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PUBLIC HEARING

before

SENATE COMMITTEE ON STATE, COUNTY AND  
MUNICIPAL GOVERNMENT

ON

SENATE BILL NO. 222 creating the Tri-State  
Transportation Commission and prescribing  
its functions, powers and duties.

Held:  
April 22, 1964  
Assembly Chamber  
State House  
Trenton, New Jersey

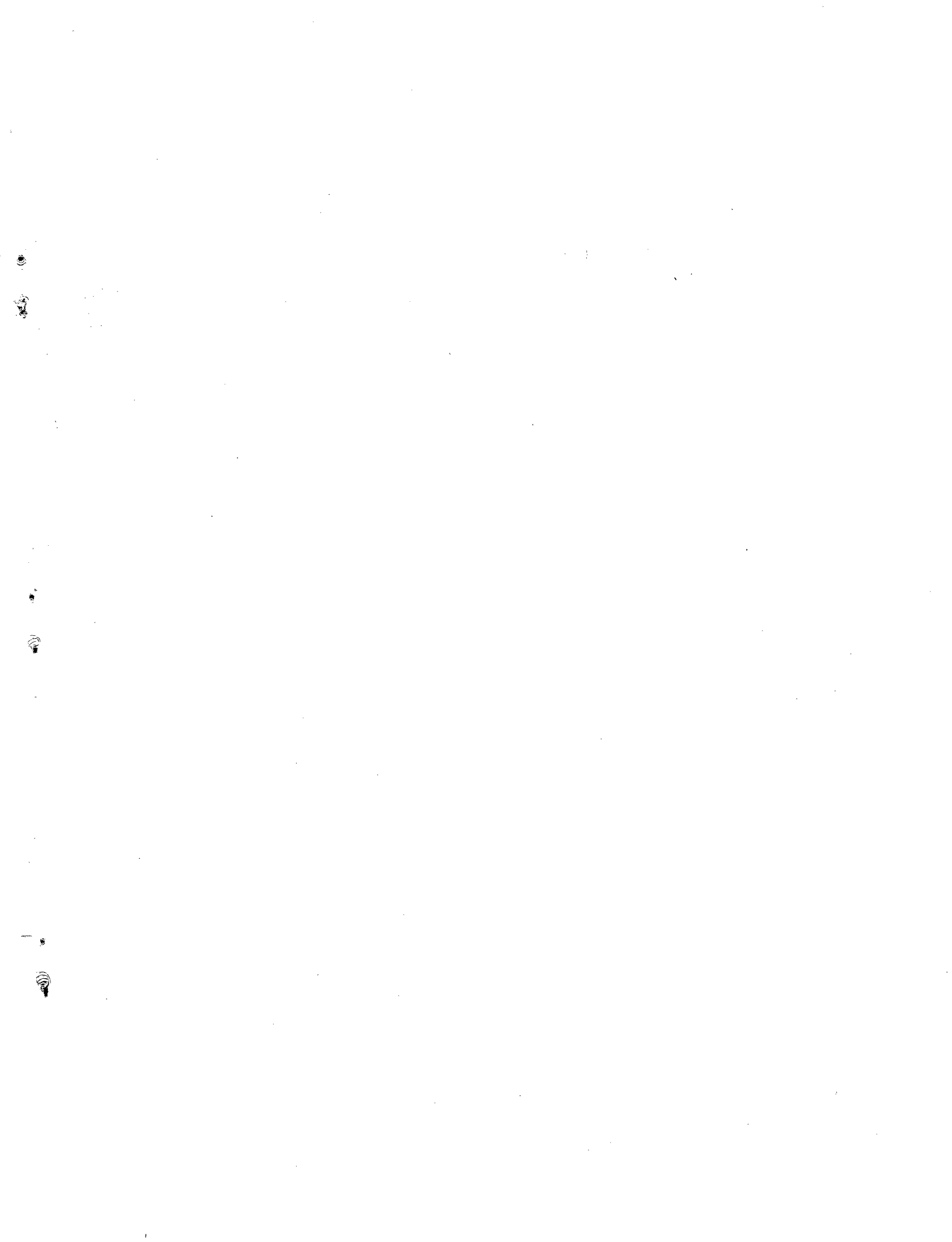
MEMBERS OF COMMITTEE PRESENT:

- Senator Nelson F. Stamler (Chairman)
- Senator Pierce H. Deamer, Jr.

Also:

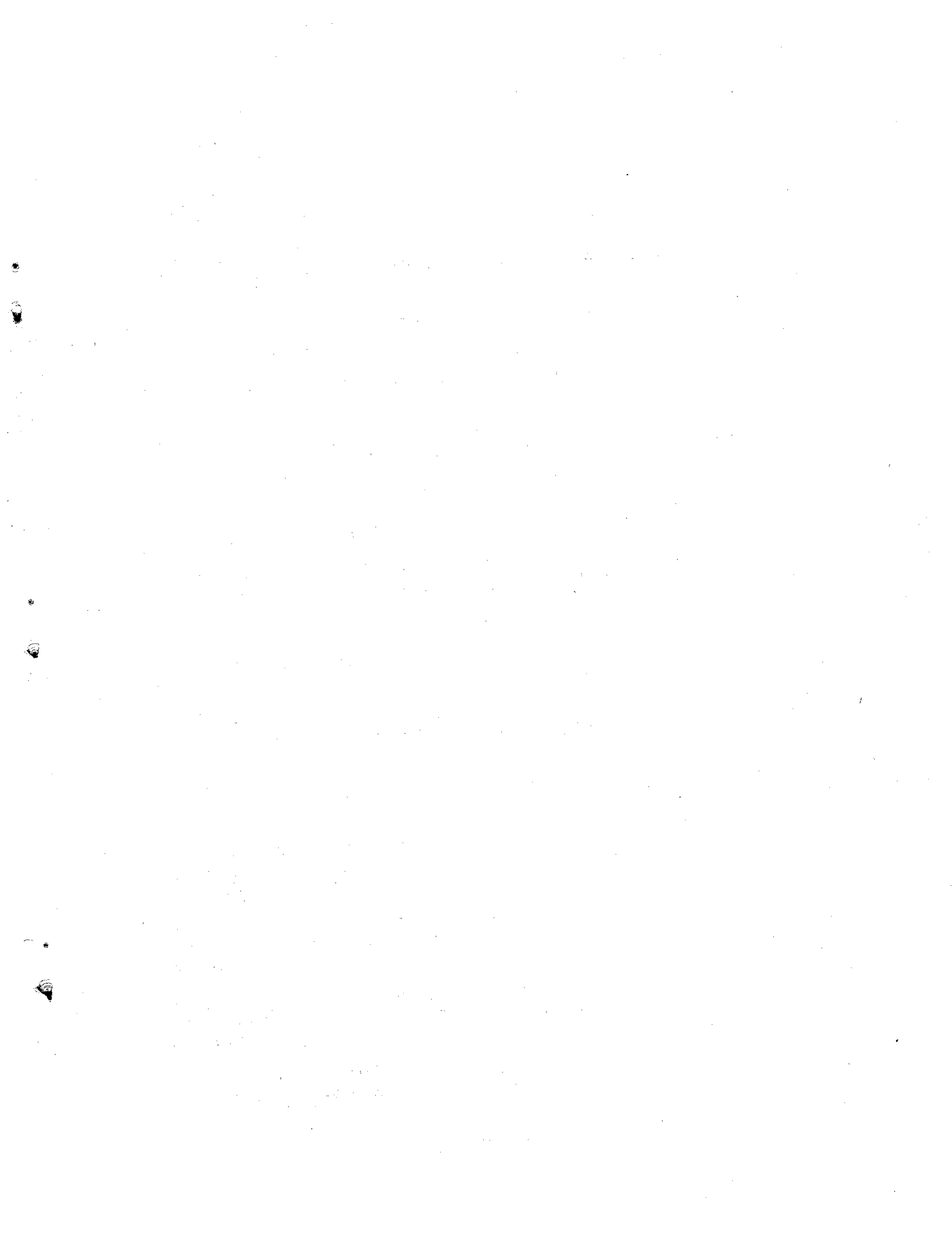
Senator Edwin B. Forsythe

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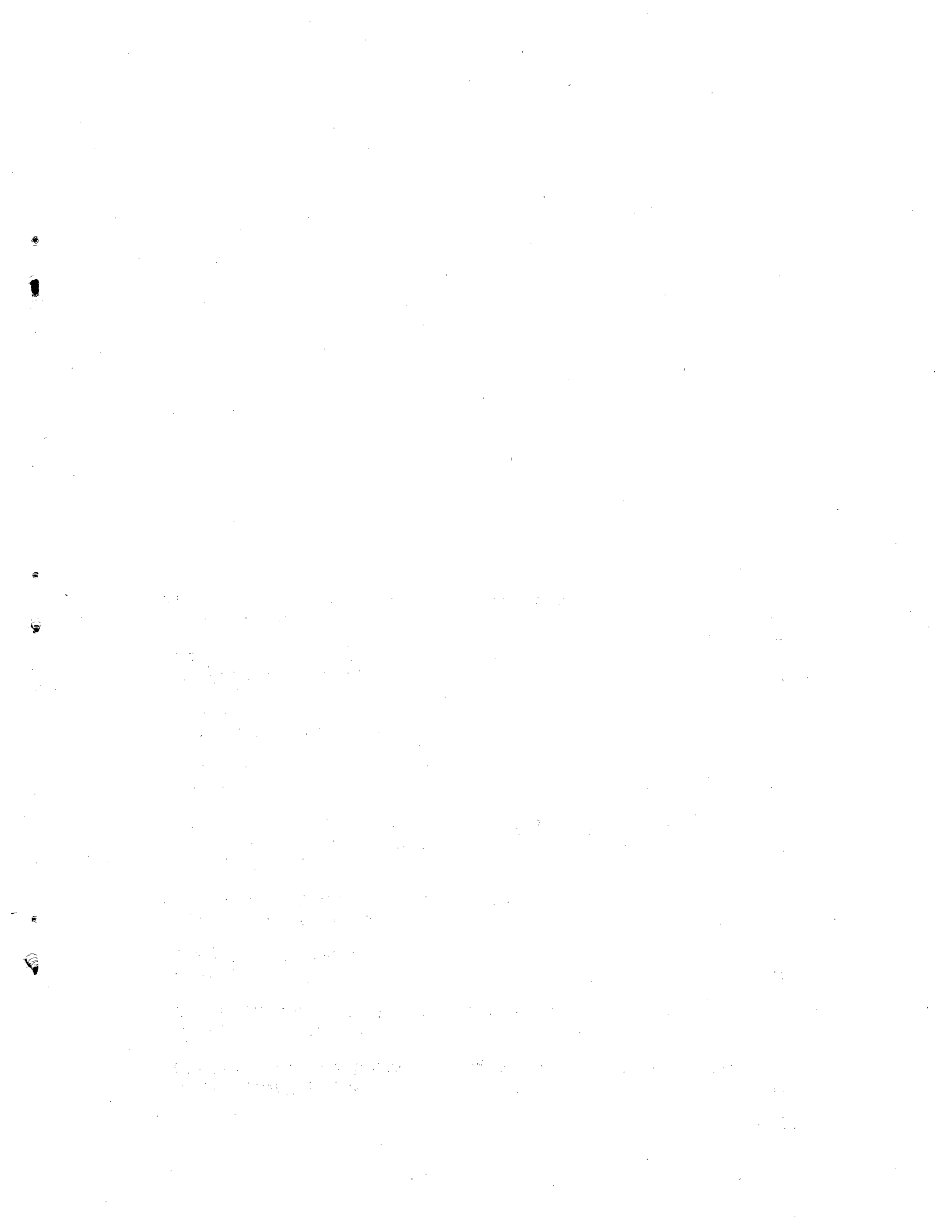


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SENATOR NELSON F. STAMLER [CHAIRMAN]: Ladies and gentlemen, the people who testify will sit at this seat here, and we would appreciate very much your not carrying on a conversation from any other point in the room. The secretaries will have a difficult enough time. I apologize for being a little bit late, but I was legally stalled on the highway.

I would appreciate, too, if you would try to keep your remarks as brief as you can. We have a lot of witnesses and I am sure you will permit me to introduce to you Senator Forsythe, of Burlington County, who is not a member of the Committee but who is interested in the bill, as we all are.

As Chairman of the State County and Municipal Committee of the Senate, I have called a public hearing on Senate Bill No. 222, commonly known as the Tri-state Compact Bill.

Commissioner Palmer of the Highway Department, who is quite a busy man, has asked for the right to testify first, and I think he should have it. Commissioner Palmer.

COMM'R DWIGHT R. G. PALMER: If I may, I would like to present these copies to you.

There may be some misapplication of names on the face of this address due to the lack of clarity about the Committee.

SENATOR STAMLER: Well, there is a lot of lack of clarity concerning this and that is one of the reasons we are here.

COMM'R PALMER: I am Dwight Palmer, Highway and Railroad Transportation Division Commissioner and I wish to express my appreciation to you, Senator Stamler, for the opportunity to

present to you today material in support of the bill that would give the Tri-State Committee a statutory basis in an interstate compact involving the States of New Jersey, New York and Connecticut.

If agreeable to this Committee, I will first summarize briefly the material that has been prepared as a "documentary" on the need for the Tri-State Commission to carry out a comprehensive transportation and land-use continuing study in the New York-New Jersey-Connecticut metropolitan area. I will then ask our Mr. Thomas to present graphically three phases of the Tri-State Committee's work. These will include:

1. The organization - or structure - of the Committee.
2. The coordination with governments below the state level.
3. Financing of our State's participation.

Following Mr. Thomas I would then like to call on Mr. Roger Gilman to summarize for you the work that has been carried on by the Committee, the status of the work now in progress, the work remaining to be done and how it is to be financed.

In order that your Committee will have reference material subsequent to the hearing, we have compiled our data into a monograph that has been entitled "Tri-State Transportation Committee - Facts." It bears the date of April 1964, and is the brown booklet that I presented to you.

The first five pages of the monograph describe the Tri-State Metropolitan Region and recount the growth trends during recent decades. They summarize the original formation of the Tri-State Committee and outline in broad terms the responsibility assigned to the Committee by the then Governors of the three states. This section points out that the work of the Committee

was to be financed by highway planning funds made available by the Bureau of Public Roads and by planning programs administered by the Housing and Home Finance Agency.

Pages 6 through 11 review the need to attack the problem on a regional basis, pointing out that the Federal Government has been the leader in requiring that comprehensive studies be made and that such studies cover entire metropolitan areas. Specifically, page 7 quotes the Section 134 of the Federal Highway Act of 1962 wherein it is stated that after July 1, 1965, highway projects involving federal funds will not be approved unless based on a continuing comprehensive transportation planning process. Page 8 quotes Instructional Memoranda issued by the Bureau of Public Roads clarifying the intent of the urban area planning required by the 1962 Act. The requirement is clear that comprehensive planning must include not only all the present area that is urbanized but also all adjoining areas that are likely to become urbanized in the forecast period, which is 20 years.

Page 9 describes how the Federal Housing Agency became involved in transportation as well as land-use planning and points out that as a prerequisite to the receipt of certain funds there was being organized for the urban area a comprehensively planned development of the urban area.

Because there then existed two federal agencies with extensive planning funds, the President requested the administrators of the two agencies to report jointly on transportation with recommendations as to the extent of federal participation needed to cope with the problems in urban areas. Page 10 quotes

from their report. The emphasis on including entire urban areas in planning programs is clear.

The Tri-State Committee proceeded accordingly and had no difficulty in obtaining, through the Highway Departments of the three states, participation by the Bureau of Public Roads. When applications were submitted on June 25, 1962 to HHFA for funds to carry out part of the Immediate Action Program, HHFA qualified its indicated approval by including a requirement that the three states commence actions toward establishing a single agency by interstate compact. The difficulties which followed are outlined on pages 12 and 13. The result is that New Jersey's application for the comparatively small amount of HHFA funds needed to carry out part of the immediate action program is still not in order and HHFA has said approvals will not be extended to New York and Connecticut until it is.

Of particular interest to you, Senator Stamler, may be one of the Immediate Action Studies that involves a study of the freight handling facilities of all the railroads serving the Port of New York. The intent of the effort was to determine if a consolidation of marine and lighterage operations, equipment, and facilities of all the Harbor railroads would produce significant economies and service improvements in rail freight handling in the Tri-State Region. The study commenced in 1962 in collaboration with the railroads, and the work is now essentially completed. A detailed report is scheduled for transmittal to the Governors of the three states next month. We believe that what was intended to be determined under Senate Concurrent Resolution No. 10 has been accomplished.

Starting on page 14, the long-range program is outlined. It should be noted that the Bureau of Public Roads has agreed to participate in all this work to date on the basis that, starting with the fourth accounting period, HHFA would finance the heavier share of the work so that participation by each federal agency would be about equal when the work is completed.

The next section of the monograph relates events leading to enactment of legislation in New York and Connecticut intended to convert the Committee to a Commission. (Supplementing the text there is included those leading to the original formation of the Tri-State Committee). This section also discusses the arguments against enactment of the legislation in New Jersey and points out why the New York-New Jersey Transportation Agency was not considered adequately constituted to carry out the work. That's the Bi-State Agency.

Following this, under the title of "New Legislation - New Jersey Bill S-222," there is a brief account of the negotiations between New York and New Jersey which led to the preparation of S-222, which is identical to the measure which was re-passed in New York this last month. A listing of the differences between the original bill and S-222 is included.

The final section of the statement contains a recommendation in behalf of the Highway Department that S-222 be enacted, as the Commission so created would meet all the requirements set down by the Bureau of Public Roads and the Housing and Home Finance Agency necessary to assure that New Jersey would not lose federal highway construction funds in urban areas subsequent to July 1, 1965, for failure to

have highway projects based on a continuing comprehensive transportation planning process carried on cooperatively by states and local communities. It is also recommended that, as was done in New York, a paragraph be added to S-222 outside of the compact provisions that would read as follows:

"It is not the intent of this act nor shall it be construed to restrict or diminish any powers heretofore or hereafter conferred by law upon any political subdivision of the State or any governmental agency, interstate, state or local, including, without limitation, powers relating to planning and zoning."

The addition of a paragraph with similar intent should lay to rest once and for all the fears of those who believe that the Tri-State Commission would have great and super powers over land use and zoning./

Now I have here in the text and I am going to call on Mr. Thomas as an expert. But I would like, with your permission, to read excerpts from a couple of letters and one in its entirety. A letter of November 21, 1962, signed by the Urban Renewal Commissioner, Mr. William L. Slayton - one paragraph:

"The applications to this agency should be accompanied by a statement that the respective states will commence actions toward the establishment of a single agency by interstate compact in accordance with authority under Sec. 701 (f) of the Housing act of 1954, as amended. This single agency should be empowered to carry on comprehensive planning for the Tri-State region, including planning for coordinated transportation systems. When such an agency is established, it will be responsible for carrying on the activities under the Tri-State Transportation Study applications."

That is signed by the FFHA Urban Renewal Commissioner.

Now, here is an excerpt from a letter from Mr. Weaver, addressed to the Chairman of the Tri-State Transportation

Committee and it is referring now to the Highway Commissioner of the State of New York, Mr. J. Burch McMorran:

"Mr. McMorran was also advised that the applications should be accompanied by a statement that the respective states will commence actions toward the establishment of a single agency by interstate compact. This single agency should be empowered to carry on comprehensive planning for the Tri-State region, including planning for coordinated transportation systems. When such an agency is established, it can carry on the activities under the Tri-State Transportation Study application."

And then, gentlemen, I have a letter dated April 13, from Mr. Rex Whitton who is the Administrator of Highways in Washington and he says this:

"Supplementing my letter to you of March 5, 1964, relative to the status of transportation planning in the urban areas of New Jersey, we are becoming increasingly concerned with the prospect that we may not be able to approve federal aid highway programs for the New York-Northeastern New Jersey urbanized area after July 1, 1965.

"As you know, Chapter 1 of Title 23, U.S. Code, was amended by the Federal Aid-Highway Act of 1962 by adding a new section, titled "Transportation Planning in Certain Urban Areas." This new section provides that after July 1, 1965, the Secretary of Commerce will not approve any Federal Aid-Highway Programs in any urban areas of more than 50,000 population unless he finds that such projects are carried on cooperatively by the States and local communities. We will have no alternative but to deny program approval after July 1, 1965, lacking compliance with the planning requirements.

"We have been confident that the transportation planning program being carried on by your department, in cooperation with the New York Department of Public Works and the Connecticut Highway Department, under the Tri-State Transportation Committee, will provide the basic plans on which the States and the local communities can reach agreement. It is now reported that because of the shortage of highway planning funds it may become necessary to suspend the planning operations before they have been carried sufficiently forward to provide the basis of Federal Aid-Highway Program approvals. To avoid this possibility, the States will have to arrange for the required financing over and above the funds available from the Federal Aid-Highway apportionment.

"You will recall that when work was started under the Tri-State Committee, it was recognized that funds in addition to those available from the Federal Aid-Highway allocations, plus the State's matching share, would be required. I am aware that efforts have been made to obtain financial assistance from HHFA. I am also informed, however, that these funds could be made available only if New Jersey takes some action to provide a proportionate share of the required matching funds.

"The progress that the three State Highway Departments have made through the Regional Act Study is outstanding but, unfortunately, the entire planning effort is in jeopardy unless prompt action is taken to assure adequate financing. The effectiveness of the Tri-State Committee in carrying on the planning process has been so well demonstrated that we would hope that means can be found to insure its continuance, and certainly will agree that we should do everything we can to avoid any delay in the Federal Aid-Highway Program in this important urbanized area, and appreciate your informing me of actions you may be able to take, and wish to repeat that Public Roads for both our field offices and the Washington Office stands ready to help in any way."

Now, Senator, if I may, I would like to call on Mr. Thomas to present these graphic charts, if he will.

SENATOR STAMLER: One second, Commissioner. I want to introduce to the ladies and gentlemen here Senator Deamer of Bergen County, a member of the Committee.

Before Mr. Thomas testifies, I want to ask one question if I might, Commissioner. Since all of our bills now require fiscal notes, do you have any idea as to how much this will cost New Jersey?

COMM'R PALMER: Sir, I have included that in the Book of Facts. For the year 1964-65 it would require a contribution on the part of New Jersey funds to the Department of Conservation and Economic Development of \$520,000, and from the Division of Highways and Rails two amounts - one of \$150,000 and one of \$100,000. Those are extremely outside

figures and it is logical to assume that those amounts could well carry us into the succeeding year; in other words, they are overemphasized, but we felt that in order to be on the secure side - so there is a total of \$250,000 and \$520,000, which is \$770,000, which would be the outside maximum that the State would have to put up in the year 1964-65 and presumably it would carry us through even to the succeeding year. The balance of the money will come from the Federal Bureau of Roads participation and from HHFA.

In the case of the Highway Department's money of \$150,000, that is on the presumption that there will be another one of these trial installations like the one at New Brunswick and that we would need a portion or as much as that in order to take a part share of the matching of the federal funds. As yet we have no such project on the shelf.

SENATOR STAMLER: I see. What other - In line with the same thinking, I assume that New York will put in the same amount of money, because our 45 per cent is equal and -

COMM'R PALMER: Yes, sir.

SENATOR STAMLER: And Connecticut 10.

COMM'R PALMER: Yes, sir.

SENATOR STAMLER: And has there been any consideration of the possibility of dropping the land-use clauses in this bill and rather make it a transportation compact alone?

COMM'R PALMER: Well, Senator, there has been a good deal of discussion; however, the HHFA is only interested in participating in the broad scope of land use. They have, therefore, channeled or directed that all of their funds

be channeled through the planning agencies of the respective States. They have refused to deal direct with the Highway Departments or the Rail Divisions of Highway Departments.

The over-all situation in the utilization of trackage of existing carriers and also of our extension of respective highway departments is that there be a combination of interest and that we not just go ahead willy-nilly and mop up the areas with new highways but that we have to take into consideration land use and parks and the planning of the different communities.

Now, there has been pointed out on several occasions that probably a bi-state agency could do the job. It is perfectly conceivable that it could, not under the existing legislation, because that is too limited, and the bi-State agency that was constructed some years ago has been swallowed up in the tri-state. They fulfilled the responsibilities of their job but now the Tri-State is the over-all comprehensive group.

Insofar as areas are concerned, I found the other day - thinking of Connecticut in the picture - that the Interstate Sanitation Commission was created by interstate compact between New York and New Jersey in 1936, and in 1941 it was expanded to include Connecticut. In the allocation of the Commission's expenses, it so happened it was on the 45-45-10 basis, the same as the Tri-State Transportation Committee, and each State has five members. And recently, when the question came up, as to whether, under the aegis of the Tri-State Committee, air pollution, water, and so forth, could be

brought into the picture, this agency was the objector to the inclusion of those because it felt it would be an infringement on its activity.

Now, insofar as Connecticut is concerned, it's granted that Connecticut is limited in its contacts with New Jersey. However, both the Federal Bureau of Roads and the HHFA and our own contacts are brought into the picture with great frequency with Connecticut. Years ago, decades ago, the country comprised many small companies, all dependent only on themselves and, as time marched on, the communications increased, air, highway, rail, telephone, telegraph, and companies grew, people realized their greater interdependency and today a striking steel industry, a rail industry, or some large company has its reverberations and affects each household and the incumbents. In our own communities, our cities intermingle their interests, and in our own State our 21 counties do, and in our United States it even goes so far as the United Nations. So when we look at the scope of this immediate situation, it pales in contrast to the perspective of intermingling of interests from our viewpoint at least, and that's why we have been as interested in promoting it and of seeing also that in no way would it impinge on the authority of any of the States whatsoever.

SENATOR STAMLER: What are the political entities? Would it infringe upon the political subdivisions of our counties and our municipalities?

COMM'R PALMER: No, sir. Under the plan, the counties - the freeholders - have already been brought into the picture. We have had several meetings with them. Mr. Karl Metzger who

was head of the Freeholders group attended a meeting with the Tri-state people and all of the work that they brought into the picture initially - they were to participate in some of the expense, and in New Jersey we pressed for that. We found, however, that New York State agreed to pick up the tab for the work of the counties, so we have done the same thing, and they are fully advised as to what is going on from time to time and their interests are not impinged upon, their point of view is received, and we jump, if I may, down to the southern part of the State for the Penn-Jersey study, which has been going on for years and now has the inclusion of the State of Delaware and that was more or less by an edict on the part of the Washington authorities. And we have another setup in the vicinity of Atlantic City which is in accordance with the demands of the Bureau of Public Roads and there will still be a further one down in the Salem area, so that this community of interest has been emphasized and the reverberations, whether it's industry or whether it's highways or rail, are all-inclusive.

We are not frightened at all by any remote prospect of being dragged into the New Haven Railroad in New Jersey. That clause 41 of the former bill has been eliminated, and we have enough problems of our own.

Now may I call on Mr. Thomas?

SENATOR STAMER: Well, just a moment. Senator Deamer, have you any questions?

SENATOR DEAMER: No.

SENATOR STAMLER: Senator Forsythe?

SENATOR FORSYTHE: No.

SENATOR STAMLER: All right, Mr. Thomas.

HERBERT A. THOMAS: Do I have your permission, Mr. Chairman, to bring these displays out here to the front?

SENATOR STAMLER: Surely. It won't show on the record. And, incidentally, while we're talking about the record, I think the record should show that I invited Governor Rockefeller to send any member of his staff here to testify and Governor Dempsey of Connecticut. If they are here, I would appreciate seeing them. [No response].

I guess New York and Connecticut aren't as much interested as I thought.

COMM'R PALMER: Senator, just as a matter of interest, I endeavored to get Governor Rockefeller's secretary and found that he was out of town; then I tried another man underneath him and I found they were both up in Oregon with Governor Rockefeller.

SENATOR STAMLER: I wonder what he's doing there.

When I set the hearing date down, I had no idea I would be competing with the World's Fair.

COMM'R PALMER: Well, sir, I heard on the radio that the boys are already laying on the subway tracks.

SENATOR STAMLER: All right, Mr. Thomas. Would you for the record, Mr. Thomas, tell us who you are?

MR. THOMAS: My name is Herbert A. Thomas, Jr., Director of the Division of Railroad Transportation, State Highway Department.

I'm sorry that everyone here will not be able to see these charts. This first chart, gentlemen, shows the agencies concerned with transportation at the time that the Tri-State Transportation Committee was formulated. It also shows the agencies that were dealing with land-use planning which must be correlated with transportation planning: In New Jersey, of course, the State Highway Department, Division of Railroad Transportation, and the Department of Conservation and Economic Development; in the State of New York the New York State Office of Transportation, the New York City Planning Commission, the New York Department of Public Works, and the New York Office of Regional Development. Now, the interstate agencies - The Port of New York Authority and the New York-New Jersey Transportation Agency; and in Connecticut the State Highway Department, the Public Utility Commission and the Connecticut Development Commission; and at the federal level the three principal agencies dealing with transportation planning and land-use planning - the Bureau of Public Roads, the Federal Aviation Agency, and the Housing and Home Finance Agency.

Now this overlay shows how the Tri-State Transportation Committee was formulated and its composition. These heavy lines show from what departments a committee member was taken and also those who have been working on transportation and land-use planning to form the Committee. You will notice that in each State a direct representative of the Executive Department was brought into the Committee. There was a representative committee member from the New York

State Office of Transportation and the New York City Planning Commission, Department of Public Works; the Office of Regional Development; one from the Division of Railroad Transportation, Highway Department; Department of Conservation and Economic Development; and from each of the three that were working on transportation in Connecticut.. So the Tri-state Transportation Committee, the Committee itself, is composed of generally the executive administering each one of the departments in the three states concerned with transportation and land-use planning.

The second overlay carries the organization of the Tri-state Committee a step further. Once the Tri-state Committee was organized by direction of the three Governors, a central staff was organized at 100 Church Street, New York. Now, in the central staff there was a representative from almost all the same agencies that were dealing with transportation at the time the Tri-state Committee was organized. Now, these representatives were put into the central staff and worked full time with the Committee.

The solid line from each of these same agencies or divisions working on transportation and land-use planning are the same as these here, and the solid line shows where staff members were drawn into the central staff of the Tri-state Committee, and the continuity shows the work of the Committee would be reflected in all of the work being carried on by the various agencies.

The dotted line shows not a full-time staff member at 100 Church Street but a liaison representative working part time or one or two days a week or whatever is needed, so that the central staff of the Tri-State Committee is made up of working members of the same organizations that comprise the Tri-State Committee.

Now, this second chart shows how the Tri-State Committee in New Jersey - speaking of New Jersey only now - is organized to work with the levels of government below the State. You will note, starting with the Executive Department, the Governor, the line of command; the organizational structure is direct through the Tri-State Committee, and the staff, of course, is working for the Committee at its headquarters. From the staff there are two principal sub-committees - one the Technical Advisory Group, which has two sub-committees, one on Transportation and one on Sketch Plan Development. There is also a Finance Sub-committee and a General Aviation Sub-committee, shown by dotted lines because it is not directly a part of Tri-State is the General Managers Association of New York, made up of an organization of all the railroads that serve the New York Harbor and which also are working with Tri-State, and you will hear more about that a little later.

Now, this is the important part of this chart. Each State has set up what is called the New Jersey Local co-operating Committee. In New Jersey it is composed of the Freeholder Directors of each of the 10 counties included in New Jersey's portion of the Tri-State area. Now, the

Freeholder Directors have been asked to designate the liaison representative from each of their counties to work directly with the Tri-State staff. Most of the counties have designated liaison representatives -

SENATOR STAMLER: Which ones have?

MR. THOMAS: Bergen has, Middlesex has, Monmouth, Union has.

MR. ROGER H. GILMAN: Every county has.

MR. THOMAS: Mr. Gilman says that every county has.

The liaison representatives meet on notice with the Tri-State staff and with the Committee and many of them serve in the Technical Advisory Group. The group is made up of representatives from 21 governmental transportation agencies in the Tri-State area and, of course, the reason for the Technical Advisory Group is to call on the working representatives of all the levels of government of all of the States to guide and advise the Transportation Committee and its staff.

Now, of course, the TAG, the Technical Advisory Group, also is made up of certain representatives of the Tri-State staff who are working full time, and the rest of them come from the outside. They have regular meetings every month and the work of the Committee is advanced in cooperation with the advices received from the Technical Advisory Group that comes from outside.

Now, here, under the General Managers Association - Commissioner Palmer referred to the rail freight consolidation study which has been a major part of the Tri-State Committee's

work over the past year and a half, and to carry that out a representative of the General Managers Association, New York railroads, was brought into Tri-State to work with them, and then these sub-committees were set up to carry out specific phases of the freight consolidation study. The General Railroad Committee was organized under that and the operating sub-committee and the freight handling and marine maintenance. Then there was a Law Committee set up and a Labor Committee and an Accounting Committee, and all of these sub-committees have been working with this Tri-State on this freight consolidation study, so when submitted it does reflect in general the work of not only the Tri-State Committee but the railroads themselves. And that is true of all other activities of Tri-State working through Technical Advisory Groups and the liaison representatives.

These next two or three charts are financial charts, and I will attempt to demonstrate to you just how the funds have been flowing in and out of the Committee and show you exactly how New Jersey's share for this fiscal year, when the records are all complete, has been determined.

The first chart shows by State and by major program, which you will hear more about in a minute, the total cost of the Tri-State work for the second fiscal year, the second accounting period, April 1, 1962 through March 31, 1963. The Tri-State staff itself spent a total of \$674,000 on these programs - the Immediate Action Study, the Long Range Program, and the Demonstration Grant Program. The agencies that I referred to on the previous chart in the State of

New York directly spent \$47,000; New Jersey spent \$53,000 by its agencies working on land-use and transportation planning, and Connecticut has a smaller amount, \$14,000.

Now, the next two columns cover the two interstate agencies and it is through expenditures in these two agencies that we capitalize on the cost and get a large return from the federal agency.

The Port of New York Authority spent a total of \$216,000 on Tri-State work on approved programs. They have five or six or seven men working in the Tri-State offices continually. As Commissioner Palmer said, the New York-New Jersey Transportation Agency is working right in the headquarters of Tri-State and they have expended \$99,500 on projects approved in the Tri-State program. The total expenditure for this year by the Tri-State Committee was \$1,107,276. New Jersey's gross share of that amount would be 45 per cent, with a slight adjustment, or \$499,000.

Now, this next chart will show how this amount is reduced by participation of the federal agency.

COMM'R PALMER: For participation of the Port Authority, we get a credit of 50 per cent.

SENATOR STAMLER: Yes, but it's our money. It's all our money, Commissioner.

COMM'R PALMER: It's our money when we drive over the bridge.

SENATOR STAMLER: Sure, that's what I mean.

MR. THOMAS: In that same fiscal year, the State Highway Department expended \$22,000; the Division of

Railroad Transportation \$31,000; the New York-New Jersey Transportation Agency \$49,000; the Port of New York Authority \$108,000. These two amounts are 50 per cent of the total amount shown on the previous chart. So New Jersey by its existing agency in that fiscal year spent \$211,832, which is part of the Tri-State effort for that year. Since this money was spent directly, it is subtracted from the 45 per cent share of the gross cost allocated to New Jersey, which leaves a balance of \$287,192.

Now, on this next chart, if you keep this figure in mind, we show how that is reduced. In these two major categories, the Immediate Action Study and the Long-Range Program, which is 96 or 97 per cent of the work, part of the total cost expended on these two programs is reimbursable under the BPR program - the Immediate Action Study in this particular account - one of them is the Passenger Transit Study and the Highway System Study and Airport Access - to the tune of \$332,293 by the Bureau of Public Roads.

Now, New Jersey's credit from the BRP participation is figured on the same basis as its cost; in other words, you get 45 per cent of the federal funds that flow into Tri-State and this amount of \$332,000 is the total share that BPR agreed to participate in under the Immediate Action - under Long Range \$340,000 - giving a total of \$693,000. So applying New Jersey's 45 per cent credit share in this amount of federal participation gives a total of \$303,015.

Now, in the State of New Jersey, it gets about 71 per cent of its planning funds reimbursed by the Bureau of Public Roads. Seventy-one per cent is a variable figure and depends upon the amount of planning going on under 90-10 programs and under 50-50 programs. Currently it is something just about 71 per cent. So, using that percentage as a conservative figure, 71 per cent of the \$303,000 New Jersey can invoice to the Bureau of Public Roads, giving \$215,000. So \$287,000 from the previous chart, minus the invoice to the Bureau of Public Roads, is \$215,000, which leaves a final net cost to the State of New Jersey for this fiscal year of \$72,000. That figure should be kept in mind.

SENATOR STAMLER: How much comes from the Federal Government, Mr. Thomas?

MR. THOMAS: That chart right there - \$303,000. For that fiscal year the Bureau of Public Roads participated in practically all of the work with Tri-State, and its total participation amounted to \$673,000, and then New Jersey is eligible for 45 per cent credit of that amount, which is \$303,000, on which we can bill the Bureau of Public Roads about 71 per cent or \$215,000, leaving of balance of \$72,000. So the \$440,000 I showed you on the first chart as New Jersey's 45 per cent gross cost reduced down to a dollar amount is \$72,000 for Tri-State.

COMM'R PALMER: The total planning money that we are the recipients of, that 71 per cent total, is about two million six or seven.

SENATOR STAMLER: Commissioner, I wasn't trying to raise a question but it always amuses me, as you know, that

after all, we are paying the federal money too, the taxpayers, so it's the same money.

COMM'R PALMER: We are paying \$2.10 for every dollar that we get back.

SENATOR STAMLER: That's what worries me.

COMM'R PALMER: Well, we're still doing it, so we might as well have a piece of it back.

MR. THOMAS: The way to reduce that is to get more federal aid in New Jersey.

This last chart shows the employment of Tri-State. The blue line represents the total. The green are the hourly employees almost wholly concerned with data collection, and the red are salaried employees. The peak was hit last November at the height of the field work in data gathering. The hourly employees are decreasing very sharply and the salaried employees are increasing slightly as we get into the analysis stage of the work. So, as of April 1, 1964, there was a total of hourly and salaried people on the total Tri-State effort of about 475 people.

SENATOR STAMLER: How are they hired? Do you know?

MR. THOMAS: They are hired by the staff, and all salaried employees over a certain figure have to have the approval of the three States.

SENATOR STAMLER: All three?

MR. THOMAS: Yes, sir. The hourly employees are hired by the staff.

SENATOR STAMLER: Are there any questions, Senator?

Thank you, Mr. Thomas.

COMM'R PALMER: Now may I ask that Mr. Gilman be heard, please?

SENATOR STAMLER: We will be happy to hear him.

R O G E R H. G I L M A N: Senator Stamler and Members of the Committee, I am going to ask for your indulgence that part of my statement be read by my successor, the Executive Director of the Tri-State Transportation Committee. Yesterday I couldn't even speak in a whisper with laryngitis and today I think I could make it, but I would like to be available for questioning and comments after it is over.

SENATOR STAMLER: Absolutely.

MR. GILMAN: As far as reading, I thought it might be easier for you if somebody else did that. But I would like to open, if I may.

SENATOR STAMLER: Fine.

MR. GILMAN: My name is Roger H. Gilman, Director of Port Development of The Port of New York Authority. From September 1961 to April 1964, I served as Executive Director of the Tri-State Transportation Committee, on loan from the Port Authority.

Immediately following the creation of the Tri-State Transportation Committee by the Governors of New Jersey, New York and Connecticut on August 30, 1961, the Committee requested the loan of my services to organize the Committee's technical and administrative staff and to assist in getting the studies and action programs under way. The Committee's responsibilities were outlined by the Governors at their meeting in August 1961. In my capacity as head

of the staff, I was responsible to the Committee for carrying out its approved programs and activities.

The over-all Tri-State program consists of three phases: (1) the undertaking of immediate-action studies of urgent transportation problems; (2) the development and administration of mass transportation demonstration projects; and (3) a long-range land development - transportation planning study. As the program progresses, the findings and conclusions of the immediate-action studies and demonstration projects are being integrated into the long-range study.

Commissioner Palmer and Mr. Thomas have already presented facts on the Committee's organization, functions, finances and activities. My statement is intended to summarize for you the progress and status of the study and action programs.

And now with your permission, Senator Stamler, I would like to call upon Dr. J. Douglas Carroll who has succeeded me as Executive Director earlier this month, and he will present the balance of my statement, and I would be glad to come back if you would like.

SENATOR STAMLER: Sure. I imagine we would like to have you back.

D R. J. D O U G L A S C A R R O L L: Senator, with your permission, I will proceed to read the rest of the statement.

SENATOR STAMLER: If you feel it's necessary.

DR. CARROLL:

IMMEDIATE-ACTION PROGRAM

At the direction of the three Governors, the Tri-State Transportation Committee devoted immediate and particular attention to the examination of urgent transportation problems and the development of recommendations for "action-oriented" solutions needed by public officials before the long-range studies can be completed. In order to deal with these problems, a number of immediate-action studies are underway. A summary of progress and status of these is presented below.

The Committee is currently conducting such investigations in five general subject areas:

1. Region-wide mass transportation services
2. Regional highway systems
3. Freight handling in the Region
4. General aviation facilities in the Region
5. Access to major commercial airports

Passenger Travel in the Region

As a basis for its assessment of the problems and immediate-action studies of mass transportation and highways, the Committee is examining current passenger travel patterns in the Region and making 1970 projections of potential movements. Comparisons of current demands and capacities will permit the Committee, with the cooperation of State and other agencies, to develop recommendations for solutions to present problems. The projected 1970 passenger movements will provide for the immediate-action program a regional picture of the areas and magnitude of increased travel demands. The Committee will thus have a means for evaluating the

adequacy of existing and proposed highway and mass transportation facilities through 1970 and determining the portions of the transportation system requiring emphasis on improvements or new construction in planning for 1970 needs.

#### Region-Wide Mass Transportation Services

The Tri-State Transportation Committee recognizes that the most urgent transportation problem in the Region is the assurance of adequate mass transportation services to meet present and future needs. Tri-State is supplementing the constructive and realistic programs of the States and other agencies, by studies of regional aspects of the problem and by coordinating various studies and plans for the Region. Among the Committee's present activities are the following studies:

1. A factual determination is being made by the State transportation offices of the costs and revenues involved in providing suburban passenger services on the Region's six commuter railroads. These will be consolidated by Tri-State to permit Government officials to evaluate the cost of alternate services and plans.
2. Tri-State issued a Status Report in May 1963 on the first phase of its study of railroad suburban equipment. The report provides an inventory of the existing equipment, physical facilities and operation of the six suburban railroads. In this study, the Committee is looking into the feasibility of greater standardization or interchangeability of equipment between two or more carriers.

Obviously the equipment need is a very severe matter in today's railroads.

3. Tri-State is studying the means for improved coordination between the various mass transportation services and facilities in and near the inner core of the Region. Projects being examined include seven possible new transfer stations between commuter railroads and transit systems in northern New Jersey and New York City.
4. Specific recommendations have been developed for improved mass transportation services in the rapidly expanding inter-state area of Bergen County in New Jersey and Rockland County in New York. These plans include three coordinated bus-rail-auto improvement projects, one of which (a feeder bus service from Rockland County to the Tarrytown station of the New York Central Railroad) has already been put into effect. More detailed studies are being undertaken on the other two plans.
5. The Committee is studying the administrative and financial means for implementing the various recommendations affecting mass transportation services in the Region. This includes the most effective and constructive utilization of Federal funds for mass transportation projects.

#### Review of the Regional Highway Systems

The Committee is undertaking a review of the regional highway systems in the Tri-State area. The study includes a detailed inventory of the existing and planned arterial highway networks of the Tri-State Region and an evaluation of their present and future adequacy. In addition, an

investigation is being made of the urgent future highway needs to assure that the system will accommodate the area's traffic for the period through 1970.

As an initial phase of this study, the Committee issued a report in December 1962 on the Status of Regional Highways. This report set forth, for the first time, the collective current status and progress of the highway programs of Connecticut, New Jersey and New York in the Tri-State Region. It was compiled from data supplied by the highway departments of the three States in cooperation with the Bureau of Public Roads.

As a subsequent phase of this study, the highway departments of the three States, utilizing a highway inventory manual developed by Tri-State, assembled basic information and data on all major routes in the regional highway network of the three States. This inventory will be used for both the immediate-action study on highways as well as for preliminary information on the highway network as a part of the long-range study.

Recommendations for possible revisions, schedule changes and additional routes required are included in the study.

#### Improvements in Freight Handling

Studies are being made with the objective of achieving improvements in freight handling within the Tri-State Region in order to make these services more effective, efficient and economical from the standpoint of the carrier, shipper and public.

A study, undertaken cooperatively by the railroads, The Port of New York Authority and Tri-State, shows that consolidation of the railroad marine and lighterage operations in New York Harbor is feasible and would yield economies. A Tri-State report on this study is being completed.

### General Aviation Requirements Study

The Committee, with the cooperation of the aeronautical offices of the three States, the Federal Aviation Agency and The Port of New York Authority, is continuing to examine as part of its immediate action program the general aviation requirements of the Region. The goal of the study is to determine the future requirements for facilities to handle general aviation flights in the Tri-State Region. This includes all flights other than those of commercial airlines. The need for such a regional survey is urgent since the space now available for general aviation facilities is being rapidly developed for other purposes.

The specific objective of the General Aviation Requirements Study is to make recommendations as to the number, location and ownership of such facilities. Also being considered is the relationship of general aviation to other modes of transportation and to land use in the areas adjacent to airports, as well as the effect on the Region's total economy.

As an initial step, an Airport User Survey measuring the existing traffic at all general aviation facilities in the Tri-State Region was conducted during August and September 1963. This data collection was carried out with the assistance of personnel provided by many of the counties and the Port Authority. This data will provide an over-all picture of general aviation activity in the Tri-State Region.

The Committee is also investigating the currently available capacity of airports in the Region and an extensive inventory of all existing airports and their facilities is being compiled.

When the results of these surveys and investigations have been analyzed, an evaluation of the current general aviation situation can be made. As a final step, projections of general aviation volumes and requirements will be made to 1985.

## Ground Access to Major Commercial Airports

Tri-State is examining the problem of ground access between central core areas and the Region's three major commercial airports - Kennedy International, La Guardia and Newark - with the objective of seeking both immediate-action and long-range means for improving the access to airports. A plan for a coordinated rail-bus access between mid-Manhattan and Kennedy International Airport is being developed.

### MASS TRANSPORTATION DEMONSTRATION PROJECTS

In carrying out its objective of implementing improvements as rapidly as possible, Tri-State has submitted applications to the Housing and Home Finance Agency for Federal financial assistance under the mass transportation demonstration grant program. This program, approved by the Congress in 1961, provides two-thirds of the cost for projects which will test new methods and techniques for improved mass transportation services. The other one-third is paid by the State in which the project is located.

The Tri-State projects approved by the HHFA include: -

- (1) A park-and-ride rail service on the main line of the Pennsylvania Railroad, utilizing a new station built about 1-1/2 miles west of the present station in the business center of New Brunswick, New Jersey. The new facility opened in October 1963, affords convenient vehicular access and a 300-car parking lot. The service is being used by 150 to 200 persons daily in each direction.
- (2) A feeder bus service from Rockland County across the Tappan Zee Bridge to the Tarrytown station of the New York Central's Hudson Division for direct access to

Grand Central Terminal on the east side of Manhattan.

This service was started in September 1963 and patronage has tripled since the first week of operation.

(3) Increased frequency of service, shorter running time and adequate parking at express stations in Westchester and Putnam Counties on the Harlem Division of the New York Central Railroad. Six new parking lots have already been opened and the new service is expected to start in June 1964.

(4) A test of automatic fare collection and ticket validation at the Forest Hills and Kew Gardens stations of the Long Island Rail Road.

These projects will run on an experimental basis for 18 months to two years. In each case a coordinating committee of State, local and carrier representatives has been designated to assist with the development and evaluation of each of these projects. The findings will be used to determine whether permanent installation or applicability to other points in the region is possible.

Now, a third phase of the work of the Committee is the Long-Range Land Development and Transportation Planning study. This requires taking a long look over the horizon. In doing this, the Committee has set out to assess its capital first, to project the growth of the region secondly, and finally to bring these facts to bear in order to assess the development policies which might benefit all aspects of the region. This is a deeper probe in the Immediate Action and the Demonstration Grants. To accomplish

this, it has started a series of field surveys to provide uniform data across the region. Basically they consist of three parts.

1. A measurement of all the land-use activities in the region, how densely it is occupied, and what the uses are. This has been done to every block in the region by a detailed field force.

2. They are inventorying the transportation facilities of the region,- the character and status of all highways, of all railroads, of all mass transportation facilities. This is the equipment and fixed facilities for movement across this composition of land uses.

And, finally and perhaps most important, they are collecting information on the detailed travel behavior of both people, vehicles and freight. These consist of three major surveys to collect this information. There is the survey of homes - 56,000 homes scientifically sampled in the region have been visited or will be in the next 30 days. A complete diary is taken of the travel of each household. When these are assembled, it represents a composite picture of the movements of people back and forth across the surface of the region. These are the basic ingredients of travel demand.

To supplement this, a survey was taken of commercial vehicles, trucks and taxis.

And, finally, what we would call an import-export survey or roadside interview survey, where a line was drawn around the built-up portions of the region and those trucks and visitors entering and leaving the region were stopped and their travel ascertained.

The purpose of this set of studies is to provide a firm base on which the agencies of the region can develop their long-range transportation and perhaps land development policies and plans.

A very quick summary - let me say there are three basic programs: first, immediate action in order to deal with immediate problems; secondly, a series of demonstration grants wherein some of these ideas are put to the test; and finally a long-range basic survey of what the needs of the region are likely to be in the ensuing future.

SENATOR STAMLER: Thank you, Doctor. I'll admit it was kind of long.

DR. CARROLL: I don't think I could have made it any shorter.

SENATOR STAMLER: Mr. Gilman, why can't the Port of New York Authority do all of this?

MR. GILMAN: Well, Senator, I think the important element here is that this is directed entirely by States and State Governments, because it involves responsibilities for highways, for other types of facilities for general use of the public; it involves the matter of planning which comes within the planning agencies of the three States and the counties and the municipalities, and so it is in every sense of the word a completely cooperative basis among regular units of government.

Now, the second point would be to me a question as to the eligibility of the Port of New York Authority to undertake this. It is my understanding, and this preceded my joining Tri-State, that even the thought was advanced

that the New York-New Jersey Transportation Agency might be the medium for this but that was rejected by the federal authorities in that (1) it must include Connecticut as part of the metropolitan region defined by the Bureau of Census as the metropolitan area, and (2), as I think Commissioner Palmer and Mr. Thomas suggested, the HHFA, which is a participant in this program, did not at all agree that the basic responsibility was to take a look at the planning side as well as transportation. If you remember, the New York-New Jersey Transportation Agency is really only for transit, not for public forms of transportation, mass transit. So in the relationship between the federal government and the States typically, the federal money must come from the Bureau of Public Roads to the State Highway Department. They are the only ones by law who are eligible to receive that money and here, whether it is the Port of New York Authority or any other agency, there was not directly represented on those governing bodies the Highway Commissioners of the three States who must be part of this and the heads of the Planning Department.

SENATOR STAMLER: Well, in line with this statement, can you conceive that it is possible that the purposes of this legislation, which are really transportation publicly, that by strengthening the New York-New Jersey Transportation Agency, the bi-state agency, we can create exactly what we are trying to create - and this is basically, as I understand it - to get the commuters in and out of New York and to cure the general mass transportation problem within New Jersey and New York?

MR. GILMAN; Senator, the transportation planning process called for in the 1962 Highway Act is far more than just mass transportation. It involves the whole need for developing the highways of the region as well as the general mass transportation services. As has been indicated, the 1962 Highway Act is very specific on this. By July 1965 either a transportation planning process is underway in this metropolitan area or all federal aid to highways stops in this three-state area. Now, there is a representative of the Bureau -

SENATOR STAMLER: All?

MR. GILMAN: Yes, sir. That's for all the construction on federal-aid highways, unless the Secretary of Commerce is satisfied that what is defined as a continuing and comprehensive transportation planning process is underway. There is a representative of the Bureau of Public Roads here today, and he can probably elaborate much better than I can on that subject.

SENATOR STAMLER: Senator Deamer, have you any questions?

SENATOR DEAMER: No questions.

SENATOR STAMLER: We'll save your voice. Thank you very much, Mr. Gilman.

COMM'R PALMER: Senator, without reading any further to burden you, I just want to make one comment and that is this - that the Federal Bureau of Roads participation in the cost of operation, in so far as New Jersey is concerned, the Tri-State, they have overspent their funds and from here

on in, unless their qualifications permit HHFA money to participate, the State of New Jersey tomorrow at a meeting of the Tri-State will be faced with making a statement, as I have already written to the Chairman, that we cannot proceed any further until we get an allocation or authority from our State for this participation on the part of our Conservation and Economic Development Department to the extent of \$520,000 as a minimum.

We have been going along spending the money, as you know, as cited on these charts, but we have reached the limit, so tomorrow we are going to have to advise the Committee assembled of the three States that we can't go along any further until we get authorization, because I, if you will, functioning for our department, would be spending money without authorization.

I just wanted to make that comment.

SENATOR STAMLER: Thank you. I just want to make another comment. When you said "their funds" - you said they have overspent "their funds," - you mean "our funds."

[Applause].

COMM'R PALMER: I don't expect such a return as you got.

SENATOR STAMLER: I didn't either.

COMM'R PALMER: I will say this, that we could all use it. But the \$2.10 still exists and I am sure that all of the people who clapped are fully familiar with that.

SENATOR STAMLER: Because they pay taxes, that's all.

Thank you very much, Commissioner. Thank you,

Mr. Gilman, Doctor, and Mr. Thomas.

Mr. Harrison? Will you give your name clearly and your address so that the secretary can get it clearly?

J O S E P H H A R R I S O N: Yes, Senator.

My name is Joseph Harrison; I am an attorney; my office is at 744 Broad Street, Newark, New Jersey. I am here in a representative capacity, representing the Morris County Board of Public Transportation. I am here to express opposition to the passage of Senate Bill No. 222.

At the outset, I want to thank Senator Stamler and the other members of his committee for giving the public an opportunity to be heard on this bill, and also to have the Department - Commissioner Palmer and his associates - here to try to make a case for the bill.

Now, we are opposed to the bill primarily because we see no necessity for another agency. I could go on and develop that, and I will, but perhaps if I just let it go in those rather mild terms, it might not be remembered. The fact is that this bill provides for increasing bureaucracies in State and interstate government where they are not necessary. And this is the big battle, and I don't have to tell the members of the Senate or this Committee of the Legislature about the Battle of the Purse.

While there is the continual struggle to find new revenues, we submit that where there is an opportunity to curtail expenses, additional expenses such as are entailed by the creation of a new agency - and you have had figures represented here - I believe that this is a matter which is primarily within the province of the Legislature,

because some people may be quite surprised to hear it, but the fact of the matter is, as I understand it, that public policy as to the protection of the public interest and the advancement of the public interest lies with the Legislature, consisting as it does of the duly-elected representatives of the people, and not with the administrators whose function is to administer programs deemed necessary by the Legislature.

Of course, they can come in and give you expert testimony as to facts and figures. You have every right to expect them to do that and, of course, when they do do that you are entitled to have a full and complete representation as to the facts that they are presenting to you. And I believe you have seen here a representation here which certainly I am not prepared to rebut for two reasons. The bill itself was not printed, I believe, until about March 17, which is less than a week ago, and of course we just saw these exhibits here today.

I was just looking at the first exhibit that was before your Honor, and I just wish to call your attention to the fact -

SENATOR STAMLER: I want to correct you. I'm not a Judge.

MR. HARRISON: Well, whatever the chart - Excuse me, I will withdraw it and I will refer to it as a chart. I believe it was Chart No. 1, your Honor.

SENATOR STAMLER: Yes, sir.

MR. HARRISON: As a Senator, I accord honor to

the Senate and to each member thereof, particularly those sitting here.

Chart No. 1, as I recall it, purported to deal with or show the transportation agencies, or rather the agencies involved with transportation in this area. Now, I call your attention to two glaring omissions - to me they are glaring. One is that the Interstate Commerce Commission has been omitted so far as the federal agencies are concerned and, so far as New Jersey is concerned, the Department of Public Utilities is omitted.

Now, regardless of the acts that have given Commissioner Palmer the power that he has over railroads, there is still considerable jurisdiction with respect to railroad safety among safety of operations and certainly with respect to buses the Public Utilities Commission has considerable jurisdiction. And, of course, the Interstate Commerce Commission with its jurisdiction over railroads and motor carriers plays a very substantial role in the determination of the fate of these carriers, and they have, particularly since 1935, since their regulation of motor carriers has made it possible and the franchises they have given to buses and trucks to impair to a large extent the financial position of the railroads. And the Interstate Commerce Commission, as you gentlemen, I am sure, know, is charged with the responsibility of carrying out the national transportation policy. And there is a statement of policy. It was first articulated in 1920 and then revised in 1940, and sets forth Congress's - the national policy. This is an enunciation again by the Legislature -

by Congress - a national policy for a coordinated transportation system, and it is that policy that the Interstate Commerce Commission is charged with carrying out and it is the Interstate Commerce Commission, especially since the 1958 Transportation Act, which determines the amount of our railroad service and also governs the operations of our interstate motor carriers. New Jersey being a corridor State, we have a great deal of interstate bus transportation and of interstate railroad transportation. It seems to me that those two agencies should be in there.

In contrast to that omission, there is the federal Aviation Agency and there is the broad language of Article IV, Section 1 - "The primary function of the commission...in facilitating the movement of people and goods..."

My clients, the Board of Public Transportation and representing the best people of Morris County, are somewhat concerned with the possibility that this might somehow be worked into a situation where the Jetport could still be foisted upon that county. Words in statutes, statutory construction, when advanced by very astute and able counsel can lead to results which may not seem quite apparent at the time the Legislature acts.

Now, there has been nothing that I, at least, have heard, your Honors, Senators, in the presentation that was made on behalf of Commissioner Palmer that indicates that either the Bureau of Highways or the Bureau of Roads, or the Housing and Home Finance Agency - I say there has been nothing in their presentation that indicates that the Bureau of Roads or the Housing and Home Finance Agency

has stated that a tri-State agency is the only type of agency that they will cooperate with. Now, we must rely on what our public officials tell us and what we can gather from other spokesmen of the various bureaus.

Now, with respect to this point, whether the tri-state agency is the only agency that is necessary for New Jersey to get any funds and any additional federal aid, if such aid we must get in order to get our share as has been advanced here, then the bi-state agency certainly could qualify if the same effort, the same field and the same support were given by the administrators to the statute enacted and expressing the policy of the Legislature, and I will read that to you in a moment, were exerted with respect to the bi-state agency as they are doing with the tri-state agency.

I am sure that Commissioner Palmer and Mr. Thomas could come in with as beautiful a presentation to show you why a bi-state agency is just what we need if their hearts and souls were in the bi-state agency.

We tried to get from our representatives, from the Senators, Senator Case in particular in Washington, some confirmation of - Is it true that the Tri-State Agency is the only agency that is necessary for New Jersey to get the benefit of this aid?

Now, at a meeting attended - Mr. Al Abrams is Administrative Aide for Senator Case - the Senator couldn't attend the meeting and he sent Mr. Abrams there to be his representative - and he told us that Senator Case had checked

the federal agencies that were empowered to give state grants and was informed that failure to joint the tri-state compact would not be a bar to federal aid.

More recently, Mr. John J. Farmer, a very reputable and reliable writer for the Newark Sunday News and the Newark Evening News, had this to say: "According to John A. Swanson" - I will withdraw that for the moment and will give you the paragraph before that: "If some opponents of the Commission have not been especially well informed, neither have some of its backers. The first argument advanced for the compact is that failure to enlist would cost New Jersey all of its federal highway construction money after July 1, 1955." This is scare psychology.

"According to John A. Swanson, Regional Engineer of the Federal Bureau of Public Roads, no such threat impinged. The Federal Bureau believes a tri-state agency is the ideal way to coordinate planning but will settle for even an informal agreement among the three state highway departments, he said. Federal funds from the Housing and Home Finance Agency for planning mass transit facilities are involved too. HHFA is slightly more insistent on some formal tri-state planning agency for the area but it, too, will settle for an informal planning agreement."

And may I, in connection with that statement of Mr. Farmer's, read from a letter to Mr. Tabor - Thomas P. Tabor who is the Chairman of the Board that I am

representing.

SENATOR STAMLER: Take parts of the letter.

MR. HARRISON: And only parts, yes.

"With specific attention to the questions of FFHA policy on regional definitions, no simple answers are possible. As your counsel points out, there is no rigid definition of the term 'region' and the precise limit will vary with the situation in which the term is being applied. It is thus not correct to say that HHFA considers the Tri-State Transportation Committee as the only official body with which it will deal on matters concerning public transportation in the northern New Jersey area."

Now, then, as to the problem: Your Honor has stated - Senator Stamler, you stated quite properly what the real problem was that the Legislature was interested in, and this is the transportation between North Jersey and New York, and in 1959 the Legislature made findings and made a statement of policy. This was the Legislature; this was not an informal action of the Executive Department. This was the findings and policy of the New Jersey Legislature. And this is what they say - I will just read in part; I won't read them all, but may I refer you to Revised Statutes 32:22A-2, and in fact RS 32:22A is the whole bi-state agency statute. In sub-paragraph (c) the Legislatures found and stated as a policy that "The present and future transit needs of the 2 states call for prompt

development of an interim plan for the co-ordinated 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."

And then, in sub-paragraph (e) the Legislature said:

"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... The Legislature said that, your Honor, not I, but I agree wholeheartedly.

Now, since 1944, may I refer you to another agency that you have that could very well take over this whole job. It has all the statutory power that is necessary. It was enacted, I believe, in Governor Edge's administration back in 1944. It set up the Economic Development Department, later called the Department of Conservation and Economic Development. And let me refer you to the section. It is Revised Statutes 52:27C-16, and all the other sections in that area are germane. But this is what the Legislature said that the Department of Conservation and Economic Development shall do - even the subheading is significant: "Study of transportation, harbor, etc., facilities."

"The department shall survey, investigate and study the transportation, storage, port, harbor and terminal facilities and needs of the State and of particular industrial areas, and the co-ordination of such facilities with existing or future means of transportation. The

department shall prepare a comprehensive and co-ordinated plan for the development of harbor, port, freight terminal and transportation facilities in the State, in co-operation with other State and interstate agencies having jurisdiction over related matters..."

Now we have at least two agencies that are already equipped with all the legislative authority, if not duty, and I submit their duty, because when the Legislature uses the word "shall," I interpret that to establish a duty.

We have all that we need. We do not need - there has been no showing that this is the only thing that is necessary; in other words, to the extent that everything else is excluded. And finally, I heard and your Honor heard Senator Sarcone at your Appropriations Committee meeting ask Commissioner Palmer could the Bi-State Act be amended to meet anything that was necessary for it, and with great reluctance the general answer that the Commissioner gave was yes.

Now, if you don't need another agency; if you don't need more bureaus and more commissions-- they are not necessary to accomplish the purposes of preserving and improving transportation needs of the State for now and for the foreseeable future, and there has been no analysis to show that the transportation needs require us to go into Connecticut transportationwise, then I say that there is no need for Senate 222 and I respectfully urge your Honors to report that this bill is a bad bill and should not pass.

[Applause]

SENATOR STAMLER: Mr. Harrison, is the Morris County Board of Transportation an official governmental agency?

MR. HARRISON: Yes, it is an agency of the Board of Freeholders.

SENATOR STAMLER: And if it is an agency of the Board of Freeholders, and I assume you speak for your clients, how then does - as Mr. Thomas says in his presentation - Morris County approve of this?

MR. HARRISON: He says Morris County approves of it?

SENATOR STAMLER: I'm sure that he said this was one of the counties.

MR. HARRISON: I think that all that he said - and he is here and he can correct me - all he said in the beautiful chart that he had - and you see everything on the chart doesn't mean to say that it's done, and I'm glad you brought this up. It shows that there is a committee supposed to cooperate, and each county has two members on this - whatever the pretty name is - consultative or whatever, and Mr. Tabor, I think, is one of them, but from what he tells me, they have never been called in on any consultation -

SENATOR STAMLER: I don't want to interrupt, but it seems to me, Mr. Harrison, that the testimony was that these counties - he listed all of them - first he picked out a few and then he was corrected, and he said that they all approved. I am sure he said that. Now, I can be corrected.

MR. HARRISON: Well, I'll go by what Mr. Thomas says any day.

MR. THOMAS: I don't believe I used the word "approved." I said these counties were participating -

SENATOR STAMLER: Well, that's the word. I'm sorry.

MR. HARRISON: I know you have a lot of witnesses here. I don't want to go into little small points. The Committee itself as presently constituted sent in a team to take some statistics and make a survey in Morris County. Well, they just weren't necessary. All the data was available at the County Planning Board.

SENATOR STAMLER: All I'm trying to find out is - does Morris County approve of it or doesn't it?

MR. HARRISON: So far as the Board is concerned, the answer is no.

SENATOR STAMLER: All right, thank you, Mr. Harrison.

MR. HARRISON: Thank you.

SENATOR STAMLER: I would like to call, out of turn, merely because he's a public employee and we would like to see him get back to work, Mr. John Swanson.

Will you give your full name, please.

J O H N A. S W A N S O N: I am John A. Swanson, Regional Engineer for the Bureau of Public Roads, U. S. Department of Commerce. My area of responsibility includes all of the New England States, Puerto Rico, New York and New Jersey.

Our regional office is charged with supervising all of the Federal-aid highway expenditures in this nine-division region. Our responsibility includes not only the design and construction of highway projects to be built from Federal-aid money but also planning and research for proper Federal-aid expenditures.

This brings us to the reason why the Bureau of Public Roads is interested in the formation of an interstate compact called the Tri-State Transportation Commission.

As you know, the Tri-State Committee was created by the Governors of the states of New Jersey, New York, and Connecticut on August 30, 1961 and was charged with the responsibility of conducting studies and making recommendations for the transportation needs of the New York Metropolitan Area. At that time it was recognized that specific authority and/or recognition by the three State Legislatures was desirable. However, planning needs could

not wait for legislative action and on February 6, 1962, an agreement was signed by the three states setting forth the responsibilities of the Committee and stipulating that their work would be action-oriented, concerned with both present problems and the formulation of plans and action programs for the future.

The initial agreement by the three Governors, in addition to setting forth the responsibility of the Tri-State staff, also expressed their desire to take advantage of the available Federal funds under Title 23 of the U. S. Code, and the Housing Act of 1961. These funds are generally known as Federal-aid 1-1/2% Highway Planning and Research Funds, and 701 Planning Assistance Grants respectively.

The initial agreement also included the financial arrangement - that is the State of Connecticut would pay 10% of the cost of the studies and the states of New York and New Jersey would pay 45% each. All three states immediately saw that it would be impossible for them to finance a study of this magnitude with only the Highway Planning and Research money available to them. Therefore, since the Governors had indicated their desire and need to use 701 money, requests for such assistance were made to the Bureau of Public Roads and the Housing and Home Finance Agency. By mutual agreement, the two Federal agencies decided that a logical split of costs on this project would be 50-50. That is, 50% of the Federal pro rata share of the cost would be paid from the Highway general planning funds and the other

50% from the general planning funds from 701. This mutual agreement was arrived at after serious consideration had been given to the type of studies which were to be conducted and the relative acceptability of these studies for financing with each type of funds.

To put in focus the importance of this mutual agreement between the Bureau of Public Roads and the Housing and Home Finance Agency, I would like to explain just how financing is handled by each agency. Money available from Title 23 of the U. S. Code through the Bureau of Public Roads, is apportioned to the states only through their Highway Departments. For that reason the Bureau of Public Roads could never allocate any money directly to any organization other than the State Highway Department. Even though the Tri-State Commission Compact were enacted and if 1 1/2% Highway Planning and Research money were to be used in the future the State Highway Departments would of necessity be the organizations to apply for such assistance to the Bureau of Public Roads. This would be done through the standard operating technique of including in a highway planning and research project an item of work for financing the Tri-State Commission. This technique is well established and is familiar to all three highway departments.

The Housing and Home Finance Agency does not apportion their planning money to the States as does Public Roads. HHFA allocates money to certain planning projects only after the application for each specific project is submitted and approved. However, they can only approve

a project which is submitted by an organization which has official planning status in the State. They can approve applications for assistance on planning projects from cities, counties, regional planning bodies, or states, as long as the planning organizations are official. Until the Tri-State Commission Compact is approved, the Tri-State Committee cannot submit a proposal to HHFA for direct planning assistance. It becomes necessary for the planning organizations in each of the three States to submit the applications to HHFA and thereby finance Tri-State indirectly. The simplicity of submitting an application to HHFA if Tri-State had official status in all three States is obvious.

Although the Bureau of Public Roads could not accept a direct application for assistance from the Tri-State Commission Compact, we believe in and support the idea of Commission status for the Tri-State study for the following reasons:

1. It would improve central administrative control of the studies.
2. It would provide increased stability for the organization and give additional support to the staff by assuring a future to the organization.
3. With Compact status the Tri-State Commission could set up a central billing operation and improve the control of the cost accounting for their studies.
4. The planning would continue to be done on a regionalwide basis by an acknowledged, competent, capable

staff which would be recognized as the planning body for the region, without localized interest.

Most of all, however, we believe that the Compact is important to the Tri-State Metropolitan Area because of the provisions of the Highway Act of 1962. This Act stipulated that after July 1, 1965 the Secretary of Commerce, and thereby the Bureau of Public Roads, shall not approve any Federal-aid Highway projects in any urban area of more than 50,000 population unless he finds that such projects are based on a continuing, comprehensive transportation planning process carried on cooperatively by the States and the local communities. The continuing aspect of this study would be difficult to support over a long period if the Tri-State Committee were not given Commission status.

Under its present informal operating procedures it is very possible to foresee a breakdown into individual state planning in the area. If this were to happen, Federal-aid Highway projects in the Metropolitan Area would have to cease immediately since it would not be possible for a Bureau of Public Roads division engineer to state that the planning was comprehensive, that is, including the entire Metropolitan Area. Nor could he say it was cooperative, since the states would no longer be cooperating but would be planning on an individual state basis. We believe a Tri-State Commission Compact is important because it will show to the Metropolitan Area that the three States do want comprehensive, continuing planning in this area. It will also demonstrate to the U. S. Congress that in this

largest of all metropolitan areas, planning can be done cooperatively, comprehensively, and on a continuing basis under an established organization qualified both technically and legally.

In conclusion I want to state that when the urban transportation study for the New York City metropolitan area was first conceived and discussed, I advised that Public Roads would be unwilling to endorse and/or approve any such study unless it included the areas of all three states - New Jersey, New York and Connecticut - that properly fell within such a study area. Nothing has elapsed since that time to change my opinion.

That's my statement, sir.

SENATOR STAMLER: Thank you, Mr. Swanson.

The Newark News carried a story that, according to you, we were not going to lose federal assistance in our roadways. The Newark News said that "The Federal Bureau believes a Tri-State Agency is the ideal way to coordinate planning but will settle for even an informal agreement among the three State Highway Departments."

Does that still stand?

MR. SWANSON: That is correct. I mean, we do not -- what we do say is that there must be cooperative planning among the three states. Whether it is conducted on a formal basis or an informal basis is immaterial but there has to be direction on a three-state level so that you do have truly cooperative, comprehensive, continuing planning on the three-state basis.

SENATOR STAMLER: Thank you. And I notice your district covers New England and Puerto Rico.

MR. SWANSON: Yes, sir.

SENATOR STAMLER: We are not going to eventually have a transportation problem with Maine, are we?

MR. SWANSON: Oh, not particularly.

SENATOR STAMLER: Not right away.

MR. SWANSON: No, sir.

SENATOR STAMLER: I wondered whether or not, and possibly you can answer it, when the plan was devised, the Federal Bureau of Roads came up with a plan which cut Connecticut in half, took two or three counties in New York and cut New Jersey in half, because you said, I think, in your testimony that the three states were involved.

MR. SWANSON: That's right.

SENATOR STAMLER: That means all of the State.

MR. SWANSON: Well, the portions of these states that would fall within the New York City Metropolitan Area. It brings all three states into it.

SENATOR STAMLER: Well, that includes Dutchess County and Orange, and wherever the Central Naugatuck Valley is.

MR. SWANSON: Yes, and goes up through Connecticut, almost as far north as New Haven, I believe.

SENATOR STAMLER: I see. Thank you.

Any questions, Senator?

SENATOR DEAMER: No questions.

SENATOR FORSYTHE: No.

SENATOR STAMLER: Thank you very much, Mr. Swanson.  
Miss Unsel.

G E R T R U D E E. U N S E L: Senator Stamler, I want to thank you and your staff for allowing me to express my opinion on Senate Bill 222. I represent the Bergen County Conservative Club of Hillsdale, New Jersey.

The Bergen County Conservative Club wishes to go on record as opposing the Tri-State Transit bill S.222 for the following reasons:

1. The Tri-State Transit Commission would become, in the words of Luther Gulick, "a new layer of government", superimposed over the government of the State of New Jersey.
2. The primary purpose of the Tri-State Transit Commission is regional planning with powers to confiscate private property, operate transportation facilities in the socialist concept and to effectuate the redesigning of our municipalities into the "new communities" recently suggested by President Johnson. (See Article IV, Sec. 1-a, Sec. 1-b, Sec. 2, Sec. 4, line 9 of S.222)
3. The Tri-State Transit Commission would be a virtual triumvirate with unlimited powers. (Article IV, Sec. 2-h)
4. The representatives from New Jersey appointed by the Governor would be as untouchable and unrepresentative as are the officials of the Port Authority. (Article II, Sec. 2-c)
5. The Tri-State Transit Commission will have the power to conduct investigations and require access to any books, records or papers, and may subpoena any person to produce such books, records or papers. (Article IV, Sec. 2-d)
6. Article V, Section 2 of S.222 is already in effect before the bill has been acted upon. The Tri-State Transit Committee is now accepting advances from New York State and the Federal Government and New Jersey will be required to repay whatever has been spent prior to any agreement on our part to join.

7. The Tri-State agency will enjoy the same sovereign immunity as the party States and may not be sued in any court. (Article V, Sec. 3)
8. The interests of New Jersey can be overridden by the desires of the representatives of the other two states and the influence of the officials of the Federal Government, thus rendering this supragovernment entirely undemocratic insofar as the people of New Jersey are concerned.
9. The people of New Jersey cannot bear a further tax burden to be added to their already high taxes of the federal, state and local levels, not to mention the hundreds of hidden taxes now being paid on the purchase of every commodity.

Ten years ago, at the 25th anniversary conference of the Regional Plan Association in New York City, former City Administrator and present Director of the Institute of Public Administration, Luther Gulick said:

"...we need a new layer of local government in metropolitan New York to deal specifically with water and pollution, with transportation and the port, and a new allocation of revenues to finance these activities effectively." (Emphasis added.)

On the subject of financing such a government, Gulick said:

"...there must also be a structure of enforced cooperation."

He added that "a new type of local federalism across state lines will be the result."

In a speech at the "Metropolitan Community" conference in Detroit, Michigan, on May 6, 1963, Senator Edmund S. Muskie of Maine, who along with Senator Harrison Williams has sponsored Senate bill 855 to force local governments into regional agencies in order to qualify for the federal funds furnished by our tax money, said:

"The severe pressures on state and local governments that have accompanied the remarkable growth of metropolitan areas have caused some experts to question

(All emphasis added)

whether American federalism can endure. In a recent book entitled The Coming World Transformation, for example, Professor Ferdinand Lundberg of New York University predicts that 'the American city will in the coming period fall completely under the jurisdiction of the national government like European cities which are in every way better managed.'"

It is to be taken, then, that Senator Muskie, sponsor of this regional bill, favors placing our American cities directly under the Federal Government, obliterating state lines entirely and eliminating the necessity for State governments. This would bring about the destruction of the structure of our American republic with its checks and balances, a system which gave the American people more freedom than has ever been enjoyed by mankind anywhere in the world.

It is interesting to note here that in the Detroit area, Metro is being promoted as the supercity from Buffalo to Detroit.

Senator Muskie continued in the same speech:

"Metropolitan area planning would also be assisted by the enactment of S.855. It might be called the vinegar approach. This bill would require all applications for certain grants-in-aid from within a metropolitan area be reviewed and commented upon - but not necessarily approved - by a metropolitan planning agency before being acted upon by the relevant federal department or agency. Grant applications for airport construction, waste treatment works, urban renewal, public housing, hospital construction, and urban highways would come under the scrutiny of a legally constituted metropolitan planning agency charged with the responsibility for comprehensive area planning."

Thus, we can get some idea as to what the activities of the Tri-State Transit Commission would be if given legal status from this outline by Senator Muskie.

(All emphasis added)

From this we can see that the overall drive by Federal and regional agencies is to remove from the States all jurisdiction over the municipalities within their boundaries and turn the power over to the national government as in Europe. The system in Europe is not new. It was because of this system that our forefathers decided to set up a new system whereby the citizens would be able to control their government. The system of checks and balances is unique in the world even today.

At the Regional Planning Conference in New York, October 15, 1963, Thomas Goodfellow, president of the Long Island Railroad expressed the wish that New Jersey would hurry and pass the Tri-State bill so that when his railroad needs a new station all he would have to do is ask William Ronan, Governor Rockefeller's secretary and head of the Tri-State Transit Committee, for the money. In other words, New Jersey taxpayers would have to contribute to the upkeep of the railroads in Long Island.

Mr. Bailey, head of the Philadelphia transit authority, said at the same conference, that the customer is charged a "reasonable fare" with the government, (this is the taxpayers) making up the difference. The City of Philadelphia is subsidizing its transit system by about \$4 million a year, quite a sum to be added to the tax burden.

In Boston, the deficit of the Metropolitan Transit Commission of \$16 million is paid for by the taxpayers. Still the Boston & Maine Railroad is losing.

The Port Authority plans to spend \$40 million for capital improvements on the Hudson tubes. Yet Austin J. Tobin, Executive Director, told the National Conference on Urban Transportation of the U.S. Chamber of Commerce on January 10, 1964:

"Even with modern equipment and proper maintenance, even with efficient operations, mass transportation would lose money."

Boris Pushkarov, one of the directors of the Regional Plan Association, said: "You buy a package of land use with a package of transportation."

When the proponents of metropolitan regional government admit that along with transportation goes land use and development, it is not hard to see that the transportation issue is being used as a vehicle to transport into our country an entirely different form of government, borrowed from Europe, and engineered by the so-called experts rather than by the people and their elected officials.

One cause of the difficulties of the commuter railroads can be shown by the fact that in 1927 when the Holland Tunnel was opened by the Port Authority, the Hudson tubes were carrying 113,000,000 passengers. By 1958, the patronage had declined to 31,000,000. The ferries are reported to carry about 18,000,000, and if these people used the tubes, the total would still be less than 45% of the number who once used this facility. Yet, the Port Authority which created the competition of vehicular travel which caused the decline in rail travel, has not been able to solve the problem of the tubes even though it pays no taxes and charges the same fare as the private company did.

In 1961, the State Highway Department announced that it would widen two of the State highways in Bergen County. I sent a plan to Highway Commissioner Dwight Palmer suggesting that traffic on these highways be separated by assigning the commuter buses to the right-hand lane of the widened road and keeping private cars and trucks in the other lanes. It would not be a matter of subsidy but rather arrangement of space already planned. It would mean that traffic jams would not affect public transportation and for this reason public transportation would be made more attractive to those now using private cars. Most delays on public buses are caused by accidents or breakdowns of private cars and trucks. I also pointed out that the right-hand lanes would be available in times of emergencies for police, fire trucks, ambulances or tow trucks enabling them to reach the scene of trouble in fast time.

Bus companies operating in our area have endorsed my bus-lanes suggestion but Dwight Palmer has never answered. Instead, he goes on building more and more superhighways and then complains because people use them instead of public transportation.

As a daily commuter to New York, I have used both train and bus service. I will say that on the whole the service is good. Occasionally, there is equipment failure on the railroad or delays caused by storms. Most of the delays by bus, however, are the result of continuous highway or bridge constructions, major accidents or severe storms. The Tri-State agency is incapable of solving these problems. But the State might do something about the continuous construction blockage, and adequate highway patrol might cut down on the accidents.

One answer is to make users of transportation facilities pay the cost rather than the general taxpayers, and also see that highway funds go to the highways and not for other purposes. Both former President Eisenhower and former President Truman have expressed themselves as not in favor of government support of transportation. Zanesville Ohio Chamber of Commerce reported how that community solves its transportation problem without the help of government by the purchase of stocks by bus drivers, businessmen and other citizens to finance the transportation company.

In conclusion, we wish to say that the answer lies not in the change of the form of our government. The only experts qualified to handle the problem are the transportation companies who have the experience and know-how to do the job, and who would provide adequate service if the government will allow them enough profit to make it worth their while. The social scientists of the tax-exempt foundations such as the Ford Foundation which recently granted \$3/4 million to the Regional Plan Association have had no experience. The subsidization of transportation or the take-over by the Tri-State agency will only pull us deeper into the mire of socialism with no hope of any real solution.

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Thank you.

SENATOR STAMLER: Thank you.

Any questions, Senator?

SENATOR DEAMER: No.

SENATOR FORSYTHE: No.

SENATOR STAMLER: Thank you very much, Miss Unsel.

Mrs. Mann, please.

And I would hope that the future witnesses would try to refer specifically to the Bill. Commissioner Palmer has had his problems and I have had some with him but --

COMM'R PALMER: May I be excused?

SENATOR STAMLER: Yes, sir. Thank you.

Mrs. Mann? Did you want to testify, Mrs. Mann?

You are listed.

MRS. MANN: I did put my name on the list but I would like to give my time to Mrs. Tierney.

SENATOR STAMLER: All right. Thank you very much.

Mrs. Tierney.

M R S. J O A N T I E R N E Y: Senator Stamler, I have two situations that I have to cope with here today. I don't generally speak from a written script. I feel on most of these subjects that I do know my subject but I do want to bring out certain points to you and I know that you have to have something for the record. So, I have a script but it is a little difficult for me today.

I am here speaking on behalf of the Tri-State Conference on Community Problems, which was just an informal citizen study group organized throughout the three states in

opposition to this continuous program of regional type legislation.

I am also speaking on behalf of the Ridgewood Unit of Republican Women, which has a membership of over 300 and who have consistently and very early opposed any attempt at economic consolidation of New York, New Jersey and Connecticut.

The Ridgewood Unit would like me to read this brief resolution to you:

"WHEREAS there is an increased propagandizing for regional authority type government which is destroying the sound constitutional structure of this Country along town, county and state lines, and

WHEREAS the ultimate goal of regionalization is the complete elimination of meaningful state lines in favor of approximately fifteen regions or soviets under the rule of strong appointed regional directors answerable only to the President, and

WHEREAS regional authorities are given dangerously broad and far-reaching powers, such as land control, condemnation, seizure of personal records, court immunity, and are governed by appointed, not elected, officials who cannot be removed by the electorate for any reason whatsoever, and

WHEREAS regional planning cannot be implemented without regional government over-riding representative government at all levels, thereby making these agencies judge, jury and prosecutor of that vital right of all men, land ownership,

and virtually plundering private property through ex-post facto laws and master plans, and

WHEREAS government planning will lead to great abuses and the displacement of thousands of people for the sake of a plan constituting the power of eminent domain run wild and putting every American at the mercy of men selected and not elected to govern us,

BE IT RESOLVED that eternal vigilance is the price of freedom and the Ridgewood Unit of Republican Women ask our elected officials, who took an oath to uphold and defend the Constitution, to protect the property rights of individuals from being abridged or destroyed any further by regional authorities, urban renewal, metropolitan or regional planning governing agencies or any metro-weapon agencies such as the Tri-State Transportation Commission, a land control agency."

This resolution was adopted unanimously by the Ridgewood Unit of Republican Women on June 6, 1963, upon the occasion of the Senate and House hearings in New York City with respect to the Metropolitan Regional Council and the Tri-State Transportation Commission.

I would like to give you copies of these other documents that may be included in the record. I will just refer to them briefly and you may want copies.

SENATOR STAMLER: Thank you, Mrs. Tierney.

MRS. TIERNEY: My statement is in reference to the Compact but what I feel is what has brought it about.

It is evident from the fact that we are now

considering this bill for the third time in a very few months, that great pressure is being exerted from behind the scenes on our Legislature to get the compact through whether the people like it or not. Is the pressure financial? Perhaps. The Tri-State Transportation Committee commenced business without statutory authorization. It is rumored that a New Jersey project was paid for with New York funds and the Committee is now without funds to repay the loan. It is rumored also to have used highway funds which also must be replaced.

In addition to this awkward situation, which will certainly make the political pot boil in November, there is an even more distasteful pressure to pass the compact. It is evidently being pushed by some public officials whose will has been bent by speculators with money, contracts and re-election funds. Only the schemers profit from legislation such as this. "Comprehensive planning" by definition of its latin root means "to seize with a plan or a scheme."

Although there are those who will not admit it, the Tri-State Transportation Commission compact is a land control agency, or would land reform be more correct? The bill is another in a series of legislative attempts to gain control of land in private hands and to subject it to the control of appointees empowered, like gods, to redesign the land use to their own liking, and in total disregard for the people on that land who own it. Its future use will be designated by the highest bidder after the land has been pirated by eminent domain from private

citizens. Where will the citizen go to protest when the appointed lords are immune to the courts?

In the pamphlet "Model State and Regional Planning Law," put out by the National Municipal League who also support government by the elite, we read on page 62 and page 53, respectively:

"An able and vigorous state planning director working under the provisions of the Model Law might have substantial influence on projects and programs that would affect materially the value of real property and other investments." -- "The Office of director requires not only a person of high technical qualifications, but also of high integrity because the director's recommendations may indirectly affect land values in different parts of the state."

Gentlemen, is this government of laws or of men?

This matter of integrity over protection by law applies to all appointed officials not subject to public officials directly or to voter review, particularly when they hold tremendous powers to transgress liberty or property or privacy. The compact transgresses all three.

Land ownership and the use of it, although protected in the Bill of Rights is seriously threatened today by programs such as Urban Renewal and Regional Planning which use indiscriminately the power of eminent domain.

To graphically illustrate this to you, I have brought with me today two pictures. These pictures illustrate very clearly what happens when the hand of government gets in planning.

This is the story of the young Marine in California whose home was taken from him after ten weeks of holding the government at bay. But what the government wants the government eventually takes. He was tricked into coming to his front door, which is also an illegal procedure; he was put in jail and his home was bulldozed to the ground.

Is this America? is what the picture says. And I am beginning to ask myself the same question.

SENATOR STAMLER: Well, this is.

MRS. TIERNEY: It is but how long will it be?

SENATOR STAMLER: As long as we have anything to say, it will be.

MRS. TIERNEY: Property ownership of all kinds is vital to the independence and resourcefulness that characterizes Americans. Gentlemen, you can be the heroes if you do not destroy this great intangible wealth of America. We urge you not to succumb to the pressure being exerted to pass this anti-constitutional, police-state type law.

The Tri-State Transportation Commission gets New York City out of Rockefeller's hair and into ours. It is a planning agency, no more, entitled to receive federal urban planning grants under U. S. Code 40, Sec. 461 (a) (2); the language of the compact tracks the language of Sec. 461 (d) and 461 (a). Consent of Congress has been given in advance to the compact in Sec. 461 (f). It is not a transportation agency.

By the furthest stretch of the imagination this Committee cannot come to the aid of the railroads who need

immediate help, nor will the Committee act in the future to save the railroads. We predict the Committee will act to bring about government ownership of the railroads in the not too distant future. Through efforts being made to establish like commissions in each of the metropolitan areas on the eastern seaboard between Washington and Boston, the federal government would bring about a government-owned and operated "megalopolis railroad."

Claiborne Pell is given credit for this idea, but evidence exists that it originated in the Twentieth Century Fund, a Ford Foundation subsidiary. Eight states, eight state legislatures and the many private railroad companies, acting separate and independently, would be much harder for Washington to take over.

The foundations are a chapter in this story which would take a separate book and suffice it here to say, Congressman Wright Patman's latest report on the foundations concludes that if something is not done about their undue influence in government, schools, and business, they will destroy the nation.

A recipient of their funds, Mr. Luther Gulick, will bring into focus more clearly the foundation-intellectual elite-speculator combine. As an intellectual he enjoys a position of influence with federal and state committees. His reports were the base of S. 6, the Urban Mass Transit Act of 1963, a federal power-grab bill described by one Senator as "putting Federal mayors on Main Street." He participated on the Municipal Manpower Commission, which

developed S. 855 and S. 915, two federal planning bills calling for regional regulatory agencies to control local governments with federal money, such as the Tri-State Transportation Commission.

The Ford Foundation financed this study.

As a member of Regional Plan Association, Mr. Gulick developed the enabling legislation for the Metropolitan Regional Council, and is associated with the development of the Tri-State Transportation Commission you have before you. Regional Plan Association takes the credit for establishing it.

I would like to refer briefly here to the chart because I feel that the switch is being made by the same people from a dead horse to one that's still alive.

The money and influence of these combines was behind the Metropolitan Regional Council up until this year when with violent citizen opposition it was defeated. Here in New Jersey only one county, that of Carl Metzger, who is part of this intellectual-elite group, accepted the Regional Metropolitan Council compact and all other counties turned it down.

Now the shift in emphasis has been to establishing two regional authorities, one controlling transportation and land use planning and then, after that is established, to establish an open space agency to control all other land not used in those two categories. And by virtually controlling all the land, the new regional government would control the New York area.

This particular set up here graphically illustrates

what they were trying to attempt to do here was to bind economically together the area of New Jersey designated as the 9 northern counties, 5 counties in New York State, and Fairfield County in Connecticut. The most important of all was the transportation agency. The Tri-State Transportation Commission Compact, I doubt will every have its land use clauses removed because the whole purpose of getting this compact was to get power over the land in the three states.

You will see that in the Metropolitan Regional Council, just as in the chart that Mr. Thomas showed, they bring in county government, he says, they listen to them, they don't consult them, I think they are more or less of a cover-up for the operations and machinations of the bureaucracy at the top level. In the case of the Metropolitan Regional Council all these employees were hired irrespective of Civil Service merit systems and personal requirements. And the same things hold true with the Tri-State Transportation Commission. They are far removed from the Legislature and from the people. They have proved by what they have spent already that they are a bit irresponsible. And comments were made by the employees at the time the New Jersey Legislature defeated this compact the last time, in caucus, that they were promised a 5% increase in salary - every employee in the Committee - if it got through the New Jersey Legislature. So I feel much depends on us to stop this program.

In a speech given by Mr. Gulick on October 6, 1954, he pointed out clearly that he had come to the conclusion,

reluctantly, "that we need a new layer of local government in Metropolitan New York...I am inclined to think that I would start with two agencies, one in the water and pollution field, and one in the transportation and port area. This second agency could be built by combining the Port of New York Authority and the Triborough Bridge and the Tunnel Authority and the New York City Transit Authority and expanding their duties to include the program envisaged by the New York and New Jersey Commissions now engaged in the study of the rapid transportation facilities of the region... During the next twenty-five years we may expect to see a further development of metropolitan area government not through the extension of the boundaries of the City of New York or through the creation of a super planning agency, but rather through the extension, modification, and democratization of the interstate and operating authorities...It seems to me that this approach makes it possible to rise above state lines and municipal boundaries on the foundation of the experience we have already had...I do not think it very important to make an effort now to create an official superplanning agency for the region...I would put the energy required into creating a regional water and pollution control authority and would achieve regional planning as an essentially interwoven activity of those agencies...I would make certain that forward programming - planning to you - is made a fundamental part of every authority."

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And this, I feel, is the program that they are approaching. They know that they cannot get metropolitan

government directly because there is an abhorance here to another layer of government but by virtually giving control to all these authorities over the land and the use of that land, they can restrict the citizens and the businesses on that land.

Notice the strategy, gentlemen, the supergovernment apologists can shift from the Metropolitan Regional Council to the Tri-State Transportation Commission and still not have lost their objective. They have many roads to their objective, but the principal one still is getting control of the land so that the dreamers and speculators on which the power bloc depend can run roughshod over the people on the land and remove the citizens from positions of control over the newly consolidated government, such as we have under the Constitution.

"Nothing should be left to the hazards of popular election," once stated a New Jersey metro apologist, Mr. Clive S. Cummis. Such statements are quite revealing.

We recommend support of the 1959 Bi-State Compact which is limited to solution of the commuter problem.

We wish to solve the commuter problem alone.

Our financial recommendation has to do with the Port Authority.

A portion of Port Authority funds should be returned to the states to help solve the commuter rail problem. The railroads are being forced by government to provide a service they cannot afford. As compensation, they should be relieved of all tax on commuter service. The resulting

tax loss to municipalities should be offset with the P.A. funds, surplus funds which are after all earned by the P.A. as a tax-free agency in competition with the railroads who are taxed.

This Legislature is well aware of the existence of surplus P.A. funds which run well over \$100 million in the 1962 audit. Contrast this figure with the \$18 million needed by the railroads to make ends meet in providing a commuter service by order of the I.C.C. It is interesting to compare the \$18 million deficit figure with the \$17 million now paid by the railroads to the State in taxes.

As a quasi-governmental agency, it would be logical for the States to put a ceiling on the P.A. surplus funds being used for investment purposes, which are accumulated over and above funds reserved to cover outstanding debts and two years' running expenses. This is, I understand, P.A.'s established policy.

If such an agency is accumulating funds because of its tax-free status which benefit its bondholders, while a government-required service is deficit ridden, it is only equitable in this layman's mind that the surplus from one operation be applied to the other, as the hand of government is on both.

Greater restraints should be put on the Port Authority with regard to its real estate ventures. It is my personal conclusion that having had Roger Gilman, and now Dr. J. Carroll of the Port Authority as executive directors of the Tri-State Transportation Committee and

other P.A. officials in the employ of the Committee, the Port Authority may fall heir to the Commission's powers, thereby legalizing land piracy for speculation and private gain by a handful of men, while the majority of our people live under the dark cloud of condemnation and greed.

If there are those who no longer respect our noble Constitution, let them harken back to an even more auspicious occasion when a holy man named Moses received from the hand of the Lord Himself the code which governs our society. The Ten Commandments still remain. Although man's history is filled with rebellion against that code, it still lives.

I come today in testimony for that code and one of the precepts I see so recklessly being violated - Thou shalt not steal.

Thank you.

SENATOR SANDMAN: Thank you, Mrs. Tierney.

Senator, do you have any questions?

SENATOR DEAMER: No questions.

SENATOR STAMLER: Senator Forsythe?

SENATOR FORSYTHE: No questions.

SENATOR STAMLER: Thank you very much.

Is there anybody who can testify for about five or six minutes? We have to adjourn sometime for lunch.

MRS. GOTTLIEB: If I may?

SENATOR STAMLER: Are you on our list here?

MRS. GOTTLIEB: Yes, I am.

SENATOR STAMLER: All right. Thank you.

M R S. M E L V I N B. G O T T L I E B: Senator Stamler and members of the Committee, I am Mrs. Melvin B. Gottlieb, of the League of Women Voters of New Jersey. The League is a non-partisan organization devoted to promoting informed and active participation of citizens in government.

For the past three years the League in New Jersey has been exploring the possibilities in regional planning. We have concluded that these possibilities are great and, in fact, that it is essential they be brought to bear on the problems facing our rapidly developing urban areas. We believe that, in order to be effective, regional planning must be comprehensive and long-range, that planning policy must be formulated by those levels of government which will make the decisions and pay the bills, and that policy must be translated into workable plans and programs by a competent staff.

We, therefore, welcome this opportunity to endorse S-222 which, with similar legislation in the other two states, would make the Tri-State Transportation Commission the official planning agency for the New York-New Jersey-Connecticut metropolitan region.

It is hardly necessary to dwell here on a description of this metropolitan region. We are all familiar with its dynamic economic and social interactions. One of the most vital elements of this region is, of course, its transportation system. In order to facilitate the circulation of people and goods throughout the region, we believe it is

necessary to take into account all forms of transportation and to develop a coordinated transportation plan. In addition, however, it is imperative that we recognize not only how developments in a community or region necessitate changes in its transportation facilities, but, conversely, the tremendous impact which the provision of transportation facilities has on the future development of a community or region.

I am sure each one of us here can think of at least one example of how the location of a new highway has brought into being many unforeseen new industrial and retail uses. These new uses, while in themselves perhaps desirable, have so increased the traffic burden as to destroy the effectiveness of the highway and access roads, at the same time changing the entire fact of the countryside.

Coordinated transportation must, therefore, be developed within the context of a comprehensive plan for the general development of the region, in which transportation is used to shape and accommodate desired land use. Creation of the Tri-State Transportation Commission would give us the long-needed opportunity to do this.

We are also concerned in the League of Women Voters that any agency of government incorporate sound principles of government; that representation and financing be equitable, and that the agency be responsible to the electorate. We feel that in the representation on the Commission and the financing of its primary function, that is, planning, S-222 meets these requirements.

The interests of each participating state are duly safeguarded by two provisions: first, the requirement that "No action of the commission shall be effective or binding unless a majority of each party State's representatives who are present at such commission meeting shall vote in favor thereof;" second, the veto power given the governors of the party states, which would give the Governor of each state the power to nullify the Commission's action upon which a previous vote had been taken.

With regard to the contingent function of the Commission, that is, operation of transportation facilities, this function may not be exercised without the future enactment of concurrent legislation by any two or more party states specifically authorizing its exercise. In the event of such legislation, only the party states so authorizing would pay for the operation of the designated facilities. Each state is thus insured against assuming the financial burden for facilities unrelated to it.

For years we have heard endless recitation and discussion of the many problems, both present and future, of the metropolitan region, and for as many years these problems have bedeviled our governments. We now have within our grasp the opportunity to do something about them in a cooperative effort based on common goals. We urge that S-222 be enacted.

SENATOR STAMLER: Thank you, Mrs. Gottlieb.

Senator Deamer, any questions?

SENATOR DEAMER: No.

SENATOR STAMLER: Senator Forsythe?

SENATOR FORSYTHE: No.

SENATOR STAMLER: Thank you very much, Mrs. Gottlieb.  
Where are you from? You didn't say.

MRS. GOTTLIEB: Princeton, New Jersey.

SENATOR STAMLER: Thank you!

Anyone else who will take about five minutes?

All right, go ahead.

D O U G L A S P O W E L L: Senator, my name is Douglas Powell. I am President of the New Jersey Chapter of the American Institute of Planners. The following statement was authorized by the members of this Chapter at its last regular meeting.

The New Jersey Chapter of the American Institute of Planners urges the New Jersey Legislature to establish an interstate compact that will convert the present Tri-State Transportation Committee into a Tri-State Transportation Commission having the following functions:

- 1 To prepare plans and submit recommendations to the Legislature of New Jersey, New York and Connecticut for aiding the solution of immediate and long-range transportation problems in the Tri-State New York Region as now defined by the Tri-State Transportation Committee.

2. To perform comprehensive metropolitan-wide planning including the preparation of recommendations for a general land use pattern for the Tri-State Region that can serve among other purposes as the most appropriate basis for regional transportation proposals.

3. To provide coordination and liason among governmental and private agencies concerned with planning or providing transportation or other regional public facilities within the Tri-State region on request of the Governors of the three states.

4. To report to the States involved in the compact on the regional implications of any transportation plan or other regionwide development plan or program.

This new legislation is needed for two reasons: first, to provide the existing Tri-State Transportation planning effort with a more firmly established legal authorization and, second, in doing so to reaffirm that the State of New Jersey, as well as the states of New York and Connecticut, are fully committed and determined to plan together primarily to solve the transportation problems of the region.

Great progress was made three years ago when, through the actions of their governors, New Jersey, New York and Connecticut agreed to act together to resolve the immediate problems that all were experiencing in the commuter transportation crisis and to prepare a long-range plan for transportation for the Tri-State Metropolitan Region. It was agreed then that transportation planning for the New York region could not be accomplished except through coordinated action among the three states. This recognition was based on the following principles, among many principles:

1. The Tri-State Metropolitan Region is a unified community whose parts from a transportation viewpoint are

inter-dependent upon each other. This is illustrated by the fact that there are many important streams of transportation movement that extend across, as well as within, the entire three state area.

2. An accurate understanding of transportation patterns to and from, within and across the Tri-State Metropolitan Region can be gained only by studying the region as a whole. An understanding could not be reached if, for example, New York and New Jersey were to study their transportation patterns using data gathered and analyzed according to one set of standards and then New York and Connecticut were to study their joint transportation patterns on the basis of data gathered and analyzed on entirely different sets of standards. A picture of the entire region-wide pattern would never be achieved in this manner since uncoordinated data would be involved. Because common standards for data and common standards for analysis are required to study the Region, a central coordinating office and, therefore, a central Tri-State Transportation planning committee was deemed essential.

3. By studying and analyzing the problems of the three-state region through a central committee, common standards to the greatest extent could be used in planning solutions. Thus a coordinating mechanism would exist for proposing standard equipment for rail lines permitting interchangeable equipment among lines in New York, New Jersey or Connecticut, thus paving the way for the greatest future efficiencies for the region. Many other money-

saving efficiencies could be planned in this manner for rail, bus, and vehicular proposals.

These and other sound and reasonable principles dictated the necessity of forming a three-state transportation planning committee.

Now three years of hard effort in gathering such data and commencing the analyses have been completed by the Tri-State Committee. It is essential that the proposed legislation continue this on a three-state basis for planning purposes.

Since the costs of such a vast study of the Tri-State Region are high, the financial aid of both the Federal Bureau of Public Roads and the Housing and Home Finance Agency have been required. These agencies are providing over two-thirds of the costs of the study. They have now asked that further assurances be given by the three states that they are fully committed to the three-state approach by approving the interstate compact provided for in Senate 222.

The New Jersey Chapter of American Institute of Planners believes that it is logical for this State to confirm its intent to complete this effort on a three-state basis by adopting this legislation. In doing so it will confirm, as it has previously done through establishing the Interstate Sanitation Commission, that problems of the Tri-State region must be studied and planned on a three-state basis.

A further compelling reason for completing this transportation planning effort on a three-state basis lies in the necessity of New Jersey, New York and Connecticut

having a transportation plan for the Tri-State Region completed or underway by 1965 if this area is to be qualified to receive federal construction grants for highways and other transportation purposes.

The New Jersey Chapter of American Institute of Planners wishes to emphasize that it urges continuation of the Tri-State Transportation Committee as a Commission through an interstate compact for planning purposes. In the opinion of A.I.P. the concept of the contingent functions outlined in S-222 need not be pressed into action at this time. If this were done the function of metropolitan-wide planning would be separated from later action programs which, if desired, can be based on two-state rather than three-state agreements. To restate this, we believe planning must be on a three-state basis for the reasons outlined above, but action programs can be legislated later on a two-state or three-state basis.

The New Jersey Chapter also believes that region-wide land use planning must be an essential function of the Tri-State Transportation Commission if the metropolitan-wide transportation plans are to be effective, for land development and transportation patterns are completely interdependent on each other. In addition, to study and plan for one without the other would, in our opinion, render the studies ineligible for the badly needed federal planning assistance.

But we emphatically do not believe that any Tri-State land use studies will encroach on the prerogatives

of local land use planning or controls, for until the New Jersey Legislature changes its present laws, municipalities have full control over general land uses within their borders through their own zoning, subdivision control, and master plan procedures.

In closing, the New Jersey Chapter of A.I.P. urges the Legislature to act now to continue the vital work of the Tri-State Transportation Committee by establishing it as a Commission through an interstate compact.

SENATOR STAMLER: Thank you, sir.

Where do you live?

MR. POWELL: I live in Middlesex County.

SENATOR STAMLER: As a planner, you believe that municipalities should have no control over their own --

MR. POWELL: Oh, no. I state very emphatically that we believe that they now have full control over their zoning, land use and sub-division control.

SENATOR STAMLER: And that it should continue.

MR. POWELL: Yes, sir.

SENATOR STAMLER: Now, since you discussed the Tri-State Compact and since we can practically throw a silver dollar across the river to Pennsylvania, don't you think by disregarding the New Jersey geographic and economic boundary with Pennsylvania that we are completely avoiding our responsibility to the rest of the State, by forming a compact with a state with which we have neither economic nor geographic boundaries, Connecticut?

MR. POWELL: I think, as I claim, Senator, that it is

important for planning purposes to have a three-state study in order to establish common standards for data, for analysis and for planning.

SENATOR STAMLER: I agree but I say, why not Pennsylvania?

MR. POWELL: If it were appropriate to study the Philadelphia Metropolitan Area in the same way, the same procedure should be followed.

SENATOR STAMLER: I see. Then you suggest that eventually we will wind up in two three-state compacts.

MR. POWELL: I'm not suggesting that this be done. I could conceive that it might be necessary.

SENATOR STAMLER: Eventually.

Thank you very much.

Any questions, Senator Deamer?

SENATOR DEAMER: No questions.

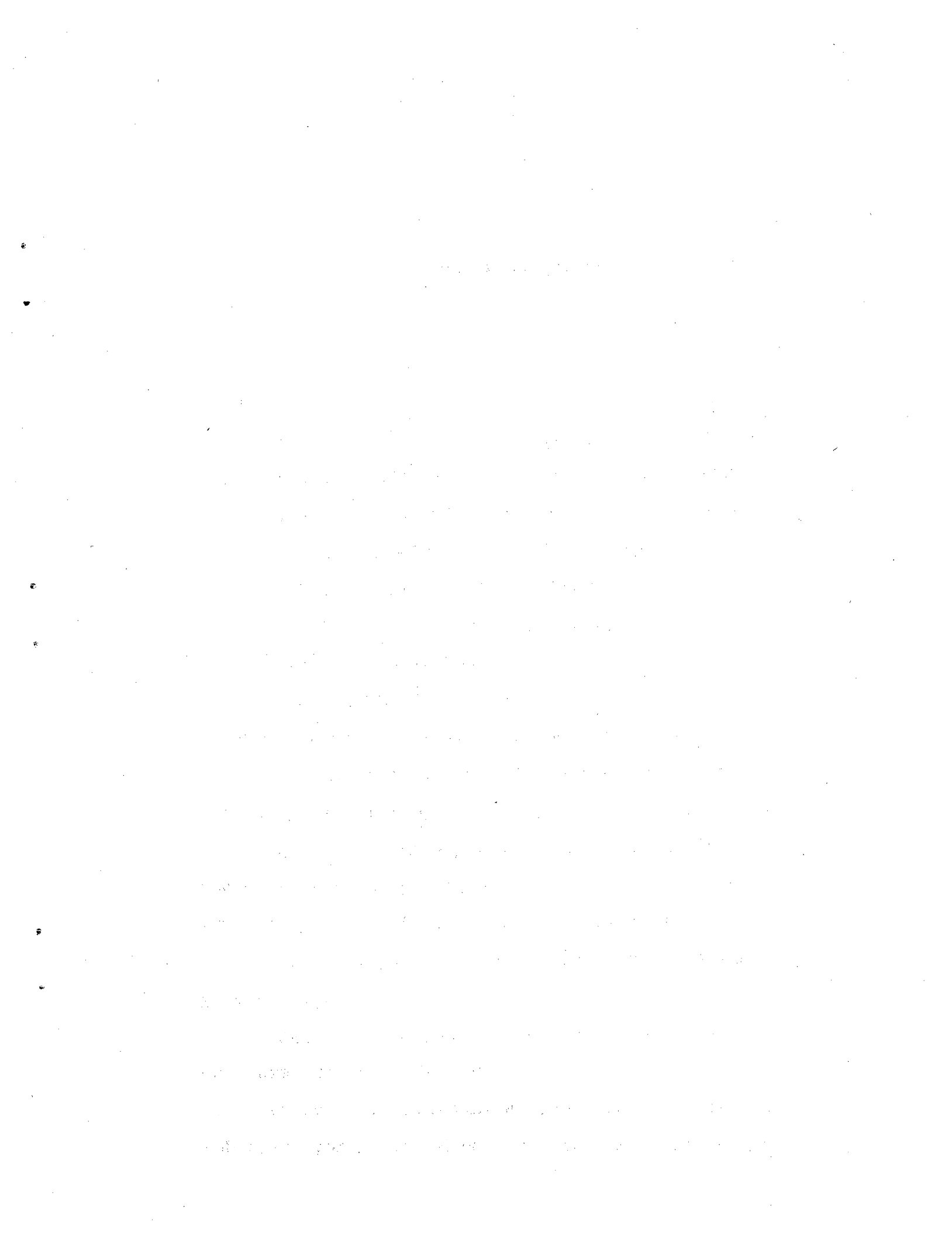
SENATOR STAMLER: Senator Forsythe?

SENATOR FORSYTHE: No questions.

SENATOR STAMLER: Thank you very much, sir.

We will adjourn now for lunch and be back at two o'clock.

(adjourned for lunch)



[Afternoon Session]

SENATOR STAMLER: Colonel Jenny.

L. ALFRED JENNY: My name is L. Alfred Jenny, 128 East Madison Avenue, Dumont, New Jersey. I am a railroad consultant. In view of the fact, Mr. Chairman, that I shall give some expert opinions, I assume that I have to qualify as an expert first.

SENATOR STAMLER: Well, it would be helpful, sir.

COLONEL JENNY: All right. I shall be brief. I have had 58 years of experience in the civil engineer field, primarily in the planning of large and complicated railroad and railroad terminal facilities. My first large project was when I was in charge of planning the permanent track work and general passenger facilities in the Grand Central Terminal in New York. After that I was placed in charge of planning new terminal facilities for the New York Central in other large areas. From that position, I was selected by the United States Government to accompany General Pershing to France in the First American Expeditionary Force as his advisor on port and railroad problems. I served in that capacity for three months and then the Transportation Corps was formed and I was made designing engineer for the Transportation Corps in charge of planning all of the huge port, railroad, railroad terminal and inland waterway facilities built by the American army in France and the adaptation of the French railroads to the needs of the American army. In that period of about a year and a half, I planned over 350 huge projects. They were all built and successfully operated and it has often been said that in

that time alone, I had actually planned more huge railroad facilities that were built and successfully operated than will come to all of the chief engineers of large railroads in a lifetime in this country.

After World War I, I was with consulting engineers doing similar work, railroad location, railroad litigation, railroad valuation, railroad consolidation and rapid transit facilities. In 1930 I went in business for myself as a consultant and one of my first projects there was: I was engaged by a New York firm to bring the New Jersey railroads into a union passenger terminal in Mid-Manhattan and to also solve the commuter problem. I worked there for about two years, but unfortunately I could not show that a project of that kind could be self-supporting financially. Otherwise, they would have built it. I was consultant to the North Jersey Transit Committee, which then sponsored a plan that I had put out in 1934. I have been consultant to many of the New Jersey bodies on various occasions - to the Public Utility Commission, to the Department of Conservation and Economic Development and I have been consultant to the New Jersey Regional Planning Commission and to the New Jersey Metropolitan Rapid Transit Commission until they were merged into one commission.

During the war, I first was sent to Indiana to plan a huge shell-loading plant for the United States army. It may be strange to say, but the shell-loading plant covered 25 square miles, had 77 miles of railroad track inside the plant and 110 miles of two-lane improved highways. From that position, the government sent me overseas to General Eisenhower in North

Africa, who assigned me as a member of the Allied Control Commission for Italy. That was the top-governmental echelon for Italy. We had one member for every Italian ministry and since I was the engineer member, I was placed in charge of the Italian Ministry of Public Works and did all the reconstruction - was in charge of all of the reconstruction in Italy.

I have been connected with the New Jersey-New York railroad problem for the last 40 years, have served on many committees and groups and have been advisor to commuter groups and various others. I could go on for a long time, but I assume that that suffices.

SENATOR STAMLER: Senator Deamer, Colonel, has told me the fact you were an expert and we would appreciate it, if you could get to the bill. It would be helpful.

COLONEL JENNY: All right. Now I am not a consultant to the Assembly Committee from Bergen County, but they have asked me for my opinion on this Tri-State problem. Some of the members have come to see me and ask me what I thought of it. When I gave them my opinion, they asked me if I would give it in writing and copies of what I gave them in writing have been distributed to the legislative leaders here in both Houses.

SENATOR STAMLER: Did you give Senator Deamer a copy and me? I don't remember getting a copy. I would appreciate it.

COLONEL JENNY: He did not get a copy, but I was going to give him a copy of it.

SENATOR STAMLER: Fine.

COLONEL JENNY: I have been trying very hard to make an

appointment with him. I was going to give him a copy then. But in order to get this straight, I would like to read from this statement so that the record is here. I will give you this copy here for your record afterward.

SENATOR STAMLER: If you will give it to the secretary of the Committee, it will be easier.

COLONEL JENNY: In order to determine as to whether or not New Jersey should give the Tri-State Transportation Committee official Commission status, and to give it such added authority as is asked for in New Jersey Assembly No. 785, introduced December 9, 1963, or any similar bill that may be introduced, which you now have, we must first determine what our present needs are, how they have been treated in the past, and then see if this committee is the proper authority to provide for our requirements.

What are our needs? We now have the State Highway Department and the Turnpike and Garden State Parkway Authorities, all of which are known to have excellent staffs, perfectly capable of handling any intra-state or inter-state problems that may confront us. Even recently we read that the Turnpike Authority was planning to extend the turnpike to meet the New York Thruway and that the matter was under discussion with the Thruway Authority, which also has an excellent staff. These authorities have had many years of practical training in this field and we may ask here - why should these well-functioning authorities be required to have their inter-state projects first planned, or approved, by some new super-authority?

If any bi-state project involves the crossing of the

Hudson River, we have the Port of New York Authority, which also has an excellent staff, experienced in these particular problems. Why should some super-authority tell it where to place a bridge or tunnel or how to build it?

In connection with our three New Jersey agencies, we may respectfully ask: Why should all three be engaged in similar activities and why not consolidate them as Divisions of a Public Works Department, thus saving some money?

Sea and Airport Problems. I believe that, as a general rule, everybody is agreed that the Port Authority has done an excellent job in handling these projects for us. Oh, yes, there always will be differences of opinion, such as where an airport should be located or about other allied problems. But, the proposed super-authority would be faced with the same problems. So why delegate this planning to some new and less experienced body?

Railroad Planning. With reference to our acute railroad problem, and which, in fact, is the only real problem requiring immediate and authoritative attention, we have quite a different story to tell.

We have had many public bodies created to look into this problem. They have made long studies and have issued voluminous reports on this subject, but the unfortunate fact is that none of them have come up with an over-all and effective solution that would serve all regions of this area in an adequate manner.

The Port Authority, through its forerunner, has had this problem since 1917, but it has failed to carry out the

mandate given it, and which gave it its birth, and that is to solve the railroad problem existing between New Jersey and New York.

The proposed Hudson and Manhattan plan would hamstring us in northeastern New Jersey and would prevent us from ever getting the much needed direct mid-Manhattan rail connection, where about 70 per cent of our people have destination. The H & M is not suited to be considered our sole rail link with Manhattan. I have given my views on this subject in detail in the report which I made for the Township of Teaneck, dated October 1, 1961. Our United States Senator Williams has rightly referred to the H&M as "a glorified Toonerville Trolley." One can only conclude that the H & M plan is designed as a project to help increase Port Authority revenues, and is not in the public interest.

We are told that a terminal would be created in the Meadows where North Jersey passengers could transfer to Pennsylvania Railroad trains to go to its terminal in New York, and that this plan would be of great benefit to us in northeastern New Jersey.

Since only about 10 per cent of all New Jersey mid-Manhattan passengers have destination in the Pennsylvania Station area in Manhattan, including the Pennsylvania Railroad passengers and the passengers from the Port Authority Bus Terminal, with about 60 per cent in the Rockefeller Center and Grand Central Terminal areas, with the remainder mostly east of 5th Avenue, it must be obvious that these 90 per cent of our people would, in addition to one transfer in the Meadows,

have to take one or more transit facilities to reach destination in mid-Manhattan.

The result is that these people just would not use this facility, nor would they go down to Jersey City first, then via the H & M to Manhattan, and then up again in Manhattan to reach destinations.

Now this is only part of the story. But this was designed merely for Bergen County. But there is one more problem here that has to do with the Central Railroad of New Jersey.

SENATOR STAMLER: Does it apply to the bill, Colonel, specifically to the bill?

COLONEL JENNY: Well, I am trying to prove that this Tri-State Committee is not qualified to do the job.

SENATOR STAMLER: I don't want to argue with you, but you are going to have a chance to talk about the Central Railroad very shortly.

COLONEL JENNY: Well, I want to tell what has been done by the people who are now directing this Tri-State Committee and which is something that just does not help the people.

SENATOR STAMLER: All right, Colonel. I am sorry.

COLONEL JENNY: May I continue?

SENATOR STAMLER: Sure.

COLONEL JENNY: Now this has to do with bringing the Central Railroad of New Jersey trains into the Pennsylvania Station in Newark.

The disadvantages of this proposal are many. - Now I am

reading from my report to the Teaneck Township, dated October 1, 1961. - The people now served between Perth Amboy, Elizabethport and up to Kearny would, we are told, "be obliged to alter or change their commuting habits." That is not so easy to do. Then people between Cranford, Elizabeth and the southern tip of Bayonne, would have to rely upon an uncertain shuttle service with no direct service to New York. The important city of Elizabeth, Elizabethport and the whole Bayonne Peninsula with their important passenger contribution will be deprived of the good Central Railroad of New Jersey mainline service to New York, which these people now enjoy. This is a very serious blow to that region.

I will not read all, just another point here about the number of passengers that would be in those trains. According to figures furnished me by the Port Authority, these trains would start from Newark with about 9,600 passengers during the rush hour. But they would arrive at the Hudson Terminal with about 15,000. It may thus be seen that being packed so tight into these H & M cars is no advantage as claimed over the present system when nearly all Central Railroad of New Jersey passengers can have their seats as far as Jersey City.

Now this whole scheme is merely a plan to bail out the Hudson-Manhattan Railroad. It has absolutely nothing to do with the public benefit.

SENATOR STAMLER: Well, of course, they have been bailed. They have been bailed out.

COLONEL JENNY: Well, yes, I know, but I mean, they wouldn't have to spend all that money on it.

I have stated previously that the proposed make-shift plans could not and would not do for us what we are told they would do. We have been sadly misled.

Some time ago the Tri-State Committee proposed the paving of two track spaces on the West Shore Railroad for express bus service. This amateur proposal can only be viewed as another effort to help increase Port Authority trans-Hudson vehicular revenues and thus forever shut the door on a possibility at some future time to reopen passenger service on this railroad. Thus, this is certainly not in the public interest.

A report was issued recently by the New York-New Jersey Transportation Agency - that's one of those many agencies - an official agency sharing office space with the Tri-State body and cooperating with it. The report was titled "Journey to Work." The origin and destination survey was started in May 1961 and was continued until recently. No such survey, carried over such a long period of time, can be considered as authentic, since, during that time, many people have changed position, or their organization has moved, or they have changed to another form of transportation to reach their destination. Furthermore, it is only a partial study, as it covers only the region in Manhattan between Chambers Street and Central Park. Thus, it cannot be used in any over-all study as we must make in order to solve this problem of railroad passenger transportation.

It must thus be obvious that the only real problem yet to be solved is our railroad problem. Now, in order to determine whether this Tri-State body is the proper agency to handle this problem, it is necessary to first look into its composition.

Without going into specific details, this agency is composed of the heads of the highway and public works departments of the three states, their chief highway engineers, their railroad division heads, and various other highway-minded officials. To this large group were added representatives from the City of New York and the Federal Housing agency handling such problems.

Then I said the known organizations now working on this railroad problem are: the Port of New York Authority, the New York-New Jersey Transportation Agency, the Regional Plan Association, Metropolitan Regional Council, Tri-State Transportation Committee, the New York State Office of Transportation, the New Jersey Highway Department, Railroad Division, and, I say, possibly others. And I conclude - the answer is - too many cooks spoil the broth. Now this morning it was brought out that there are several other agencies that I have not included.

Conclusion. It must thus be obvious to any thinking person that this Tri-State agency is not the proper agency to solve our acute railroad problem. It, or its component officials, have had this problem now for many years and they have failed lamentably in fulfilling their mandated task and of producing a practical over-all railroad solution. They are too highway minded and with no bona-fide railroad experience to be entrusted with so vital a task as we are confronted with here and which requires men with long experience in this highly-specialized, but much misunderstood, field of railroad planning. Are we going to wait several years more for some amateur studies,

and then with no assurance that in the end they would come up with a proper solution?

Furthermore, in view of the fact that we have absolutely nothing in common with Connecticut, why should Connecticut have any voice in our problems, or we in its problems? This would only tend to confuse the issues, and help to delay, rather than advancing solutions.

What is needed now is the creation of a new bi-State Metropolitan Railroad Authority, with the assurance that its key men must have had long railroad experience so that they can come up with a practical solution in a relatively short period of time.

With the creation of such a railroad authority, all other agencies now working on this problem should be ordered to cease and disband. We don't need them anymore then if you do that.

It should be borne in mind here that no other project that can be conceived to serve this whole region of metropolitan New Jersey and Orange and Rockland Counties in New York would do so much as this project would in lifting the whole future social and economic well-being of this region and which would bring it untold wealth and pleasure. But, again, this is not a job for such amateurs as are working on this now.

I will give you this later.

SENATOR STAMLER: Will you make it available to the secretary of the Committee?

COLONEL JENNY: Yes.

SENATOR STAMLER: Thank you. Are there ---

COLONEL JENNY: Oh, I am not through. I have quite a few more things.

SENATOR STAMLER: We have a lot of witnesses, Colonel.

COLONEL JENNY: I want to just bring out a few points and I want to speak on the bill itself.

SENATOR STAMLER: You mean you haven't been doing that?

COLONEL JENNY: No.

SENATOR STAMLER: Well, can't you just speak on the bill? This is what we need.

COLONEL JENNY: I just want to say that I am reading here from a report that came in The Record of Bergen County.

SENATOR STAMLER: Can you make that report available to us and just speak on the bill, sir, because there are a lot of people here?

COLONEL JENNY: I can make this available, but I am going to speak very briefly on it. It says that there are 587 employees on this thing and that this Committee has already spent \$8.3 million on this thing and doing what?

SENATOR STAMLER: Planning.

COLONEL JENNY: That's all I'm asking.

Now I will come to the bill itself. In looking over this bill, I find, and also in the testimony given this morning by the proponents of the bill, all the way through they talk of highway transportation, land use, highway transportation and land use, and they repeat it over and over again. In this bill here, highway agencies are used in several instances there, land use is stressed, aviation is

mentioned once, but not once does anybody in this bill mention railroad or rail rapid transit, which is the only thing that really needs solution today.

Now I am coming to page 3, section 2, paragraph 1. It says: "Five representatives from each of the party States, at least 3 of whom are State officers or employees engaged in State planning, highway or other transportation activities," and so on. I will be short on that. In other words, the men that are in there are trying to perpetuate themselves in this thing here. They are controlling it now. They have been at it for many years and have never solved this problem and they are absolutely not fit to continue in it.

Then it says here also in paragraph 2: "\*\*\*Federal Government representing the Bureau of Public Roads in the United States Department of Commerce, the Federal Housing," and so on. No railroad again - public housing and highways.

On page 5, Article IV, 1 (b) --

SENATOR STAMLER: Line 15.

COLONEL JENNY: -- line 15, right. "The commission shall also act as a liaison to encourage co-ordination among and between all agencies and entities, governmental and private, charged with or having a substantial interest in the planning or providing of transportation and other related public facilities within any part of the compact region, or in the regulation of such facilities or of their services, or in the solving of problems connected with transportation and land use and development." Again, they are supposed to co-ordinate their work with all these other agencies which should

all be fired. We don't need them any more if you create this kind of a body.

Now I go to page 7, section 4.

SENATOR STAMLER: Line 1.

COLONEL JENNY: Yes. "Co-operation and assistance of other agencies. To avoid duplication of effort and in the interests of economy, the commission shall make use of existing studies, surveys, plans, data and other materials in the possession of the governmental agencies of the party States and their respective political subdivisions." Now these plans that these states have or their political subdivisions aren't worth the paper they are written on. There are some good private plans that could be used, but they don't mention private plans. They just say from political subdivisions.

Then again at line 7 there, "At the request of the commission, each such agency which is engaged in highway or other transportation activities or in land use or development planning, or which is charged with the duty of providing or regulating any transportation facility or any other public facility, is further authorized to provide the commission with information regarding its plans and programs affecting the compact region so that the commission may have available to it current information with respect thereto." That is not necessary. If you create a super-authority, it should do all of these things by itself. You don't need any of these others.

Gentlemen, I could go on for a long time. There are many points I could bring up. But I have discussed this with the Bergen County delegation, the Assembly delegation, and

they have a draft of a bill to be introduced to create a bi-State railroad body, call it what you want, authority or commission or agency, whatever you call it.

Now if this Tri-State body, if there is such a body needed, it would be in air pollution and sea pollution perhaps. But I cannot see that it is needed for transportation. I cannot see that it is needed in land use. Let each state do its own land use planning. We don't need any super body like that to do all that for us. As I said before, if there is any highway problem to be solved, we have good highway engineers here in the Highway Department and in these other authorities. We have the Port Authority if you need a trans-Hudson facility. Why go to all these others? It is not necessary.

SENATOR STAMLER: Senator Deamer, do you have any questions?

SENATOR DEAMER: No, I have no questions.

SENATOR STAMLER: Colonel, thank you for taking time out to come down here. We appreciate your expert testimony very much.

COLONEL JENNY: Well, I only hope that I will be listened to.

SENATOR STAMLER: Well, let's say we try to listen to everybody, Colonel.

COLONEL JENNY: But I have spent a lifetime in this. I have had a little bit more experience on this than most people.

SENATOR STAMLER: Thank you, sir. The entire committee will get a copy of this transcript you can be assured and we

weigh things pretty carefully.

COLONEL JENNY: O.K. That's good.

SENATOR STAMLER: Mayor Osborne. Will you give your name and address, please.

H A R O L D S. O S B O R N E: I am Harold S. Osborne of Montclair, New Jersey. My residence is 379 Highland Avenue. I am Mayor of Montclair, but I am not here in that capacity.

SENATOR STAMLER: You don't have to apologize.

MAYOR OSBORNE: I am here as a member of the New Jersey Committee of the Regional Plan Association with offices at 605 Broad Street, Newark, and I am speaking for Mr. George F. Smith, who is the Chairman of the New Jersey Committee, who regrets very much that a compelling other appointment prevents him from being here himself. I have a brief statement which I think I can partly summarize because some of this has been covered by the testimony which has already been given.

The Regional Plan Association and its New Jersey Committee recommend that New Jersey enact S 222, making the Tri-State Transportation Committee a statutory and on-going agency of the three states, instead of an ad hoc administrative unit resting on the personal agreement of the three governors.

First of all - why we need comprehensive transportation planning. Economically Northern New Jersey is a part of a vast metropolitan complex that includes New York City, the southern counties of New York and the southwestern corner of Connecticut. This great area includes one-tenth of the people

of the United States.

The jobs of many New Jersey residents who work in local industries are dependent upon the Regional transportation network which provides the economic linkages with the rest of the regional economy.

Every indicator points to an increase in travel over the coming years - a need for more highways and also for better public transportation. We will have a larger population with more people having more time and more money. New Jersey's nine northeastern counties will increase in population from  $4\frac{1}{2}$  million in 1960 to  $7\frac{1}{2}$  million in 1985.

Now the whole transportation problem is very complex. I think that has been really emphasized by the testimony we have heard from people here concerned particularly with various parts of the over-all transportation problem.

We estimate that in the next 25 years, we will invest in this region \$12 billion in major highways and in public transportation. That is not including the local roads and streets and the kind of planning effort which has been launched by the Tri-State Transportation Committee certainly represents a small price to pay for getting the best for our money out of this \$12 billion.

We can't hope to get the best answer without very careful, over-all planning, taking into account all kinds of transportation and taking into account the whole region. And as citizens and taxpayers we certainly should be sympathetic with the Federal government's position that inadequately-planned metropolitan highways are likely to be wasteful and

their effort to help us get the most out of what the Chairman has called "our money" in these expenditures by having careful planning done first.

One of the questions that is raised here is: Why include Connecticut in this? The answer is simple. Connecticut is a piece of the metropolitan area which constitutes a single economic unit and a piece that lies astride a main transportation corridor. If the Fairfield area of Connecticut happened to be in New York State, the question would never be raised of not including it as a part of the metropolitan area. Actually the future of transportation in New Jersey will be influenced by what takes place in Connecticut and by the connections to it. A good illustration is the proposal now for a proposed bridge between Long Island and Connecticut. If it is decided that that is the thing to be done, it will have an obvious impact on traffic patterns affecting the Goethals Bridge and the Outerbridge Crossing between New Jersey and Staten Island as well as other highways leading to those bridges.

The whole transportation pattern is complicated today and  $7\frac{1}{2}$  per cent of the vehicles crossing the Hudson River to New York from New Jersey are headed for Connecticut and that percentage will probably increase.

The idea of reducing the size of the problem by taking out a part of the metropolitan area which happens to be in Connecticut doesn't reduce the problem; it just means we would not be looking at a part of it.

There have been proposals that some other agencies

might do this instead of the Tri-State Transportation Committee transforming itself into an agency. I won't discuss that because it has been pretty well covered, I think, in what has been stated.

There has been objection that this Tri-State Transportation agency might take something away from the municipalities or local governments. Well, far be it from me to countenance anything that would take away the powers of the local governments. Actually, the planning which the Tri-State Commission would be asked to do would take nothing away from the local governments; it would help them and help counties and states in having some basic proposals upon which they could base their decisions. However, if there is any worry about that, I think it is very easy to take care of it in 222 by adopting the paragraph which was put into the New York statute, which says specifically that the act does not diminish or restrict any powers conferred upon any governmental agencies and that was read into the record this morning so I won't read it in full.

Another question that has been raised is that of the contingency clause, namely, that by further concurrent legislation the Commission could be empowered to become an operating agency. As it is not contemplated today that this should be a part of the work of the Commission, we see no reason at all why that contingency clause might not be omitted, providing that would reduce the objections to the bill.

I say in summary, we now have in the Tri-State Transportation Committee a large and apparently capable planning

organization. All it needs to be fully effective is a charter covering a reasonable period of time so that this important, costly and massive project will be assured of continuing and not be suddenly dropped, so that it can obtain the Federal funds which it requires and to which it is entitled, and so that it can operate with proper and efficient fiscal controls.

I will say regarding the Bi-State versus Tri-State question that is raised, speaking as a New Jersey citizen, we feel rightly I think that in any such planning proposals New Jersey and New York should have equal status. Now if we have a Tri-State agency as proposed, we have equal status, but it seems to me that if you have instead one Bi-State agency between New York and New Jersey in which the two states have equal status, and a second Bi-State agency between New York and Connecticut in which New Jersey has no say whatever, by dividing the problem into two parts with New York sitting in both of them, we have destroyed any equal status that we should have with New York.

So I conclude that the Tri-State Commission proposal is a reasonable effort to get the most for our transportation dollar. We ask that it be given the assurance of continuity so that it gets on with its important tasks. In other words, we recommend the passage of S 222 with the two amendments that have been discussed if that will be helpful.

SENATOR STAMLER: Thank you, Mayor. Are you supported - is the Regional Plan Association, Incorporated, supported by any governmental funds?

MAYOR OSBORNE: No.

SENATOR STAMLER: None at all?

MAYOR OSBORNE: None whatever.

SENATOR STAMLER: You do pretty well without government funds.

MAYOR OSBORNE: Our basic support is from individuals and businesses who have a stake in the development of the Region. I said, no governmental funds. A great many planning boards in the Region have memberships and pay a small amount for that. So perhaps my statement should be qualified to that extent.

SENATOR STAMLER: Oh, I see.

MAYOR OSBORNE: But for the special studies that have been made recently, we have depended a good deal on foundation grants.

SENATOR STAMLER: In line with that, do you consider really and truly, Mayor, that Mercer County, New Jersey, which is on the border line of Pennsylvania, should be part of the Tri-State Regional?

MAYOR OSBORNE: Well, I would think not, but it is always a question of judgment where you draw the line. It is quite clear that you get a little further south and you are in another metropolitan region with Pennsylvania where we already have a compact which studies transportation and, I believe, that compact is now tri-state instead of bi-state, that Delaware has been included.

SENATOR STAMLER: Eventually, we will make Washington. Any questions, Senator?

SENATOR DEAMER: No.

SENATOR STAMLER: Thank you very much, Mayor.

Mr. Smith.

A R T H U R E. S M I T H: First of all, thank you, gentlemen, for giving me some time.

I am Arthur E. Smith, Chairman of the Traffic and Transit Council of Bergen and Rockland Counties. That body is a successor to the Mayor's Committee on the West Shore Railroad. So I am really representing a ghost; that is, the West Shore Railroad service, but it had a lot of supporters and those supporters are still active. So I would like to tell you our story.

My case has been very ably presented by the people from Morris County and by the ladies who were here.

SENATOR STAMLER: Good.

MR. SMITH: We object to the Tri-State Transportation Committee as proposed. We share the views expressed for Morris County by Mr. Taber. I don't know if you have them yet. If not, you should get them.

SENATOR STAMLER: His lawyer was here.

MR. SMITH: He is sound, succinct and clear. We also endorsed the legal analysis of S 222 by Mr. Kirsten. If you have not had, that, I'll ask him to send it to you.

SENATOR STAMLER: Mr. who?

MR. SMITH: Mr. Kirsten. Jack Kirsten.

We feel that this bill solves no problem and we think it would get us nothing that couldn't otherwise be gotten better.

The purpose of the bill, we think - that is, the real

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The purpose of the bill, we think - that is, the real

purpose - should be made more clear. The bill talks about some things in the preamble, but the things that it is drawn to do seem to be other things and the whole thing is quite confusing. We do not need laws to promote vague ideas for undefined actions in the unknown future. We do need action here and now to rid our streets of excess traffic, to slow down the construction of great highways, and to provide a cheap, fast relaxed ride for every commuter. We feel those are the things which should come first and we should do first things first. But all of this is within the state and we think it is utterly wrong to go to outside or interstate agencies for things which can be done as well or better within the state by state resources and men.

Still less should we tangle with the New Haven Railroad. That line is falling apart because its industries have moved away. Its area is too small for long-haul freight which now goes to the truck and which is the backbone of rail business. In passing, I will mention that everyone seems to have overlooked the importance of freight in this whole scheme. Facilities to pay should be used to the utmost, tracks and everything else. These tracks need to be used for freight as well as for passengers in order to make the railroads pay and the whole thing should be interwoven and worked together with a view to making profits.

But to come back to the New Haven. Its problem is not the problem of a few miles of commuting; it's the problem of the entire line. It is futile to develop commuter traffic in Fairfield County and around Boston and to leave the rest of

the line in collapse, and we don't want to get mixed up with that. That whole scheme is like using a Bowery bum as a cafe waiter at the Waldorf and leaving him to rot on the Bowery between meals.

Now again, the Metropolitan area is not one single unit for transit and it cannot be. The sort of area it is a geological and economic area and it is really two separate areas which are divided by a long line of high cliffs, by several miles of swamps and by a tidal river a mile wide. The result of that is a separate economic unit on each side. Everyone seems to ignore that. But in the long run, you won't get away from it. It will overtake you. And if you are going to be realistic, you must deal with the thing on that basis; that is, on the basis of geology, geography, economics and human habit. There is no getting away from it - in the long run, that is. But even if that division didn't exist, we feel there would be no warrant for the Tri-State Committee. That Committee should handle only interstate affairs and not things which concern any of the states and no one else.

Now the rail traffic for the present can be handled entirely by the Pennsylvania Railroad. There may be some objections to that, but I will deal with them as they arise. It would help a great deal if the Port Authority would come in too, but there would then be even less justification for this Tri-State agency.

There is still less excuse for the other activities which are proposed. They postulate that land use ties in with transit. Now that is the bunk. There is hardly any

choice as to where you put a railroad or as to where you put docks. Land use follows that, after the docks are there and after the railroads are there and history bears that out. Now whoever does the planning - and it doesn't matter to us whether it is the Regional Planning Association or the Tri-State agency or anyone else - but whoever does the planning, the state should do the doing. The state should execute the plans and what the state can't do on state levels, should be done by Congress and not by some independent agency which is empowered to disrupt our work and living and is above the law.

As of now, state governments do not command the knowledge or the money to do everything that the people want and expect of them. Legislators spend much of their time on decisions on things that they cannot know much about. The state officials have much of the same difficulty. When they are faced with some urgent or crucial problem in economics or technology, it is, oh, so comforting to pass the buck, to let George do it. But George is only another bureaucrat. He has done scarcely anything for the railroads in forty years. All we got was studies of what he did not know and reports on what he could not do.

Now, if that is not so, why doesn't the Port Authority recall its men from this Tri-State Committee and put them to work on the Hudson Tubes and make them get the tubes into a paying and serviceable proposition. We know why they don't do it; they can't do it. But we need not rub that in.

SENATOR STAMLER: You have. You just did.

MR. SMITH: Oh, it's nothing to what I could do. But these are the men who are supposed to shape or rebuild the entire Transit System of the Metropolitan area. What balderdash! These same officials seem to have overlooked the tremendous significance of the geological and economic divide. On the one side of us we have all of the industries to the west of the Hudson. On the other side, we have a little bit of dyeing industry in New England and what is up in New York State. That is not one economic unit. It is two separate ones just as much as Florida and Cuba, and to be dealt with properly, it needs to be dealt with on that understanding from the very outset. But these men who have overlooked this most important divide through the whole thing - these are the people who are to determine land use all over New Jersey and elsewhere. God forbid!

Tri-State as proposed would be an interlocking bureaucracy. The voice is the voice of Tri-State, but the song is the song of the Port Authority. It is even worse than an interlocking directorate, because bureaucrats, unlike directors, are not independent. They have to feed their young. They have to face their wives. They dare not have any other god except, in this case, the Great Golden Gods of the Port Authority. And what do we get out of all this? Now just look at the so-called World Trade Center. There, they don't scruple to ruin scores of merchants by legalized robbery. Those are strong words, but I will stand up and justify them whenever and wherever they like. They cover it up with false propaganda. Let them deny it. I will prove it. And now search

the nooks and crannies of S 222 and you will find all sorts of things here and there tucked away which will enable you to judge for yourself what is being cooked up for us.

Now if the state is to do the doing, regardless of who does the planning, the legislators must have the money and the power. Put not your trust in Washington. To raise the money, it is better to go to the public with workable plans to do things modestly but properly and at the very least expense. The legislators know all about our own ideas. Those ideas are now being developed by some friends into a comprehensive plan. I think Mr. Hamilton will be able to give them to you before this session is over. We do not say that that's the last word and I am sure the Port Authority will almost certainly balk at reconstruction of their tunnels, even though it has paid very well elsewhere. But without them, the Port Authority can be given as good service or better by ways which I will explain to you if you want to have the details and the Port Authority can stew in their own juice if that is their idea of fun.

Outline plans for economic operation of the Jersey rails, and for immediate growth, will come to you from Mr. Hamilton. To implement any such plans, we think that what you need is a state commission, separate from the Highway Department. Highways are not transportation. They are two separate things. Now look at the Department of Agriculture, you may not know it, but I do, that body is world renowned. It doesn't do farming. It advises, helps and is a guide, counsellor and friend to independent effort to the farmer as

a businessman himself. We think that the state could do just as good a job with transportation - guide, counsellor and friend to airlines, railroads, bus companies and even the auto driver. I have nothing against any of the officials and bureaucrats, although I sometimes say some rather fruity things to them. But after all, there is no one else to do the job, except the railroads themselves. They are the people who are the experts. There is no other expert, not in present-day stuff. There are experts who can tell you all about the job of ten or twenty or more years ago. But today's job you get out of journals of learned societies and things like that. We don't want the coaches and ideas of yesterday or the day before or the day before that or even today for that matter. We want what we ought to have tomorrow and can have if you get hold of the right men to clear out the junk, put to use what is usable and modernize from there on.

Now again, this is not a finite problem. You can't get to work on it today and build a beautiful scheme and say, "There is the job and it is all done." It will never be done. Science is altering all the time. Human havoc is altering all the time and those things will not stop at the borders of the Tri-State Commission or any place else. One reason why you need a Board of Transportation is to keep abreast of all those things just as the President has an Office of Science and Technology or at least President Kennedy had - I don't know yet about the new one - to keep him abreast of these things which are shaping and altering our lives all along.

Well, if we get all this and if the Regional Planning

Board takes its proper place in this whole thing - and I don't quite see what is to become of them if they are to be pushed out by people who don't do as good a job as they do themselves - then what is going to become of the Tri-State agency. Well, quite frankly, I don't know. Perhaps they can plan for New York 1980? There has been a lot of thought about that. But what we want to know is: What is best for what? It is all very well for people to tell us that this is fine and that is fine and the other thing is fine. We want to know what is fine to give the commuter a relaxed ride, not a sardine-can ride from his home to his job, wherever it is.

Our future starts today and today we would like to see some work done on this thing which has been waiting on us for decades. So we would like you to cut out the budgets of maps and statistics for fantasy worlds of guesswork. The rail problem, as I said, is not finite. This changing condition will be with us and Federal subsidies are not to create some one plan which will do the job forever, nor are these Federal subsidies, as you have already been told, bribes to work exclusively with one particular agency. They are to aid the execution of sound ideas and to put them to use.

Now if we decline to put our heads into the Tri-State noose, we shall not lose everything and I don't think we shall lose anything that is worth losing. I am not suggesting that any official should be fired or used to less than capacity. Somewhere or other in all this scheme of things there is room for all of us - the Port Authority, the men of

the Tri-State agency, although not that agency, and so on - because after we have done everything that has to be done in the state, there will still be a few things left over to do with the neighbors.

SENATOR STAMLER: I am sure of that.

MR. SMITH: And there are these other things which don't concern me as a commuter - for land use and all the rest of it. The little tiny bit of that that does tie in with our commuter problem is a flea on an elephant. It does not tie in with railroading. There is virtually no real choice, as I said, as to where you put the rails and where you put the docks and land use follows that. History supports it and the wonderful wizards of the Port Authority perhaps could modernize history. But we don't want S 222 to modernize the Magna Carta. Gentlemen, I thank you.

SENATOR STAMLER: Thank you, Mr. Smith. Are there any questions, Senator?

SENATOR DEAMER: No.

SENATOR STAMLER: Thank you very much for taking your time to come down here.

MR. SMITH: I didn't think I had knocked you as flat as all that, but if you think of any, I'm at your service.

SENATOR STAMLER: You might write to Congressman Seller. He agrees with you on a lot of these things.

MR. SMITH: There is one after-word I would like to give. It is from Mrs. Young of Somerville. She has suggested that no one seems to have thought of the idea of a referendum on all this tangled thing. I'd like to leave that

with you.

SENATOR STAMLER: Thank you very much. Mrs. Hacker. Mrs. Hacker, I wouldn't want to restrain you, but if there has been any testimony with which you agree, I would appreciate your just saying that.

MRS. HACKER: I have copies. I think you are the most patient men that ever lived. This is a side statement that deals with the problem of Federal aid - these are for the record - and so forth.

SENATOR STAMLER: Thank you.

MRS. HACKER: A copy will be attached for each of you.

SENATOR STAMLER: You may go ahead, Mrs. Hacker.

M Y R A C. H A C K E R: Senator Stamler: Statement in opposition to Senate Bill No. 222 for the New Jersey Coalition, by Myra C. Hacker, 1545 Warwick Avenue, West Englewood, New Jersey.

Regionalization by Circumvention. It might be classed perhaps a citizen's nightmare and a bureaucrat's dream.

The New Jersey Coalition opposes Senate Bill No. 222 because we believe it to be dangerous. Ostensibly, it appears to serve a good purpose - to help solve transportation problems of the inter-state area described in this bill. But under its fair front it holds a many pronged threat to our rights and liberties as guaranteed by our State and Federal Constitutions. It is indeed regionalization by circumvention.

May I say at this time that I will speak chiefly on the constitutional viewpoints. I was a delegate to the

Constitutional Convention in 1947 and served on the Committee on the Legislative and I am extremely concerned with some of the implications and complications of this bill.

The term "comprehensive planning for the physical growth and development" includes so much more than a transportation agency.

In essence it is a comprehensive bureaucratic land planning and control agency for the metropolitan region, largely destroying representative government in the states, counties and municipalities.

With the provisions of determining the pattern of land use, the zoning provision of the New Jersey Constitution of 1947 is completely abrogated. I have given you a citation, I believe, there or I will leave it. The determination of the use of land, as stated in this compact, is an invasion of personal and property rights. Under this act, the sovereign powers vested in the United States Constitution in the state, in its citizens, would be legislated away to a Tri-State Commission over which the people of New Jersey would have no voting jurisdiction.

As you know, the State of New Jersey is a political entity whose officials and legislators are chosen by democratic process and subject to democratic controls. The proposed three-state body is no such entity. This would constitute a super jurisdiction beyond the framework of Federal and State constitutions, having power over the people, but not legally responsible to them.

It is a question whether the people of New Jersey want

their lawmakers whom they have elected to serve them, to abrogate their duties to a hodge-podge commission covering parts of three states and not elected by any of them:

Page 2, Article II, Section 2, of the bill is a perfect example of bureaucratic double talk. If this commission is given all the powers limited and unlimited in Article IV, then it will certainly restrict the power of the party states.

This bill gives immunity to the Commission, but no protection whatever to citizens over its autocratic decisions.

How constitutional is it in each of these three states for a specific state to deny its citizens the right of judicial review or to place in jeopardy the citizens rights to private property and the local communities' rights to determine land use? This appointed Tri-State body would in effect be legislator, executive and court all in one, to deal independently in matters under its concern. Furthermore, we all know that when, as would be the case here, action is taken under the wing of Federal law, the freedom of action of any community is immediately and automatically curtailed.

It is evident from page 1, line 6, it is going to be created under the Federal Housing Act of 1954. Therefore it shows it is not just transportation for the three states. It is planning from above and would sweep away all local preferences.

May I point out at this time that there is a constitutional provision saying that only one subject shall be treated in any bill. Looking over this, we could pick out either three

or four. I think I have given you the constitutional provision there, Senator.

Let us see how this bill No. 222 would affect John Brown, an ordinary citizen in the County of Bergen. This average citizen owns a small private home - we call ourselves the Garden State - sends his children to local schools, and votes in town, county, state and national elections. He makes a living in his own business, or works in a nearby community, or perhaps he commutes to a city like Newark or to New York. He is protected in the possession of property and in pursuit of this good life by the constitutions (National and State) and the courts and local zoning laws. He has a voice in all levels of government from the village level to the national elections.

Then comes the Tri-State Transportation Compact - so-called - with jurisdiction over parts of three states, including the section of New Jersey in which John Brown and his family live. Under the guise of facilitating transportation in metropolitan areas, this untouchable body could decide that John Brown, his neighbors and his community should become part of a massive demonstration area. John Brown has no voice in his own affairs, but the Tri-State has a mighty voice in his affairs.

The planners, backed by Federal money and influence, although only five of the eighteen are from New Jersey, decide that John Brown and his community must give way perhaps to a new transportation system or to a mammoth industrial park to relieve the flow of commuters to New York or to a

complex of multiple dwellings or housing projects for what they call at times more balanced use of the land.

John Brown's home, the houses of his neighbors, the local businesses, may be condemned by the grand scale regional planners who will have free access to all books and records of the original owners and will determine what reimbursement John Brown is to have. It is more than his house that John Brown will lose. It is his entire way of life. He and his fellow towns people will be uprooted, relocated or merely set adrift, and who will benefit? Perhaps the planners, the big business interests with which they are sometimes allied and the big power-hungry super-government theorists. The more they devour the more they clamor for.

Against this encroachment, John Brown, under S 222, would have no redress. He could not gather with like-minded neighbors to vote the bureaucrats out of office. The Tri-State Commission is an appointed body, most of the membership appointed by the Governors of other states or by Federal bureaucracies, and may I point out particularly as was called to my attention, none of them confirmed by elected legislators.

He cannot go to court against the Commission. Article 5, Section 3, pages 8 and 9, give the Commission sovereign immunity. It may not be sued in any court or tribunal whatsoever. I thought it was basic in the Constitution of 1947 that we were always entitled to judicial review.

The makers of this law are obviously and cynically unconcerned with validity or constitutionality and may I

suggest respectfully that if this is redrafted, the last paragraph gives a rather unfortunate impression - Article VI, lines 7, 8, 9 and 10. It gives the suggestion that the legislators even if they might possibly consider it to be unconstitutional might still vote for it. Also there is a very peculiar setup in this arrangement that is highly undesirable from the average citizen's viewpoint - Article VI. I do not know who wrote this bill or this series of bills.

Such a radical departure from the American way and such disregard for the rights of its citizens could be considered only, if at all, in an extreme case of drastic necessity, but no such drastic necessity has been established. It is an attempt to circumvent individual freedoms and rights of American citizens by forceful building up of certain bureaucratic bodies. After the fragmentation of Connecticut, New York and New Jersey and the reassembling of their most vital parts into a non-state which is really in addition a powerful arm of the Federal government, there will be similar erasing of existing state lines to form other new regional entities equally undemocratic in setup and undesirable in jurisdiction.

For the sake of John Brown in New Jersey, Connecticut and New York, and for all the John Browns in the rest of the United States, this attempt to undermine our laws and our democratic institutions, I trust, will be killed in Trenton today.

SENATOR STAMLER: Thank you very much, Mrs. Hacker. Senator Deamer, do you have any questions?

SENATOR DEAMER: No.

SENATOR STAMLER: Thank you very much.

MRS. HACKER: Thank you for listening.

SENATOR STAMLER: We have about ten more witnesses so if you will keep it brief, we may be able to get out of here in time to see the World's Fair next year.

Mr. Solyom.

R I C H A R D S O L Y O M: My name is Richard Solyom. I am a civil engineer. I work in the Pan-Am Building and live in Fort Lee, New Jersey.

I am here to voice my opposition to this bill and I believe one reason that this bill was proposed was to qualify New Jersey for more Federal handouts under Section 701.

I believe that we are witnessing here a maneuvering for a more preferred position at the Federal troth.

I agree with Mr. Neilan of the U. S. Chamber of Commerce that this bill is Congress's "deliberate and politically motivated attempt to infiltrate or invade an activity that is basically local in nature."

I believe personally that this invasion, as he calls it, is facilitated and fostered by our own reluctance of all of us here at the local level to face up to the problems that confront us. Now if we do face up to them, they get a little smaller - they are not quite as formidable as we think when we start. We all have a failing or a willingness to slough off our problems to anyone else willing to accept them, but what we forget is that in so doing, we relinquish control.

And Mr. Swanson of the Bureau of Public Roads, I believe, brought this out somewhat. Repeatedly he used and emphasized the word "control," "control," "control." That is the Federal government talking.

Now there is an alternative to all of this, an alternate way to solve the problem, and this one is more in keeping with our traditional American way of cooperating at the local level, without recourse to Federal tax funds and without setting up another Regional Government. All this regional planning is fine. It is all to the good. But these proposed bills go much further. They, in reality, are proposing new legislative bodies which will be super-imposed on our own present legitimate government.

Now the engineering problems - and I speak now as a civil engineer - have been investigated and they can be solved. The real problem is one of personalities and cooperation and coordination between the companies and the governing bodies at the local level. To do this does not require a formal compact or the establishment of any regional entity with these broad powers. All you need is a willingness to work together to solve a common problem. We should not look to the Federal government for advice and financial help when the local individuals, more conversant with these problems, are able to do a better job.

Federal tax money is our money. It is my money and it is yours. Why should we send it to Washington where part of it is used to maintain a huge bureaucracy when better use of it can be made right here in New Jersey by a direct

application to our own problems? This use of Federal tax funds is the socialistic approach. What right do I have, as a commuter, to force some man out in the mid-West to pay part of my commuter's ticket? I have none whatsoever. Yet they out there can say this and justifiably so. This socialistic approach has never worked and it tends to erode our basic rights.

Now the alternative to all of this is a voluntary cooperation and planning at the local level. Much can be accomplished by doing this and the agencies to do this are already set up. Mr. Thomas' Railroad Division of the New Jersey State Highway Department has prepared several excellent reports and his department can serve as New Jersey's representative in conferences with our sister states. We don't need anything more.

Let's not forget that any proposed solution must provide a favorable climate for the profit motive. This will spark new private investment and supply the demand for more transportation facilities. Profit in this case can result only from large volume, and this can be obtained only by providing the commuter that which he wants. What does he want? - a comfortable, uninterrupted ride to work.

Mr. Gilman, about a year ago you were in Milwaukee and I believe you chairmanned ---

SENATOR STAMLER: Mr. Solyom, I think you ought to just testify.

MR. SOLYOM: Yes, I'm sorry.

About a year ago at a meeting of the American Society

of Civil Engineers held in Milwaukee, of which Mr. Gilman, I believe, was chairman, they came out with a set of basic principles or, as they called them, guide lines. The first one was: Reliance to the maximum extent possible should be placed on the initiative, management and direction of transportation by private enterprise. Others included the coordination of planning of facilities and urging state and local governments to play a stronger role in seeking solutions for this.

Now coordinate planning between existing agencies is required, but it does not require extreme measures nor the creation of another super-governmental body like the Port of New York Authority. This bill would give such a body the right to govern not only our journey to work, but to dictate what use is to be made of our land and where and what type of homes we will be permitted to build. We do not want a big impersonal agency governing our lives this way. If we had such an agency, I wouldn't be able to appear the way I am appearing in front of you today. It would be cold, impersonal, arrogant. I wouldn't get past the front door. But here today we have an American system. I am here as a private individual. I am talking to you and expressing my opinions for what they are worth. Thank you.

SENATOR STAMLER: Thank you. Senator Deamer, do you have any questions of Mr. Solyom?

SENATOR DEAMER: No.

SENATOR STAMLER: Thank you very much.

Mr. Reinhardt. I just figured I would get one of my constituents

in here. Most of them are Senator Deamer's.

J O H N J. R E I N H A R D T: Senator, I appreciate your courtesy. I am John J. Reinhardt, Chairman of the Board of the Amalgamated Bus Association. We represent all of the organized bus drivers practically in the State of New Jersey from Bergen County to Cape May.

We are concerned with these rail bills, of course, as they are instituted and the amount of money that is poured into them by the Tri-States in reviving rail lines which have been put out of business by the bus industry. Primarily, all of these lines that are defunct now at one time were the prime carriers of the public in those areas. Today, with modern bus facilities and the new highways that we have, we can carry these people more comfortably to their destination. We can get them there faster than the average rail line can get them there and, of course, I think the evidence of that was related here by one of the ladies, a previous speaker, when she made reference to the Hudson Tubes where we have created a line out of Newark and the people only have to go three blocks to the Hudson Tubes from where this line originates. This line was built into over a million-dollar line at the expense of the Hudson Tubes. This accounts for a number of the passengers that are missing from the Hudson Tubes in that respect.

We also established a line from the Maplewood-Irvington area where there are no rail facilities and again this has become a million-dollar line at the expense of the Hudson Tubes. Those people used to have to be transported into Newark and

the time that it takes them to get to Newark by local transportation, they can go to New York directly from Irvington Center via the Turnpike - Newark Air Port and the Turnpike.

For those reasons, we feel to continue to pour all this money into pilot projects for railroads that are defunct seems to be of no good reason or cause. Therefore, we oppose this bill.

We are also concerned with the South Jersey end where there is another project in the process of being put together and supposedly be able to run by 1965 - 1966. Here the Philadelphia-Camden-Kirkwood operation is being put into effect at tremendous expense to the state, somewhere in the neighborhood of \$60 million for this project.

All of this, of course, brings us to the conclusion that the rails are not the choice of the people. The people today want modern, fast transportation that comes into their community and directly takes them into the centers, such as New York on the eastern end here and Philadelphia on the other end. These people know what they want. The public knows what they want. But it seems that the planning boards are going in the opposite direction with their thoughts and their ambitions of restoring rails.

As I have said, the old Hudson Tubes used to carry, I think, about 125 or 130 million people. This was way back 25 years ago. The last report on the Hudson Tubes that was turned over to PATH, they had diminished to about 28,000,000 riders. Now Tobin has taken this road over and admittedly it

will never finance itself. It is going to be a loss operation under the Port Authority. So we are concerned about it in that respect. We feel the taxpayers' money is being wasted in this avenue, whereas a fast, modern bus transportation facility out of the communities and the areas where the people live will service the people for public transportation.

The rail people are not complaining about freight. They claim they can handle freight. They claim that is the profitable part of their business. So the end result is that the public itself prefers a different mode of transportation than railroads.

As we are concerned with the multi-state operation if this type of legislation is going to be enacted and has to be enacted, we are asking in behalf of the 6,000 drivers and mechanics who drive and maintain this equipment here in the State of New Jersey who are residents of the State of New Jersey that they be protected as they have been under S.6 of the Metropolitan Transit Bill. There we have through the intercession of Senator Morse, Senator McNamara and Senator Williams an amendment to this bill which provides for the preservation of the rights and benefits of the employees and the retraining of the employees in the new type of operation that is necessary or that replaces a bus industry.

We are not fearful. Of course, in Camden they say it is going to take 58 per cent of the people off the busses. We doubt this very much. We think that on the contrary it is going to be no better than it is today. The moneys, of course,

involved there are tremendous and if this money were poured into a fleet of modern-type busses, I dare say that the people wouldn't be complaining about transportation. However, private transportation companies such as we work for can't afford to expend the kind of money they do out of public funds to maintain a modern fleet of equipment on the road.

We would like to see, of course, that marginal roads be made part of Commissioner Palmer's highways; at least the center lanes of these roads that are presently lying dormant could be used for fast, modern bus transportation to service all of the communities from North to South Jersey over either the Turnpike or the Garden State Parkway. We pay fees on these roads the same as everybody else, along with all the other fees that go with public transportation and certainly it is to the public's advantage to have these marginal road operations for fast bus transportation to the public.

These, of course, are our chief objections to the bill. I could talk to you at considerable length on cost, on the amount of money that is expended, of all the maps and charts that are available. But I am sure that by now everyone has had about all of that they want. All they want to know is whether you are objecting to the bill or not. And, of course, on behalf of our ten divisions which extend, as I said, from Camden to Bergen County, we are opposed to this bill, Senator, and we hope if it is within your power or within your Committee's power that you will not bring this bill out of Committee.

SENATOR STAMLER: Thank you very much, Mr. Reinhardt.

It is nice to know that labor is with us once in a while. Would you submit to the Committee the suggested amendment on protection? It might be helpful.

MR. REINHARDT: I have a copy of S.6 and the amended section is marked out and I would be glad to submit that to you, sir.

SENATOR STAMLER: We would like to have it. Any questions, Senator?

SENATOR DEAMER: No.

SENATOR STAMLER: Thank you very much, Mr. Reinhardt. Is Mr. Clyde with you?

MR. REINHARDT: Yes.

SENATOR STAMLER: Does he want to testify?

MR. HAROLD F. CLYDE: No, Senator.

SENATOR STAMLER: Thank you, Mr. Babcock.

E D W A R D C. B A B C O C K: Mr. Chairman, my name is Edward C. Babcock and I am here to represent the Commerce and Industry Association of New York. My residence address is 1 Horizon Road, Fort Lee, Senator Deamer.

SENATOR DEAMER: My county is well represented.

MR. BABCOCK: I recall that two or three years ago on the other occasion when I was privileged to address a New Jersey Senate Committee, I made reference to the fact that the Commerce and Industry Association of New York has a considerable membership in New Jersey and we do have members scattered through the northern part of the state.

But actually we are here because this is a regional problem and we feel that we may come across the Hudson and

talk to you about it in terms of the nearly 200,000 commuters who live in the State of New Jersey and who go over to New York to work as well as to the business firms located in New Jersey who employ New York residents who must come over to this side of the Hudson to work, and there are nearly 50,000 such.

The whole point is that the deterioration that we have seen in the over-all transportation picture is going to worsen unless an effective step can be taken to direct a comprehensive and coordinated attack on our mass transit problems and we support the legislation you have before you today on the basis that this is a step toward making that attack and making it effectively.

I would only add that we see this, speaking for a New York based organization, as a common problem. We are all in this together. It is of concern to our area and that includes both sides of the Hudson and I thank you very much, gentlemen, for permitting me to come over.

SENATOR STAMLER: Thank you, Mr. Babcock. Does it include Connecticut?

MR. BABCOCK: I would only add what has been expressed by two or three of the other speakers, that inasmuch as the metropolitan area does include a section of Connecticut, a real attack on the whole problem, a coordinated attack, would necessarily include that part of Connecticut. But I would urge you gentlemen to assure yourselves that any legislation you adopt fully protects the interests of the people you represent, of the citizens of New Jersey, and I am

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sure that can be done with Connecticut still getting over there on that ten per cent.

SENATOR STAMLER: Thank you. Your Senator wants to ask you a question.

SENATOR DEAMER: I would like to know whether Senate 222 is in your mind the only solution to this problem.

MR. BABCOCK: In our mind the solution to the problem is the Tri-State Transportation Commission as outlined in Senate 222. We would not presume to discuss details of the bill as you might see fit to amend it. We would not presume to suggest what might or might not be done in terms of specifics in the legislation. But we have great confidence in the Tri-State Transportation Commission. We have a Commuter Transportation Committee composed of some eminent industrial and business leaders in the field of transportation who have been very favorably impressed by the work of the Tri-State Transportation Committee and its staff up to this time and we would certainly be delighted to see the Tri-State Transportation Commission have this tremendous responsibility of coordinating a plan for attack on our mass transit problems in the area.

SENATOR STAMLER: One other question or two others, Mr. Babcock. You seem to know the problem. Do you consider that the Mercer County area, Trenton, is part and parcel of the Commerce and Industry Association of New York proper?

MR. BABCOCK: Senator Stamler, Mercer County is one of the counties, when I checked our files, that we don't have any members in. But we like everybody down here anyway.

They are neighbors.

SENATOR STAMLER: We do too, but we are interested in the legislation basically.

Actually, if an agency were developed which got commuters to New York from New Jersey and got them home again and got commerce - I am talking about freight - to New York and out again, this would satisfy most of your clients, would it not, who live in New Jersey and work here?

MR. BABCOCK: I think that if an agency were formed who could solve that problem, we would be satisfied certainly.

SENATOR STAMLER: Thanks very much.

Mr. Sand, as long as you asked, I will call on you, and I would hope you wouldn't cover any of the subjects which have been covered up to now, sir. I don't want to restrain you, but ---

M A R T I N     S A N D: My name is Martin Sand. I live at 321 Grove Street in Teaneck. I represent the Township of Teaneck and I am also a delegate to the Transit Committee of Bergen County which comprises some 70 odd towns; not all of them, of course, are represented in our Committee. I had hoped to see our chairman here today, but as far as I know he hasn't shown up. I will make it brief.

I will support the comments of Mr. Harrison because he touched on the legal aspect of it. I likewise support Colonel Jenny because he talked from the standpoint of an expert in rail transportation.

We are opposed to Senate 222. My remarks will be

brief. In so far as the State of Connecticut is concerned, I fail to see and our group fails to see where we have anything in common with the State of Connecticut.

In Article III, I believe it is item 2, we see where the Governors of the three states would each appoint five representatives. That would make fifteen in all. Three can be state officers or employees engaged in state planning, highway or other transportation activities. That takes nine out of the fifteen. That leaves six. Now as far as I can see, the three from each state are highway-oriented. I don't know what the other two will be like. There is no mention in here of railroads and our railroad problem is urgent. The other three will be representatives appointed by some agency of the Federal government and here again we see the Bureau of Public Roads, Department of Commerce, the Federal Housing and Home Finance Agency and the Federal Aviation Agency. Now I ask you gentlemen a question; perhaps you know the answer. I see a conflict of interest in having the Home Finance Agency represented in this group here. That is what it looks like to me. I may be wrong.

Now we get down to the makeup of the Tri-State Transportation Committee. A recent publication shows they have about 580 employees. Of course, some of them are full-time employees, some are part-time, some are loaned and what not. This is quite a build up.

When we get down to the duties, we find that the primary function is as an official planning agency. Gentlemen,

I have heard so much about planning surveys and what not and this has been going on for some odd twenty years. Volumes have been written primarily on the salvation of the railroads. You look at your railroads today and they are all ready to go down the drain. A former speaker here said he could handle all this on busses even though the railroads did disappear to some degree. But I say our salvation is in the railroads, not the type of railroads we have today. Remember we have no access into the City of New York other than the Pennsylvania Railroad and what you can drag down on the H & M. Now our people that travel into New York from New Jersey, a good many of them, work uptown. When I say uptown, I say north of 42nd Street. This area has been built up considerably. We have no rail facilities running through there. This is one part that we are suffering with. I can readily understand why people have left the railroads and chosen the bus as a mode of transportation because they have access into New York and it is getting worse every day down in the Port of New York Authority Bus Terminal at 41st Street.

Now on land use - this is something that baffles me. This is a broad statement, whatever land use might mean. It could mean most anything. But I will say - and we have Mr. Gilman here today - that he and I had some pretty lengthy correspondence and I pointed out to him - he felt that I was a little backward, that I forgot the fact that there were trucks and busses and roadways today - and I tried to point out to him that entirely too much emphasis was placed on

vehicular, that is, on the tire mode of transportation. And if we had a modern system today of rail transportation which would move people directly into the heart of the City of New York, I think you would readily find that the mode could change overnight. But we don't have that and each day our rails are suffering more and more. In 1961, if I can remember the figure correctly - it was just pointed out to us recently at one of our meetings - that the combined railroads in the state lost \$63 million. This is with the subsidy that the state pays.

And here is another point of condemnation, under the laws of the state. I'd hesitate on that. I don't know just how far that could possibly go.

On top of that we have this subpoena of individuals if they do not cooperate. In my opinion you are building something here that is really a monstrosity.

Therefore, I would say that as this thing is presently constituted under 222, we just cannot support a bill of that kind and I call it in plain words, a super-state. Thanks, Mr. Chairman.

SENATOR STAMLER: I just want to call your attention, Mr. Sand, when you say "We are Building," neither Senator Deamer nor I are sponsors of this legislation. We are on the Committee.

MR. SAND: I am sorry. I am not trying to cast any reflections on anybody.

SENATOR STAMLER: That's all right. I have been called everything today.

MR. SAND: I have tried to refrain from mentioning any one's name. I couldn't help Mr. Gilman because he had I have had some correspondence on this.

SENATOR STAMLER: Thank you very much.

Mrs. Brearley.

M R S. R. D. B R E A R L E Y: Senator Stamler, I am Mrs. Brearley from Union County. I realize you gentlemen are just about worn out from hearing all these statistics and particularly some of the figures. Nonetheless, every citizen must participate in something like this whether you people are bored or worn out or exhausted from listening. We are too.

The fact remains there are many things in this bill that are dangerous. You are fully aware of it as we are. The dangers involved in it will be a government taking over beyond our elected officials. We feel in America that this is a sacred asset that we have that no other nation can level it with ours. We must not sacrifice any of this by permitting any super-government to come in.

In going over some of Mr. Gilman's remarks and also some of the materials that have been in the paper, there is a little confusion on the statistics that they gave here today because he mentioned eight million. They didn't talk about eight million here. But the figures were given at eight million in the newspapers unless they were misquoted. That should be clarified.

Land use - that definition doesn't say anything. What is land use? What is eminent domain? What is comprehensive

planning? Just how far will these things go. Were any charts shown to any of you gentlemen or to us today as to what extent these people mean to take - just how far will they go? They showed us statistics in transportation. We are all aware of transportation. But I feel, like many people do, that the rails do not have to be subsidized. Why not reduce the taxation on the railroads because you are taking the taxes in and you are giving them back and you are calling the railroads being subsidized? If this is the case where we have to have transportation - and rightly so - we do - then help the railroads.

Also what about the taxes that are taken in New York from the New Jersey residents? Couldn't some of this money be used for transportation to get these people in and out? There are many means. I think you gentlemen of this Committee and the people that proposed this bill should look very deeply into the contents of it.

I am sure you are all aware of what has happened in Dade County. They started out rather blindly leading the people into a referendum vote and told them they were going to do great things for them, all the sure-cures these experts were coming in with. They came in and transportation and other reasons were given for their metropolitan regional take-over. Since then they have taken over the hospitals, the Police, their own police, plus the Miami Police, their courts, plus the seaports and other things. Of course, the costs have gone up. I have a letter here from a resident and I own property in Florida. The fact remains that the

taxes have soared, property taxes. Of course, we are well aware that this so-called Advisory Committee will cost money. Somebody is going to have to pay for this bill. It will be we the taxpayers.

I doubt we can afford another layer of government. I feel we have enough and other people do too.

I won't go into the details of the bill. I am sure we all have today and I am sure we thoroughly understand the contents of the bill. The danger here lies in land use takeover, no jurisdiction for us if we have to go before a court and all the things that are in this bill, and particularly land use. This is a valuable asset in our constitution and we must not let anybody take it away from us.

The fact remains that the Federal bill also will tie in with this bill should these bills be passed. Why should the Housing and Home Finance of the Federal government be interlocked in this? What houses are they going to build? Is it going to be apartments? What is it? Why are they in this? Why is this administrator, Mr. Robert Weaver, answerable only to the President of the United States? I wonder what is happening to our elected officials, you gentlemen, at the state level, our Assembly who handles our tax dollars and also our Congress of the United States who handles our tax dollars? Must we forfeit these powers of our elected officials into the hands of Mr. Weaver and the President of the United States, to whom he will only be answerable? Are we going to have just dummies sitting in

our Congress and in our State Assembly regarding money, which is what I am talking about now?

I think seriously, gentlemen, we had better look very closely at this and, of course, you are going to use your own judgment. We are not going to come here to persuade you. We are just coming here as citizens very much concerned with some of these bills. So I suggest, gentlemen, that you kindly evaluate many of us who seem like we are crackpots or extremists or whatever we might be titled. We are not. We are very, very sincere people and we need to bring the information to you that we have, just as seriously as you mean to vote on it. Thank you very much.

SENATOR STAMLER: Thank you and I don't know who could have possibly determined that you were that or would have described you that way. But the reason for the public hearing is to obtain testimony, Mrs. Brearley, so that all members of the Committee get it properly and weigh the need and determine whether or not this is the legislation which New Jersey wants. That is why we are here and we appreciate your coming.

MRS. BREARLEY: Yes, I realize why these hearings are held, Senator Stamler, because I was at the hearing on inter-governmental relations in New York and we were not permitted to come and testify, only a select few. So we are well aware and appreciate the opportunity you have afforded us to come before you.

SENATOR STAMLER: That is because this is New Jersey. Thank you.

Mr. Hamilton, please.

T H O M A S     H .     H A M I L T O N: My name is Thomas Hamilton, resident of Tenafly, and I am representing the Division of Transportation of the Tri-State Conference on Community Problems. This is an informal group who have become interested in the transportation aspects of the regional intercourse and my object today is to show that the Tri-State Transportation Compact, Senate 222, is unnecessary from a practical working point of view, not to say dangerous to the political integrity of New Jersey and the sovereignty of its citizens.

First of all, let us dispense with the argument or implication that this agency is required in order to receive Federal aid under the Federal Housing Act of 1962 and the Federal Aid Highway Act or further legislation now pending in Washington. The New York-New Jersey Transportation Agency Compact approved September 1959 by Congress after its passage by the party states can qualify in every respect for such aid for New Jersey projects in the New Jersey-New York Metropolitan area.

I wish to state here that I am opposed to applying any kind of political coercion of private concerns and I am opposed to the applying for Federal aid and agree with Commissioner Dwight Palmer in a portion of his report to the Governor and the Legislature dated April 1960, and I quote the paragraph here: "Recently there has been a strong demand for Federal participation in solving commuter service financial problems, proposing the inclusion of railroads with other

transportation media receiving Federal aid. Action at the Federal level aiming to preserve the commuter lines as is generally recognized will be time-consuming in accomplishment. Federal aid, desirable as it might be, still means we will be the contributors in the long run." And I didn't know the Senator's remarks when I included this in my talk.

Four years ago, the elected officials of the two states found "a condition of impending emergency requiring prompt action and specifically a need for the development of an interim plan for the coordinated and integrated use of existing transit facilities and services as well as for a preparation of a long-range plan and for a more permanent solution of these problems."

A further evidence of the concern of the Executive and Legislative Departments of the State of New Jersey, again four years ago, was the creation of a Division of Railroad Transportation within the Highway Department. Its first report came forth in 1960 a year later. The Bi-State agency had to make some studies and they came forth with their, "Journey to Work," which was a thorough report, but it appeared in 1963. So I feel that this tells a story in the speed with which some of these agencies directly concerned within the scope of the Executive can get things done as opposed to a big massive agency.

The Transportation Division of the Tri-State Conference on Community problems is made up of commuters and citizens of New York-New Jersey, some of whom have backgrounds in law and engineering and real estate and have reviewed many of the

reports by the various interested agencies, both official and private, and attempted to synthesize their analyses and recommendations.

It has been our privilege to find that the reports available to us generally agree on the nature of the most immediate problem - rail rapid transit across the Hudson River - and in general the solutions for it, namely, consolidation of operation of our rail commuter lines without impairing commuter service. Some of these have already come to pass or are now in various stages of completion without the impetus of the formal status of this regional compact, in other words, the consolidation of the Erie-Lackawanna Railroads. The Pennsylvania Railroad has acquired control of the Lehigh Valley. The New York Central and Pennsylvania Railroads are currently discussing a merger of the two lines before the Interstate Commerce Commission. And the Port of New York Authority has assumed the operation of the former Hudson and Manhattan Tubes. Under the aegis of the Division of Rail Transportation, the Pennsylvania Railroad has agreed to the consolidation of the Jersey Central and Shore Line commuter services into its main line. The Port Authority, according to its 1962 Annual Report to the Governors is contemplating the extension of its services to proposed across-the-platform passenger transfer stations at points in the Hudson County meadows to broaden its passenger service base for its subsidiary PATH.

In a study entitled, "Journey to Work," issued by the New York-New Jersey Transportation agency, referred to before,

it made a proposal for improvements to the Pennsylvania and Long Island Railroads to give passengers on these lines direct access to Manhattan's eastside via a new station in midtown. Now the proposal is being studied by the Tri-State Regional planners.

I would like to state here that our group endorses this proposal and further suggests that trains pass through these two stations to storage and turn-around points in the Sunnyside Yards in Queens and in the yards to be laid out in New Jersey meadows in North Bergen, thereby increasing the traffic capacity of the two stations. Then the other New Jersey rail lines could actually be tied in with the Pennsylvania Railroad to take passengers without transfer directly from their home stations to east or west midtown. This is a physically possible and relatively inexpensive proposal because it utilizes vacant swamp land for switching and storage. It would thus give the rail commuter lines the one ingredient necessary for enticing the commuter from road to rail, an uninterrupted ride to work from their residences, provided, of course, the railroad cars and equipment are updated.

This is an area which is being worked out without the Tri-State Transportation agency intervention. The Port Authority is now acting as financing agent for the purchase and leasing of modern rolling stock in the New York Central and New York, New Haven and Hartford Railroad lines. So these are concrete steps in the tough road to the solution of the immensely complex commuter rapid transit situation, without the proposed Senate 222.

I have an outline of the steps which we would recommend and I think they are almost self-explanatory. They have the maps. They show what would be contemplated, how it would be worked out and we would be happy to consult with whomever would be the appropriate party for talks along those lines.

SENATOR STAMLER: May I suggest, Mr. Hamilton, that if you have sufficient copies to give to members of the Committee, they then examine them and then if need be, we will call upon you.

MR. HAMILTON: Right. I realize we can't go into that now.

I would like to point out in this other further report from Commissioner Palmer ---

SENATOR STAMLER: This isn't that "Journey to Work" again?

MR. HAMILTON: No, no. This is from the Division of Rail Transportation, over the Commissioner's signature, and it says: "In the Division's opinion it must be recognized that a public authority or agency cannot operate rail service or any other branch of our economy more efficiently or even as efficiently as can private enterprise under the right leadership. Obtaining control of any line or service by the state or an agency would only increase the liability and in our opinion steer our economy into socialistic channels." My group heartily concurs. "The alternative," quoting again, "is to give each carrier maximum opportunity to continue the essential service at least cost. This would require less regulation of schedules and rates. Under the

alternative, the carriers would be given freedom to adjust rates for maximum revenue and experiment with schedules and rates in attempt to increase patronage."

During the year 1958 the Chicago and Northwestern Railroad reported a deficit of \$1½ million. In 1959, however, they reported a profit of \$29,000. The Illinois Commerce Commission allowed a 24 per cent increase in rates late in 1958 and approved other schedule changes requested by the railroad. An official of the Chicago and Northwestern was recently quoted as saying that carrying commuters can be profitable without government subsidy, provided regulatory officials allow management a freer hand. Chicago commuting is not comparable with New Jersey-New York situations. However, the basic principles apply. Thank you very, very much.

SENATOR STAMLER: Any questions, Senator Deamer?

SENATOR DEAMER: No.

SENATOR STAMLER: Thank you very much, Mr. Hamilton.

Mr. Cain. Mr. Cain, you won't cover any of the matters that have been covered, will you?

MR. CAIN: I will be brief.

SENATOR STAMLER: I would appreciate it.

G E O R G E B. C A I N: I too want to thank the Senate Committee for the opportunity for we the public to testify. Such opportunity wasn't afforded by the Federal government and it certainly is a great credit to our state and to our State Senate for this opportunity.

SENATOR STAMLER: This is New Jersey. You have a right to say what you please as long as it is not too long.

My name is George B. Cain. I live at 92 Westland Road, Cedar Grove, New Jersey. By occupation I am a construction consultant. I am a member of the New York Building Congress, a large organization of construction industry people and labor people in New York City, and the Construction Specification Institute of the New York Metropolitan area.

I have been active in political affairs in Essex County and was past-cochairman of the Legislative Committee of the Essex County Young Republicans.

The thing that strikes me about Senate 222 is that it is blatantly unconstitutional on its face. You merely have to read the first part of the description of the bill where it says it is "an act concerning regional transportation planning," and then go inside the bill to page 4, Article IV, wherein it says "The primary function of the commission shall be to act as an official planning agency of the party States for the compact region." If that is the official function, certainly transportation is perhaps a related, but a separate topic, and this is in clear violation of the New Jersey State Constitution, Article IV, Section 7, subparagraph 4, wherein it states, and I quote: "To avoid improper influences which may result from intermixing in one and the same act such things as have no proper relation to each other, every law shall embrace but one object, and that shall be expressed in the title."

The fact that the title of the bill does not state the primary function of the bill is to me an amazing feat on the parts of Senators Sandman and Grossi.

SENATOR STAMLER: Mr. Cain, for your information, they don't physically draw up bills. I don't want to defend my colleagues, but they don't physically draw them.

MR. CAIN: Knowledge of the Constitution of the State in which you are an official representative, I think is not asking too much and I am sure you have the knowledge of it, Senator.

SENATOR STAMLER: We try.

MR. CAIN: Let me go on to some specific recommendations here. You have before you proposals to grant rather large sums of money as subsidies to the railroads because they perform a public function. Yet these same railroads pay rather high real estate taxes to local communities, counties and municipalities through which they pass. It would seem more logical to consider a bill which would reduce their real estate taxes on a pro rata basis in accordance with the percentage of traffic they handle which is passenger service versus freight traffic. Why should we at the state level - why should people in this state who aren't commuting to New York subsidize the commuters? It just doesn't make sense.

If state funds should subsidize the railroads, these state funds come from all over the state to subsidize the commuters. It would be more logical to reduce the taxes that they pay in these local communities.

The second point I want to make on railroad subsidy is this: It is possible to draw up a subsidy in such a manner that it is an incentive subsidy so that an inefficient

or a relatively inefficient management will not be subsidized, but you make such subsidies dependent upon increasing the service in terms of either punctuality or probably it is easier to control this in terms of equipment, meaning newer equipment, new facilities and improved facilities. And, of course, the plan that Mr. Hamilton mentioned is certainly going to cause them to increase their traffic. In other words, the nature of the subsidy should be such that it is not underwriting any inefficiency and it is an incentive subsidy to make them improve their service. Thank you very much for this opportunity to testify, sir.

SENATOR STAMLER: Thank you for the constructive suggestions. Do you have a question, Senator Deamer?

SENATOR DEAMER: No.

SENATOR STAMLER: Thank you very much, Mr. Cain.

Mr. Schlachter. If you possibly can, Mr. Schlachter, try not to cover anything that has been covered.

R O B E R T L. S C H L A C H T E R: Senator, gentlemen: I shall echo that which has been echoed before; I shall be brief.

My name is Robert L. Schlachter, 810 Bloomfield Avenue, Verona, New Jersey.

Gentlemen, Senate No. 222 -- Incidentally, I am here as State Coordinator representing SCANT, State Committee Against New Taxes. I operate the Essex County area.

SENATOR STAMLER: Taxes aren't doing so good there.

MR. SCHLACHTER: No, sir, and I thank you for that comment.

Senate No. 222, I choose to retitle, one chain - one collar. We hear today on every level of our lives, both from television and newspaper - yes, and even in the Senate Chambers - chaos, chaos, chaos. If we were to pinpoint what has been said here with regard to transportation, I can only reflect on my own personal experiences. I go into New York on the average of twice a week and I travel the length and breadth of the State of New Jersey four or five times a week. I admit there are traffic jams. But I see no chaotic conditions.

I ride the Hudson Tubes. I do not witness anything there that might be a situation that would warrant such interest as is expressed here for the relief of "chaos." I must admit that a coat of paint and some interest in soap and water might help that problem.

Within our state today, every public office is filled. Within the machinery of the state, I believe we have some of the best minds. I believe we have in elective office some very good statesmen. The thing I question in such a proposal as made by Senators Sandman and Grossi is: Why the loss of faith with regard to the responsibility of these officials and our own state-paid experts? This proposal here would give the impression that we do not have individuals who have this expressed capability of handling our particular problems within their own sphere of responsibility. I say this is incorrect. We do have the ability here in New Jersey and we have proven it in the past.

Gentlemen, I feel that this proposal here is part -

and perhaps some may disagree with me - a minute part - I look on it that way - of a vast conspiracy against the best interest of the general public. This conspiracy is made up of business interests, union interests and political interests. I must reflect - and I am sure you will agree with me - that New Jersey had a regrettable bus strike. We have had on various levels officials from Public Service, from the government, from the unions, who sat around the table and made a decision with regard to the public interest and what happened? The public had to pay. That was the end result.

We had a disastrous newspaper strike in New York.

SENATOR STAMLER: I think we ought to get to the bill.

MR. SCHLACHTER: I feel that this bill is reflecting, sir, on conditions that don't really exist. It is a control. If you feel that I am ---

SENATOR STAMLER: I don't want to cut you short, but I think we ought to get to the bill.

MR. SCHLACHTER: Well, I think the bill is part of the fabric to gloss over the responsibilities of the elected officials and give way to a commission with power that is not in my estimation constitutional-type power.

SENATOR STAMLER: If the New Jersey Legislature, Mr. Schlachter, wanted to do that, you wouldn't be here. The bill would have passed.

MR. SCHLACHTER: Right, sir.

SENATOR STAMLER: Now get on with the bill.

MR. SCHLACHTER: But it is being entertained in the bill, isn't it?

SENATOR STAMLER: Well, let's get on with it.

MR. SCHLACHTER: Very well. I do not choose to take time to go over what I am sure is obvious to you in many, many parts of this bill.

I just want to point out in Article V that word "immunity." Now we all can reflect back on the history of the Port Authority when Austin Tobin was asked to give some particulars and even subpoenaed by the Federal Government. Does this group then ask for such immunity? It is quite clear that it is spelled out in such a bill. No official, no commission, should be supported or protected by any kind of an immunity clause. The public has a right to know and it should not be entertained in such a bill.

SENATOR STAMLER: Agreed.

MR. SCHLACHTER: Thank you. Let me sum up. That I propose - and we should have a proposal if we are going to challenge - is that our elected officials take care of their responsibilities, for the taxes have not waned - they have increased. With the ability and the intellect here in New Jersey, the job can be done if it has the support of those who are responsible. Thank you very much.

SENATOR STAMLER: Thanks a lot. We appreciate it.

There are two New Yorkers here who want to testify. Apparently they weren't allowed to testify in their own state, but I will recognize them. Mr. Roland. I hope you will make it short, Mr. Roland. You have a long trip.

MR. ROLAND: You are correct, Mr. Chairman, that I am here because we did not have an opportunity in the State of

New York to be heard.

SENATOR STAMLER: Good.

F R E D E R I C K P. R O L A N D: My name is Frederick P. Roland. I live at 19 Collyer Avenue, New City, Rockland County, New York.

I think that this Committee should have some understanding of what happened to the people of the State of New York by people apparently trying to give the impression that they are acting altruistically. On March 16 it is my understanding that a bill similar to this was defeated in Committee here in New Jersey. Is that correct?

SENATOR STAMLER: No, it isn't correct, sir. It is in committee now; otherwise, we wouldn't have a hearing.

MR. ROLAND: This is the proposal then, presently. There was no previous bill submitted?

SENATOR STAMLER: This is the proposal. I believe the bill was introduced on March 9th and referred to my committee, the State, County and Municipal Government Committee, about March 23rd, but it has not been defeated in committee.

MR. ROLAND: Well, I will continue with the sequence of events that occurred in the State of New York. The bill comparable to the bill here considered was passed in New York State on March 18th without any knowledge or information given to the electorate of New York State. A week later the bill was signed by the Governor of the State of New York and only after constant, persistent inquiry were copies made available. The matter was submitted to the Legislature at the close of the session after a very tiring and exhausting

session that we had over some serious legislation that received national publicity.

It would appear that this hurry-up procedure in the State of New York was for one primary purpose and that was to create prestige and respect and support here in New Jersey. And I think the people of New Jersey should know that the people of New York do not know and are only beginning to find out the serious implications of the counterpart bill in the State of New York.

Now I think that an important question here to be considered by this Committee is the question of motivation. This proposal is submitted by a group of private individuals, privately subsidized, and it would attempt to give the constituents of the three states the impression that this bill is altruistically motivated. It is either a question of profit or it is a question of attempting to usurp the control of the local legislators.

SENATOR STAMLER: Now, Mr. Roland, I am going to have to stop you right now. This bill was submitted by two members of the New Jersey Senate.

MR. ROLAND: I am referring, sir, to the New York State bill.

SENATOR STAMLER: Well, let's refer to the New Jersey bill and nothing else and no one submitted this bill for profit. If you have the proof, I would be glad to have it.

MR. ROLAND: No, sir.

SENATOR STAMLER: Let's stick to this bill.

MR. ROLAND: I should clarify that statement. I did

not mean to infer that there were members of this Committee that would profit. I am referring to those who are the authors or the composers, the people who motivate this bill.

SENATOR STAMLER: This is a New Jersey bill, introduced in the New Jersey State Senate and its number is 222 and I think you should refer all of your remarks directly to this bill. I hate to restrain you, but I will not allow even the suggestion of a character violation. Go ahead. I'm sorry.

MR. ROLAND: I didn't recognize, sir, that profit is necessarily a character violation. I think it motivates many people.

Now this perhaps could be best considered, this Tri-State arrangement, as a marriage, a triangle, which, I believe, the people of the State of New York when the opportunity is presented to them will make an effort to rescind the legislation which has been hurriedly passed. This is legislation which will not work. We have in New York State a great many problems which are unique to the State of New York. I think at the apex of this pyramid, of this triangle, you have commuters travelling from Connecticut to New York - you have commuters travelling from New Jersey to New York. But there is no transportation problem, as I understand it, on the base of this triangle from New Jersey to Connecticut.

If there was a sincere and genuine concern about transportation, as this bill appears to indicate, then it would seem that there should be some relationship between New York and New Jersey and New York and Connecticut. But I do not see the necessity of having Connecticut tied in with

New Jersey.

Now I just want to say that I am not completely an outsider - particularly this bill, I suppose, would make me an insider. But I lived in Westwood, New Jersey for four years and they were the finest years that I can remember.

SENATOR STAMLER: Sorry you moved.

MR. ROLAND: Well, if things continue to worsen in the State of New York, you may have me back.

SENATOR STAMLER: Fine.

MR. ROLAND: Now New York has these problems which I don't think that New Jersey should get involved with. I think that this is a matter which should be considered very seriously and I am sure it will in the light of the extensive testimony that you are taking here today. But in the State of New York, we unfortunately learned the age-old lesson that haste makes waste and I think that we are going to correct that and I thought perhaps you might be interested in my comments here on what is happening in the State of New York, Senator.

SENATOR STAMLER: Thank you very much, Mr. Roland. Any questions, Senator?

SENATOR DEAMER: No.

SENATOR STAMLER: Thank you very much for coming down.

Mr. Lodico, have you anything to add to this?

MR. LODICO: Yes.

J O H N L O D I C O: My name is John Lodico. I live at 2 Birch Lane, New City, New York, and incidentally this is Rockland County, New York, the next part of the triangle

provision of transportation and related public facilities in such region and in particular areas thereof, together with long-range fiscal plans for such development." I believe many people feel that the only things that this bill will solve are transportation problems. But there are other ramifications that it will deal with.

Page 7, line 39: "The Commission shall have such additional powers, incidental to the expressed powers granted to it by this compact, as may be necessary or proper for the effective performance of its functions." I believe once this type of a bill is approved, you have already given them the right to include in their corporate rules the rules of the ball game which they want to play or include.

I think that this is a bill that is not in the best interest of the people of New Jersey, the people of New York or Connecticut. I think that each of these states have competent officials who can handle their problems best by themselves.

Many of the proponents of this bill may possibly benefit financially, while those opposed are only seeking their rights to life, liberty and pursuit of happiness as guaranteed in our Constitution. Thank you.

SENATOR STAMLER: Thank you. Senator Deamer, do you have any questions?

SENATOR DEAMER: No.

SENATOR STAMLER: I just want to make one more announcement. Is there a representative here from either the Governor or the Legislature of the State of New York or the State of

Connecticut?

MR. LODICO: Senator, excuse me. This is what I was going to ask.

SENATOR STAMLER: I have asked it. Thank you very much.

The meeting stands adjourned and if there is another public hearing, it will be so announced through the press. Thank you very much for attending.

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