

ASSEMBLY, No. 3441

STATE OF NEW JERSEY

INTRODUCED JULY 11, 1977

By Assemblyman HAMILTON

(Without Reference)

AN ACT authorizing the Port Authority of New York and New Jersey to participate in effectuating certain access improvement projects in connection with its air and marine terminal facilities, amending "An act to facilitate the financing and effectuation of air terminals by the Port of New York Authority and agreeing with the State of New York with respect thereto," approved April 2, 1947 (P. L. 1947, c. 43), amending "An act to facilitate the development by the Port of New York Authority of marine terminals, and agreeing with the State of New York with respect thereto," approved April 2, 1947 (P. L. 1947, c. 44).

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

1 1. The states of New York and New Jersey hereby find and
2 determine that:

3 (i) Each air and marine terminal facility operated by the Port
4 Authority of New York and New Jersey within the Port of New
5 York District serves the entire district, and the problem of fur-
6 nishing proper and adequate air and marine terminal facilities is
7 a regional and interstate problem;

8 (ii) Improved highway access to certain of such air and marine
9 terminal facilities is necessary for their continued development,
10 which development is vital and essential to the preservation of
11 the economic well-being of the Northern New Jersey-New York
12 metropolitan area;

13 (iii) It is the purpose of this act to authorize the Port Authority
14 of New York and New Jersey to participate in the development
15 of improved highway access projects specifically with respect to
16 Newark International Airport, Port Newark and the Elizabeth-
17 Port Authority Marine Terminal as part of a unified plan and
18 with the single object of preserving and developing the economic

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

19 well-being of the Northern New Jersey-New York metropolitan
20 area, and such undertaking is found to be in the public interest.

1 2. P. L. 1947, c. 43, s. 3 (C. 32:1-35.3) is amended to read as
2 follows:

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

4 "Air terminals" shall mean developments consisting of runways,
5 hangars, control towers, ramps, wharves, bulkheads, buildings,
6 structures, parking areas, improvements, facilities or other real
7 property necessary, convenient or desirable for the landing, taking
8 off, accommodation and servicing of aircraft of all types, including
9 but not limited to airplanes, airships, dirigibles, helicopters,
10 gliders, amphibians, seaplanes, or any other contrivance now or
11 hereafter used for the navigation of or flight in air or space,
12 operated by carriers engaged in the transportation of passengers
13 or cargo, or for the loading, unloading, interchange or transfer of
14 such passengers or their baggage, or such cargo, or otherwise for
15 the accommodation, use or convenience of such passengers, or such
16 carriers or their employees (facilities and accommodations at
17 sites removed from landing fields and other landing areas, however
18 except as otherwise provided in this section, to be limited to
19 ticket stations and passenger stations for air passengers, to ex-
20 press and freight stations for air express and air freight, and
21 to beacons and other aids to air navigation), or for the landing,
22 taking off, accommodation and servicing of aircraft owned or
23 operated by persons other than carriers. It shall also mean facili-
24 ties providing access to an air terminal, consisting of rail, rapid
25 transit or other forms of mass transportation which furnish a
26 connection between the air terminal and other points in the port
27 district, including appropriate mass transportation terminal fa-
28 cilities at and within the air terminal itself and suitable offsite
29 facilities for the accommodation of air passengers, baggage, mail,
30 express, freight and other users of the connecting facility. *It*
31 *shall also mean such highway project or projects in the vicinity*
32 *of an air terminal providing improved access to such air terminal*
33 *as shall be designated in legislation adopted by the two states.*

34 "Air terminal bonds" shall mean bonds issued by the Port
35 Authority for air terminal purposes.

36 "Air terminal purposes" shall mean the effectuation, establish-
37 ment, acquisition, construction, rehabilitation, improvement,
38 maintenance or operation of air terminals owned, leased or op-
39 erated by the Port **[of New York]** Authority of New York and
40 New Jersey (including airports operated under revocable permits)
41 or operated by others pursuant to agreements with the Port
42 Authority.

43 "Bonds" shall mean bonds, notes, securities or other obligations
44 or evidences of indebtedness.

45 "General Reserve Fund" shall mean the General Reserve Fund
46 of the Port Authority authorized by chapter 48 of the laws of
47 New York of 1931 as amended, and chapter 5 of the laws of New
48 Jersey of 1931, as amended.

49 "General Reserve Fund statutes" shall mean chapter 48 of the
50 laws of New York of 1931 as amended, and chapter 5 of the laws
51 of New Jersey of 1931, as amended.

52 "Municipality" shall mean a county, city, borough, village,
53 township, town, public agency, public authority or political sub-
54 division.

55 "Real property" shall mean lands, structures, franchises and
56 interests in land, including air space and air rights, waters, lands
57 under water and riparian rights, and any and all things and rights
58 included within the said term, and includes not only fees simple
59 absolute but also any and all lesser interests, including but not
60 limited to easements, rights of way, uses, leases, licenses and all
61 other incorporeal hereditaments and every estate, interest or right,
62 legal or equitable, including terms for years and liens thereon by
63 way of judgments, mortgages or otherwise.

1 3. P. L. 1947, c. 44, s. 3 (C. 32:1-35.30) is amended to read as
2 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 con-
8 venient to the accommodation of steamships or other vessels and
9 their cargoes or passengers. *It shall also include such highway*
10 *projects in the vicinity of a marine terminal providing improved*
11 *access to such marine terminal as shall be designated in legislation*
12 *adopted by the two states.*

13 "Marine terminal purposes" shall mean the effectuation, estab-
14 lishment, acquisition, construction, rehabilitation, improvement,
15 maintenance or operation of marine terminals.

16 "Municipality" shall mean a county, city, borough, village,
17 township, town, public agency, public authority or political sub-
18 division.

19 "Real property" shall mean lands, structures, franchises and
20 interests in land, including waters, lands under water and riparian
21 rights, and any and all things and rights usually included within

22 the said term, and includes not only fees simple absolute but also
23 any and all lesser interests, including but not limited to easements,
24 rights-of-way, uses, leases, licenses and all other incorporeal
25 hereditaments and every estate, interest or right, legal or equitable,
26 including terms for years and liens thereon by way of judgments,
27 mortgages or otherwise.

1 4. In furtherance of the aforesaid findings and determinations
2 and in partial effectuation of the Comprehensive Plan heretofore
3 adopted by the two states for the development of terminal and
4 transportation facilities in the Port of New York District, it is
5 the intent of the two states to authorize the Port Authority of
6 New York and New Jersey to participate as limited in section 5
7 of this act in the effectuation of one or more separate access im-
8 provement projects as hereinafter defined pursuant to chapter 43
9 of the laws of New Jersey of 1947 as amended, and chapter 802
10 of the laws of New York, 1947, as amended, and chapter 44 of the
11 laws of New Jersey 1947, as amended, and chapter 631 of the
12 laws of New York, 1947, as amended or any of the foregoing.

13 Highway access improvement project relating to Newark Inter-
14 national Airport and the Elizabeth-Port Authority Marine Ter-
15 minal.

16 Construction of that portion of New Jersey Route 81 in the city
17 of Elizabeth, State of New Jersey, extending generally northwest-
18 ward from and including a new interchange with the New Jersey
19 Turnpike, across and connecting with North Avenue, to and in-
20 cluding a new interchange with U.S. Route 1.

1 5. The Port Authority of New York and New Jersey is hereby
2 authorized and empowered in its discretion to enter into an agree-
3 ment or agreements upon such terms or conditions as it may deem
4 in the public interest with the United States, the State of New
5 Jersey, or any agency, department, commission, public authority,
6 board or division of any of the foregoing, or any municipality
7 or other public corporation in the State of New Jersey, or any
8 person, firm, association, company or corporation, or any two or
9 more of the foregoing, to effectuate any of the access improvement
10 project set forth in section 4 of this act.

11 Any such agreement or agreements relating to the highway
12 access improvement project described in section 4 of this act may
13 provide for the construction, reconstruction, ownership, improve-
14 ment, maintenance or operation of any portion or portions of such
15 project by the State of New Jersey, or by any agency, department,
16 commission, public agency, board or division of such State, or by

17 any one or more of the foregoing. The State of New Jersey or
 18 any agency, department, commission, public authority, board or
 19 division thereof, or any municipality or other public corporation
 20 in the State of New Jersey, or any two or more of the foregoing,
 21 are hereby authorized and empowered to enter into an agreement
 22 or agreements with the Port Authority, the United States or any
 23 department, agency or instrumentality thereof, or any person,
 24 firm, association, company or corporation, or any two or more of
 25 the foregoing, to effectuate the access improvement project set
 26 forth in section 4 of this act.

1 6. 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 would, when concurred in by the states of New York and New Jersey, authorize the Port Authority of New York and New Jersey to carry out highway projects in the vicinity of air or marine terminals, affording improved access to existing or future Port Authority air or marine terminal projects.

The general authorization to carry out the access improvement projects would be subject to specific designation in legislation adopted by the two states. The present proposed act would provide such specific authorization for the construction of highway access improvements relating to Newark International Airport and Elizabeth-Port Authority Marine Terminals.

The need for this legislation arises from a determination by the Law Division of the New Jersey Superior Court on June 7, 1977 that Port Authority participation in such highway and other improvements requires bi-state approval. The court rejects arguments that existing statutes' general definitions authorize such projects on the ground that it is the responsibility of the Legislatures to weigh the several factors of public concern involved in the decision of the necessity for the practicality of projects of such magnitude. While appeal of that decision is pending, this bill would authorize Port Authority participation in the event the appellate courts confirm the law division's ruling.

The Route 81 project would involve an agreement with the New Jersey Turnpike Authority, the New Jersey State Department of Transportation and the port authority, whereby the estimated project cost of \$50 million would be shared 50% by the port au-

17 any one or more of the foregoing. The State of New Jersey or
18 any agency, department, commission, public authority, board or
19 division thereof, or any municipality or other public corporation
20 in the State of New Jersey, or any two or more of the foregoing,
21 are hereby authorized and empowered to enter into an agreement
22 or agreements with the Port Authority, the United States or any
23 department, agency or instrumentality thereof, or any person,
24 firm, association, company or corporation, or any two or more of
25 the foregoing, to effectuate the access improvement project set
26 forth in section 4 of this act.

1 6. 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
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The Route 81 project would involve an agreement with the New Jersey Turnpike Authority, the New Jersey State Department of Transportation and the port authority, whereby the estimated project cost of \$50 million would be shared 50% by the port au-

thority and 25% by the New Jersey Department of Transportation. The project is deemed to be of substantial benefit to Newark Airport, Newark Seaport and Port Elizabeth by alleviating traffic tie-ups at existing centers of congestion in the vicinity of those facilities.

SENATE TRANSPORTATION AND COMMUNICATIONS
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 3441

—•—
STATE OF NEW JERSEY
—•—

DATED: NOVEMBER 21, 1977

The statement appended to the bill adequately explains its provisions and purposes.

The Department of Transportation and the Port Authority support this legislation.

FOR IMMEDIATE RELEASE

FOR FURTHER INFORMATION

FEBRUARY 1, 1978

KATHY FORSYTH
ANNE BURNS

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Governor Brendan Byrne today signed into law the following bills:

S-625, sponsored by Senator Frank Dodd, D-Essex, which requires the New Jersey Expressway Authority to hold public hearings on any toll increases at least 45 days before the new toll is effective.

This requirement will also apply to the establishment of any tolls.

The Authority is required to publish a notice of the hearing at least ten days in advance in ten daily newspapers circulated in the state.

S-626, also sponsored by Senator Dodd, which requires the New Jersey Highway Authority to hold public hearings on any toll increases at least 45 days before the new toll is effective. It is companion legislation to S-625.

S-3218, sponsored by Senator Anthony Scardino, Jr., D-Lyndhurst, which appropriates \$839,770 from the State Facilities for the Handicapped Fund for safety improvements and other renovations at the Marie H. Katzenbach School for the Deaf in Trenton.

The funds are from the \$80 million Institutions Bond Issue approved by the voters in 1976.

The total cost of the fire-life safety system, including sprinklers, flashing light alarms and automatic fire doors, is estimated at approximately \$1.7 million. A balance of \$500,000 is available from other appropriations, and Governor Byrne signed A-2267, appropriating the remaining \$366,000, on Tuesday.

S-3379, sponsored by Senator Matthew Feldman, D-Teaneck, which establishes a procedure for the enforcement and review of orders of the Employment Relations Panel of the Port Authority of New York and New Jersey.

Established in 1976, in an action recommended by the Governors of both states, the panel's regulations provide for full collective negotiations for the more than 8,000 employees of the Port Authority.

(more)

The regulations cover the complete negotiations process, including procedures for representation, dues check-off, resolution of disputes during negotiations and improper practices, while at the same time continuing the prohibition on strikes.

When the panel was set up, it was agreed that its orders would be subject to judicial review and enforcement under the provisions of a proposed statute to be approved by the Legislatures of both states.

The bill is effective immediately, as New York has already approved comparable legislation.

A-1641, sponsored by former Assemblyman John W. Markert, R-Bergen, which lowers the age of responsibility for criminal acts by a juvenile from 16 to 14 years.

Under the bill, a 14 year-old may be transferred from juvenile to adult court either without his consent following a hearing or at his request.

A-3441, sponsored by former Assemblyman (now Senator) William Hamilton, D-Middlesex, which authorizes the Port Authority of New York and New Jersey to carry out highway projects in the vicinity of existing or future air and marine terminals to provide improved access to those terminals.

The bill is effective upon the passage of comparable legislation by the New York Legislature.

The bill also provides specific authorization for the construction of highway access improvements relating to Newark International Airport and the Elizabeth Port Authority Marine Terminals at Route 81 and Interchange 13A of the New Jersey Turnpike.

The cost of the Route 81 project, estimated at \$50 million, would be shared 50 per cent by the Port Authority, 25 per cent by the New Jersey Department of Transportation and 25 per cent by the New Jersey Turnpike Authority.

The project will provide more direct access to Newark Airport from the south via the Turnpike and will alleviate traffic tie-ups at existing centers of congestion in the vicinity of Newark Seaport and Port Elizabeth.

Senate Joint Resolution No. 12, sponsored by Senator William Hamilton, D-Middlesex, which designates the Route 18 bridge over the Raritan River as the "John A. Lynch Bridge".