21 development project in addition to the project designated in this
22 act, the Port Authority shall notify the chief executive officer of
23 each municipality in the port district for which Port Authority
24 has studied the feasibility of developing a waterfront development
25 project of the proposed study or authorization of the project, shall
26 seek their comments and shall include with the study or authoriza-
27 tion any comments received from the municipality.

1 9. **(New section)** Nothing contained in this act shall be con-
2 strued to limit or impair the power of the Governor of the State of
3 New York and the Governor of the State of New Jersey to review
4 the actions of the Commissioners of the Port Authority as pro-
5 vided for in chapter 700, laws of New York, 1927, and in R. S.
6 32:2-6, et seq.

1 10. **(New section)** The Port Authority is hereby authorized and
2 empowered in its discretion to enter into an agreement, upon terms
3 or conditions as it may deem in the public interest, with the United
4 States, the State of New York, the State of New Jersey, or any
5 agency, department, commission, public authority, board or division
6 of any of the foregoing, or any municipality or other public corpo-
7 ration in either state, or any person, firm, partnership, association,
8 company or corporation, or other legal entity, or any two or more of
9 the foregoing, to effectuate, establish, acquire, construct, rehabil-
10 itate, improve, maintain, or operate all or any portion or portions
11 of any waterfront development project or, subject to the terms of
12 any agreement or agreements, to cooperate by assisting either, or

13 any agency, department, commission, public authority, board or
14 division of either state, or any municipality or other public corpo-
15 ration in either state, or any person, firm, partnership, association,
16 company or corporation, or other legal entity, or any two or more
17 of the foregoing, in the planning or designing of any housing
18 development within the areas of any project pursuant to this act
19 or within the areas of any additional or alternative waterfront
20 development projects approved pursuant to this act, which is re-
21 lated to any waterfront development project undertaken by the
22 Port Authority and which is to be undertaken by either state, or
23 any agency, department, commission, public authority, board or
24 division of either state, or any municipality or other public corpo-
25 ration in either state, or any person, firm, partnership, association,
26 company or corporation, or other legal entity, or any two or more
27 of the foregoing or in the acquisition, clearance, preparation for
28 use or disposition of the land site on which any housing develop-
29 ment is to be situated, and in obtaining any permits, approvals,
30 authorizations or financial assistance for the construction of any
31 housing development.

32 Notwithstanding any contrary provision of law, general, special
33 or local, either state or any agency, department, commission, public
34 authority, board or division thereof, or any municipality or other
35 public corporation thereof, or any two or more of the foregoing,
36 are hereby authorized and empowered to enter into an agreement
37 with the Port Authority, the United States or any department,
38 agency or instrumentality thereof, or any person, firm, association,
39 company or corporation, or any two or more of the foregoing, for
40 or related to the effectuation, establishment, acquisition, construc-
41 tion, rehabilitation, improvement, maintenance or operation of any
42 waterfront development project undertaken by the Port Authority
43 or of any housing development, provided that such housing develop-
44 ment is within the areas of any project pursuant to this act or
45 within the areas of any additional or alternative waterfront devel-
46 opment projects approved pursuant to this act and is related to
47 any waterfront development project undertaken by the Port Au-
48 thority. Any agreement may provide, *inter alia*, for the effectua-
49 tion, establishment, acquisition, construction, rehabilitation, im-
50 provement, maintenance or operation of all or any portion or
51 portions of a waterfront development project or any housing
52 development by either state, or by any agency, department, com-
53 mission, public authority, board or division of either state or any
54 municipality or other public corporation in either state, or by any
55 person, firm, partnership, association, company or corporation, or

56 other legal entity, or any two or more of the foregoing. In con-
57 nection with any waterfront development project, either state or
58 any agency, department, commission, public authority, board or
59 division thereof, the Port Authority and any person, firm, partner-
60 ship, association, company, corporation or other legal entity are
61 empowered to enter into agreements which may provide, *inter alia*,
62 for the establishment of prices or rates, a requirement, that any
63 person, firm, partnership, association, company, corporation or
64 other legal entity sell, lease or purchase any commodity or service
65 to or from either state or any agency, department, commission,
66 public authority, board or division thereof or the Port Authority,
67 or any other similar arrangement.

1 11. 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.

37 with the Port Authority, the United States or any department,
38 agency or instrumentality thereof, or any person, firm, association,
39 company or corporation, or any two or more of the foregoing, for
40 or related to the effectuation, establishment, acquisition, construc-
41 tion, rehabilitation, improvement, maintenance or operation of any
42 waterfront development project undertaken by the Port Authority
43 or of any housing development, provided that such housing develop-
44 ment is within the areas of any project pursuant to this act or
45 within the areas of any additional or alternative waterfront devel-
46 opment projects approved pursuant to this act and is related to
47 any waterfront development project undertaken by the Port Au-
48 thority. Any agreement may provide, *inter alia*, for the effectua-
49 tion, establishment, acquisition, construction, rehabilitation, im-
50 provement, maintenance or operation of all or any portion or
51 portions of a waterfront development project or any housing
52 development by either state, or by any agency, department, com-
53 mission, public authority, board or division of either state or any
54 municipality or other public corporation in either state, or by any
55 person, firm, partnership, association, company or corporation, or
56 other legal entity, or any two or more of the foregoing. In con-
57 nection with any waterfront development project, either state or
58 any agency, department, commission, public authority, board or
59 division thereof, the Port Authority and any person, firm, partner-
60 ship, association, company, corporation or other legal entity are
61 empowered to enter into agreements which may provide, *inter alia*,
62 for the establishment of prices or rates, a requirement, that any
63 person, firm, partnership, association, company, corporation or
64 other legal entity sell, lease or purchase any commodity or service
65 to or from either state or any agency, department, commission,
66 public authority, board or division thereof or the Port Authority,
67 or any other similar arrangement.

1 11. 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.

STATEMENT

This bill authorizes the Port Authority of New York and New Jersey to engage in the acquisition, construction, rehabilitation, maintenance and operation of waterfront development projects. Waterfront development projects are defined as hotels, marinas, conference centers, commercial offices, retail service establishments,

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communication facilities and associated improvements which, in the opinion of the Port Authority, are necessary or desirable.

The bill designates a specific development site in Hoboken but does not specify a site in New York City. That site will be proposed after this bill becomes law. The bill does not detail the size or scope of either project. The bill also authorizes additional waterfront development projects.

The bill allows the Port Authority to place "reasonable limitations" on competition.

ASSEMBLY INDEPENDENT AUTHORITIES AND
COMMISSIONS COMMITTEE

STATEMENT TO
SENATE, No. 1687
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STATE OF NEW JERSEY

DATED: NOVEMBER 23, 1982

The Senate State Government Committee statement adequately expresses the provisions and the purpose of this bill.

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

STATEMENT TO
SENATE, No. 1687
with Senate committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 25, 1982

This bill authorizes the Port Authority of New York and New Jersey to engage in the acquisition, construction, rehabilitation, maintenance and operation of waterfront development projects. Waterfront development projects are defined as hotels, marinas, conference centers, commercial offices, retail service establishments, communications facilities and associated improvements. The bill designates a specific development site in Hoboken but does not specify a site in New York city. It also authorizes additional projects. The bill was amended, with the concurrence of the port authority, in order to clarify the definition of waterfront development projects and to more closely conform the bill to the New York State version.

According to the port authority, the project will cover 130 acres on the Hoboken waterfront near the PATH terminal and may be completed by 1987. When finished, the waterfront development project may include 670 residential units, retail stores, 1.4 million square feet of office space, a 400 room hotel, restaurants, open space areas and a marina.

This bill has been endorsed by the Governor and by the Mayor of Hoboken.

Issues such as the authorization to do additional projects, in-lieu-of tax payments, bistate parity and private sector participation were raised during discussion of this bill. But the committee was informed that any substantive amendments to the bill would jeopardize its passage in New York. Some of these issues are discussed in a draft letter of intent to Governor Kean by the port authority. This letter, reproduced below, was presented to the committee at its meeting. The Senate committee was also advised by the Governor's office that a waterfront development oversight committee would be established to monitor projects developed pursuant to this legislation.

D R A F T

October 25, 1982.

HON. THOMAS H. KEAN, *Governor*
Governor's Office
State House
Trenton, NJ 08625

Dear Governor Kean:

I have been advised that some questions have been raised regarding legislation presently pending before the New Jersey Legislature on port authority involvement in waterfront development. I hope that the following will explain the port authority's intentions and the port authority role we envision in any future waterfront development undertaken through the authority of this legislation.

The question of balance has been raised with regard to the allocation of various projects within the port district. As you know, the port authority was created by the two states as an agency to undertake projects within a bistate district, with all projects benefitting the entire district. At this time, only one site has been designated by a municipality for development, and that site is in Hoboken. It is our intention that after gaining the necessary approval of the city of Hoboken, the board of commissioners of the port authority, and the governors of the two states, we will move expeditiously in implementing the Hoboken waterfront development project. We are working with the city of New York to identify a suitable site on that part of the waterfront. The legislation allows for additional sites to be developed and as projects are identified, we must seek the approval of both states as well as the affected municipalities. It is the intention of the port authority and the practice of the two states to seek a balance in port authority activities between the two states.

A second question has been raised on the issue of the role of the private sector. We have stated repeatedly that the waterfront development program is a joint venture of the public and private sectors. Recently, in letters to both the New Jersey General Assembly and Senate, I pointed out that the legislation presented a unique opportunity for the region to benefit through private-public cooperation in the development of waterfront projects.

A public agency has played a major role in all successful development projects of this nature in both the United States and Canada. In all cases, the public agency was a necessary component in triggering the infusion of private sector investment. In almost all of those cases, the majority of the investment and work came from the private sector. That formula—so successful in many other parts of the country—is the one the port authority seeks to emulate here in this region.

Our waterfront development program contemplates that the port authority will make every effort to seek and obtain private sector in-

volvement in the development of these projects. The strategy we will employ to achieve this end is to create an environment attractive to private sector investments through such activities as land acquisition, site preparation, infrastructure development, public access amenities, and overall project planning. The private sector role would be one of undertaking the construction and operation of the actual facilities. It is contemplated that the private sector would own the facilities, however, there may be situations where other arrangements may be preferable by mutual agreement between the port authority and the private sector. The port authority would remain open to undertaking activities which the private sector declined to undertake.

As far as in lieu of tax payments are concerned, the port authority will negotiate such agreements in good faith. An important section of the legislation requires prior express approval of the municipality in which a waterfront project is to be located. It is certain that a mutually acceptable agreement between the affected municipality and the port authority will be concluded before this approval is forthcoming. This agreement would cover in lieu of tax payments. Additionally, it is our intention that this agreement could cover such issues as the applicability of municipal ordinances and regulations and any other revenue sharing provisions that may be appropriate.

The primary focus of the proposed legislation is to permit the port authority to stimulate the development of underutilized or abandoned areas of the waterfront. Port authority study efforts have determined that a large portion of the hundreds of acres of waterfront property in the core of our region was not needed for traditional marine cargo related uses. It was recognized that a marketable mix of waterfront uses would attract significant private investment. Therefore, the underutilized areas of waterfront were targeted as a major untapped economic development opportunity for the region. One concrete result would be the creation of construction and permanent jobs in an area where they presently do not exist. The port authority, however, has no intention of competing with the jurisdiction of the Hackensack Meadowlands Development Commission, nor do we have plans to develop property within the Hackensack Meadowlands district. Further, in the implementation of any waterfront development project, the port authority will cooperate and consult with various State agencies and wherever practicable, conform with the rules and standards of appropriate State agencies or statutes applicable thereto.

I trust that this information clearly shows our intentions with regard to this legislation, and I look forward to working with you and others as we move forward to make this proposed program a reality.

Sincerely,

PETER GOLDMARK,
Executive Director.

OFFICE OF THE GOVERNOR

RELEASE: IMMEDIATELY

CONTACT: PAUL WOLCOTT

TUESDAY, JANUARY 18, 1983

Governor Thomas H. Kean today signed legislation that is central to the Administration's program for redevelopment of the Hudson River Waterfront.

The bill, S-1687, sponsored by State Senator Nicholas LaRocca, (D-Hudson), authorized the Port Authority of New York and New Jersey to engage in waterfront development projects in the Port District.

The bill designates Hoboken as the site of the first project to be undertaken by the Port Authority under the terms of the bill. The development would be accomplished in cooperation with private investors.

Identical legislation is currently pending in the New York State Legislature. Both states must enact the bill in order to authorize the new program.

"I eagerly await the action of the New York Legislature on this important legislation, so that we can move ahead with the needed economic development that this bill will foster," Kean said. "It is an opportunity for both states to benefit from the financial strength and development expertise of the authority."

In addition to authorizing the Port Authority to initiate development projects, the bill requires that any project proposed in either state have the approval of county and local authorities.

The Governor also signed the following bills:

S-762, sponsored by State Senator Francis J. McManimon, (D-Mercer), which provides for licensing acupuncturists and creates the Acupuncture Examining Board.

S-1368, sponsored by State Senator John F. Russo, (D-Ocean), which requires local units of government to adopt a cash management plan and subjects independent local authorities, commissions, special districts and agencies to the Local Fiscal Affairs Law.

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June 5, 1984

Ms. Kaye Bard Gordon
Law Librarian
New Jersey State Library
185 West State Street CN520
Trenton, NJ 08625

Dear Ms. Gordon:

In response to your request of May 24, I am enclosing a copy of A.7115 pertaining to water development projects of the Port Authority. Identical bills are S.4027 and S7387. Of these three bills, the only one showing any movement is A.7115, which was referred to the Assembly Ways and Means Committee.

An up-to-the-minute status of all three bills can be obtained by calling the Senate Hot Line, (518) 455-2255.

Please let me know if I can be of any other service in this matter.

Yours truly,



Robert A. Carter
Senior Librarian

RAC/sm

Enc.

STATE OF NEW YORK

7115

1983-1984 Regular Sessions

IN ASSEMBLY

March 28, 1983

Introduced by M. of A. KOPPELL, FINK, HEVESI, BUTLER -- read once and referred to the Committee on Corporations, Authorities and Commissions

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 authorizing the Port Authority of New York and New Jersey to participate in effectuating certain waterfront development projects

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

- 1 Section 1. The state of New York and the state of New Jersey hereby
2 each find and determine that:
3 a. The port authority of New York and New Jersey (hereinafter called
4 the port authority), at the request of certain municipalities within the
5 port district, including the cities of New York and Hoboken, and in
6 cooperation with the New Jersey department of transportation and New
7 Jersey transit corporation, has performed studies concerning the feasi-
8 bility of redevelopment of specific waterfront areas in the port dis-
9 trict which are no longer utilized in the movement of cargoes or which
10 are related to the movement of passengers and their vehicles or to the
11 operation or development of any other port authority project or facil-
12 ity;
13 b. The revitalization and economic development of such sections of the
14 port district's waterfront through the construction of hotels, marinas,
15 commercial offices, or facilities which serve conference, convention,
16 recreation or entertainment purposes or are retail service establish-
17 ments, parking, technical, communication or other facilities directly or
18 indirectly related or connected to any such sections of the port
19 district's waterfront is in the public interest and involves the exer-
20 cise of public and essential governmental functions which may include
21 appropriate and reasonable limitations on competition and which should
22 be performed by either state, or any municipality, public authority,
23 agency or commission of either or both states and would provide signifi-

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [] is old law to be omitted.

LBD08530-01-3

1 cant economic benefits to the municipality in which the project is to be
2 located;

3 c. The port authority, in view of its extensive experience both in
4 waterfront construction and in the administration of waterfront projects
5 and operations, including waterfront cleanup projects, is a proper
6 agency to act on behalf of either state to finance and effectuate such
7 waterfront development projects as may be approved by the city, county,
8 town, village, borough or township in which they are to be located;

9 d. The construction of each such waterfront development project shall
10 conform to the policies of the state wherein such project is to be
11 located with respect to affirmative action and equal employment opportu-
12 nities; and

13 e. It is therefore the object of this act to authorize the port
14 authority to participate in the financing and effectuation of waterfront
15 development projects and such financing and effectuation are found to be
16 in the public interest.

17 § 2. Section three of chapter six hundred thirty-one of the laws of
18 nineteen hundred forty-seven, relating to the development by the Port of
19 New York Authority of marine terminals, as amended by chapter seven hun-
20 dred ninety-two of the laws of nineteen hundred seventy-eight, the
21 second unnumbered paragraph as amended by chapter four hundred seventy
22 of the laws of nineteen hundred eighty, is amended to read as follows:

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

24 "Marine terminals" shall mean developments, consisting of one or more
25 piers, wharves, docks, bulkheads, slips, basins, vehicular roadways,
26 railroad connections, side tracks, sidings or other buildings, struc-
27 tures, facilities or improvements, necessary or convenient to the accom-
28 modation of steamships or other vessels and their cargoes or passengers
29 and shall also mean waterfront development projects. It shall also in-
30 clude such highway projects in the vicinity of a marine terminal provid-
31 ing improved access to such marine terminal as shall be designated in
32 legislation adopted by the two states. Notwithstanding any contrary
33 provision of law, general, special or local, it shall also mean railroad
34 freight projects related or of benefit to a marine terminal or which are
35 necessary, convenient or desirable in the opinion of the port authority
36 for the protection or promotion of the commerce of the port district,
37 consisting of railroad freight transportation facilities or railroad
38 freight terminal facilities; and any equipment, improvement, structure
39 or facility or any land, and any building, structure, facility or other
40 improvement thereon, or any combination thereof, and all real and per-
41 sonal property in connection therewith or incidental thereto, deemed
42 necessary or desirable in the opinion of the port authority, whether or
43 not now in existence or under construction, for the undertaking of such
44 railroad freight projects.

45 "Marine terminal purposes" shall mean the effectuation, establishment,
46 acquisition, construction, rehabilitation, improvement, maintenance or
47 operation of marine terminals.

48 "Municipality" shall mean a county, city, borough, village, township,
49 town, public agency, public authority or political subdivision.

50 "Real property" shall mean lands, structures, franchises and interests
51 in land, including waters, lands under water and riparian rights, and
52 any and all things and rights usually included within the said term, and
53 includes not only fees simple absolute but also any and all lesser in-
54 terests, including but not limited to easements, rights-of-way, uses,
55 leases, licenses and all other incorporeal hereditaments and every es-

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1 tate, interest or right, legal or equitable, including terms for years
 2 and liens thereon by way or judgments, mortgages or otherwise.
 3 "Waterfront development projects" shall mean projects for the re-
 4 vivalization and economic development of waterfront property which is (i)
 5 not in use for the handling of water-borne cargoes, or (ii) directly or
 6 indirectly related to the water-borne movement of passengers and their
 7 vehicles, or (iii) related to the operation or development of any other
 8 port authority project or facility. Such projects shall include but not
 9 be limited to hotels, marinas, commercial offices or facilities which
 10 serve conference, convention, recreation or entertainment purposes or
 11 are retail service establishments, parking, technical, satellite an-
 12 tenna, similar communication or other facilities directly or indirectly
 13 related or connected to any of the foregoing and associated improvements
 14 necessary or desirable in the opinion of the port authority to provide
 15 improved public access to such waterfront development projects.

16 § 3. Such chapter is amended by adding a new section five-c to read as
 17 follows:

18 § 5-c. The obligations issued by the port authority to provide funds
 19 for any marine terminal purpose are hereby made securities in which all
 20 state and municipal officers and bodies of both states, all trust compa-
 21 nies and banks other than savings banks, all building and loan associa-
 22 tions, savings and loan associations, investment companies and other
 23 persons carrying on a commercial banking business, all insurance compa-
 24 nies, insurance associations and other persons carrying on an insurance
 25 business, and all administrators, executors, guardians, trustees and
 26 other fiduciaries, and all other persons and legal entities whatsoever
 27 (other than savings banks), who are now or may hereafter be authorized
 28 by either state to invest in bonds of such state, may properly and
 29 legally invest any funds, including capital, belonging to them or within
 30 their control, and said obligations are hereby made securities which may
 31 properly and legally be deposited with and shall be received by any
 32 state or municipal officer or agency of either state for any purpose for
 33 which the deposit of bonds of such state is now or may hereafter be
 34 authorized. The obligations issued by the port authority to provide
 35 funds for any marine terminal purpose as security for which the general
 36 reserve fund of the port authority authorized by chapter forty-eight of
 37 the laws of New York of nineteen hundred thirty-one as amended, shall
 38 have been pledged in whole or in part are hereby made securities in
 39 which all savings banks also may properly and legally invest any funds,
 40 including capital, belonging to them or within their control.

41 § 4. In furtherance of the aforesaid findings and determinations, it
 42 is the object of each of the two states that the port authority be and
 43 it hereby is authorized to participate as limited in section six of this
 44 act, in the effectuation, establishment, acquisition, construction,
 45 rehabilitation, improvement, maintenance or operation of waterfront
 46 development projects as defined in chapter six hundred thirty-one of the
 47 laws of New York of nineteen hundred forty-seven, as amended, provided,
 48 however, that nothing in this act is intended to authorize the port
 49 authority to construct, rehabilitate, improve, maintain or operate
 50 housing.

51 A waterfront development project in the city of Hoboken shall be
 52 located on all that certain piece, parcel or tract of land, situate,
 53 lying and being in the city of Hoboken, in the county of Hudson and
 54 state of New Jersey, more particularly bounded and described as follows:
 55 BEGINNING at the corner formed by the intersection of the United States

1 pierhead line with the boundary line between the city of Jersey City and
 2 the city of Hoboken and running thence (1) westerly along said boundary
 3 line to its intersection with the westerly line of Henderson Street;
 4 thence (2) northerly along said westerly line of Henderson Street to its
 5 intersection with the northerly line of Observer Highway; thence (3)
 6 easterly along said northerly line of Observer Highway to its intersec-
 7 tion with the westerly line of Hudson Street; thence (4) northerly along
 8 said westerly line of Hudson Street to its intersection with the
 9 westerly extension of the northerly line of Hudson Place; thence (5)
 10 easterly along said northerly line of Hudson Place to its intersection
 11 with the westerly line of River Street; thence (6) northerly along said
 12 westerly line of River Street and along its northerly extension to its
 13 intersection with the northerly line of Fourth Street; thence (7)
 14 easterly along said northerly line of Fourth Street and its easterly ex-
 15 tension to the southeast corner of Stevens Parks; thence (8) northerly
 16 along the easterly line of Stevens Park and its northerly extension to a
 17 point in the northerly line of Fifth Street, said point being the
 18 southeast corner of lot 1 in block 234 as shown on the Tax Map of the
 19 city of Hoboken; thence (9) northerly along the easterly line of said
 20 lot 1 to its intersection with the westerly extension of the northerly
 21 line of lot 2 in block 258; thence (10) easterly along said extension
 22 and easterly and northerly along said northerly line of lot 2 in block
 23 258 to a corner therein; thence (11) easterly along another northerly
 24 line of said lot 2 in block 258 to its intersection with the United
 25 States pierhead; thence (12) southerly along said United States pierhead
 26 to the point and place of beginning, together with such additional con-
 27 tiguous areas as may be agreed upon from time to time between the port
 28 authority and the city of Hoboken or any other city in which such areas
 29 may be located.

30 No later than the one hundred eightieth day next succeeding the date
 31 on which this act shall have taken effect, the port authority, after
 32 consultation with the mayor of the city of New York or his designated
 33 representatives, shall propose to such mayor a site within such city
 34 which the port authority considers suitable for the effectuation of a
 35 waterfront development project. Within ninety days of receipt of such
 36 proposal, the mayor of such city may request the port authority to
 37 propose an alternative site and within one hundred eighty days of
 38 receipt of such request, if any, the port authority may submit such
 39 proposal to said mayor. The president of any borough within the city of
 40 New York in which any such proposed site is located shall receive notice
 41 of such proposal and may within thirty days of receipt of such notice,
 42 and after consulting with and considering any recommendation made by the
 43 borough board of that borough, notify the mayor of the city of New York
 44 that the port authority is not to undertake any waterfront development
 45 project at such proposed site in which event the project shall not be
 46 undertaken by the port authority.

47 No later than one hundred eighty days after his receipt of the initial
 48 port authority site proposal or the alternative site proposal, if any,
 49 the mayor of the city of New York shall give notice to the port
 50 authority as to whether he considers the proposed site suitable for the
 51 effectuation of a waterfront development project. The port authority may
 52 propose the effectuation of a waterfront development project at a
 53 proposed site if the mayor of the city of New York has given notice to
 54 the port authority that he considers such site suitable for such
 55 development or if the port authority has not received any notice from

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1 such mayor within such period. The undertaking by the port authority of
2 a waterfront development project at a proposed site shall be subject to
3 the prior express approval of such project by the city of New York, with
4 any such approval to be given in the manner provided in article twenty-
5 two of the compact of April thirtieth, nineteen hundred twenty-one
6 between the two states creating the port authority.

7 § 5. The undertaking by the port authority of waterfront development
8 projects in either state in addition or as alternatives to the two such
9 projects pursuant to section four of this act shall be subject to the
10 prior express approval of such project by the city, county, town or vil-
11 lage of the state of New York in which such project is to be located, or
12 by the city, county, town, borough or township of the state of New Jer-
13 sey in which such project is to be located, with any such approval to be
14 given in the manner provided in article twenty-two of the compact of
15 April thirtieth, nineteen hundred twenty-one between the two states
16 creating the port authority, except that as to towns in the state of New
17 York, such approval shall be authorized in the manner provided in the
18 town law and as to counties in the state of New Jersey, such approval
19 shall be authorized in the manner provided in New Jersey statutes anno-
20 tated, forty: one-one, et seq.

21 The port authority may agree with any municipality in the port dis-
22 trict to study the feasibility of developing one or more specific water-
23 front development projects within that municipality. In undertaking such
24 a study, the port authority shall consult with and consider any recom-
25 mendation made by the governing body of such municipality. No waterfront
26 development project may be undertaken by the port authority in the city
27 of New York unless the mayor thereof requests it to do so, which request
28 shall specify the borough or boroughs in which such project is to be
29 undertaken. The president of any borough within the city of New York in
30 which such project is proposed to be undertaken shall receive notice of
31 such request and may within thirty days of receipt of such notice, and
32 after consulting with and considering any recommendation made by the
33 borough board of that borough, notify the mayor of the city of New York
34 that the port authority is not to undertake such requested project in
35 which event such project shall not be undertaken by the port authority.

36 At least ten days prior to (1) the commencement by the port authority
37 of any study undertaken pursuant to any such agreement and (2) the
38 authorization by the port authority of any waterfront development pro-
39 ject in addition to the project designated in section four of this act,
40 the port authority shall notify the chief executive officer of each
41 municipality in the port district for which the port authority has stu-
42 died the feasibility of developing a waterfront development project of
43 the proposed study or authorization of such project, shall seek their
44 comments and shall include with such study or authorization any comments
45 received from such municipality.

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

53 § 6. The port authority is hereby authorized and empowered in its
54 discretion to enter into an agreement or agreements, upon such terms or
55 conditions as it may deem in the public interest, with the United

1 States, the state of New York, the state of New Jersey, or any agency,
 2 department, commission, public authority, board or division of any of
 3 the foregoing, or any municipality or other public corporation in either
 4 state, or any person, firm, partnership, association, company or cor-
 5 poration, or other legal entity, or any two or more of the foregoing, to
 6 effectuate, establish, acquire, construct, rehabilitate, improve, main-
 7 tain, or operate all or any portion or portions of any waterfront
 8 development project or, subject to the terms of any such agreement or
 9 agreements, to cooperate by assisting any such state, agency, depart-
 10 ment, commission, public authority, board or division of either state,
 11 or any such municipality or other public corporation in either state, or
 12 any such person, firm, partnership, association, company or corporation,
 13 or other such legal entity, or any two or more of the foregoing, in the
 14 planning or designing of any housing development within the areas of any
 15 project pursuant to section four of this act or within the areas of any
 16 additional or alternative waterfront development projects approved pur-
 17 suant to section five of this act, which is related to any waterfront
 18 development project undertaken by the port authority and which is to be
 19 undertaken by such state, agency, department, commission, public
 20 authority, board or division of either state, or any such municipality
 21 or other public corporation in either state, or any such person, firm,
 22 partnership, association, company or corporation, or other such legal
 23 entity, or any two or more of the foregoing or in the acquisition,
 24 clearance, preparation for use or disposition of the land site on which
 25 any such housing development is to be situated, and in obtaining any
 26 permits, approvals, authorizations or financial assistance for the con-
 27 struction of any such housing development.

28 Notwithstanding any contrary provision of law, general, special or
 29 local, either state or any agency, department, commission, public
 30 authority, board or division thereof, or any municipality or other pub-
 31 lic corporation thereof, or any two or more of the foregoing, are
 32 hereby authorized and empowered to enter into an agreement or agreements
 33 with the port authority, the United States or any department, agency or
 34 instrumentality thereof, or any person, firm, association, company or
 35 corporation, or any two or more of the foregoing, for or related to the
 36 effectuation, establishment, acquisition, construction, rehabilitation,
 37 improvement, maintenance or operation of any waterfront development pro-
 38 ject undertaken by the port authority or of any housing development,
 39 provided that such housing development is within the areas of any pro-
 40 ject pursuant to section four of this act or within the areas of any ad-
 41 ditional or alternative waterfront development projects approved pur-
 42 suant to section five of this act and is related to any waterfront
 43 development project undertaken by the port authority; and any such
 44 agreement or agreements may provide, inter alia, for the effectuation,
 45 establishment, acquisition, construction, rehabilitation, improvement,
 46 maintenance or operation of all or any portion or portions of such
 47 waterfront development project or any such housing development by either
 48 state, or by any agency, department, commission, public authority, board
 49 or division of either state, or any municipality or other public cor-
 50 poration in either state, or by any person, firm, partnership, associa-
 51 tion, company or corporation, or other legal entity, or any two or more
 52 of the foregoing. In connection with any waterfront development pro-
 53 ject, either state or any agency, department, commission, public
 54 authority, board or division thereof, the port authority and any person,
 55 firm, partnership, association, company, corporation or other legal en-

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1 tity are empowered to enter into agreements which may provide, inter
2 alia, for the establishment of prices or rates, a requirement that any
3 person, firm, partnership, association, company, corporation or other
4 legal entity sell, lease or purchase any commodity or service to or
5 from either state or any agency, department, commission, public
6 authority, board or division thereof or the port authority, or any other
7 similar arrangement.

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