

Public Law 86-301

JOINT RESOLUTION

September 21, 1959
[H. J. Res. 80]

Providing for the erection of a memorial tablet at Garden Key, Florida, in honor of Doctor Samuel Alexander Mudd.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in recognition of the unselfish services rendered to fellow prisoners by Doctor Samuel Alexander Mudd while he was imprisoned, the Secretary of the Interior is authorized and directed to erect a memorial tablet of appropriate design on the site of the ruins of Fort Jefferson, Garden Key, Florida, to the memory of Doctor Samuel Alexander Mudd.

Approved September 21, 1959.

Public Law 86-302

JOINT RESOLUTION

September 21, 1959
[H. J. Res. 403]

Granting consent of Congress to a compact entered into between the State of New York and the State of New Jersey for the creation of the New York-New Jersey Transportation Agency.

Whereas the State of New York and the State of New Jersey have entered into a certain compact known as the New York-New Jersey Transportation Agency Compact, by means of concurrent legislation to that end, being chapter 420 of the Laws of New York of 1959, and chapter 13 of the Laws of New Jersey of 1959 as amended by chapter 24 of the Laws of New Jersey of 1959, for the development and execution of interim plans and the preparation of a long-range plan to deal with problems of mass transit systems for the transportation by common carrier of passengers to or across the Hudson River, or both, with respect to those phases with which either of the States, acting alone, cannot deal effectively: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress, subject to the provisions and conditions of section 2 of this joint resolution, is hereby given to the States of New York and New Jersey for the New York-New Jersey Transportation Agency Compact, and to each and every part and article thereof: Provided, That nothing contained in said compact shall be construed as impairing or in any manner affecting any right or jurisdiction of the United States in and over the region which forms the subject of the compact or the power of Congress, pursuant to the United States Constitution, over interstate or foreign commerce. Such compact reads as follows:

New York-New
Jersey Transporta-
tion Agency Com-
pact.

“NEW YORK-NEW JERSEY TRANSPORTATION AGENCY
COMPACT

“ARTICLE 1

“LEGISLATIVE DECLARATION

“1.1 Findings and policy. The legislatures of the State of New York and the State of New Jersey, respectively, hereby find and declare that:

“(a) Provision for efficient and proper transportation of commuters and other persons by public mass transit methods within and

between the states of New York and New Jersey is essential to the commerce, defense, and general welfare of the two states, and is in the public interest.

“(b) Recent trends toward decay of existing mass transit systems, particularly in respect to those carrying passengers to or across the Hudson river or both, have created a condition of impending emergency requiring prompt action for the establishment on an interim basis of an operating system or systems designed to make the most effective use of existing facilities and services with the least financial hardship upon the operators thereof consistent with public needs.

“(c) The present and future transit needs of the two states call for prompt development of an interim plan for the coordinated and integrated use of existing transit facilities and services, as well as for preparation of a long-range plan for a more permanent resolution of these problems. Present uncertainties as to the nature and extent of any acceptable and feasible long-range plan, as well as to the capital and operating costs of such a plan, require that such questions be inquired into upon the basis of experience accumulated in the operation of an interim plan.

“(d) It is therefore the policy of the two states to provide a method for the common handling and disposition by a single agency of the two states of those phases of the development and execution of an interim plan and the preparation of a long-range plan with which either of the states, acting alone, cannot deal effectively.

“(e) The development and execution of an interim plan, as well as the preparation of a general plan, can and should be accomplished by a bi-state agency, to serve as an agency of the states and to have the full assistance and cooperation by all persons and agencies, private and public, of either or both of the states within the proper limits of its own functions and duties.

“1.2. Means to be employed. The legislatures of the states of New York and New Jersey, respectively, further find and declare that the common aspects of the transportation requirements of the two states require concurrent action of the two states to create a bi-state agency, vesting with such power and duties as are necessary and proper for its initial functions, and providing for such additional powers and duties on its part as subsequent concurrent legislation may provide.

“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:

“(a) ‘Transportation agency’ means the New York-New Jersey transportation agency established by and pursuant to this compact.

“(b) ‘Concurrent legislation’ means a statute adopted by one of the states party to this compact which is concurred in by the other state party to this compact in the form of a like enactment.

“(c) ‘Facility’ or ‘transit facility’ means any real or personal property, including equipment, and any interest therein, to be used, constructed, acquired, or otherwise provided in connection with the providing of transit services.

“(d) ‘Transit’, ‘transit service’, ‘mass transit service’ or any like term means those activities in the two states that are directed primarily to the transportation of commuters interstate by common carriers and secondarily to such transportation of commuters intrastate and of all other persons interstate and intrastate.

"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 with regard to transit services by whatever facilities or combination thereof are found necessary and proper. This compact shall be liberally construed to effectuate such intention. Nothing contained herein shall be deemed in any way to limit or restrict the power of either state by law or otherwise to deal independently within its own boundaries as to any matter within the scope of this compact so long as any action taken is not in conflict with any plan approved by concurrent legislation.

"ARTICLE 3

"NEW YORK-NEW JERSEY TRANSPORTATION AGENCY

"3.1. Transportation agency created. There is hereby created an agency, which shall be an interstate body, both corporate and politic, to serve as a public agency of the states of New York and New Jersey in dealing with matters affecting public mass transit within and between the two states.

"3.2. Name. The name of this public corporation shall be New York-New Jersey transportation agency, or such other name as may hereafter be provided by concurrent legislation.

"3.3. Territorial jurisdiction. The territory as to which the transportation agency shall function shall be the territory encompassed within the legal boundaries of 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, and particularly those portions of such territory from or to which a substantial number of persons commute regularly between the states of New York and New Jersey from and to their homes and places of business. The territorial jurisdiction of the transportation agency may be enlarged or reduced by concurrent legislation hereafter enacted.

"3.4. Administrative organization. (a) The transportation agency shall be composed of two members, one of whom shall be designated by the governor of each of the states with the advice and consent of the senate of such state unless otherwise provided by the law of the state for which such member is designated. Each member of the transportation agency shall be a person who is an official of the State for which he is designated and whose official duties within the state include the duty of dealing with transportation problems. Each member shall hold office at the pleasure of the governor of the state for which he is designated.

"(b) The transportation agency's functions shall be performed and carried out by said members and by such employees as may be appointed by said members, subject to their direction and control. All such employees shall hold office at the pleasure of said members, who shall fix their compensation and other terms of their employment.

"(c) The transportation agency shall act by resolution concurred in and adopted by both said members. The vote of a member shall be subject to the veto of the governor of the state for which he is designated, to be exercised within ten days after receipt by said governor of a certified copy of such resolution, Saturdays, Sundays and legal holidays in such state excepted.

“(d) The members of the transportation agency shall receive no compensation for their services pursuant to this act, but they shall be entitled to be paid the expenses actually and necessarily incurred by them in the performance of their duties.

“3.5. Powers and duties of the transportation agency; interim plan.

(a) The transportation agency shall promptly undertake a study of the conditions relating to transit services, and shall enter into negotiations and agreements with railroads, bus companies, and other common carriers rendering such services, as well as with municipalities, counties, and any public authority or agency of either or both of the states, for the purpose of preparing as rapidly as possible the exact terms of an interim plan or plans for the preservation, coordination consolidation, integration and improvement of essential transit facilities and services, so that there may be established transit services which will make the best possible use of existing transit facilities and services, and of such additional transit facilities and services as may be proposed as the result of such negotiations and agreements, consistent with the greatest possible reduction in financial deficit or deficits arising therefrom, if any, on the part of the contracting operators thereof. All such negotiations shall be directed to the execution of operating and facility agreements which shall contain provisions rendering the same binding upon the parties thereto on condition that all related agreements therein specified shall be entered into and that all of such agreements be approved by concurrent legislation.

“(b) Upon the basis of such negotiations and agreements, the transportation agency shall prepare for submission to the governors and legislatures of the two states an interim plan or plans for the most efficient use of existing transit facilities and services, and of such additional transit facilities and services as may be provided in such agreements, all by the present operators thereof whenever possible, for the approval thereof by concurrent legislation. In the preparation of any such interim plan, the transportation agency shall have the assistance and cooperation of any governmental agency or agencies of either or both of the states which may have information, data, personnel, or experience of value to the transportation agency for the better performance of its duties. All such agencies are directed to extend full assistance and cooperation to the transportation agency in furtherance thereof. Any such interim plan so submitted shall have annexed to it copies of all of the conditional agreements so negotiated, and may provide for such modifications thereto in the event of approval as may be permitted by concurrent legislation.

“(c) When and as any such interim plan shall be approved and authorized by concurrent legislation, the transportation agency and all other persons party to said agreements shall thereupon be bound thereto according to the terms thereof, and all parties shall thereupon proceed to perform the same.

“(d) Any such interim plan shall also set forth any provisions considered necessary by way of amendment of or supplement to this compact in order to effectuate such plan, so that concurrent legislation for that purpose may be adopted. Any such concurrent legislation shall be sufficient to accomplish such amendment or supplement.

“(e) All of the terms and conditions of any interim plan or plans so approved by concurrent legislation, and any amendments thereof or supplements thereto similarly approved, as well as the agreements annexed thereto, shall, in accordance with such concurrent legislation, take effect according to their terms and shall not be subject to the provisions of any law of either of the states in so far as the same might otherwise require submission to and approval by any governmental agency or agencies having jurisdiction thereof pursuant to such law.

"3.6. Powers and duties of transportation agency; long-range plan.

(a) The transportation agency shall have all the powers of negotiation and conditional agreement herein provided as to interim plans, for the purpose of preparing a long-range plan for submission to the governors and legislatures of the states of New York and New Jersey, for approval by concurrent legislation, and for any amendments of or supplements to any such long-range plan.

"(b) Such long-range plan shall be designed to provide a more permanent arrangement or series of arrangements for the preservation, coordination, consolidation, integration, and improvement of transit facilities and services, whether now in existence or to be provided under the terms of any interim or long-range plan.

"(c) Such long-range plan shall also provide for methods of financing its implementation, to the extent necessary; and, in case of doubt as to which of several available methods should be adopted, the plan shall set forth the alternatives in detail, so that the method or methods to be employed may be determined by concurrent legislation; but it shall not be necessary for the same method to be employed within both of the states. No such plan shall provide for financing by means of any tax on real and personal property.

"(d) Such long-range plan shall also contain such proposals for the modification, amendment, or supplement of this compact as may be necessary to implement said plan properly.

"(e) Such long-range plan shall also contain suitable provisions with respect to the providing and operating of transit facilities or services for the evacuation or transfer of persons within or through the two states by way of implementation of a civil defense operational survival plan, to the extent deemed necessary and feasible.

"(f) Upon the approval of such long-range plan by concurrent legislation, such plan shall thereupon have full force and effect according to its terms as so approved, and all persons and agencies who are called upon to act in performance thereof shall thereupon be authorized and empowered to carry out the terms thereof and to have all of the powers, rights, and duties provided for therein or in the concurrent legislation.

"3.7. Powers and duties of transportation agency; general. (a) The transportation agency shall have power to adopt a corporate seal, to sue and be sued, and to enter into contracts.

"(b) The transportation agency shall have power to receive and accept grants or loans of property, money, and services offered or made available to it by any person, government, or agency whatever, which it may use to meet capital or operating expenses and for any other use within the scope of its functions, and to negotiate for the same upon such terms as may be necessary or advisable; provided, however, that no loan shall be accepted unless a plan providing for the method of its repayment shall have been approved by concurrent legislation.

"(c) The transportation agency shall have power to hire, lease, acquire, and dispose of property to the extent necessary to carry out its functions and duties as the same may be constituted from time to time.

"(d) The transportation agency shall have power to survey and study the origin and destination of passenger travel in the two states by all means of transportation, and the capacity, adaptability, and best utility of each of such means of transportation, making use of all studies, surveys, plans, and other material now or hereafter made by any other person or agency; and to provide for, acquire, and accept detailed operating, engineering, administrative, and financial plans and specifications for the development or implementation of any interim or long-range plan.

“(e) The transportation agency shall have power to conduct investigations and hearings in the furtherance of its general purposes, and in aid thereof to have access to any books, records, or papers relevant thereto; and if any person whose testimony shall be required for the proper performance of the duties of such agency shall fail or refuse to aid or assist such agency in the conduct of any investigation or hearing, or to produce any relevant books, records, or other papers, such agency shall be authorized to apply for process of subpoena, to issue out of any court of general original jurisdiction whose process can reach such person, upon due cause shown.

“(f) The transportation agency shall have power to negotiate and enter into agreements within the scope of its functions with any person or persons, including but not limited to any railroad or other common carrier engaged or willing to engage in transit services, or owning or possessing transit facilities, the port of New York authority, any city or county, and the New York city transit authority, whether for the providing or use of facilities, the leasing of lines, the conducting of transit operations, the issuance of tickets, the providing, maintenance and use of stations, the providing of shops and repair facilities and the making of repairs, the fixing of commuter fares and the sharing thereof, or the providing, maintaining and operating of trains, busses, signal systems, parking lots or any other facilities, services, or other relationships necessary to the providing of an adequate system or systems of transit services.

“(g) The transportation agency shall have power to expend, or to authorize the expenditure of, funds appropriated to it, but the same shall at all times be within the terms of an annual budget to be adopted in advance for each fiscal period, and which may be amended or modified from time to time. Each state reserves the right to provide by law for the furnishing by the transportation agency of such supporting detail in connection with the preparation or adoption of such budget, as well as to provide for the furnishing by such agency of such audit or audits as such state may consider proper from time to time.

“(h) The transportation agency shall have power to make such application to the government of the United States or any branch, department or agency thereof, as may be necessary or advisable to render feasible the achievement of any plan negotiated or prepared by it.

“(i) The transportation agency shall have such additional powers and duties as may be provided by concurrent legislation hereafter adopted.

“(j) The transportation agency shall have such additional powers, incidental to the express powers granted to it, as may be necessary or proper for the effective performance of its duties and the achievement of its objects.

“3.8. Reports. The transportation agency shall make such periodic reports to the governors and legislatures of the two states with respect to its programs, operations, finances and other subjects, at such times as may be required by law of the states respectively from time to time; and in the absence of any such law, shall report at least annually. Such agency may also prepare, publish and distribute such other reports as it may deem necessary or proper. The states respectively reserve the right to require by law the disclosure and furnishing of any information and data and to such person or persons as such laws may provide from time to time.

"ARTICLE 4

"FINANCES AND MISCELLANEOUS

"4.1. Power to borrow. The transportation agency 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 transportation agency shall have no power to pledge the credit of either state party to this compact or to impose any obligation upon either state, directly or indirectly, or to pledge the credit or impose any obligation upon any county or municipality, unless and until such power shall be expressly granted by concurrent legislation and, where any county or municipality is involved, with its consent and agreement.

"4.3. Advances by the states. Each of the states further covenants and agrees to appropriate the sum of twenty-five thousand dollars for the payment of the current operating expenses of the transportation agency for the period beginning with the date on which this compact is approved by the congress and ending on June thirtieth, nineteen hundred sixty; but each state reserves the right to provide by law from time to time for budgetary and audit controls on the expenditure of such appropriations, and of any other funds coming into the hands of the transportation agency.

"4.4. Powers of others. Each and every person, corporation or other entity, county, municipal body, and agency of government of either or both of the two states is empowered to negotiate, enter into agreements with the transportation agency, and perform the same in accordance with the provisions of this compact, of any plan approved hereunder, and of any concurrent legislation enacted hereunder.

"4.5. The existence of the metropolitan rapid transit commission created by chapter forty-four of the laws of nineteen hundred fifty-four of the state of New Jersey and by chapter eight hundred one of the laws of nineteen hundred fifty-four of the state of New York is hereby terminated except for the purpose of winding-up, which shall be completed as expeditiously as possible. All books, records, reports, studies, maps, plans, correspondence, files, and papers of whatever kind whatsoever in the hands of said commission shall be turned over to the transportation agency and any property remaining in the hands of said commission shall be offered to the transportation agency and if not accepted by said agency shall be transferred to the two states.

"4.6. Duration. The transportation agency shall continue in existence until June thirtieth, nineteen hundred sixty-one, but the duration of its existence may be continued for such term or terms thereafter as concurrent legislation may provide.

"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 act 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."

SEC. 2. The consent of Congress granted pursuant to this joint resolution is subject to the following conditions or requirements:

(a) The right to alter, amend, or repeal this joint resolution is hereby expressly reserved.

(b) Any long-range plan, when adopted by concurrent legislation of the compacting states, shall be submitted to Congress for its consent before such long-range plan becomes effective.

(c) Any concurrent legislation enacted by the compacting states amending or supplementing this compact shall be submitted to Congress for its consent before such legislation becomes effective, except that this subsection shall not apply to article 4.6 of this compact.

(d) The New York-New Jersey Transportation Agency Compact shall submit to Congress the same periodic reports it is required to make to the governors and legislatures of the compacting states, pursuant to and under the same conditions of section 3.8 of the compact.

(e) The right is hereby reserved to the Congress to require the disclosure and furnishing of such information or data as is deemed appropriate by the Congress. Congress shall have access to all books, records or papers of the New York-New Jersey Transportation Agency as well as the right of inspection of any facility being used or under the control of said Agency.

(f) Nothing contained in this joint resolution or the Compact set out herein shall be construed as impairing or in any manner affecting any right or jurisdiction of any department, agency, bureau or other office of the United States Government having regulatory or administrative powers over or concerning interstate or foreign commerce.

Approved September 21, 1959.

Public Law 86-303

JOINT RESOLUTION

Approving certain additional powers conferred upon the Bi-State Development Agency by the States of Missouri and Illinois.

Whereas the Congress in consenting to the compact between Missouri and Illinois creating the Bi-State Development Agency and the Bi-State Metropolitan District in Public Law 743, Eighty-first Congress, approved August 31, 1950, provided that no power or powers shall be exercised by the Bi-State Agency under that certain portion of article III of such compact which reads:

"8. To exercise such additional powers as shall be conferred on it by the legislature of either state concurred in by the legislature of the other or by Act of Congress."

unless and until such power or powers shall have been conferred upon the Bi-State Agency by the legislature of one of the States to the compact and concurred in by the legislature of the other and shall have been approved by an Act of Congress; and

Whereas such States have now enacted certain legislation in order to confer certain additional powers on such Bi-State Development Agency: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby approves the additional powers conferred on the Bi-State Development Agency by senate bill numbered 364, Laws of Illinois 1953; senate bill numbered 97, Laws of Illinois 1959; senate bill numbered 11, Laws of Missouri 1957, second extra session; and senate bill numbered 25, Laws of Missouri 1959.

Reports to Congress.

September 21, 1959
[H. J. Res. 465]

64 Stat. 568.

Bi-State Development Agency,
Mo.-Ill.
Additional powers.