

STATE OF NEW JERSEY

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REPORT

by the

Honorable Frederick H. Hauser
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to the New Jersey General Assembly Pursuant to Assembly Resolution of
May 18, 1953, Which Established a Four-Member Bipartisan Commission to
Investigate the Circumstances Surrounding, and Matters Relating to, the
Construction of a Third Tube for the Lincoln Tunnel.

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Submitted to the General Assembly

December 10, 1953

Trenton, New Jersey

Report by the Honorable Frederick H. Hauser to the New Jersey General Assembly
Pursuant to Assembly Resolution of May 18, 1953, Which Established a Four-Member
Bipartisan Commission to Investigate the Circumstances Surrounding and Matters
Relating to the Construction of a Third Tube for the Lincoln Tunnel

Hoboken, New Jersey
December 10, 1953

On May 18, 1953, Mr. Musto of Hudson introduced a resolution appointing a four member commission "to investigate and inquire into the facts and circumstances surrounding the construction of a third tube for the Lincoln Tunnel by the Port of New York Authority and all related matters thereto, and particularly in reference to the western terminus thereof, and report to the present session of the Legislature." This resolution passed the Assembly May 18, 1953 and Speaker Simmill appointed: Assemblyman Smith (R. of Passaic) as Chairman and Assemblymen Bowser (R. Essex), Vervaet (R. Bergen) and Hauser (D. Hudson).

The Committee held two hearings, the first at Fort Lee on June 13, 1953 and the second at Weehawken on June 26, 1953. On both occasions the full membership of the commission were present and representatives of the Township of Weehawken and the Port Authority were heard at length, briefs were submitted and the viewpoints of interested citizens heard.

The Committee has had no further meetings and no report has been prepared. Noting that the year 1953 is about to end and a new Legislature is to meet January 12, 1954, the undersigned, a member of the Commission, wishes to submit the following "report" as an individual:

1. The Port Authority, in May 1953, without express authority from the States of New Jersey and New York, as provided in Chapter 4, Laws of 1931 proceeded with plans for the construction of an additional tunnel (so called "third tube"), and to that end entered into a contract with the Walsh Construction Company and others for the purpose of constructing a new ventilation building for said additional tunnel. The proposed new "tube" will cost \$90,000,000. The power to construct the "Lincoln Tunnel" was exhausted in February 1945 when the "second tube" thereof was completed.
2. The Port Authority is unlawfully proceeding with the work of constructing the third tunnel without the consent of Weehawken for the use or taking of municipally owned property and without the approval of the plans by said Township.
3. The referred to construction will increase traffic burdens and cause economic expense and loss to the Township of Weehawken and its residents and taxpayers plus loss of more ratables.
4. The Charter and Statutory rights of the Township of Weehawken have been violated and its Home Rule protection stripped from it. Even the Courts have held that the Port Authority is not subject to the municipal building and blasting ordinances. The action of the Port Authority has been arbitrary and capricious.

RECOMMENDATIONS

1. That the Legislature act to protect the various municipalities and subdivisions of the State from violation of the charter and Home Rule acts and benefits previously bestowed on municipalities by the Legislature and also therein afford relief by Statute from judicial decisions contrary to legislative intent in the Home Rule and Charter Acts.
2. That the Legislature Act to prevent further arbitrary assumption of power and legislative authority by the Port of New York Authority or any other specially created "Authority".
3. That legislation be enacted to require the Port Authority to pay a certain percentage of the tolls collected in Weehawken to the township yearly and likewise to the towns where similar facilities are located in lieu of taxes and loss of ratables.