
CHAPTER 965

AN ACT to provide for an interstate compact with the state of New Jersey to create a metropolitan transit district for the north Jersey-New York metropolitan area, and prescribing the functions, powers and duties thereof

Became a law April 23, 1958, with the approval of the Governor. Passed, by a majority vote, three-fifths being present

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

Section 1. The state of New York hereby agrees with the state of New Jersey, upon the enactment by the state of New Jersey of legislation having the same effect as this section, to the following compact:

Metropolitan
transit
district
create
by
interstate
compact.

ARTICLE 1

LEGISLATIVE FINDINGS AND POLICY

1.1. Findings and purpose. The legislatures of the state of New York and the state of New Jersey, respectively, hereby acknowledge receipt of the report of the metropolitan rapid transit commission of the two states (New York laws of nineteen hundred fifty-four, chapter eight hundred one, and New Jersey laws of nineteen hundred fifty-four, chapter forty-four) and note its findings of fact and conclusions and recommendations. The respective legislatures hereby find and declare that:

Efficient mass movement of people to and from their places of work, business, education and recreation is essential to the commerce, effective government, civil defense and general welfare of all parts of the New York-New Jersey metropolitan area.

EXPLANATION — Matter in *italics* is new; matter in brackets [] is old law to be omitted.

Improvement in existing facilities by public action is necessary and desirable to preserve essential service and provide for the needs of an orderly future growth of land use and population distribution within that metropolitan area.

The transportation needs of the area demand the coordinated efforts of private and public capital, the preservation of essential bus and railroad transit service, and the fully efficient use of all available means of mass transportation. It is the purpose of the states to provide for the preservation of such essential facilities and the addition of new rail and other transit facilities as are urgently necessary for the health, safety and general welfare of the inhabitants of the region.

In view of the experience with rail rapid transit operations in all other comparable regions, the metropolitan rapid transit commission has reported that in its opinion a new agency could not provide and finance such facilities in this area solely on the credit of its fares and other revenues.

The problem of public mass transportation is essentially a joint problem of urban areas and their surrounding suburbs. Its solution in a manner most consistent with the principles of local self-government can and should be accomplished through a regional agency—a metropolitan transit district. Such an agency would employ the fiscal resources of the region for such public support as may be voted by local representatives, and within the limits of authorization by the legislatures of the two states.

It is further found and declared that in the event of a serious public emergency resulting from the abandonment or curtailment of any essential transit service, the new district could be called upon to aid in protecting the public interest.

1.2. The means to be employed. The legislatures of the states of New York and New Jersey, respectively, further find and declare that the public mass transportation requirements of the New York-New Jersey metropolitan area require concurrent action of the two states to create a metropolitan district; and that the governing body of the district be appointed by and be responsible to the respective elected governing bodies of the city of New York and the separate counties within the area. It should be delegated such powers and duties as are necessary and desirable to meet the foregoing needs.

ARTICLE 2

GENERAL PROVISIONS

2.1. Definitions. For the purposes of this compact, and of concurrent legislation enacted in furtherance thereof, unless and until the context plainly requires a different meaning:

(1) "County" shall mean any unit of government designated as a county within a state party to this compact and included within the territorial jurisdiction of the district established by this compact.

(2) "District" shall mean the metropolitan transit district of New York and New Jersey, established by and pursuant to this compact.

(3) "Governing body" shall mean the board of chosen freeholders of a county in New Jersey, the county board of supervisors of a county in New York, provided that the governing body of the county of New York (borough of Manhattan) shall be deemed to be the board of estimate of the city of New York (in the absence of specific provision to the contrary).

(4) "Council" shall mean the council established by and pursuant to this compact as part of the administrative organization of the district.

(5) "Population" shall mean the most recent enumeration, officially promulgated, of the decennial census of population conducted by the United States bureau of the census, or its successor.

(6) "Facility" shall mean any real property or personal property acquired, constructed or operated, or to be acquired, constructed or operated by or on behalf of the district for the purpose of providing suburban service.

(7) "Suburban service" shall mean public transportation service for the rapid transit movement of passengers and their baggage by rail or bus between points within the boundaries of the metropolitan district, including any and all incidental services necessary, useful or convenient for that purpose, or to integrate and coordinate such transportation service.

(8) "Concurrent legislation" shall mean a statute adopted by any of the states party to this compact which is concurred in by each of the other states party to this compact in the form of a like enactment.

2.2 Interpretation of the compact. The states of New York and New Jersey intend by this compact to exercise the powers reserved to the states under the constitution of the United States to facilitate inter-urban and suburban transportation of passengers and their baggage within the metropolitan district by main line railroad, rail and bus rapid transit facilities. This compact shall be liberally construed to effectuate these purposes.

ARTICLE 3

METROPOLITAN TRANSIT DISTRICT

3.1. District created. The inhabitants of the territory of the district described below are hereby incorporated as a body politic and corporate, with perpetual succession, as the municipal corporate agency and instrumentality of the respective counties within the district, for the better discharge of their respective functions, powers and duties with respect to public transit.

3.2. Name. The name of this public corporation shall be Metropolitan Transit District of New York and New Jersey.

3.3. Territorial jurisdiction. The boundaries of the district shall include all of the territory encompassed within the legal boundaries of the counties of Orange, Rockland and New York, in the state of New York, and of the counties of Bergen, Essex, Hudson, Mercer, Middlesex, Monmouth, Morris, Passaic, Somerset, and Union, in the state of New Jersey.

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3.4. Admission of additional state or counties. (a) The state of Connecticut may become a party to this compact by the adoption of concurrent legislation, concurred in by that state in the form of a statute having the same effect as such concurrent legislation. Additional counties may be added to the territory included within the district, before or after such action joining the state of Connecticut as a party, by the adoption of concurrent legislation providing for the enlargement of the boundaries of the district to include such counties.

(b) Concurrent legislation joining the state of Connecticut to the compact, or providing for the addition of any county to the district, shall provide for and consent to the terms upon which the district shall be enlarged, and may include provision for, additions to or modifications of the basis of representation upon the council, the voting powers of council members, the appointment, tenure and removal of representatives of any county, and the powers and duties of the district including any conditions or limitations upon the exercise thereof. Any such legislation joining the state of Connecticut as a party to this compact or providing for the admission of additional counties of any of the states party hereto which is otherwise authorized by this section shall be deemed to supersede any other provision of this compact which may be inconsistent with this section.

3.5. Administrative organization. The district shall be governed by a council appointed by the constituent governing bodies, a board of directors appointed by the council, an executive director and other officers and employees as may be appointed by the board of directors within the limits of available appropriations authorized by the council.

3.6. Council; appointment. The governing body of the district shall be a council comprised of thirty-two representatives, each of whom shall serve for a term of five years and until the appointment and qualification of his successor. The governing body of each county in the metropolitan district shall appoint one representative to the council for each five hundred thousand of its population (or fraction thereof), provided that the first council shall consist of thirty-two representatives apportioned among and appointed by the respective governing bodies as follows:

The county of New York.....	Fourteen.
The county of Orange.....	One.
The county of Rockland.....	One.
The county of Bergen.....	Two.
The county of Essex.....	Two.
The county of Hudson.....	Two.
The county of Mercer.....	One.
The county of Middlesex.....	Two.
The county of Monmouth.....	Two.
The county of Morris.....	One.
The county of Passaic.....	One.
The county of Somerset.....	One.
The county of Union.....	Two.

3.7. Effect of census of nineteen hundred sixty. The number of representatives to be appointed to the council from each county shall not be affected by the promulgation of the population enumeration for the federal census of nineteen hundred sixty.

3.8. Council members; term and compensation. Each of the members of the council shall serve for a term of five years and until the appointment and qualification of his successor. Vacancies in the office of member of the council occurring prior to the expiration of the term shall be filled in the same manner as an original appointment for the unexpired term only. Members of the council shall serve without compensation.

3.9. Council; powers and duties. (a) The council shall, by resolution, provide for the organization and conduct of its business, and for the selection of a chairman and other officers from among its members. It shall also provide for the appointment of six directors who, together with the chairman, shall constitute the board of directors of the district; provided that so long as there are two states party to the compact, three of the directors shall be designated by the representatives of each of the states; and if Connecticut should become a party to the compact, the concurrent legislation adopted to that end shall provide for the number of directors to be designated by the representatives from each state.

(b) The council shall meet at least annually in regular session and may meet at other times in special session. At its regular annual meeting, the council shall adopt the budget of the district for the ensuing calendar year.

3.10. Board of directors. The board of directors, constituted and appointed as provided by the compact, shall:

(a) Provide for the internal organization and administration of the work of the district;

(b) Exercise and discharge such functions, powers and duties of the district as are not delegated to the council;

(c) Appoint an executive director, and other officers and employees, to whom it may delegate such of its functions, powers and duties as it may deem desirable;

(d) Let and execute contracts to carry out the powers of the district, within the limits of the district budget;

(e) Fix the term and compensation of the officers and employees of the district, within the limits of its annual budget; and have such other functions, powers and duties as are provided by this compact, or by concurrent legislation.

3.11. Advisory board. The board of directors may constitute and appoint one or more advisory boards, comprised of representatives of the transportation industry, citizens or citizen organizations, and municipalities, within the district. Such boards shall be appointed in such manner and shall have such functions, powers and duties of an advisory nature as the board of directors may provide.

3.12. Powers and duties of the district; general plan. (a) The board of directors, with approval of the council, shall adopt, and

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may from time to time amend and supplement, a general plan in accordance with the provisions of section 3.13 of this compact.

(b) When and as authorized by concurrent legislation, the district may :

1. acquire, construct and operate facilities for suburban service including, without limitation thereto, a bi-state loop system of rail transportation with connections or transfers to and from railroads and buses providing suburban service and the New York city subway system ;

2. acquire by purchase, grant, lease or otherwise, and operate or contract for the operation of such other and different facilities for suburban service as may be included in a general plan.

(c) The district shall not exercise any of the powers delegated by subsection (b) of this section unless and until the legislatures by concurrent legislation shall approve or adopt a general plan or part thereof for the improvement of suburban service.

(d) Upon the adoption of such a general plan or part thereof, or any amendments or supplements thereof, the legislatures may delegate such additional powers and duties to the district as may be necessary or desirable to effectuate this compact and the general plan.

(e) In the event of a public emergency caused by the actual or imminent suspension of one or more essential facilities for suburban service, as found and declared by the governors of the states party to this compact, the district shall, upon such declaration and upon direction of the governors, prepare and submit to the governors, legislatures and county governing bodies an emergency plan to maintain such suburban service. An emergency plan shall be in such form and relate to such matters as the governors may direct. Such an emergency plan or any part thereof shall take effect in accordance with its terms when adopted by concurrent legislation.

3.13. General plan. A general plan shall set forth such projects as the district may propose, to supplement, preserve, coordinate and improve suburban service within the metropolitan district, including the method or methods of financing thereof. In the preparation of such a plan, the council, board of directors and officers of the district shall consider the report, recommendations and supporting documents of the metropolitan rapid transit commission, the studies and recommendations of state, regional, county and municipal planning agencies, and the plans and projections of other public bodies and privately owned carriers related to the means of public mass transportation within the district. The district shall transmit its general plan and any amendments or supplements thereof to the governors and legislatures, respectively, of the states affected. Upon the approval, by concurrent legislation, of such a general plan or any part thereof, or upon the approval of any amendments or supplements thereof, the district shall have authority to finance, construct, acquire, operate, maintain, develop and effectuate such projects and only such projects as are included in such general plan, or part thereof, or in such amendments or supplements, so approved.

3.14. Powers and duties; additional powers. The district may:

(a) Survey and study the origin and destination of passenger travel within the metropolitan district by all of the various means of transportation, and the capacity, adaptability and best utility of each of such means of transportation;

(b) Provide for, acquire and adopt detailed engineering, administrative, financial, and operating plans and specifications to effectuate any part of the general plan;

(c) Negotiate and enter into contracts for the effectuation of the general plan (or any part, amendment or supplement thereof) with railroads and other common carriers rendering suburban service, and with the city of New York, or its transit authority, relating to the leasing of lines, trackage rights, equipment rentals and use, stations and appurtenances, necessary or useful for rendering suburban service; and, as incidental thereto, for the sharing of fares, and for the operation of trains, signal systems, buses, parking lots, yards, shops, equipment or services.

3.15. Powers and duties; auxiliary powers. The district, in furtherance and aid of the powers otherwise conferred by this compact, may:

(a) Adopt a corporate seal, and adopt, amend and repeal corporate by-laws regulating the administration of its business;

(b) Sue and be sued;

(c) Contract and be contracted with;

(d) Hold, buy, sell, mortgage and lease real and personal property, and grant leases, licenses and concessions for the use of its property;

(e) Appoint and remove officers and employees, and provide for their tenure, compensation, insurance and retirement;

(f) Negotiate with any duly constituted agency of the government of the United States for such loans, grants, or other financial aids, as may be lawfully available to finance or assist in financing the cost of any authorized project or the cost of preparing detailed plans and specifications therefor, and to receive and accept such federal aid upon such terms and conditions, and subject to such provision for repayment, as may be required by federal law or as the board of directors may deem necessary or desirable;

(g) Receive and accept such advances and appropriations toward its capital and operating expenses as may be authorized by concurrent legislation;

(h) Exercise such additional powers as may be delegated to it by concurrent legislation.

3.16. Reports. The district shall make and publish an annual report to its constituent* governing bodies and to the governor and legislature of each of the states party to this compact, of its programs, operations and finances. It may also prepare, publish and distribute such other public reports and informational materials as it may deem necessary or desirable.

* So in original. [Word misspelled.]

ARTICLE 4

FINANCES AND MISCELLANEOUS

4.1. Power to borrow. The district shall have only such power to borrow money and issue its negotiable bonds and notes as may hereafter be delegated to it by concurrent legislation.

4.2. State and municipal credit excluded. The district shall have no power to pledge the credit of either or any state party to this compact or to impose any obligation upon a state, directly or indirectly, or to pledge the credit or impose any obligation upon any county or municipality, unless and until such power should be expressly granted by concurrent legislation, or by the consent and agreement of any county or municipality.

4.3. Advances by the states. Each of the states further covenants and agrees to appropriate the sum of one hundred fifty thousand dollars annually for the payment of the current operating expenses of the district during each of the first five years after this compact is approved by the congress of the United States.

4.4. Powers of counties. Each of the counties is delegated by its respective state full power to participate in the government of the district, and the transit authority of the city of New York is empowered to negotiate and execute contracts with the district, in accordance with the provisions of this compact and any concurrent legislation enacted hereunder.

4.5. Quorum. A quorum of the council shall consist of a majority of those members who have been appointed and qualified within thirty days after the congress of the United States consents to this compact. Following that event the governors of the two states shall convene the first meeting of the council at a time and place which is mutually agreeable to them. The council shall at its first meeting organize for the conduct of its business, and adopt by-laws which it may from time to time, amend, revise and repeal.

4.6. Withdrawal. Either state may by appropriate enactment under its constitution withdraw from this compact in the event that a general plan shall not have been approved by both states within two years after the convening of the first meeting of the council as provided in section 4.5 hereof. Such withdrawal shall be certified to the governor of the other state by the governor of the withdrawing state, and upon the making of such certification this compact shall thereupon be abrogated.

4.7. Amendments. Amendments and supplements to this compact to implement the purposes thereof may be adopted by concurrent legislation.

4.8. Severability of act. If any part or provision of this compact or the application thereof to any person or circumstances be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this compact or the application thereof to other persons or circumstances and the states hereby

declare that they would have entered into this compact or the remainder thereof had the invalidity of such provision or application thereof been apparent.

4.9. Short title. This compact shall be known and may be cited as the New York-New Jersey metropolitan transit district compact.

§ 2. This act shall take effect upon the enactment by the state of New Jersey of legislation having an identical effect with this act; and if that state has already enacted such legislation, this act shall take effect immediately.