

APPROVED 11/20/56

SENATE, No. 393

STATE OF NEW JERSEY

INTRODUCED NOVEMBER 19, 1956

By Mr. JONES

(Without Reference)

An Act to amend and supplement "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), as amended and supplemented by an act approved

March 22, 1954 (P. L. 1954, c. 11), (compiled in the Revised Statutes of New

Jersey as article 6 of chapter 1 of Title 32).

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

1 1. Upon the concurrence of the State of New York herein, in the manner
2 indicated in section 9 hereof, the States of New Jersey and New York agree
3 that section 2 of the act of which this act is amendatory and of chapter 47
4 of the laws of New York, 1931, is amended to read as follows:

5 2. In furtherance of the aforesaid policy, and in partial effectuation of
6 the comprehensive plan heretofore adopted by the 2 said States for the
7 development of the said Port of New York District, the control, operation,
8 tolls and other revenues of the vehicular tunnel, known as the Holland Tunnel,

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

9 under the Hudson river, between the city of Jersey City and the city of New
 10 York, shall be vested in the Port Authority as hereinafter provided; and the
 11 Port Authority is hereby authorized and empowered to construct, own,
 12 maintain and operate an interstate vehicular crossing under the Hudson
 13 river to consist of 3 tubes (hereinafter called the Midtown Hudson Tunnel),
 14 together with such approaches thereto, and connections with highways as the
 15 Port Authority may deem necessary or desirable.

16 The Port Authority shall from time to time make studies, surveys and
 17 investigations to determine the necessity and practicability of vehicular
 18 bridges and tunnels over or under interstate waters within the said Port of
 19 New York District, in addition to the said Midtown Hudson Tunnel and
 20 Holland Tunnel and to the George Washington Bridge, Goethals Bridge,
 21 Outerbridge Crossing and Bayonne Bridge, and report to the Governors and
 22 Legislatures of the 2 States thereon. The Port Authority shall not proceed
 23 with the construction of any such additional vehicular bridges and tunnels
 24 over or under said interstate waters, until hereafter expressly authorized
 25 by the 2 said States, *but the second deck of the George Washington Bridge*
 26 *shall be considered an addition and improvement to the said bridge and not*
 27 *such an additional vehicular bridge, and the Port Authority's power and*
 28 *authorization to construct, own, maintain and operate said second deck for*
 29 *highway vehicular or rail rapid transit traffic or both is hereby acknowledged*
 30 *and confirmed.*

31 Except as may be agreed upon between the Port Authority and the
 32 municipality in which they shall be located, the approaches to the George
 33 Washington Bridge hereafter constructed on the New York side shall be
 34 located as follows: between Amsterdam Avenue and Pinchurst Avenue, the
 35 approaches shall be located between West 178th Street and West 179th
 36 Street; between Pinchurst Avenue and Cabrini Boulevard, the approaches
 37 shall be between West 178th Street and West 180th Street; between Cabrini
 38 Boulevard and Haven Avenue, the approaches shall be between West 177th
 39 Street and the line parallel to the northerly side of West 180th Street and

40 125 feet north of the building line on the north side thereof; between Haven
41 Avenue and Service Street north of the George Washington Bridge, the ap-
42 proaches shall be between the Bridge and an extension of the building line
43 on the northerly side of West 180th Street. Except as so limited, the Port
44 Authority may effectuate such approaches, connections, highway extensions
45 or highway improvements as it shall deem necessary or desirable in relation
46 to the George Washington Bridge, located in or extending across the counties
47 in which such bridge is located, and in its discretion, may do so by agreement
48 with any other public agency; such agreement may provide for the construc-
49 tion, ownership, maintenance or operation of such approaches, connections or
50 highway extensions or highway improvements by such other public agency.

1 2. Upon the concurrence of the State of New York herein, in the manner
2 indicated in section 9 hereof, the States of New Jersey and New York agree
3 that the Port Authority is hereby authorized and empowered, in its discre-
4 tion, to construct, own, maintain and operate in Washington Heights in
5 the borough of Manhattan, New York City, as an addition and improvement
6 to the vehicular bridge over the Hudson river at Fort Lee, known as and
7 hereinafter in this section referred to as the George Washington Bridge, a
8 bus passenger facility, by which is meant a facility consisting of 1 or more
9 buildings, structures, improvements, loading or unloading areas, parking
10 areas or other facilities necessary, convenient or desirable in the opinion of
11 the Port Authority for the accommodation of omnibuses and other motor
12 vehicles operated by carriers engaged in the transportation of passengers,
13 or for loading, unloading, interchange or transfer of such passengers or
14 their baggage, or otherwise for the accommodation, use or convenience of
15 such passengers or such carriers or their employees and for purposes inci-
16 dental thereto.

17 Nothing contained herein or in the act supplemented hereby shall be
18 deemed to prevent the Port Authority from establishing, levying and col-
19 lecting tolls and other charges in connection with such bus passenger facility
20 in addition to and other than the tolls or charges established, levied and col-

21. lent in connection with the George Washington Bridge or any other bridge
22. or tunnel.

23. 3. Upon the concurrence of the State of New York herein, in the manner
24. indicated in section 9 hereof, the States of New Jersey and New York agree
25. that section 11 of the act of which this act is amendatory and of chapter 47
26. of the laws of New York, 1931, is amended to read as follows:

27. 11. The Port Authority is hereby authorized to make and enforce such
28. rules and regulations and to establish, levy and collect such tolls and other
29. charges in connection with any vehicular bridges and tunnels which it may
30. now or hereafter be authorized to own, construct, operate or control (in-
31. cluding the said Holland Tunnel and the said Midtown Hudson Tunnel), as
32. it may deem necessary, proper or desirable, which said tolls and charges
33. shall be at least sufficient to meet the expenses of the construction, operation
34. and maintenance thereof, and to provide for the payment of, with interest
35. upon, and the amortization and retirement of bonds or other securities or
36. obligations issued or incurred for bridge or tunnel purposes [; and the Port
37. Authority is hereby authorized and empowered to pledge such tolls and
38. other revenues or any part thereof as security for the repayment with
39. interest of any moneys borrowed by it or advanced to it for the purposes of
40. this act and as security for the satisfaction of other obligations assumed by
41. it in connection with such loans or advances. Such moneys may be borrowed
42. on bonds or other securities or obligations issued or incurred pursuant to
43. Article VI of the compact of April 30, 1921]. There shall be allocated to the
44. cost of the construction, operation and maintenance of such bridges and
45. tunnels, such proportion of the general expenses of the Port Authority as it
46. shall deem properly chargeable thereto.

47. *The moneys in the General Reserve Fund of the Port Authority (au-*
48. *thorized by chapter 5 of the laws of New Jersey, 1931, as amended, and chap-*
49. *ter 48 of the laws of New York, 1931, as amended) may be pledged in whole*
50. *or in part by the Port Authority as security for or applied by it to the repay-*
51. *ment with interest of any moneys which it may raise upon bonds or other*

30 securities or obligations issued or incurred from time to time for any of the
31 purposes of this act or secured in whole or in part by the pledge of the
32 revenues of the Port Authority from any bridge or tunnel or both so issued
33 or incurred and so secured; and the moneys in said General Reserve Fund may
34 be applied by the Port Authority to the fulfillment of any other undertakings
35 which it may assume to or for the benefit of the holders of any such bonds,
36 securities or other obligations.

37 Subject to prior liens and pledges (and to the obligation of the Port Au-
38 thority to apply revenues to the maintenance of its General Reserve Fund in
39 the amount prescribed by the said statutes authorizing said fund), the
40 revenues of the Port Authority from facilities established, constructed, ac-
41 quired or effectuated through the issuance or sale of bonds of the Port Au-
42 thority secured by a pledge of its General Reserve Fund may be pledged in
43 whole or in part as security for or applied by it to the repayment with
44 interest of any moneys which it may raise upon bonds or other securities or
45 obligations issued or incurred from time to time for any of the purposes of
46 this act or secured in whole or in part by the pledge of the revenues of the
47 Port Authority from any bridge or tunnel or both so issued or incurred and
48 so secured; and said revenues may be applied by the Port Authority to the
49 fulfillment of any other undertakings which it may assume to or for the bene-
50 fit of the holders of such bonds, securities or other obligations.

51 In the event that at any time the balance of moneys theretofore paid
52 into the General Reserve Fund and not applied therefrom shall exceed an
53 amount equal to 1/10 of the par value of all bonds legal for investment, as
54 defined and limited in the said statutes authorizing said fund, issued by the
55 Port Authority and currently outstanding at such time, by reason of the re-
56 tirement of bonds or other securities or obligations issued or incurred from
57 time to time for any of the purposes of this act or secured in whole or in
58 part by the pledge of the revenues of the Port Authority from any bridge or
59 tunnel or both so issued or incurred and so secured, the par value of which had
60 theretofore been included in the computation of said 1/10, then the Port Au-

61 *it may pledge or apply such excess for and only for the purposes for*
 62 *which it is authorized by the said statutes authorizing said fund to pledge*
 63 *the moneys in the General Reserve Fund, and such pledge may be made in ad-*
 64 *vance of the time when such excess may occur.*

1 4. Upon the concurrence of the State of New York herein, in the manner
 2 indicated in section 9 hereof, the States of New Jersey and New York agree
 3 that section 13 of the act of which this act is amendatory and of chapter 47
 4 of the laws of New York, 1931, is amended to read as follows:

5 13. The bonds or other securities or obligations which may be issued or
 6 incurred by the Port Authority pursuant to this act [and] or as security
 7 for which there may be pledged the tolls and other revenues or any part
 8 thereof of any vehicular bridge or tunnel (including the said Holland Tun-
 9 nel and the said Midtown Hudson Tunnel) now or hereafter authorized by the
 10 2 said States or both so issued or incurred and so secured, are hereby made
 11 securities in which all State and municipal officers and bodies, all banks,
 12 bankers, trust companies, savings banks, savings and loan associations, in-
 13 vestment companies and other persons carrying on a banking business, all
 14 insurance companies, insurance associations and other persons carrying on
 15 an insurance business, and all administrators, executors, guardians, trustees
 16 and other fiduciaries and all other persons whatsoever who are now or may
 17 hereafter be authorized to invest in bonds or other obligations of the State,
 18 may properly and legally invest any funds, including capital, belonging to
 19 them or within their control; and said *bonds or other securities or obligations*
 20 are hereby made securities which may properly and legally be deposited with
 21 and shall be received by any *State or municipal officer or agency for any pur-*
 22 *pose for which the deposit of bonds or other obligations of this State is now*
 23 *or may hereafter be authorized.*

1 5. Upon the concurrence of the State of New York herein, in the manner
 2 indicated in section 9 hereof, the States of New Jersey and New York agree
 3 that section 15 of the act of which this act is amendatory and of chapter 47
 4 of the laws of New York, 1931, is amended to read as follows:

15. If for any of the purposes of this act (including temporary construction purposes, and the making of additions or improvements to bridges or channels already constructed), the Port Authority shall find it necessary or convenient to acquire any real property as herein defined [in this State], whether for immediate or future use, the Port Authority may find and determine that such property, whether a fee simple absolute or a lesser interest, is required for a public use, and upon such determination, the said property shall be and shall be deemed to be required for such public use until otherwise determined by the Port Authority; and with the exceptions hereinafter specifically noted, the said determination shall not be affected by the fact that such property has theretofore been taken for, or is then devoted to, a public use; but the public use in the hands or under the control of the Port Authority shall be deemed superior to the public use in the hands of any other person, association or corporation.

[If the Port Authority is unable to agree for the acquisition of any such real property for any reason whatsoever, then the] The Port Authority may acquire and is hereby authorized to acquire such property, whether a fee simple absolute or a lesser interest by condemnation or the exercise of the right of eminent domain under and pursuant to the provisions of the [act entitled "An act to regulate the ascertainment and payment of compensation for property condemned or taken for public use" (Revision of 1900), approved March 20, 1900, and acts amendatory thereof and supplemental thereto, including chapter 142 of the laws of 1927, except as other provision is made by the terms of this act] *condemnation law of the State of New York, in the case of property located in such State, and Revised Statutes of New Jersey, Title 20:1-1 et seq., in the case of property located in such State, or at the option of the Port Authority as provided in section 15 of chapter 43 of the laws of New Jersey, 1947, as amended, for the condemnation of real property for air terminal purposes, in the case of property located in such State, and as provided in section 15 of chapter 802 of the laws of New York, 1947, as amended, for the condemnation of real property for air terminal purposes,*

36 in the case of property located in such State, or pursuant to such other and
37 alternate procedure as may be provided by law.

38 (The power of the Port Authority to acquire real property by condem-
39 nation hereunder shall be a continuing power, and no exercise thereof shall
40 be deemed to exhaust it.)

41 Where a person entitled to an award in the proceedings to condemn any
42 real property for any of the purposes of this act, remains in possession of
43 such property after the time of vesting of title in the Port Authority, the rea-
44 sonable value of his use and occupancy of such property subsequent to such
45 time, as fixed by agreement or by the court in such proceedings or by any
46 court of competent jurisdiction, shall be a lien against such award, subject
47 only to liens of record at the time of the vesting of title in the Port Author-
48 ity.

49 Nothing herein contained shall be construed to prohibit the Port Author-
50 ity from bringing any proceedings to remove a cloud on title or such other
51 proceedings as it may, in its discretion, deem proper and necessary, or from
52 acquiring any such property by negotiation or purchase.

1 6. Upon the concurrence of the State of New York herein, in the manner
2 indicated in section 9 hereof, the States of New Jersey and New York agree
3 that section 16 of the act of which this act is amendatory and of chapter 47
4 of the laws of New York, 1931, is amended to read as follows:

5 16. Anything in this act to the contrary notwithstanding, no property
6 now or hereafter vested in or held by any county, city, borough, village, town-
7 ship or other municipality shall be taken by the Port Authority, without the
8 authority or consent of such county, city, borough, village, township or other
9 municipality as provided in said compact of April 30, 1921, provided that [if
10 such property is required for Midtown Hudson Tunnel purposes] the State in
11 which such county, city, borough, village, township or other municipality is
12 located may authorize such property to be taken by the Port Authority by
13 condemnation or the exercise of the right of eminent domain without such
14 authority or consent; nor shall anything herein impair or invalidate in any

15 way any bonded indebtedness of the State, or such county, city, borough, vil-
16 lage, township or other municipality, nor impair the provisions of law regulat-
17 ing the payment into sinking funds of revenue derived from municipal prop-
18 erty, or dedicating the revenues derived from municipal property, to a specific
19 purpose. The Port Authority is hereby authorized and empowered to acquire
20 from any such county, city, borough, village, township or other municipality,
21 or from any other public agency or commission having jurisdiction in the
22 premises, by agreement therewith, and such county, city, borough, village,
23 township, municipality, public agency or commission, notwithstanding any
24 contrary provision of law, is hereby authorized and empowered to grant and
25 convey upon reasonable terms and conditions any real property, which may
26 be necessary for the construction, operation and maintenance of such bridges
27 and tunnels, including such real property as has already been devoted to a
28 public use. Each of the 2 said States hereby consents to the use and occupa-
29 tion of the real property of such State necessary for the construction, op-
30 eration and maintenance of bridges and tunnels constructed or operated pur-
31 suant to the provisions of this act, including lands of the State lying under
32 water.

1 7. Upon the concurrence of the State of New York herein, in the manner
2 indicated in section 9 hereof, the States of New Jersey and New York agree
3 that section 20 of the act of which this act is amendatory and the concurrent
4 section of chapter 47 of the laws of New York, 1931, is amended to read as
5 follows:

6 20. *This section and the preceding sections hereof constitute an agree-*
7 *ment between the States of New York and New Jersey supplementary to the*
8 *compact between the 2 States dated April 30, 1921, and amendatory thereof,*
9 *and shall be liberally construed to effectuate the purposes of said compact and*
10 *of the comprehensive plan heretofore adopted by the 2 States, and any*
11 *[Any] powers granted to the Port Authority by this act shall be deemed to*
12 *be in aid of and supplemental to and in no case a limitation upon the powers*
13 *heretofore vested in the Port Authority by the 2 said States and/or by Con-*
14 *gress, except as herein otherwise provided.*

15 *Any declarations contained herein and in the concurrent act of the State*
16 *of New York with respect to the governmental nature of bridges and tunnels*
17 *and to the exemption of bridge and tunnel property from taxation and to the*
18 *discretion of the Port Authority with respect to bridge and tunnel operations*
19 *shall not be construed to imply that other Port Authority property and opera-*
20 *tions are not of a governmental nature, or that they are subject to taxation, or*
21 *that the determinations of the Port Authority with respect thereto are not con-*
22 *clusive.*

23 *The powers vested in the Port Authority herein (including but not*
24 *limited to the powers to acquire real property by condemnation and to make*
25 *or effectuate additions, improvements, approaches and connections) shall be*
26 *continuing powers and no exercise thereof shall be deemed to exhaust them or*
27 *any of them.*

1 8. Pursuant to section 16 of the act supplemented hereby, as amended by
2 section 6 of this act, the State of New Jersey hereby provides and authorizes
3 that real property now or hereafter vested in or held by any county, city, bor-
4 ough, village, township or other municipality of this State may be taken by the
5 Port Authority by condemnation or the exercise of the right of eminent
6 domain, as provided in section 15 of the said act, as amended by section 5 of
7 this act, without the authority or consent of such county, city, borough, village,
8 township or other municipality if the Port Authority shall find it necessary or
9 convenient to acquire such real property for the construction, improvement,
10 maintenance or operation of the George Washington Bridge, provided the
11 Port Authority shall have received the prior written approval of the State
12 House Commission.

13 The State House Commission is hereby authorized and empowered, in its
14 discretion, to grant such approval if it shall determine that the public interest
15 of the people of the States of New Jersey and New York requires that the Port
16 Authority acquire such real property. The State House Commission shall not
17 grant such approval with regard to any such real property unless 90 days
18 shall have elapsed since the Port Authority shall have made a bona fide pro-

19 posal to such county, city, borough, village, township or other municipality to
20 acquire such real property by agreement and unless the Port Authority and
21 such county, city, borough, village, township or other municipality shall have
22 been unable to agree during said 90 days for the acquisition of such real prop-
23 erty by the Port Authority.

1 9. This act shall take effect upon enactment into law by the State of New
2 York of legislation having an identical effect with sections 1 to 7, inclusive, of
3 this act, but if the State of New York shall have already enacted such legis-
4 lation, this act shall take effect immediately.

STATEMENT

The facts disclosed by the joint study initiated by the Triborough Bridge and Tunnel Authority and the Port of New York Authority, in February of 1954, establish that it is imperative that a lower deck be added to the George Washington Bridge to provide 6 more traffic lanes. The original design of the bridge permits this addition.

This bill will confirm the power of the Port Authority to construct this urgently needed traffic improvement and to effectuate the necessary approaches, connections, highway extensions and highway improvements in connection therewith. Pursuant to this power, the Port Authority would be permitted to participate in the financing of an express highway across Bergen county proposed by the State Highway Department. The bill also permits the Port Authority to finance and construct, as part of the Manhattan approach improvements, a bus passenger facility.

The State of New York has already adopted legislation identical with this bill, at the 1955 session of its Legislature.