

32:1-128 + 32:1-35.52

LEGISLATIVE HISTORY CHECKLIST

HJSA 32:1-128 and 32:1-35.52 (Port Authority Toll & Fare Increase--
Notice Public Hearing.)

LAWS OF 1977 CHAPTER 108

Bill No. S1206

Sponsor(s) Feldman, Scardino, Garramone and Skevin

Date Introduced February 19, 1976

Committee: Assembly Transportation and Communications

Senate Transportation and Communications

Amended during passage Yes No

Date of Passage: Assembly May 26, 1977

Senate January 17, 1977

Date of approval May 31, 1977

Following statements are attached if available:

Sponsor statement Yes No

Committee Statement: Assembly Yes No

Senate Yes No

Fiscal Note Yes No

Veto Message Yes No

Message on signing Yes No

Following were printed:

Reports Yes No

Hearings Yes No

Checked Card Catalog Under:

N.J. - Tolls.

No Discussion of Bill in:

974.90 N.J. Office of Fiscal Affairs

B851 Port Authority of N.Y.

1976c and N.J.; an analysis of justification
of 1975 bridge and tunnel toll increase. Trenton, 1976

9/1/78

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SENATE, No. 1206

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 19, 1976

By Senators FELDMAN, SCARDINO, GARRAMONE and SKEVIN

Referred to Committee on Transportation and Communications

AN ACT to amend "An act declaring the policy of the states of New York and New Jersey in regard to certain vehicular bridges and tunnels within the Port of New York District; and in furtherance of the said policy vesting the control and operation of the Holland tunnel in the Port of New York Authority, authorizing the port authority to construct an additional interstate vehicular tunnel, and regulating the construction and operation of bridges and tunnels by the port authority," approved March 2, 1931 (P. L. 1931, c. 4), and "An act to provide for the financing and effectuation by the Port of New York Authority of a port development project, consisting of the Hudson tubes, the Hudson tubes extensions and a world trade center, for coordinating, facilitating and promoting the transportation of persons and the flow and exchange of trade and commerce in and through the Port of New York District, and agreeing with the State of New York with respect thereto," approved February 13, 1962 (P. L. 1962, c. 8).

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

1 1. Section 11 of P. L. 1931, c. 4 (R. S. 32:1-128) is amended to
2 read as follows:

3 11. The port authority is hereby authorized to make and enforce
4 such rules and regulations and to establish, levy and collect such
5 tolls and other charges in connection with any vehicular bridges
6 and tunnels which it may now or hereafter be authorized to own,
7 construct, operate or control (including the said Holland Tunnel
8 and the said Midtown Hudson Tunnel), as it may deem necessary,
9 proper or desirable, which said tolls and charges shall be at least
10 sufficient to meet the expenses of the construction, operation and
11 maintenance thereof, and to provide for the payment of, with in-

12 terest upon, and the amortization and retirement of bonds or other
13 securities or obligations issued or incurred for bridge or tunnel
14 purposes. There shall be allocated to the cost of the construction,
15 operation and maintenance of such bridges and tunnels, such pro-
16 portion of the general expenses of the port authority as it shall
17 deem properly chargeable thereto.

18 The moneys in the General Reserve Fund of the port authority
19 (authorized by chapter 5 of the laws of New Jersey, 1931, as
20 amended, and chapter 48 of the laws of New York, 1931, as
21 amended) may be pledged in whole or in part by the port authority
22 as security for or applied by it to the repayment with interest of
23 any moneys which it may raise upon bonds or other securities or
24 obligations issued or incurred from time to time for any of the pur-
25 poses of this act or secured in whole or in part by the pledge of
26 the revenues of the port authority from any bridge or tunnel or
27 both so issued or incurred and so secured; and the moneys in said
28 General Reserve Fund may be applied by the port authority to
29 the fulfillment of any other undertakings which it may assume
30 to or for the benefit of the holders of any such bonds, securities
31 or other obligations.

32 Subject to prior liens and pledges (and to the obligation of the
33 port authority to apply revenues to the maintenance of its General
34 Reserve Fund in the amount prescribed by the said statutes autho-
35 rizing said fund), the revenues of the port authority from facilities
36 established, constructed, acquired or effectuated through the issu-
37 ance or sale of bonds of the port authority secured by a pledge
38 of its General Reserve Fund may be pledged in whole or in part
39 as security for or applied by it to the repayment with interest of
40 any moneys which it may raise upon bonds or other securities or
41 obligations issued or incurred from time to time for any of the
42 purposes of this act or secured in whole or in part by the pledge
43 of the revenues of the port authority from any bridge or tunnel
44 or both so issued or incurred and so secured; and said revenues
45 may be applied by the port authority to the fulfillment of any
46 other undertakings which it may assume to or for the benefit of
47 the holders of such bonds, securities or other obligations.

48 In the event that at any time the balance of moneys theretofore
49 paid into the General Reserve Fund and not applied therefrom
50 shall exceed an amount equal to $\frac{1}{10}$ of the par value of all bonds
51 legal for investment, as defined and limited in the said statutes
52 authorizing said fund, issued by the port authority and currently
53 outstanding at such time, by reason of the retirement of bonds

54 or other securities or obligations issued or incurred from time to
 55 time for any of the purposes of this act or secured in whole or
 56 in part by the pledge of the revenues of the port authority from
 57 any bridge or tunnel or both so issued or incurred and so secured,
 58 the par value of which had theretofore been included in the com-
 59 putation of said $\frac{1}{10}$, then the port authority may pledge or apply
 60 such excess for and only for the purposes for which it is autho-
 61 rized by the said statutes authorizing said fund to pledge the
 62 moneys in the General Reserve Fund, and such pledge may be made
 63 in advance of the time when such excess may occur.

64 *No tolls or other charges authorized by this section shall here-*
 65 *after be instituted or increased until after a public hearing thereon*
 66 *shall have been held, at which persons affected thereby shall be*
 67 *given adequate opportunity to be heard, and notice whereof shall*
 68 *be published by the port authority in a newspaper or newspapers*
 69 *of general circulation within the port district not less than 10 days*
 70 *prior to the convening of such hearing. Such notice shall state with*
 71 *particularity the charge or charges proposed to be instituted or*
 72 *increased and shall set forth in tabular form a comparison of*
 73 *the existing charges with the charges which would result from*
 74 *such institution or increase; and such tabulation shall also include*
 75 *a similar comparison of any decreases or abolitions of charges*
 76 *which are concomitantly proposed as part of a single proposal*
 77 *for restructuring of rates. Such notice shall also set forth an esti-*
 78 *mate of the overall increase or decrease in annual revenues to*
 79 *the port authority resulting from the proposed institution, in-*
 80 *crease, decrease or abolition of charges, or combination thereof*
 81 *forming items of a single proposal; the purpose or purposes to*
 82 *which any such overall increase is to be applied, and, if there be*
 83 *more than one such purpose, the specific allocation of such funds*
 84 *between or among them.*

1 2. Section 3 of P. L. 1962, c. 8 (C. 32:1-35.52) is amended to
 2 read as follows:

3 3. In furtherance of the aforesaid findings and determinations
 4 and in partial effectuation of and supplemental to the comprehen-
 5 sive plan heretofore adopted by the 2 said States for the de-
 6 velopment of the said port district, the port authority is hereby
 7 authorized and empowered to establish, acquire, construct, effec-
 8 tuate, develop, own, lease, maintain, operate, improve and re-
 9 habilitate project herein referred to as the port development
 10 project, which shall consist of a facility of commerce herein re-
 11 ferred to as the world trade center, to be located within the Hudson

12 tubes-world trade center area, and railroad facilities herein re-
13 ferred to as the Hudson tubes and the Hudson tubes extensions.
14 The port authority shall proceed as rapidly as may be practicable
15 to accomplish the purposes of this act.

16 The port authority is hereby authorized and empowered to es-
17 tablish, levy and collect such rentals, tolls, fares, fees and other
18 charges as it may deem necessary, proper or desirable in connec-
19 tion with any facility or part of any facility constituting a portion
20 of the port development project and to issue bonds for any of
21 the purposes of this act and to provide for payment thereof, with
22 interest upon and the amortization and retirement of such bonds,
23 and to secure all or any portion of such bonds by a pledge of
24 such rentals, tolls, fares, fees, charges and other revenues or any
25 part thereof (including but not limited to the revenues of any sub-
26 sidiary corporation incorporated for any of the purposes of this
27 act), and to secure all or any portion of such bonds by mortgages
28 upon any property held or to be held by the port authority (or
29 by any such subsidiary corporation) for any of the purposes of
30 this act, and for any of the purposes of this act to exercise all
31 appropriate powers heretofore or hereafter delegated to it by
32 the States of New York and New Jersey, including, but not limited
33 to, those expressly set forth in this act. The surplus revenues of
34 the port development project may be pledged in whole or in part
35 as hereinafter provided.

36 *No toll or fare for passage upon or over the passenger rail facil-*
37 *ities as to which the port authority is authorized and empowered*
38 *to establish, levy and collect the same shall hereafter be insti-*
39 *tuted or increased until after a public hearing thereon shall have*
40 *been held, at which persons affected thereby shall be given adequate*
41 *opportunity to be heard, and notice whereof shall be published*
42 *in a newspaper or newspapers of general circulation within the*
43 *port district not less than 10 days prior to the convening of*
44 *such hearing.*

45 Unless and until hereafter expressly authorized by the two States
46 the port authority shall not: (a) operate or permit operation by
47 others of its Hudson tubes railroad cars or other rolling stock
48 or equipment or Hudson tubes extensions railroad cars or other
49 rolling stock or equipment except upon the rail transit lines of
50 the Hudson tubes or of the Hudson tubes extensions and also
51 between the Market street station and the South street station
52 of the Pennsylvania Railroad Company in the city of Newark,
53 State of New Jersey; or (b) except by way of Hudson tubes ex-

54 tensions as herein defined, make additions, betterments or other
55 improvements to or of said Hudson tubes or Hudson tubes exten-
56 sions by way of extensions of their rail transit lines. Nothing
57 herein contained shall be deemed to prevent the making by the
58 port authority of such joint service or other agreements with rail-
59 roads as it shall deem necessary, convenient or desirable for the
60 use of the Hudson tubes and Hudson tubes extensions by the rail-
61 road cars or other rolling stock or equipment of such railroads
62 and the acquisition of the rights of any or all parties in any joint
63 service or other agreements the Hudson & Manhattan Railroad
64 Company or its successors shall have made with other railroads
65 for such use of the Hudson tubes. The port authority shall not
66 proceed with the effectuation of any railroad or railroad facility
67 in addition to the Hudson tubes and the Hudson tubes extensions
68 until hereafter expressly authorized by the 2 states. Nothing con-
69 tained in this act shall authorize or empower the port authority
70 to establish, construct or otherwise effectuate an air terminal.

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

STATEMENT

This bill would require that hereafter the Port Authority of New York and New Jersey must hold public hearings before it increases any of the tolls on its bridges and tunnels or any of the fares on the mass-transit facilities under its jurisdiction. This legislation would in no way impair or diminish the power of the authority to increase such tolls or fares, but would compel it to give an adequate hearing to the affected public before doing so. It also would require the notice of such hearing to include certain specific data enabling the public to understand and evaluate such proposed increases.

REFERENCE USE ONLY

ASSEMBLY TRANSPORTATION AND
COMMUNICATIONS COMMITTEE

STATEMENT TO

SENATE, No. 1206

STATE OF NEW JERSEY

DATED: MAY 16, 1977

This bill provides that the Port Authority shall hold a public hearing before instituting or increasing any toll or other charges on facilities under its jurisdiction. Notice of such hearing shall be published in newspapers within the port district not less than 10 days prior to the hearing and shall contain specific information concerning the toll or charge proposed to be instituted or increased. As the sponsor's statement indicates, "this legislation would in no way impair or diminish the power of the authority to increase such tolls or fares, but would compel it to give an adequate hearing to the affected public before doing so."

The Port Authority raised no objections to the bill.

FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE

FOR FURTHER INFORMATION

MAY 31, 1977

BEN BOROWSKY

Governor Brendan Byrne today signed S-1206 into law. This bill requires the Port Authority of New York and New Jersey to hold public hearings before it increases any of the tolls on its bridges and tunnels or any of the fares on the mass transit facilities under its jurisdiction.

"This legislation will not impair or diminish the power of the Authority to increase tolls or fares," Governor Byrne pointed out, "but the required public hearings will allow the citizens of both New Jersey and New York to be heard on any proposed toll increases."

Similar legislation is pending in New York State. It has passed both houses of the New York Legislature and is sitting on Governor Hugh Carey's desk.

The New Jersey law requires the Port Authority to publish notices in newspapers at least 10 days in advance of the scheduled public hearings.

"The notice must give in detail the proposed toll changes," Governor Byrne explained, "including specifics on how much Port Authority revenues will be affected by new rates."

The legislation was sponsored by Senate President Matthew Feldman.

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