

32:1-35.27b et al

LEGISLATIVE HISTORY CHECKLIST

(Port Authority of NY and NJ--permit rail freight projects that will enhance air and marine terminal commerce)

NJSA 32:1-35.27b et al.

LAWS 1980

CHAPTER 157

Bill No. A2246

Sponsor(s) Karcher and others

Date Introduced Nov. 10, 1980

Committee: Assembly Transportation and Communications

Senate -----

Amended during passage **Yes** No Substituted for S1505 (not attached since substantially similar to A2246)

Date of Passage: Assembly Nov. 24, 1980

Senate Nov. 24, 1980

Date of approval Nov. 26, 1980

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**

NY Statute (mentioned in sponsor's statement) is L.1980, c.470, NY (attached)

6/22/81

8 company or corporation, or other legal entities, or any two or more
9 of the foregoing, to effectuate any railroad freight project pursuant
10 to this act.

11 An agreement or agreements relating to any railroad freight
12 project pursuant to this act may provide for the construction,
13 reconstruction, ownership, improvement, maintenance or operation
14 of any portion or portions of the project by either State, or by any
15 agency, department, commission, public agency, board or division
16 of either State, or by any one or more of the foregoing. Either
17 State or any agency, department, commission, public authority,
18 board or division thereof, or any municipality or other public
19 corporation thereof, or any two or more of the foregoing, is
20 authorized to enter into an agreement or agreements with the port
21 authority, the United States or any department, agency or instru-
22 mentality thereof, or any person, firm, association, company or
23 corporation, or any two or more of the foregoing, to effectuate any
24 railroad freight project pursuant to 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

The continued development of the air terminals and marine terminals operated by the Port Authority of New York and New Jersey is essential to the preservation of the economic well-being of the New York-Northern New Jersey metropolitan region.

The port authority is currently authorized to participate in providing mass transportation access projects and improved highway access projects in connection with air and marine terminal facilities.

This bill would authorize the port authority to carry out railroad freight projects related or of benefit to its air or marine terminals or to the protection or promotion of the commerce of the port district.

An identical bill has already been passed by the New York Legislature and enacted into law.

A2246 (1980)

Port Authority of New York and New Jersey—
Air and Marine Terminals

Memorandum relating to this chapter, see Executive Memoranda, post

CHAPTER 470

An Act to amend chapter eight hundred two of the laws of nineteen hundred forty-seven, relating to facilitating the financing and effectuation of air terminals and 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 improvement projects in connection with its air and marine terminal facilities and the protection or promotion of the commerce of the Port District.

Approved June 23, 1980, effective as provided in section 6.

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

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

(i) Each air and marine terminal facility operated by the port authority of New York and New Jersey within the port of New York district serves the entire district, and the problem of furnishing proper and adequate air and marine terminal facilities is a regional and interstate problem;

(ii) The continued development of such air and marine terminal facilities would be assisted by the provision of railroad freight projects within the port of New York district related or of benefit to such terminal facilities, which development is vital and essential to the preservation of the economic well-being of the northern New Jersey—New York metropolitan area; and

(iii) It is the purpose of this act to authorize the port authority of New York and New Jersey to participate in the development of railroad freight projects related or of benefit to such air and marine terminal facilities or which are necessary, convenient or desirable in the opinion of the port authority for the protection or promotion of the commerce of the port district, as part of a unified plan and with the single object of preserving and developing the economic well-being of the northern New Jersey—New York metropolitan area, and such undertaking is found to be in the public interest.

§ 2. The second unnumbered paragraph of section three of chapter eight hundred two of the laws of nineteen hundred forty-seven, relating to facilitating the financing and effectuation of air terminals, as amended by chapter seven hundred ninety-two of the laws of nineteen hundred seventy-eight, is amended to read as follows:

"Air terminals" shall mean developments consisting of runways, hangars, control towers, ramps, wharves, bulkheads, buildings, structures, parking areas, improvements, facilities or other real property necessary, convenient or desirable for the landing, taking off, accommodation and servicing of aircraft of all types, including but not limited to airplanes, airships, dirigibles, helicopters, gliders, amphibians, seaplanes, or any other contrivance now or hereafter used for the navigation of or flight in air or space, operated by carriers engaged in the transportation of passengers or cargo, or for the loading, unloading, interchange or transfer of such passengers or their baggage, or such cargo, or otherwise

deletions by ~~strikesouts~~

673

NOTICE: THIS MATERIAL MAY BE PROTECTED BY
COPYRIGHT LAW (TITLE 17 U.S. CODE)

for the accommodation, use or convenience of such passengers, or such carriers, or their employees (facilities and accommodations at sites removed from landing fields and other landing areas, however, except as otherwise provided in this section, to be limited to ticket stations and passenger stations for air passengers, to express and freight stations for air express and air freight, and to beacons and other aids to air navigation), or for the landing, taking off, accommodation and servicing of aircraft owned or operated by persons other than carriers. It shall also mean facilities providing access to an air terminal, consisting of rail, rapid transit or other forms of mass transportation which furnish a connection between the air terminal and other points in the port district, including appropriate mass transportation terminal facilities at and within the air terminal itself and suitable offsite facilities for the accommodation of air passengers, baggage, mail, express, freight and other users of the connecting facility. It shall also mean such highway project or projects in the vicinity of an air terminal providing improved access to such air terminal as shall be designated in legislation adopted by the two states. Notwithstanding any contrary provision of law, general, special or local, it shall also mean railroad freight projects related or of benefit to an air terminal or which are necessary, convenient or desirable in the opinion of the port authority for the protection or promotion of the commerce of the port district, consisting of railroad freight transportation facilities or railroad freight terminal facilities; and any equipment, improvement, structure or facility or any land, and any building, structure, facility or other improvement thereon, or any combination thereof, and all real and personal property in connection therewith or incidental thereto, deemed necessary or desirable in the opinion of the port authority, whether or not now in existence or under construction, for the undertaking of such railroad freight projects.

§ 3. The second unnumbered paragraph of section three of chapter six hundred thirty-one of the laws of nineteen hundred forty-seven, relating to the development by the port of New York authority of marine terminals, as amended by chapter seven hundred ninety-two of the laws of nineteen hundred seventy-eight, is amended to read as follows:

"Marine terminals" shall mean developments, consisting of one or more piers, wharves, docks, bulkheads, slips, basins, vehicular roadways, railroad connections, side tracks, sidings or other buildings, structures, facilities or improvements, necessary or convenient to the accommodation of steamships or other vessels and their cargoes or passengers. It shall also include such highway projects in the vicinity of a marine terminal providing improved access to such marine terminal as shall be designated in legislation adopted by the two states. Notwithstanding any contrary provision of law, general, special or local, it shall also mean railroad freight projects related or of benefit to a marine terminal or which are necessary, convenient or desirable in the opinion of the port authority for the protection or promotion of the commerce of the port district, consisting of railroad freight transportation facilities or railroad freight terminal facilities; and any equipment, improvement, structure or facility or any land, and any building, structure, facility or other improvement thereon, or any combination thereof, and all real and personal property in connection therewith or incidental thereto,

deemed necessary or desirable in the opinion of the port authority, whether or not now in existence or under construction, for the undertaking of such railroad freight projects.

§ 4. In furtherance of the aforesaid findings and determinations and in partial effectuation of the comprehensive plan heretofore adopted by the two states for the development of terminal and transportation facilities in the port of New York district, it is the intent of the two states to authorize the port authority of New York and New Jersey to participate as limited in section five of this act in the effectuation of railroad freight projects pursuant to chapter eight hundred two of the laws of New York, of nineteen hundred forty-seven, as amended, and chapter forty-three of the laws of New Jersey, of nineteen hundred forty-seven, as amended, and chapter six hundred thirty-one of the laws of New York, of nineteen hundred forty-seven, as amended, and chapter forty-four of the laws of New Jersey, of nineteen hundred forty-seven, as amended or any of the foregoing.

§ 5. The port authority of New York and New Jersey is hereby authorized and empowered in its discretion to enter into an agreement or agreements upon such terms or conditions as it may deem in the public interest with the United States, the state of New York, the state of New Jersey, or any agency, department, commission, public authority, board or division of any of the foregoing, or any municipality or other public corporation in either state, or any person, firm, partnership, association, company or corporation, or other legal entities, or any two or more of the foregoing, to effectuate any railroad freight project pursuant to this act.

Any such agreement or agreements relating to any railroad freight project pursuant to this act may provide for the construction, reconstruction, ownership, improvement, maintenance or operation of any portion or portions of such project by either state, or by any agency, department, commission, public agency, board or division of either such states, or by any one or more of the foregoing. Either state or any agency, department, commission, public authority, board or division thereof, or any municipality or other public corporation thereof, or any two or more of the foregoing, are hereby authorized and empowered to enter into an agreement or agreements with the port authority, the United States or any department, agency or instrumentality thereof, or any person, firm, association, company or corporation, or any two or more of the foregoing, to effectuate any railroad freight project pursuant to this act.

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

FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE

FOR FURTHER INFORMATION

NOVEMBER 25, 1980

KATHRYN FORSYTH

Governor Brendan Byrne has signed the following bills:

A-2246, sponsored by Assemblyman Alan Karcher (D-Middlesex), which permits the Port Authority of New York and New Jersey to carry out railroad freight projects "related to or of benefit to" its air or marine terminals or to protect or promote to commerce if the port district.

The legislation, which had to be approved by the legislatures of both New York and New Jersey, is necessary to enable the Port Authority to undertake a project for correcting bridge clearances for rail freight cars and the construction of a new rail line along the waterfront in the South Bronx.

The Port Authority has authorized the expenditure of \$37.5 million for this project.

A-2022, sponsored by Assemblyman Michael Matthews (D-Atlantic) which corrects an unforeseen technical deficiency in the Alcoholic Beverages Wholesale Tax, enacted earlier this year.

That law did not contain a section exempting from that tax items subject to Atlantic City's 4% Luxury Tax. As a result, the package sale of alcoholic beverages in Atlantic City is subject to a 10.5% tax rather than the 6.5% tax in effect elsewhere in the state.

A-2022 corrects that situation by reducing the state's wholesale tax to 2.5% on sales of alcoholic beverages subject to the Luxury Tax until June 30, 1981. After that date, the Luxury Tax will no longer be imposed on the package sale of alcoholic beverages.

-more-

S-1432, sponsored by Senator Wynona Lipman (D-Essex) which appropriates \$150,000 to the Department of Community Affairs for state aid for cultural development for three ethnic group programs in Newark.

The appropriations are to be used as follows:

--\$60,000 for the North Ward Educational and Cultural Center, which sponsors concerts, classes, festivals and other cultural activities for people of all ages,

--\$50,000 for the Ironbound Educational and Cultural Association, a group serving Newark's Portugese community, offering social services for the elderly and community activities.

--\$40,000 for The Leaguers, an organization offering athletic and cultural programs for children and young adults in Newark.

#####