

Minutes of the
PUBLIC HEARING

Before

**COMMISSION APPOINTED UNDER ASSEMBLY RESOLUTION
TO INQUIRE INTO THE CONSTRUCTION OF A THIRD
TUBE FOR THE LINCOLN TUNNEL BY THE PORT OF NEW
YORK AUTHORITY.**

N.J. Legislature, Assembly, Committee ...

Members present:

**Arnold M. Smith, Chairman
Edward T. Bowser, Sr.
Frederick H. Hauser
Arthur W. Vervaet**

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MR. ARNOLD W. SMITH (Chairman): Will you please come to order here for a moment.

Ladies and gentlemen, on May the 18th of 1953, the House of Assembly of the New Jersey State Legislature passed a certain resolution introduced by Assemblyman William V. Musto of Hudson County. Under the terms of that resolution it provided for the creation of a commission of four members to deal generally speaking with matters pertaining to the construction of the third tube of the Lincoln Tunnel by the Port of New York Authority. I'd like now to read paragraph 2 of that resolution since that is the specific paragraph that prescribes the duties of this Commission. Paragraph 2 reads as follows:

"It shall be the duty of said commission to investigate and inquire into the facts and circumstances surrounding the construction of a third tube for the Lincoln Tunnel by the Port of New York Authority and all related matters thereto, and particularly in reference to the western terminus thereof, and report to the present session of the Legislature."

In view of the fact that is the sole paragraph of the resolution that prescribes the duties of this Commission, I must ask at the outset that all parties that are going to address this Commission, relegate themselves and limit themselves to matters pertaining solely to the construction of the third tube. If there are any things that may pertain to other affairs of the Port Authority over and beyond matters pertaining to the third tube, that is not within the scope or the jurisdiction of

this particular Commission and therefore it is not relevant to our sitting here today.

Now, at the outset, I would merely like to introduce the members of this Commission to all parties concerned. On my left here is Assemblyman Frederick B. Hauser of Hudson County. On my immediate right is Assemblyman Arthur W. Vervaeke of Bergen County, and at the end is Assemblyman Edward T. Bowser of Essex County, and myself, Arnold Smith. I'd like to introduce sitting over here in the corner, patiently waiting an operation to come about Wednesday on his person, the introducer of the resolution, Assemblyman William V. Musto of Hudson County.

Now then, it has been agreed by representatives of the Township of Weehawken and of the Port of New York Authority, that the first persons to address this group here today at the public hearing will be representatives of the Port of New York Authority. Each group, the Township and the Port of New York Authority, have agreed that they have three witnesses apiece who would like to testify before this Commission. At the end of that I believe we will have rebuttal from both sides and then at the conclusion, the members of the public and others who are here who may care to address this Committee, we shall be delighted to hear. We will proceed in that order if you please.

MR. TOBIN: If the Committee please, the Port Authority's first witness will be Commissioner Donald V. Lowe.

MR. DONALD V. LOWE: May I sit?

MR. SMITH: Certainly, Mr. Lowe. Make yourself comfortable.

MR. LOWE: Mr. Chairman, Members of the Committee: I appear here as the spokesman for the Commissioners of the Port of New York Authority. I should appreciate, Mr. Chairman, the privilege of introducing my fellow Commissioners to the Committee:

Commissioner John F. Sly of Princeton, New Jersey

Commissioner Jess Harrison Davis of Hoboken, New Jersey

The Commissioners have also brought before you the members of their technical staff in order that you may have the advantage of expert testimony of those professionally engaged in their respective fields:

Mr. Austin J. Tobin, our Executive Director

Mr. Walter P. Hedden, our Director of Port Development

Mr. Sidney Goldstein, our General Counsel

Mr. Russell B. Watson, Associate Counsel, New Jersey

Mr. John H. Kyle, Chief Engineer

Mr. Roger H. Gilman, Assistant to Director of Port Development

Mr. Chairman, on May 18, the General Assembly of the State of New Jersey adopted a resolution providing for the appointment of a bi-partisan special General Assembly Committee to investigate the facts and circumstances surrounding the construction of a Third Tube for the Lincoln Tunnel by the Port of New York Authority. This resolution was introduced by Assemblyman William V. Musto.

The Commissioners and staff of the Port Authority welcome the opportunity to present to your Committee the facts concerning the con-

struction of this vitally needed transportation artery which will be of direct and immediate benefit to all the people of our two States. We think that it is most important that the record of this hearing before your Committee include the history and background of our planning for the construction of the Third Tube of the Lincoln Tunnel. It is our duty also to review for you the story of our efforts over the past two years to work out a reasonable agreement for the acquisition of property owned by the Township of Weehawken and required for the Third Tube. This property consists of six tennis courts and two basketball courts which the Port Authority itself had constructed for and given to the Township in 1937 when the Lincoln Tunnel was opened.

The Port of New York Authority, as the members of this Committee know, was organized in 1921, under the terms of a Compact, or Treaty, between the States of New Jersey and New York, as the self-supporting regional agency of our two States. By the terms of the Compact of 1921, the two States directed the Port Authority to go forward with the development of public terminal and transportation facilities within the Port District of northern New Jersey and New York.

The whole economy of this area has developed around our geographical and man-made position as a great center of transportation, by sea, by land, and by air. There are 4,000,000 people employed in this great metropolitan area. Of that number, about 400,000 earn their living directly or indirectly in the transportation industry -- the movement of persons and cargo through the Port District of northern New

Jersey and New York. It is clear, therefore, why our two States declared in the Port Compact, that "A better coordination of the terminal, transportation and other facilities of commerce, in, about and through the Port of New York will result in great economies, benefiting the nation, as well as the States of New York and New Jersey."

The Port Authority was the first public authority organized in the United States. The statesmanship which produced the Port Treaty of 1921 was shared by leaders in both States and particularly by Governor Walter E. Edge here in New Jersey and Governor Alfred E. Smith in New York.

The two States designated the Port Authority as their "joint or common agency" for the purpose of developing the Port of New York. The statutes declare it to be "the municipal corporate instrumentality of the two States for the purpose of developing the Port and effectuating the pledge of the States in the said Compact."

The Compact of 1921 declares that the development of the public terminal, transportation and other facilities of commerce in the Port District "will require the expenditure of large sums of money and the cordia cooperation of the States of New York and New Jersey in the encouragement of the investment of capital, and in the formulation and execution of the necessary physical plans"; and that "such result can best be accomplished through the cooperation of the two States by and through a joint or common agency."

In order that the Port Authority might carry out the continuing task of developing the public terminal and transportation facilities of

this metropolitan area, the two Legislatures have clothed it with all necessary and appropriate powers of port and terminal development with the important exception of the power to tax or levy assessments. This reservation is the key to the whole concept of the Port Authority, which is that of a self-supporting agency, whose public projects are supported by their own revenues and charges; an agency which imposes no burdens on the general taxpayer. The Port Authority is also expressly prohibited from pledging the credit of either State.

The two Legislatures agreed that the Authority should "constitute a body corporate and politic, with full power and authority to purchase, construct, lease and operate any terminal or transportation facility within the Port District." The Treaty's outline of the terminal and transportation facilities which the Port Authority was to construct or operate is quite comprehensive. The Legislatures specifically included the financing and construction of trans-Hudson tunnels and bridges.

In creating the Port Authority, the Compact (Article IV) provides that it shall consist of twelve Commissioners, six from each State. We are appointed by the Governors of our respective States with the advice and approval of the State Senate for overlapping terms of six years each. The Commissioners receive no compensation or other fees for their public service.

The Port Treaty directed the Port Authority to submit a comprehensive plan of port development to the two Legislatures. Such a plan was submitted in 1922 and adopted by the two States as a part of

the Treaty. Since then this master plan for the development of the public terminal and transportation facilities of the port district has from time to time been supplemented by the joint action of the Legislatures of New Jersey and New York. The comprehensive plan of port development as it exists today, therefore, outlines in general terms the basic legislative plan for the continued development of the great metropolitan district of northern New Jersey and New York by the promotion of our commerce, the construction of terminal facilities for the handling of passengers and cargo - land, sea and air, and the construction of bridges and tunnels between our two States. The Legislatures have directed the Port Authority to proceed with this work of port development "as rapidly as may be economically practicable" and you have given the Port Authority "all necessary and appropriate powers *** to effectuate the same, except the power to levy taxes or assessments."

MR. SMITH: Mr. Lowe, pardon me for just a moment. I neglected to say something at the outset here. Do you have other copies of this brief or memorandum that has been submitted by the Port Authority available now? Do you know?

MR. TOBIN: We have about a half dozen, sir.

MR. SMITH: Will you please see that Mayor Krause and Mr. Rosen and Mr. Schroeder of Weehawken have copies of that?

MR. TOBIN: And in turn, may we have their prepared brief?

MAYOR KRAUSE: I should like to have all our Township Committeemen have copies.

MR. SMITH: To the extent that you have available copies, will you comply with the Mayor's request please?

MR. TOBIN: To the extent we have available copies.

MR. SMITH: I'm sorry I neglected to say that at the outset.

MR. TOBIN: May we please have a copy of their memorandum please.

MAYOR KAUSER: Will one of the committeemen give him their copy. I only have one left, as I indicated to the Committee.

MR. KAUSER: I will give mine.

MR. SMITH: Excuse me just a moment now. Who is this gentleman here.

MR. KROOG: I represent the Weehawken Home Owners' Association.

MR. SMITH: I'm sorry. Will you speak a little louder?

MR. KROOG: I represent the Weehawken Home Owners Association. Mr. Kroog is the name.

MR. SMITH: What is your full name and address.

MR. KROOG: Mr. Frederick B. Kroog, 210 Eldorado Place, Weehawken, New Jersey. I notice that the people are very uncomfortable here and there is a lot of them who would like to be heard and like to talk. I would suggest that the meeting be postponed until about two or three o'clock and held down at the high school in Weehawken where we have plenty of room. The people are very uncomfortable here from what I can see.

MR. SMITH: Well, Mr. Kroog -- Are you finished?

MR. KROOG: And I make a motion that it be held in the

high school in Weehawken where everybody can be heard and everybody can take part.

MR. SMITH: Mr. Kroeg, I can only say --

(Applause)

MR. SMITH: Right at this particular point I would like to say that I know everybody in this room, of course, has an interest in what is before us or you undoubtedly would not be here. I would ask that everybody refrain from applause or commenting one way or another to anything that is said in all fairness to all parties concerned. We don't want to take issue with either side. That is the purpose of this public hearing.

As far as relocating this meeting is concerned, this Legislative Committee has been trying, I would say, to get together for some time in order to expedite the matter of this hearing. Pursuant to the terms of the resolution, we are charged with the responsibility of reporting back to the present session of the Legislature that will occur one week from this Monday. We do not have too much time. We are all occupied in other matters in addition to our legislative duties and we find it difficult to try and get to these things as expeditiously as you and others and ourselves would like. I would say we continue this hearing at this particular place in order not to muddle up this thing any further. We will try to accommodate you as best we possibly can, and expedite the matter. We will continue with Mr. Lowe of the Port Authority. I think he won't be too long according to what they formerly told us in the conference room.

MR. LOWE: Thank you, Mr. Smith. I think perhaps the interruption has not been entirely without gain. It has given us a little chance to stretch our legs and so forth.

Under such a charter and as specifically directed from time to time by the two Legislatures, we have accordingly gone forward over the past thirty-two years with the construction and operation of bridges and tunnels over and under the interstate waters of the harbor, and of piers, airports and other terminal facilities around its shores. We have built consolidated union terminals for trucks, buses and the railroads. We are financing the development of the four airports of our area, New York International, Newark, La Guardia, and Teterboro. We have issued Port Authority bonds for all of these projects in the total amount, including those issued for refunding purposes, of over \$770,000,000.

MR. ROSEN: Mr. Smith, may I interrupt Commissioner Lowe?

MR. SMITH: Just a moment. In order for the stenographers to keep their records straight, what is your name?

MR. ROSEN: Mr. Rosen of Weehawken. May I suggest, Assemblyman Smith, that you specifically stated that you want to hear the matter set out in the Assembly resolution; that is, the construction of the third tube. We are not concerned with any extraneous matters concerning airports or the issuance of bonds.

(Members of the audience shout "Louder!")

MR. SMITH: Just a moment. I know that you are all interested. I said that before. But please let's have a little decorum here today so that we can get over with this particular matter as soon as we possibly

can for the convenience of all parties concerned.

Number of Audience: We are interested only in the third tube.

MR. SMITH: That is right.; we are interested in the third tube. If we have order here, we will try to get to the matter. If we are going to get out of hand, we will clear the room except for one at a time and get it over that way.

Mr. Lowe, I would like to say that as Mr. Rosen has indicated and as I stated at the outset of this hearing, the primary concern of the Legislative Committee is with matters pertaining to the third tube construction of the Lincoln Tunnel. Therefore, I must ask, if you can, to please relegate your remarks to those things that are directly concerned with it. I know as an overall problem, so does Mr. Rosen and everybody else in this room, naturally you have to begin at the beginning.

There was the legislation. There was the compact that brought the Port Authority into being. If these things hadn't happened in the first place, we wouldn't be concerned with the third tube or anything else. That is the broad general background. I think most of us assume the statute for the Authority gives you power to do what you are doing. If we could relegate this to the specific issue, it would be helpful.

MR. TOBIN: On the contrary, the brief that Mr. Rosen has just submitted to us raises the issue of the whole statutory authority to go forward with the third tube, so I don't know how Commissioner Lowe or any of us can possibly respond to the brief before the Committee without discussing those matters, and I submit that they are entirely pertinent to the question of the third tube.

MR. SMITH: If Mr. Lowe will relegate himself to the compact and the statutes of the State of New Jersey that might relate to this matter pertaining to the third tube, of course, it is at issue. But the broad general scope as to what the Port Authority was designed for and what it is endeavoring to achieve and the worthwhileness of the cause - those things I think we can assume and take notice of that.

MR. TOBIN: We are not going into those, sir, but simply describing what the Port of New York Authority was. In the opening statements, Commissioner Lowe, I think, properly was just referring to what the Port Authority was and he is, I know, proceeding directly to the third tube statute itself.

MR. SMITH: Let's continue, bearing in mind on both sides what we want to do is limit and restrict ourselves to matters directly affiliated and connected with the problem of the third tube of the Lincoln Tunnel. If we try to spread the whole matter too broadly and generalize, we are going to take an awful lot of time that will be trying to all parties concerned.

MR. ROSEN: That is the point I make. I have quickly looked through this. There are a lot of things in here concerning the operation of the Port Authority of general interest, but not specifically on the question. Perhaps that is why Mr. Tobin wants three hours. You will note our memorandum is confined -- if you have an opportunity to skim through it, you will find we have confined ourselves solely to the background as Mr. Lowe has given it, and correctly so, as to the statutory powers, etc., together with the position of Weehawken on this third tube,

the so-called good faith of both sides in discussions concerning the proposition and our legal position that they have no authority from both Legislatures to build this third tube. That is the question you gentlemen must consider here today and that is what we have tried to confine our remarks to. We are not in position, nor did we feel under your resolution that we had to meet all these extraneous matters. And I don't want to be sitting here nor does anybody else - and I'm sure the Committee joins with me - hearing a lot of things about the Port Authority other than this third tube. (Applause.)

MR. TOBIN: We know, sir, there are no extraneous matters.

MR. SMITH: I assume all you people are capable of hearing. Can you hear my voice all right? Do you have any difficulty hearing my voice?

(Members of audience shout "No.")

I have asked you people to please exercise decorum and to refrain from expressing your sentiment or criticism one way or the other, including applause. I assume you heard me the first time. I assume you are hearing me now. I assume that you are dignified, tolerant people and that you will abide by what is being said here. If you don't care to, then perhaps we will not care to go on to hear you folks later on in this hearing. We only ask that you extend the normal courtesies the same as we are willing to extend to you. If you don't abide by that, we will rule otherwise.

As far as this matter about the relevancy of the material being presented is concerned, I sent similar letters to both the Port

Authority and the Township of Weehawken, asking each to submit a brief or memorandum relevant to what was required under the terms of the resolution passed by the Assembly. Now, the Fort Authority sent in their brief. We have the brief from Weehawken here this morning. We of the Committee will read them. As you understand, number one, the Fort Authority's brief is quite voluminous and would take a while to read. Number two, the Weehawken brief was only received by us just a short time ago. We haven't had an opportunity to dig into that. You can rest assured that the members of this Committee will read both of them and evaluate and analyze them as we see fit. Those matters which are beyond what was sought, we will sift out. So you need not worry about the content of that.

As regards what is being addressed here today, I can only reiterate we want it limited to those matters relating solely to the third tube and not things that would be extraneous to that.

MR. TOBIN: We are endeavoring to do that and I ask that Commissioner Love be able to proceed on that basis.

MR. SMITH: Excuse me just a moment.

(Conference of Committee.)

Ladies and gentlemen: At this huddle that the Committee has just informally had up here at the front of the room, we are all in accord that naturally to get into any discussion pertaining to the activity of the Port of New York Authority, be it related to the third tube or otherwise, it comes down to the fundamental as to what the

compact between the states and the statutory authority of the respective states would permit them to do. Therefore, they would have to get into discussions of these various and sundry legal aspects, and if our discussions were centered about those particular things, we think we would be making progress in going ahead and trying to discover if they are properly proceeding under the statutes. If the statutes have any shortcomings, if there are any omissions in the statutes, we could relegate ourselves with that point in mind and we could make progress. With that thought in mind, I would ask Mr. Lowe to continue and stay along that line.

MR. LOWE: Mr. Smith, I think this whole statement is directed very definitely in the direction that you have indicated. If I may, I would like to continue.

In partial effectuation of this comprehensive plan for the development of the New Jersey-New York port, the Legislatures of the two States have, as I have said, directed the Port Authority to construct and operate the inter-state bridges and tunnels between the two States. By specific legislation on each occasion, the Port Authority was authorized to build the Outerbridge Crossing, Goethals Bridge and Bayonne Bridge connecting Staten Island with the New Jersey mainland, the George Washington Bridge and Lincoln Tunnel, spanning the Hudson River between the two States. Under legislation enacted in 1931, the control and operation of the Holland Tunnel was vested in the Port Authority upon payment to the two States of the original cost of construction of

the Holland Tunnel together with interest amounting to $\frac{1}{2}\%$ of the moneys originally contributed by the two States to the predecessor State agencies which actually built the Holland Tunnel.

The Lincoln Tunnel was constructed, and the new Third Tube of that Tunnel is under construction, pursuant to joint statutes of the two States enacted in 1931.

This legislation authorized the Port Authority

"to construct, own, maintain and operate an interstate vehicular tunnel or tunnels, (Hereinafter called the Midtown Hudson Tunnel) under the Hudson River, together with such approaches thereto and connections with highways as the Port Authority may deem necessary or desirable."

The 1931 statutes also provide that:

"The said (Lincoln Tunnel) shall have an appropriate entrance and exit in the Township of Weehawken, County of Hudson, State of New Jersey."

It is interesting to note that this provision of the statute was included at the insistence of the Hudson County municipalities, including the Township of Weehawken, the Port Authority's original plans for the Lincoln Tunnel having contemplated the continuance of the Tunnel under the Palisades, with no construction in Weehawken other than the ventilation shafts and with the New Jersey entrance and exit on the Hackensack Meadows.

I am going to call on our Executive Director, Austin Tobin, to outline to you in more detail the history and background of the construction of the first two tubes of the Lincoln Tunnel as well as the new Third Tube now under construction. Our Director of Port Development,

Walter Hedden, will discuss the trans-Hudson traffic problem and the function of the Third Tube in relation to that problem. However, in order that your Committee may have at the outset a framework of some of the basic facts, let me summarize as follows:

MR. SMITH: Excuse me just a moment, Mr. Lowe. Could we possibly make this presumption: -- I address this in particular to the officials of Weehauken. Can we assume we are not putting at issue the question whether or not there is a need for an additional tube?

MR. ROSEN: I think we have a statement to make on that subject.

MR. SMITH: You do have a question to pose that in your opinion there may not be a need for the additional tube?

MR. ROSEN: We have a question to pose as to where another tube is to be placed.

MR. SMITH: That is what I was coming to. I am not asking you whether or not you are going to question the location of the tube. I merely ask you whether you are putting at issue the question whether or not there is need for an additional tube.

MR. ROSEN: Traffic congestion requires additional facilities. Whether it be tunnels or bridges or other matters is for the consideration of the Committee.

MR. SMITH: May I ask the Port Authority to skip any details pertaining to proving the need for an additional tube and we will get down to the question as to the location of this particular tube and whether or not the statutory authority permits it.

MR. ROSEN: We are not contesting, Assemblyman Smith, the figures of traffic submitted in connection with some of the matters that I have read.

MR. SMITH: I only bring this up because I see what Mr. Lowe is reading - what is in his brief. We are trying to restrict ourselves to this third tube and save time. If we can commonly agree there isn't any question that a tube is needed and that the only further question is pertaining to the location and whether or not the statutory authority would permit it --

MR. TOBIN: Most of Commissioner Lowe's discussion, Assemblyman Smith, will go to those questions of location site and traffic as well as mine and Mr. Hedden's. We submit that those questions of location and traffic handling are not only pertinent, but they are the whole substance of what is at issue here.

MR. SMITH: I think we understand from the officials of Weehawken there is no contest concerning whether or not an additional facility is needed to handle the heavy traffic condition. I understand from what Mr. Rosen has said, there is an indication that they agree that traffic through this area warrants some additional facility. Now, the next question then beyond that is where the same should most feasibly be located, and secondly, whether or not the Port Authority is acting within the jurisdiction of the statutes in proceeding in such a manner, etc. I am only trying to eliminate the first question to save ourselves time going through the generalization to proving the fact that the traffic situation warrants the additional facility.

MR. ROBIN: If it will help save time, we are not going into any great length as to the need for the third tube. Mr. Rosen has just said he thinks there is a question as to whether or not this should be a bridge or a tunnel, and, if a tunnel, where the tunnel should be located. He also has suggested that he thinks, which I respectfully do not think, that the question is for this Committee to decide. But Mr. Rosen has just raised that question.

MR. SMITH: Let me get this straight with Mr. Rosen. Do you agree in the first instance that some facility would be considered helpful to alleviate the existing traffic condition in this locality?

MR. ROSEN: Let me put it this way, Mr. Assemblyman. You stated very adequately a few moments ago, and I subscribe to the statement, that there is a definite need for additional facilities between New York and New Jersey.

MR. SMITH: Now, do you put at issue beyond that the exact type of facility, whether a bridge or a tunnel or a ferry or something of that sort?

MR. ROSEN: We question the type of the facility and the location of the facility.

MR. SMITH: You question whether a tunnel might prove to be best versus a bridge, is that right?

MR. ROSEN: Right, and I understand that is an administrative matter -- and I am ready to admit that -- that this administration may be by the officials of the Port Authority and consent by the Legislature just as you did on other occasions concerning the George Washington

Bridge and the Outerbridge. In each case you gave specific legislation authorizing that particular facility.

MR. SMITH: When you discuss the particular type of facility, you are getting at an interpretation of the existing statutes as to whether the Port Authority can itself make that determination without returning to the Legislatures for specific guidance.

MR. ROSEN: That is exactly correct. That is right. In other words, we are not offering professional engineering testimony here to contradict whether or not a tunnel or a bridge or anything of that type is the proper facility. We say that there has to be additional facilities between New York and New Jersey. We say their pushing the third tube into the Weehawken tunnel is, first, not authorized by the Legislature in the State of New Jersey under their statutes and under the compact, and, secondly, their choice of entering into Weehawken again is a breach of understanding.

MR. SMITH: We will not get into that at this particular moment. We will take that up later.

MR. TOBIN: Sir, I think we will really save time if Mr. Lowe goes forward when you see the scope of the issues Mr. Rosen has raised.

MR. SMITH: We will start with the fundamentals. This Committee takes notice of the fact that the officials of Weehawken concerned indicate they do feel there is some need for additional facilities to be established to handle the heavy traffic condition in this area. They

put at issue the exact type of facility that would best service this and question whether the Port Authority has the right unto itself under the existing statutes to make that determination as to the exact type of facility or whether the Port Authority would have to come back to the specific Legislatures to get a designation as to the specific type of facility; that is, whether it should be a bridge, a tunnel or what not.

MR. ROSEN: That is exactly our position, sir.

MR. TOBIN: May we go forward, sir, on that basis?

MR. SMITH: Yes.

MR. LOWE: This involves a very brief history of the construction of the Lincoln Tunnel. Work on the existing south tube of the Lincoln Tunnel was started during the depression days of the early 1930's. That first tube was opened to traffic on December 22, 1937. The construction of the second or present north tube was purposely delayed in order to permit the gradual development and growth of traffic using the new tunnel crossing as well as to coincide more closely with the completion of the approach highways in New Jersey which were then planned. The completion of the north tube was further delayed by the necessary shut-down of construction activities during World War II but was finally opened to traffic on February 1, 1945.

Following the end of the war, the Port Authority kept the trend in interstate traffic volume under close observation. During the first post-war years, traffic through the Lincoln Tunnel showed rather modest gains increasing from 9,610,114 vehicles in 1946, the first year of

pace, to 11,121,107 vehicles in 1948.

However, the year 1949 saw significant developments which have had a profound effect on the stimulation of interstate travel. In that year the New Jersey Legislature created the New Jersey Turnpike Authority. This indicated that a new highway artery extending the length of the State of New Jersey and crossing the New Jersey windows would provide a direct and convenient link to and from midtown Manhattan by way of the Lincoln Tunnel. In 1949 also, the New Jersey State Highway Department completed Route 8-3 (the numbering has since been changed to Route 3) which served the populous areas of northern New Jersey and provided a new fast and direct route to and from midtown Manhattan by way of the Lincoln Tunnel.

Anticipating the need of additional trans-Hudson traffic capacity, the Port Authority Commissioners, in August 1949, directed our staff to undertake detailed traffic studies to determine the trend of trans-Hudson vehicular traffic as well as to find out where and when that additional capacity should be provided. These studies were completed early in 1950 and resulted in a recommendation to the Board from our planning and engineering staff that the most practical means of increasing the trans-Hudson vehicular capacity at the earliest possible time was the construction of a third tube of the Lincoln Tunnel. Note, the time was the essential part of the study.

The Commissioners, after study and consideration, acted favorably and authorized detailed economic and engineering studies of a third tube project. These detailed studies were completed early in

1951. On March 8th of that year we authorized the Executive Director to review these tentative plans with the appropriate officials of the two States and the municipalities involved, insofar as they were concerned with the approaches and connections on the two sides of the Hudson River. During March and April of 1951, the plans were accordingly reviewed with the appropriate State and local officials, and on May 10, 1951 the Commissioners of the Port Authority officially adopted the plans for the New Jersey approach and the New York connections with municipal highways.

Our Executive Director, Mr. Tobin, will relate to you in detail the many discussions and negotiations which have been held with the officials of all State agencies and municipalities concerned. I should note immediately, however, that the plans for the New Jersey approaches were formally approved by Governor Alfred E. Driscoll on May 25, 1951. Similarly, Governor Thomas E. Dewey approved the plans for the New York approach on June 28, 1951. The necessary approval for construction of the underwater section of the Lincoln Tunnel was granted by the U. S. Department of the Army on April 8, 1952.

Immediately following the action of the Port Authority Commissioners, in March 1951, authorizing Mr. Tobin to review the plans for the construction of the Third Tube with State and municipal officials, discussions and meetings were initiated with representatives of the Township of Weehawken and other Hudson County officials.

The first of these meetings took place on March 25, 1951, at which time our Third Tube plans were reviewed in detail and plans for

the utilization of existing connections with Weehawken streets were submitted for their review and approval. Mr. Tobin will review the repeated attempts on the part of the Port Authority to meet with Weehawken officials in order to progress the approval of our plans for connections to Township streets. But, as he will point out, it was not possible to arrange a second meeting between the Port Authority and Weehawken representatives until April 30, 1952, more than one year after the first meeting, and Governor Briscoell's intervention was required even then before we could obtain such a meeting.

And before I go further I want to make one point very clear. We filed with our brief to this Committee a memorandum of our General Counsel. This memorandum points out that Weehawken's rights in this matter center principally around the acquisition of the tennis court properties.

From any realistic standpoint, the Third Tube plan does not involve any change in the existing connections with Weehawken streets and our General Counsel has advised in the light of this fact that "it is doubtful whether Township approval of Third Tube approach plans is legally required at all." As a matter of policy, however, the Commissioners have submitted the plan of approaches to Weehawken for its approval. You should also know that such construction as has already been progressed has been within the statutes governing the Port Authority's construction of tunnels and bridges, has been subject to the necessary review of the appropriate state agencies, has had the required approval of the Governors of both States and has had the

approval of the United States Government.

I am sure you will be surprised to know, in the light of his newspaper statements, that Mayor Krause was first advised of the start of work on the New Jersey shaft more than one month before the announcement of the award of this contract and he was furnished a written confirmation of this fact more than three weeks in advance of the contract award. At no time during the ensuing month did he express to us any objections or criticisms of this procedure. On the contrary, he frankly admitted in conference with us that the Third Tube must and will be built; he indicated an understanding of the need for progressing this work; and he approved our procedure in giving him advance notice of the contract award.

While we were trying to meet with Weehawken representatives during these thirteen months, from March 1951 to April 1952, we were actively discussing with representatives of New York City our plans for street connections there. We reviewed our plans with the Mayor of New York, with City Construction Coordinator Robert Moses, with the President of the Borough of Manhattan, the City Traffic Department, the City Planning Commission and many civic organizations. As the members of this Committee may recall, approval by the New York City Board of Estimate of the Port Authority's plan for Third Tube connections in the City of New York was withheld for about a year. However, on July 17, 1952, the Board of Estimate of that City formally approved our approach plans. I might note that the construction of the Third Tube approaches

in the City of New York involves most extensive street changes in that City and the taking of rates assessed at over five million dollars. By contrast, the new approaches in Weehawken actually require no street changes and involve a maximum of about \$2,000 in rates. The construction of the Third Tube also required the demolition of a pier which is the property of the City of New York. Under the terms of our agreement with the City, we will replace that pier in kind. Our agreement with the City of New York involves no payments to the City for "indirect damages", such as has been demanded by the Township of Weehawken.

After a year of effort, when as I have said, we finally persuaded Mayor Krause and the Township Commissioners to meet with us on April 30, 1952, we agreed that the Township might select any nationally known engineering firm as their consultants to review the Port Authority's plans for the Third Tube insofar as they affected the Township of Weehawken and we agreed that we would pay the bill. However, it was not until July 18, 1952, three months later, and after a second prodding by Governor Driscoll, that the engineering firm of De Louw & Brill was chosen by Weehawken and retained by them as their consultants.

This independent engineering study was completed and submitted to the Weehawken officials in February 1953. The Township's consultant found, contrary to Mayor Krause's contentions, that "...the third tube of the Lincoln Tunnel will provide relief from the serious traffic congestion which frequently occurs on the approaches in the Township of Weehawken many years before any other means of providing

relief could be constructed *** We conclude that the location of the western portal of the third tube, whether east or west of Bergen Hill, would have little, if any effect on traffic using the streets of Weehawken."

The Port Authority thereupon made repeated attempts to meet promptly with the Township officials in order to discuss the acquisition of the tennis courts required for the construction of the Third Tube. These attempts were again rebuffed by Mayor Krause and his colleagues.

It finally required, for the third time, the direct intervention of Governor Briscoe for us to secure meetings with the Mayor and the Weehawken Commissioners which had been going forward (April 10 and 24, May 8 and 15, 1953) until the Mayor broke them off by seeking the introduction by Assemblyman Musto of the resolution convening this Committee. As a New Jersey Commissioner I have attended each of these meetings. I can assure you that the Port Authority made every possible effort to come to a mutual understanding and agreement with the Township of Weehawken which would pave the way for an approval by the Township of our Third Tube plans.

Mr. Tobin will outline the demands made by the Weehawken representatives as the conditions for approving the Port Authority's Third Tube plans and acquiring the tennis court property from the Township. I am confident that the members of your Committee will agree with the Commissioners of the Port Authority that Mayor Krause's demands are arbitrary, unreasonable and entirely beyond the purpose and legal intentment of the Lincoln Tunnel statutes. Mr. Tobin will also outline the

offers made by the Port Authority to compensate the Township for the loss of its tennis courts.

We began work on the Third Tube on September 25, 1952, a full year and a half after our plans had been completed and approved by both Governors. The first contract on which work started was the shaft of the New York Ventilation Building, located entirely within the City of New York. Since then, several other contracts have been awarded in order to assure the earliest possible completion of this vital addition to the traffic capacity of the Lincoln Tunnel. Only two of these contracts have had even an indirect effect on the Township of Weehawken and neither contract has involved property rights of the Township. However, in both cases, the Port Authority advised Mayor Krause, in advance of the award of these contracts, that the work would in no way prejudice the rights and powers of the Township of Weehawken.

We come before your Committee under a resolution, which Assemblyman Heste says he was asked to introduce by Mayor Krause, accusing us of a breach of our public trust in proceeding with the construction of the Third Tube without the consent of the Township of Weehawken. On Friday morning, May 15th, we participated in the fourth of the series of meetings I have referred to with the Township Commissioners. This meeting went on for two hours in what seemed on the surface to be a restrained exchange of views on the amount of money the Port Authority would pay, or what we would provide in exchange for the Township's

tennis court properties. After the meeting was over, we were amazed to find that in a statement printed in the "Hudson Dispatch" that very morning the Mayor had accused us of conduct which he described as "misleading, unfair and autocratic" and he had announced that he was, in effect, breaking off these discussions and seeking the intervention of the Legislature.

The facts as they will be submitted to you reveal a course of dealing that has been precisely the opposite to that which has been so luridly described to the press by Mayor Krause and Assemblyman Musto.

You will find, on the contrary, that for over two years Mayor Krause has refused even to meet with us except when Governor Briscoe has insisted that he do so.

While refusing to meet with us he has, nevertheless, issued statement after statement to the press, denouncing plans that he refuses to discuss with us, making charges that are not supported by the facts, making claims that are repudiated by engineers of his own choosing, questioning our motives, name-calling.

He has refused to meet with our staff, sought the intervention of the Governor and now appeals from the Governor to the Legislature.

He has demanded that we give back property to Weehawken to which we took title only at the insistence of the Township and for which we paid them over \$313,000.

He has demanded that we both pay the Township for its tennis

and basketball courts and, in addition, replace them in kind.

He has demanded that we build a sewage disposal plant for the Township at a cost of over one million dollars - a plant that has not the remotest relationship to the construction of the Third Tube.

He has demanded that we build a bus terminal in Weehawken and "share the profits with the Township".

He has demanded that we pay the Township \$1,500,000 in cash.

He has refused our offer to pay \$285,000 for tennis and basketball courts, which have an appraised value of \$70,000 and which the Port Authority gave to the Township in the first place.

Despite all of this we have been diligently trying to go forward with the job which you have entrusted to us of providing tunnel capacity adequate to handle the heavy demands of traffic between our two States. We have not felt that the Commissioners of the Port Authority should indulge in replies to the tirades of abuse and misrepresentation that have been heaped upon us by Mayor Krause and other sources in Hudson County during the past two years. The appointment of your Committee, however, has given us a proper forum and a decent opportunity to set the record straight and we welcome it as such.

I will now ask our Executive Director, Mr. Austin J. Tobin, to describe in greater detail the background and history of the construction of the three tubes of the Lincoln Tunnel and our continuing efforts to reach an agreement with the Township for the purchase of its tennis courts.

MR. SMITH: Mr. Lowe, I believe that some of the members of

Committee would like to ask some questions of you in regard to what you have just stated. I think Mr. Hauser has some questions.

MR. HAUSER: I had a question, Commissioner Lowe --

MEMBER OF AUDIENCE: Mr. Chairman, is it possible to have one of your microphones arranged so that we can hear?

MR. SMITH: We shall try and do that for you in just a moment.

MR. HAUSER: Commissioner Lowe, in your remarks I believe you stated that Assemblyman Musto was asked to introduce this resolution in the Legislature by Mayor Krause. Do you know that to be a fact?

MR. LOWE: That is my understanding, Mr. Assemblyman, and I am pretty confident that my information is correct.

MR. HAUSER: The only other point that I had at this time was the statement about lurid descriptions to the press by Mayor Krause and Assemblyman Musto. The question in my mind is: What would constitute lurid descriptions? I am an avid reader of the "Hudson Dispatch." I followed this thing rather faithfully and was wondering whether the word "lurid" was perhaps inappropriate. I don't mean to challenge your use of phraseology, but I don't like to see this situation overdrawn more than it is entitled to. In other words, in defense of Assemblyman Musto who is the author of this resolution, I just wanted to be sure and I am not and I want the record to show that. I am not satisfied that the Mayor of Weehawken specifically requested a member of the Legislature to introduce this resolution. Perhaps later when Mayor Krause takes the stand, he might clarify that. But at this point

I am interested to know if you know whether or not that is so, as stated, that it was Mayor Krause who requested Assemblyman Wasto to introduce the resolution. And, point number two, I have no particular relish for the use of the word "lurid," which, I believe more or less points up either details of crime or sex, which I don't think are applicable to any of the controversy in question.

MR. LOWE: Mr. Assemblyman, taking the first point, I have already stated that I believe the source of information from which I obtained my information regarding introduction of the resolution is dependable. On the second point, "lurid", if I am not mistaken, is a term that is frequently used in connection with the lighting up of a subject or an idea. Now speaking for myself as an individual Commissioner, I cannot help but be very much irritated at what I believe to be misrepresentations of motivation. My motive in all of this work, and I am certain it is the motive of all of the other Commissioners, is to serve the public to the very best of our ability. We have to take a very broad view of the public welfare. We must realize that the Port of New York serves the Nation as well as the Port District. Therefore, when our motives in attempting to work out the very best possible means of serving the community are accused of being imperialistic - and I have here one of the headlines by Mayor Krause - it seems to me that the use of the word "lurid" is not too far-fetched because there is an attempt to light up what in my opinion is a very wrong implication regarding our motives and the objectives which the Port Authority is

seeking to serve.

MR. HAUSER: No further questions.

MR. SMITH: Any other gentlemen have any other questions?

MR. ROSSER: May I ask Commissioner Love just one question?

I believe in his discussion that he said in 1937 the Port Authority acquired the tennis courts and basketball courts from the Township of Washakie. Did I get that straight?

MR. LOVE: I think you are mistaken on that, Mr. Assemblyman. I believe it was in 1937 that we built the tennis courts and the athletic field there for Washakie. Am I not right on that?

MR. TOBIN: Yes.

MR. ROSSER: The next point is that subsequently, later in 1952 or 1953, you offered \$285,000 for property with an assumed value of \$70,000 for the building of these courts.

MR. LOVE: That is correct.

MR. ROSEN: That isn't correct. It isn't assessed.

MR. LOVE: You say "assessed" - appraised rather.

MR. ROSSER: Thank you.

MR. SMITH: There seems to be no further questions to be directed to Mr. Love by the Committee at this time. I would like to ask the Port Authority for the names of the three witnesses that are going to testify.

MR. TOBIN: Mr. Love, Mr. Tobin and Mr. Walter Hedden, our Director of Port Development.

MR. SMITH: May we have the list of the three persons from

Weehavken?

MR. ROSEN: At the moment, Hayer Krause, Commissioner Batten, and Commissioner Begovich.

MR. MAHER: Assemblyman Smith, may I address the Committee please if you are finished?

MR. SMITH: There is a gentleman raising his hand down there.

MR. MAHER: Mr. Assemblyman, I notice that the Commissioner is reading word for word from this brief. I wondered if that was necessary. I would like to know for whose benefit he is doing that? You fellows, or you gentlemen I should say, have the brief and I am sure you have made a study of it. I am sure the press has it. All the Commissioners here have it. I would like to know for whose benefit he is reading this word for word.

MR. SMITH: All I can say to you is that this is a public hearing and that those who desire to speak and have themselves heard, will be given an opportunity to speak. We shall endeavor to hear them. If they see fit to make their presentation in that particular vein, it is up to them.

MR. MAHER: It is for the benefit of the people here?

MR. SMITH: And this Committee. Although I concur with you we have copies of the brief. Beg your pardon.

MR. ROSEN: May I address the Committee?

MR. SMITH: If this is by way of rebuttal to anything that was said, I wish you would reserve it until your time.

MR. ROSEN: I don't think I am going to make any specific

statement, but I think you should hear me out.

MEMBER OF AUDIENCE: It is a one-sided conversation. Would you ask Mr. Rosen to go to the microphone so we can hear.

MR. ROSEN: Assemblyman Smith and Members of the Committee: At the outset of this hearing Wechsungen was under the impression that this would be an investigation into the construction of a proposed new tube without the intervention of any personalities or any accusations against any individuals. Based upon that and not having a copy of the Port Authority's memorandum prior to the time when you directed that it be given to me, we agreed that the Port Authority present their case. I think now, however, that I must appeal to you as Chairman and to the members of the Committee, in view of the accusations involving the personal integrity of a chief executive of a municipality, that it becomes imperative that the procedure be changed and that the Mayor be called as a witness to show that many of the statements which Mr. Love read in a prepared release are not accurate or true and involve the personal integrity of a public official not appointed, but elected by the people. I think it is very important that the order of procedure be changed and he be given an opportunity to meet those issues at this time.

MR. TOBIN: May I be heard in opposition to that?

MR. SMITH: Yes.

MR. TOBIN: I must strenuously object, sir. The Committee is fully aware of the circumstances under which the decision was made to

have the Port Authority proceed first. We did not request it. I advised the Committee that it was a matter of indifference to us. The Mayor and Mr. Rosen said they would prefer us to go on first and we have done so.

MR. ROSEN: Without the benefit of your brief, Mr. Tobin.

MR. SMITH: Just a moment please, Mr. Rosen. Let him finish what he has to say.

MR. TOBIN: Under those circumstances, I think it would be most improper to interrupt us as we have just gotten started in our presentation. The Mayor is to have full opportunity to reply to anything we may say and I must ask that we adhere to the procedure which the Committee has elected upon after full consultation with the parties and even as the expressed preference of the Township of Weehawken.

MR. SMITH: Thank you for your views. Just a moment please.

(Conference of Committee Members.)

MR. SMITH: On this particular point that has just been raised here, it is the unanimous opinion of this Committee that this being a public hearing, of course, Mayor Krause and others who desire to be heard will most certainly be heard. We cannot see what difference it makes as to the precise moment of the day when Mr. Krause is given the opportunity to speak. He certainly will have his opportunity to speak in the order that we outlined before. We would like to have one side complete its full statement of the case. The Port Authority is going forward first and at the conclusion of that, Weehawken will go ahead with its presentation, including any statements that Mayor Krause

personally desires to make in this particular matter.

Will the gentleman back there who desires to speak please give his name, address and position to the Chair.

MR. FREUND: My name is Howard Freund. I am a member of the Bar of this State and I represent the Weehawken --

MR. SMITH: Pardon me. Can we have your address?

MR. FREUND: 299 Porter Place, Weehawken. I represent the Weehawken Civic League and before making any judgment as to the facilities to be offered this morning, I decided to wait until we came up here. It is the fundamental principle of war that the venue be laid where the offense has been committed. We were all under the impression that after the offer had been made to this Committee for the use of the wonderful facilities we have in our own Township, we would be considered.

MR. SMITH: May I ask you to keep yourself to the issue with which we are dealing. The Committee has just ruled on the point of when Mayor Krause will be heard, after conference.

MR. FREUND: I am coming to that.

MR. SMITH: Let's get to that. Let's relegate ourselves to that matter and not weave around.

MR. FREUND: Due to the fact, Mr. Chairman, that the facilities offered here today are grossly inadequate, we feel that we cannot stand here -- at least it is my personal opinion that we cannot spend the entire day here being subjected to these inconveniences. I respectfully request at this time that if we are going to have to wait until the

long dissertation on all these issues are made by the Port Authority, this meeting be immediately adjourned and that it be reconvened in Weehawken where we will be able to have some of the facilities that we deserve as citizens of the Township; and because of the fact that we are the ones that are primarily affected, I respectfully make that request at this time.

MR. SMITH: The Chair denies that motion on the ground that a great deal of inconvenience has been afforded to a lot of people in order to make these arrangements to come here today. If, at the conclusion of today's hearing, we have not fully and adequately heard out all the parties that care to be heard and all matters of interest to us, this matter will be carried further. That remains to be seen and we will continue with what we have here today.

Someone else desires to speak. Please give your name, address and in what capacity you speak.

MR. SHELLEY: Mr. Abraham Shelley, 44 Columbia Terrace, a resident of Weehawken who also finds himself greatly inconvenienced by coming here when it should have been properly held in Weehawken. I have a question to ask. I haven't the statement before me, but I am particularly interested --

MR. SMITH: Pardon me. Are you addressing a question to the Chair?

MR. SHELLEY: I am addressing a question to the Chair with reference to the statements made by Commissioner Lowe.

MR. SMITH: Well, if you are asking the Chair in turn to answer something pertaining to what Commissioner Lowe said, the Chair can't answer for Commissioner Lowe and it has been agreed upon that questions will not be put to the witnesses by the general members of the public present here. Any questions that are to be put to the witnesses will be made solely by the members of this Committee.

MR. SHELLEY: Why don't you let me ask my question and see whether or not you can answer it.

MR. SMITH: You go right ahead. I wanted to tell you what the procedure was.

MR. SHELLEY: I am particularly interested in the statement by Commissioner Lowe with reference to \$313,000 paid to Weehawken. Is that the entire amount that had been paid to Weehawken or does that not include possibly other properties that are in Weehawken.

MR. SMITH: Pardon me.

MR. SHELLEY: I haven't the exact statement before me but I believe you have it there in the statement.

MR. SMITH: Pardon me. May I ask one of the secretaries to read back the precise question - this question just put.

(Stenographer reads back the question.)

MR. SHELLEY: It's on page 14.

MR. SMITH: Yes, I have the particular portion that you have reference to. Just a moment while I confer with the Committee here.

(Conference of Members of Committee)

MR. SMITH: Ladies and gentlemen, may I have your attention again. I am sorry that we have to continually go into these conferences but as the points are raised we must meet them as they come.

It is the unanimous opinion of this Committee, and in accordance with the proceeding we agreed upon at the outset, that the only persons that will ask questions of the witnesses testifying will be the members of this Committee. If we were to start to allow the other persons present in this room in turn to attempt to achieve that by the asking of questions of the Chair, which the Chair does not have the answer to, so that it would be necessary for the Chair or a Member of this Committee to ask it of the witness, we would be circumventing the intention of the procedure, we would be allowing that person to do indirectly what the procedure prohibits them from doing directly.

Therefore, we would simply ask that any person having a question of interest to them - we will be recessing for lunch shortly and during that particular interval they might have an opportunity to get together, or probably later, ^{if} they want to have a conference between themselves, so that anything they want to raise would be given to one person, let us say, and he would endeavor to bring these things out. We feel to do otherwise we are going to hamstring this particular thing and needlessly delay the matter.

Will the gentleman who wishes to speak please give his name.

MR. WILLIAM JAMES MANER, 2 Luzerne Place, Weehawken:

Do your remarks include the Members of the Township Committee too? Will we be allowed to ask questions as we go along or are we restricted the same as everybody else?

MR. SMITH: We are treating everybody exactly the same. The Members of the Port Authority cannot ask questions of you and you in turn cannot ask questions of them.

You must understand, this legislation was passed setting up this particular committee for the purpose of looking into the matters pertaining to the construction of the third tube of the Lincoln Tunnel. We are Members of the Legislature. We have the duty and the obligation to attempt to promulgate statutes of the State of New Jersey for the overall benefit of all of the people. It seems to all of us from our discussion here that our attitude in this matter is to see if there are any shortcomings or inequities in the existing statute of the State of New Jersey. If there are any omissions in our statutes and if that proves to be the case, as brought out in this particular hearing, then we in our report to the Legislature would make recommendations which we think proper in order to attempt to remedy that particular situation, and we want to hear these various persons out toward pointing out to us any shortcomings, as I have just outlined, that might exist.

MR. MAHER: Mr. Assemblyman, before I do sit down I would like to say this - the people of Weehawken have inconvenienced themselves to come to this hearing. I don't think that this is the proper place to hold a hearing of this kind. There are people standing

up here and if they go through this voluminous brief here it will take many hours. I don't think it is fair to ask the people who have come from Washawka to stand here for many hours to listen to this testimony.

There are two questions in this connection that I would like to ask.

MR. SMITH: To whom are you addressing them?

MR. MAHER: To you, sir.

MR. SMITH: Go ahead and address them to me, but I would say again we are not going to go through this farce of persons continually asking questions through the Chair, which the Chair is not capable of answering, on the assumption that the Chair is going to go ahead and ask the witness.

MR. MAHER: You say be capable of answering and I think possibly you are.

MR. SMITH: If I am capable I will be glad to answer you.

MR. MAHER: I would like to ask you two questions relating to this - first, who chose this site? and, second, why was this site chosen?

MR. SMITH: You are asking those questions of me and you say you think I will have sufficient knowledge to answer them?

MR. MAHER: I say you say.

MR. SMITH: Well, I will be glad to enlighten you and tell you I certainly do not.

MR. MAHER: You do not know who chose this site?

MR. SMITH: I live in the County of Passaic, the City of Paterson. My knowledge pertaining to the third tube is some slight knowledge which I received from reading in the local press things of Hudson County of recent date and what I am hearing here today. I haven't the least idea in the world who selected the site for this third tube and I couldn't even tell you who selected the site for the George Washington Bridge.

MR. MAHER: Not the tube, I mean the site for this hearing.

MR. SMITH: Oh, the site for this hearing.

MR. MAHER: And why was it chosen?

MR. SMITH: I beg your pardon.

MR. MAHER: I thought I made myself quite clear.

MR. SMITH: I am sorry. I misunderstood you. In connection with the site for this hearing a conference was had to determine where it would be best for all the parties and this Committee to get together for the purpose of holding this public hearing.

MR. MAHER: Who attended that conference, sir, to decide on this site?

MR. SMITH: The Members of the Committee. We all conferred together.

MR. MAHER: Only the Members of the Committee?

MR. SMITH: Just a moment. I am trying to answer your

question. I will go through it completely and I will do it in a chronological order.

The members of the Committee endeavored to ascertain where this meeting would be held. At that time we conferred with representatives of the Port Authority to discuss with them the availability of the facilities over at Weehawkin, if it was large enough and so on. They had told us that it was and the hearing could be held in Weehawkin. Everyone thought that would be fine and we would hold it down there. I don't recall exactly how many days intervened but several days intervened when I received a telephone call to indicate that the facilities of the Port of New York Authority in Weehawkin were not adequate to accommodate a large number of people at a hearing. They had told me the large office space that they did have available previously had been altered and broken up into smaller rooms, none of which could hold any crowd of any large size. They said they were very sorry that they had omitted thinking of that at the time we were holding the conference. Then, of course, I realized it was necessary to re-confer with the Committee about changing the site. At that time I made inquiry as to whether they had other facilities. I think there was some discussion had as to adequate facilities in New York City. However, I felt, this being a Committee established by the Legislature of the State of New Jersey that it would be best if we confine ourselves within the geographic limits of New Jersey.

They then said this site here, where we are today, was available. I conferred with the Members of the Committee relating to this subject matter and it was their sentiment that if we could hold it here at Fort Lee in the offices of the Port of New York Authority that would be all right with them if there were not adequate facilities in Weehawken.

I know, in particular, I discussed this matter with Colonel Hauser and I told him I would re-check it with the Port Authority to make certain that the smaller rooms they had in Weehawken definitely could not house a large number of people. I did re-confer along that particular line and it was confirmed that it could not house a large number of people. Consequently we came here.

I might add, as far as the Committee is concerned, it is our prerogative naturally to pick whatever site we desire. It is not obligatory that we pick a site in Weehawken or Fort Lee or anywhere else. We chose this particular site hoping it would be commodious.

They are the true facts as they actually occurred.

MR. MAHER: Do I understand you correctly that you only consulted with the Port of New York Authority as to choosing a site in the first place and they volunteered to have their executive offices down there available and then they decided - these must have been last minute emergency alterations that changed it, is that correct?

MR. SMITH: I might say, all this discussion we are having is completely irrelevant to the subject.

MR. HANER: It is quite relevant, I believe.

MR. SMITH: Let me finish what I have to say.

MR. HANER: Go right ahead.

MR. SMITH: That is quite irrelevant in this question of construction of a third tube of the Lincoln Tunnel. However, it is only as a matter of courtesy and because a great many people from Weehawken are here who are concerned and who have indicated their displeasure at this particular site that I go on to discuss this matter further with you.

Now, at the time we had this discussion I took it up with the entire Committee. I am just one Member of this Committee and though I happen to be Chairman I certainly have regard for the advice and opinion of my fellow colleagues on this Committee. As a matter of right, they are entitled to express themselves on that or any other subject.

As I say, we had the conference and it was agreed to go into the Port of New York Authority Building at Weehawken. So far as I know, there was no objection by anyone pertaining to that.

MR. HANER: When it was local, we were perfectly satisfied.

MR. SMITH: As a result, I received a telegram from Mayor Krause, after we indicated a desire to go into the Port of New York Authority Offices at Fort Lee, in which he indicated that the Members of the Committee - I believe I have his telegram here offering to us the services of the offices in the Municipal Building, the

Council Chambers -

MR. MAHER: The Council Chambers in the Municipal Building in Weehauken.

MR. SMITH: - and I then communicated with Mayor Krause and told him that because of the shortness of the time and because we had changed the site twice, we had made arrangements with the stenographers to be present, we had four Members of the Committee to be concerned with, I would leave it as it was at Fort Lee. At that, I see you people were able to get here today.

MR. MAHER: I think, speaking for myself, it was very unfair and reminds not to consult Members of the Township of Weehauken in the first place before choosing the site, if you did consult the Port of New York Authority, as you say; and, secondly, I think it was doubly unfair to have it out here in the Port Authority Building when you could have had it right in Weehauken where there were such more suitable accommodations for it.

(Applause)

MR. SMITH: Just a minute. Again I say to you - please restrain yourselves from making any comments one way or another. I know you are local citizenry in the main from the Township of Weehauken and, of course, you are primarily concerned with your own welfare down there and therefore you would tend to be persuaded by anything said that happens to suit your fancy. I ask that you restrain yourselves in that regard as a matter of courtesy to yourselves and to everybody else. I will say this - when the resolution was

passed a Member of the Port Authority, a representative of the Port of New York Authority communicated with me by letter and telephone indicating they were anxious to have this thing go forward and that all persons have an opportunity to be heard as soon as possible so that they might come to some determination that would meet the satisfaction of all concerned and as a gesture of courtesy, the same as you people are gesturing now by offering your facilities over there, they merely said they were glad to make available, if we saw fit, their office space in Weehawken at the entrance to the Lincoln Tunnel. I conferred with the members of the Committee and they were agreeable. Later the information came that the office space had been altered and was not large enough to hold a large crowd. They then said if we cared to come to Fort Lee, which was larger and would accommodate a larger number of people, and so on. That was spoken of to the members of the Committee and that is how we get here.

MEMBER OF AUDIENCE: Mr. Chairman -

MR. SMITH: Just a moment. I would like to say at this particular point that I think I have extended the courtesy that was requested by the Commissioners and it is certainly the prerogative of this Committee to call a meeting any place in the State of New Jersey it might please.

MR. MAHER: You might just as well have called it in Austin Tobin's office. That is what this room is here. The people that wanted to attend and are interested in knowing what goes on and

that you pretend to be listening to, the people who want to hear it can't get in to hear it at all.

MR. SMITH: I resent your remarks that we pretend to be listening to you. I don't know what you mean. Do you think we are faking and -

MR. MAHER: No.

MR. SMITH: - we are not paying attention to you here?

MR. MAHER: No.

MR. SMITH: Why use the term "pretending"? What do you mean by that?

MR. MAHER: I will make the point a little bit clearer. You said all this is being read for the benefit of the public here today -

MR. SMITH: This is a public hearing being conducted by this Committee to hear these persons out. Anything being said is being said primarily for the benefit of this Committee and anyone else who happens to be in attendance may listen. Of course, that is their prerogative to do as they see fit but it is primarily for the benefit of the Committee.

MR. MAHER: I asked you specifically and you said before, word for word, this was for the benefit of the public here and the public out in the hall can't hear.

MR. SMITH: I am not going to stand here and argue with you. I said before that particular presentation was being made by the Port of New York Authority in their own way and we agreed they

would go forward with the presentation of their case. If they saw fit to read from a particular brief that had been handed to us that was their right to do so. I agree they are merely reading from the brief submitted to us and I am sure that is what I said. I will not continue arguing back and forth, we want to get to the point.

If this gentleman wants to address anything to us other than an inquiry as to how this Committee selected this site, we will be glad to hear it. We would like to have you give us your name and address.

MR. HATTEN: My name is W. Lee Hatten and I am a Member of the Township of Washawken, 51 Eldorado Place. Just to clarify our status on the question by the governing body of Washawken on the location of this hearing, I would like to ask one simple question and I am not proposing to argue it any further. Did your Committee, or any Member of it, ever formally and directly confer with this Township Body as to the location for this hearing?

MR. SMITH: Of course, I just told you we did not want to discuss any matters pertaining to the hearing site any further. You are taking advantage of me when you go right ahead and ask that question and causing me embarrassment if I don't answer it because I will be looked at with askance by the public and I resent your putting me in that position, but I will answer you.

MR. HATTEN: Sir, I regard other discussion up to this point as not fair to this governing body. I only want to clarify the matter in order to clear our responsibility, that is all. I had to

clarify that because the correct question, I fear, has not been asked and I think in respect to all responsible and our own name we should clarify that.

MR. SMITH: I can say to you that I have a letter here from Mayor Krause, dated June 1, in which he acknowledges my letter of May 27, wherein I told him we were holding the hearing in the offices of the Port of New York Authority at the entrance to the Lincoln Tunnel in Weehawken. Thereafter was when - I am speaking for myself personally, I don't know what contact other Members of the Committee may have had and they can answer for themselves or we can confer and they may ask me to say something on their behalf - thereafter I received a telegram from Mayor Krause in which he acknowledged receipt of a later letter telling him of the change in the site of the hearing to the offices of the Port Authority in Fort Lee and, as I said before, indicating the offer of the facilities of the Council Chamber in Weehawken. That is the only connection I had with Mayor Krause via written communication. Whether any other Members had communication with him - - - the others indicate they had no direct communication.

I would like to continue with this hearing in the order in which we outlined. I don't want to preclude anyone from being heard.

MR. BATTEN: I just want to say a few words -

MR. SMITH: Let me finish what I was saying. We are here at this site at this time and we want to go forward with the hearing, to conclude as much as we can today and, as I have said

before, it if proves that we do not have sufficient time to take care of hearing everyone out then we will have to make some further arrangements about that particular matter but we certainly aren't going to do what I think would be a very silly thing by stopping at this particular point after inconveniencing everyone who has come here on this particular Saturday.

Now, we will do as much as we can at this time and I don't want to get into any discussions about the site matter and I don't want anyone to abuse the ruling we have made in that regard.

Now, if this gentleman heard me and understands that, we will hear from him.

Will you give your name please.

MR. FRED D. BROOD: My name is Fred D. Broog, 40 Eldorado Place, Weehawken.

Now, I just want to say that I am awfully sorry that the members of your Committee have not considered the aggravation and the trouble that the people in the Township of Weehawken have had in getting here this morning. That is all I want to say.

(Conference by Committee members)

MR. SMITH: Ladies and gentlemen, in order to endeavor to go ahead and make some progress during the course of this particular day, now that we are all assembled here, we would like to say that any of the persons from Weehawken who want to address any questions to us up here, to please do. I am sure Mr. Rosen won't be disturbed if I ask this of him, that you endeavor to channel the matters through him so that the presentation made on behalf of Weehawken, when various points are brought to your attention, can best be addressed to this Committee through him. We will make time for that if that is necessary.

MR. SHELLY: I will repeat my name again. Abraham Shelly, 44 Columbia Terrace, Weehawken. I object to that particular ruling on your part. I think that the members of the citizenry of Weehawken, whom the Assemblyman here represents, as well as everyone else who listens to us who are greatly interested in this particular question, took it for granted that this was going to be an open public hearing and that you were going to listen to us tell our story just as well as listen to the members of the Port Authority, the Commissioners.

I am not affiliated with any party whatsoever. I am an independent

man entirely. I would like to have my little say with reference to this Third Tube.

MR. SMITH: I think you misunderstand me. This is a public hearing. Those who are present and who care to be heard will most certainly be heard, but what I am talking about are these various other questions that have been raised that are not directly related to this matter concerning the construction of a Third Tube and which are holding up our proceeding in this matter. If there is anything of that nature that anyone wishes to bring up, please do it via Mr. Rosen. If there is anything you want to address to us directly pertaining to the matter of the third tube, that is our very purpose in being here and in calling a public hearing.

MR. SHELLY: Thanks very much.

MR. SMITH: Certainly, we did not mean to preclude you from doing that. If you misunderstood me, I am sorry. Now we will hear from Mr. Tobin.

MR. ROSEN: Assemblyman Smith, before Mr. Tobin takes this witness stand and makes a statement from his prepared release--

MEMBERS OF AUDIENCE: We can't hear.

MR. ROSEN: Mr. Assemblyman, before Mr. Tobin reads from his prepared release, I want to first call your attention to the fact that much of the material I have been able to go through quickly in his statement pertains to matters already agreed upon and spoken about by Mr. Lowe and conceded, and in fact set forth in my own memorandum in like manner. I refer to the original acts or Compact,

the preparation for the First Tube, the completion date, and so on. All these things are practically admitted by both sides. All that will do is consume a lot of time and will deprive these people from saying what they want to say. In addition to that, I have read his statement quickly and find reference to newspaper articles and headlines.

MR. SMITH: You may be presumptuous in regard to the testimony of Mr. Tobin to a great degree.

(Addressing Mr. Tobin) Is it your intention, Mr. Tobin, that you are going to appear before this Committee and read from your prepared brief?

MR. TOBIN: Substantially yes, Mr. Smith.

MR. SMITH: Then I will let Mr. Rosen continue with what he may have to say.

MR. ROSEN: I respectfully submit to you, gentlemen, I know you are all members of the bar. I refused to think this Committee - or I respectfully urge this Committee to disregard and not allow the reading of newspaper clippings and the remarks of newspapers in connection with this matter or any other previous matters. This is supposed to be direct personal testimony within the personal knowledge of witnesses who appear before you. We don't want the township of Weehawken to be bound by newspaper articles back in 1936 or whatever they may have said in 1953. This is not practice but hearsay. Now, Mr. Tobin has direct knowledge of facts and if he is relying on newspaper articles, I respectfully submit they have no place before

this Committee.

MR. TOBIN: May I ask respectfully that the Committee rule on such matters as they may arise throughout the course of my statement?

MR. SMITH: Well, I can merely say what we have said before, that this Committee is assembled here pursuant to the Assembly Resolution and that paragraph 2 is the sole paragraph of the Resolution setting forth our duties. I read paragraph 2. I think everyone understands paragraph 2. By virtue of its terms, we are concerned merely with the facts and circumstances surrounding the construction of the Third Tube of the Lincoln Tunnel. I don't mean to be repetitious here. Therefore, in matters that are to be presented before us today by way of testimony, we ask that ^{they} be directly affiliated with that particular issue and subject matter. If there are any matters extraneous to that, I ask that they be omitted.

MR. TOBIN: I intend to confine myself exclusively and exactly to the matters contained in your statement and in the Committee's Resolution.

MR. SMITH: I am sure you will endeavor to do that, and I ask you to do that. As pointed out, there are a great many people here and some are not able to be seated and they have come quite a distance to be here. We want to try to bring this thing to a head and cut out the fat or extraneous matters and to be of help to all parties concerned. Please bear that in mind.

MR. TOBIN: May I say, if the Committee please, at the opening, just so the record shows this, that there are a total of 191 people

who have come to this hearing. Mayor Fraunce has suggested that the hearing should be held in the Council Chamber of Westburke. I would like the record to show that the Council Chamber has a regular seating capacity of 112.

MR. SMITH: Mr. Tobin, the subject of this site and how we selected this site and why we selected this site, in any manner, shape or form, and anything pertaining to this site, is entirely closed and terminated. We don't want to hear anything further about it from either side. The main thing is that we are now assembled in whatever site we happen to be located in and we want to get down to the fundamental duties outlined in the Resolution - the matters pertaining to the Third Tube. I know you have felt called upon to say something regarding that because of the things that were in turn said by the other side. I wish you would refrain from doing so further.

MR. TOBIN: May I go on?

MR. SMITH: Please continue.

MR. TOBIN: I shall. As Executive Director of the Port of New York Authority, I am responsible to the Board of Commissioners for the administration of the affairs of the Port Authority and the direction of its staff.

In accordance with Commissioner Lane's request and in order that this Committee may have before it a correct record for its objective consideration, I shall try to review for the Committee the history and background of the construction of the first two tubes of the Lincoln

Tunnel-- (Demonstration by audience)

MR. SMITH: Just a moment. I have asked repeatedly that those who are in attendance here please conduct themselves in a proper manner. We don't want to conduct this hearing like a movie melodrama with the villain and the hero appearing from time to time. We want you to conduct yourselves in a proper manner. We are all adults. If you have a certain viewpoint, retain it unto yourself. I ask it of each side here.

MR. TOBIN: May I repeat, sir - (continuing) -- the history and background of the construction of the first two tubes of the Lincoln Tunnel, which is necessary to any understanding of the subject under discussion, and of the planning and negotiations leading to the start of work on its Third Tube.

I shall review the record of the many attempts on the part of the Port Authority to come to an agreement with the Township of Weehawken on our plans for the New Jersey plaza and approaches of the Third Tube and I shall summarize for the Committee the present status of this vitally needed trans-Hudson vehicular crossing.

CONSTRUCTION OF THE FIRST TWO TUBES OF THE LINCOLN TUNNEL

As Commissioner Lowe has noted--

MR. BOSCH: Now, Assemblyman Smith, I am going to object to the verbatim reading of this report. You have admonished Mr. Tobin that you don't want a repetition of anything said before. Commissioner Lowe has given that to you in his testimony. He wants to do what you admonished him about. We are not going to sit here and be subjected

to his reading fifty-eight pages. I think that is outrageous, and Mr. Tobin knows it. Let Mr. Tobin get down to 1951 and tell us what he knows.

MR. SMITH: Mr. Rosen, I can only say this, that part of the thing at issue pertains to the statutory law of the State of New Jersey.

MR. ROSEN: Which have all been mentioned by Commissioner Lowe.

MR. SMITH: Just a moment. As I hastily read in the first part of your brief, you are citing that in order for them to proceed with the construction of this Third Tube they have to observe certain requirements set forth in the statute. It makes it appear to me from a cursory glance at the statutes that they in turn speak as of a certain date of their enactment and, therefore, in order to know whether or not they are acting in accordance with the statutes, it is necessary for us to have some chronological setup in regard to the Lincoln Tunnel, when it was started, when it was originally planned, what it called for, and so on. I think you must agree with me that you must have that insight regarding the statutes, to see whether they are complying with them. Please bear in mind, as I said before, that this Committee is not sitting as a court to adjudicate and interpret existing statutory law of the State of New Jersey to determine whether the Port Authority is or is not acting in compliance with their obligations under the terms of the statute. That is an obligation of the court, and if that is the thing at issue, if that is the thing you are contesting, I need not tell you as a member of

the bar that the proper forum in which to air that is the courts of the State of New Jersey. The purpose of this Committee is to try to get a comprehensive understanding of the matter pertaining to the Third Tube and whether or not the statutes of the State of New Jersey which they are now construing in their favor, and the statutes of New Jersey which you in turn say are not in their favor, have some shortcoming or omission or are not sufficient enough in detail to cover this particular thing and may be needful of certain changes, supplementation or correction, and if we can get an insight into that thing and make our report to the Legislature, it is my opinion, and I think the other members of the Committee agree with me, we will be complying with our duty. In order to unravel that, I think we have to go into the early history of the Lincoln Tunnel, when it was started, what the plans first called for, and so on. That is one of the very things you are putting at issue in your brief.

MR. ROSEN: Assemblyman Smith and members of the Committee, I have no dispute with what you have said. We want you to know the background. What I am trying to say is that both in our memorandum and the memorandum and statement of Mr. Tobin, the exact information is contained and there is no need for consuming time here today and sitting here while he reads it. The background and history and statute are all admitted. We know you gentlemen are going to read our memorandum as well as theirs. You can consider it. You don't have to have it read for the benefit of those people. It is only going to take two hours of their time. There is no need to make these

people sit here while it is being read. I think the important thing is that we agree on these things. There is no dispute about traffic, no dispute about the statute; there is no dispute that they are going under a certain statute under which we say they have no right to act. That is something for you to consider. When you read our memorandum, you will see that we are asking you to consider it not in the light of a court but in the light of some shortcoming in the legislative scheme of this thing, to help the municipalities out of this dilemma. I want to tell you that yesterday the court said the same thing I am telling you now. I pointed out that we were having a legislative hearing here today and the court said: "It is quite apparent to the court that whatever prevails here in the way of grievance is that which has its proper place within the realm of political processes"- meaning this committee - "and not judicial processes." If the court is going to send me back to you with our grievance and you are going to send me back to the court, I am going to wind up in the middle.

I want to save time. I am trying to be helpful to the Committee. All this background is admitted. There is no need to read it. That is the point I am making. I want you to consider it, certainly. But there is no need reading it.

MR. SMITH: You are enough of an attorney and member of the bar to readily understand what is in the mind of the court. There is no shuttling process by the court, where the court says for you to go back to the Legislature about that, and the Legislature says to you that this falls within the province of the court; go back to the court,

and you are left in the middle and in a dilemma. You know exactly what the court meant by what was said and you know it is relegated to the construing of the exact language of the statute as it exists on our statute books in the State of New Jersey today, and even if the court felt there was inequity, which the court has not admitted at this particular moment, the court cannot legislate; it cannot rewrite the laws of the State of New Jersey. If that inequity exists, certainly your remedy is to go to the Legislature. They are the only ones who have the power and authority, pursuant to our Constitution, to legislate, but they are relegated to the courts for the exact interpretation of what exists.

(Conference among members of Committee)

MR. SMITH: Ladies and gentlemen, in order to try to get matters straightened out here and to get down to the meat of the issue and not to expend a great deal of time on extraneous matters, the Committee would like to recess at this time for fifteen minutes to go into conference with Mr. Tobin, Mr. Goldstein and Mr. Watson, Mayor Krause and Mr. Rosen, in our conference room.

(SHORT RECESS)

MR. SMITH: Ladies and gentlemen, we called a conference in the hopes that we might be able to get the major parties concerned here to boil it down to the presentation of the specific things that I think the Resolution calls for and in that way save everyone concerned at present here today a good deal of time. However, we find that each of the interested parties feel they have to proceed with their

presentation in the way that they had originally contemplated and that to shorten them would be a decided handicap and would not permit them to express themselves in full on their particular attitudes in this matter. They feel that if we were to shorten them, we would be doing an injustice to each one of them. If we endeavored to put some restrictions on the representatives of the Port Authority, that did not meet with their pleasure and they felt that would not give them full opportunity to present their views. The same thing was expressed by the representatives of the Township of Weehawken. They had their way that they wanted to present their views, and if we tried to trim them in any fashion, they would feel they were being limited. And I am sure that the representatives of the general public here today would resent it if we tried to cut them down. Therefore, in fairness to all parties concerned and to avoid adverse criticism in the handling of this thing on the part of the Committee, we feel that each should proceed in the manner they had contemplated, with the qualification that if it gets too involved and out of bounds, we will attempt to limit them and restrict them. We would like to continue until two o'clock, at which time we will recess from two until three, and then carry on as best we can the best part of this day. With that in mind, I will ask Mr. Tobin to please continue.

MR. TOBIN: I left off with - as Commissioner Lowe has noted, the Legislatures of New Jersey and New York authorized the construction of the Lincoln Tunnel in 1931. Financing and engineering

studies were made during 1931 and 1932, and in 1933 it was decided to construct the new tunnel in two stages.

The first stage consisted of a single tube, which is at present the southerly of the two tubes, with a two-lane roadway for the accommodation of one lane of vehicular traffic in each direction. This single tunnel had suitable plazas, highway connections and facilities so that it would serve as a self-contained operating unit. The second stage of the project was to be the construction of a second or northerly tube when it became feasible to finance the balance of the project. General plans for the approaches received the approval of the two States as well as the municipalities involved in the construction of the tunnel and its approaches. I will presently review the history of the negotiations with the Township of Weehawken for approval of the connections at the time of construction of the first tube and for acquisition of municipal property at that time.

Ground was broken in both Weehawken and in New York City for the start of construction of the first tube on May 17, 1934. During the following years construction proceeded rapidly on the under-water tube itself by using the same shield method which will be used in building the Third Tube. The South Tube of the Lincoln Tunnel was completed and opened to traffic on December 22, 1937.

In February 1937, ground was broken for the North Tube. However, in May 1938 further work was deferred until additional traffic capacity would be required, which was not anticipated until the New Jersey approach highways were built. Completion of this second tube

was again delayed by the necessary shut-down of construction activities during the early years of World War II. However, with the increasing demand for additional trans-Hudson capacity, the North Tube was finally completed and opened to traffic on February 1, 1945.

Since that time, the two tubes of the Lincoln Tunnel have been in continuous operation, with the North Tube serving New Jersey-bound traffic and the South Tube serving New York-bound traffic. In 1946, the first full year in which both tubes of the Lincoln Tunnel were in operation, the Tunnel handled 9,610,000 vehicles. Last year, Lincoln Tunnel traffic amounted to 19,577,039 vehicles.

PRELIMINARY STUDIES FOR THE CONSTRUCTION OF THE LINCOLN TUNNEL
(1929-1933)

Studies which determined the present location and design of the New Jersey approaches to the Lincoln Tunnel fall into two phases, as follows:

1. Study of the question of whether or not the tunnel should have exits and entrances on the east or the west side of the Palisades (sometimes referred to as Bergen Hill), and the determination that these entrances and exits should be on the east.

2. Study of whether or not the connections to the west should be constructed as an open cut or as a tunnel, and the decision that it should be by way of an open cut through Weehawken, Union City and North Bergen.

1. Determination to have Exits and Entrances on the East Side of the Palisades:

The original studies made in 1929 and 1930 by the Port Authority and by the Joint Bridge and Tunnel Commissions both provided for a through tunnel from midtown Manhattan to Homestead on the west side of Bergen Hill. A number of plans for a through tunnel were prepared, typical of which is the blueprint entitled "Preliminary Location and Profiles of Midtown-Homestead Vehicular Tunnel" dated July 15, 1930, which is submitted to your Committee as Exhibit 1.

The suggestion that the tunnel should continue directly under the Palisades, and so by-pass Weehawken, Union City and North Bergen, raised sharp criticisms in these communities and from their representatives in the New Jersey Legislature and gave rise to insistence that the legislation adopted in 1930, describing the proposed New Jersey approach, provide specifically for exits and entrances on the east side of the Palisades in Weehawken.

The pressure for these entrances resulted in the change of the plans submitted for the 38th Street-Homestead Tunnel. The proposals finally submitted to the Governors of New York and New Jersey reflected these fundamental changes and included for the first time entrances and exits in Weehawken, in accordance with the demands of the representatives of that Township.

The requirement for a connection to local streets and highways in Weehawken was then expressly specified in the Lincoln Tunnel Statutes (Chapter 248, Laws of New Jersey, 1930; and Chapter 420, Laws of New York, 1930) as follows:

"~~was~~ such tunnel or tunnels to have entrances and exits on the east side of said Palisades, in the Township of Weehawken, County of Hudson."

So that the entrances and exits in Weehawken, which we had not wanted in the first place, were legislated at the request of the Township of Weehawken, and the tunnel had to be built that way at their insistence.

2. Decision to Build an Open-Cut Through Bergen Hill:

The decision to continue the Lincoln Tunnel approaches west from the Weehawken entrance and exit by way of an open cut rather than a tunnel has a very similar history.

Once again, the early studies made by the Joint Bridge and Tunnel Commissions, which was the old Holland Commission at that time, and the Port Authority all provided for a tunnel from Weehawken west under Bergen Hill. During 1930, however, a "Committee on the New Jersey Approaches" was established, consisting of New Jersey State Highway Engineer Jacob L. Bauer; H. Otto Sittpenn, member of the New Jersey State Highway Commission from Hoboken, representing Hudson County; State Senator Joseph G. Selber, representing Essex County; J. Ernest Thier, representing Bergen County; and the Honourable Arthur H. Pierson, President of the New Jersey Senate. This committee reviewed the question of whether the route that was to cross the Palisades to the Hackensack Meadows should be by tunnel or by open-cut. Several different solutions were presented to this group. However, at a meeting on December 12, 1930, the committee adopted a resolution calling for the open-cut highway scheme with connections to State Highways 1 and 3, Hudson County Boulevard and local highways in

Members. This committee further implemented that resolution with a report to the Port Authority, strongly recommending the adoption of the open-out highway scheme, as they said, because of the "greater traffic flexibility."

In the meantime, Local Boards of Trade and Chambers of Commerce adopted resolutions in favor of that open-out construction. Typical of these is a letter of March 30, 1931, to the Port Authority from the West New York Board of Trade which stated in part:--

"While construction costs of tunnel and open-out schemes would be the same, even at a greater cost for the open-out, it would be worth the advantages to us, and the greater service to the North Hudson communities on the Palisades." "West New York, being one of the ridge communities and the committee realizing the full benefits, favors the open-out plan - -"

Mayor Harry J. Theobald of Union City in the Hudson Dispatch recommended the local of the Lincoln Tunnel as I have indicated.

Also, on April 26, 1931, at a conference with the committee of the Chamber of Commerce of North Hudson County which was attended by the President of the Westchester Home Owner's Association among others, it was agreed that the open-out was preferred since it was the opinion of the residents that that route would offer very material advantages to the localities.

An article in the "Hudson Dispatch" of May 1, 1932, confirms the position taken by the Hudson County municipalities at that time:

"It was also said that North Hudson officials had persuaded the Port Authority to build its approaches to the tunnel via an 'open-out' which now runs under Union City. He said the P.A. had proposed veiling a tunnel to come out in the meadows west of Hudson County but that officials of

North Hudson municipalities insisted on the plan which was adopted.

"Mayor Harry J. Thoutot of Union City said that it was the belief of officials in North Hudson at the time that the tube would bring additional trade to the communities and that it later developed that the cost of maintenance outweighed any value received. He pointed out that the tunnel was built in the depression era and it was felt that the tube would bring an impetus to business."

A report of November 1, 1931 by the Chief Engineer to the General Manager of the Port Authority stated that "the representatives of the state and local municipal bodies so far have expressed unanimous and unqualified preference for the open-cut."

The Legislature of New Jersey gave formal recognition of these extensive studies and to the decisions reached as a result of them in the Preamble of Chapter 72 of the Laws of 1937 under which the approaches to the Lincoln Tunnel were declared to be a part of the New Jersey State Highway System. This Preamble reads in part as follows:

"WHEREAS, Pursuant to the aforesaid statutes, to assure co-operation between the State and the Port Authority in the development of a plan for the New Jersey approach to said Midtown Hudson tunnel, a committee was formed consisting of representatives of the Port Authority and the following New Jersey officials, to wit: Arthur M. Pierson, President of the Senate; Joseph G. Welber, Majority Leader of the Senate; Russell S. Wise, Majority Leader of the Assembly; H. Otto Wittmann, Member of State Highway Commission; Jacob L. Bauer, State Highway Engineer, and J. Ernest Thier, Supervisor of Roads, Bergen County; and

"WHEREAS, The aforesaid committee reached an understanding that the said New Jersey approach should include an open cut across the Palisades connected with State Highway Routes Nos. 1 and 3 and with Hudson County Boulevard East, as well as with the Midtown Hudson tunnel, that said open cut and its highway connections should be available for general highway traffic as well as for traffic to and from said tunnel, that surplus materials excavated from said open cut should be made available to the State Highway Commission to provide fill for a new State highway in the vicinity of the westerly end of said approach, and that upon its completion said open cut and its connections should be taken over by the State and maintained as part of the State highway system, which said understanding was embodied in a report by the New Jersey members of said committee to the chairman of the Port Authority, dated December twenty-sixth, one thousand nine hundred and thirty, and also in the report of the Port Authority to the Legislatures of the two states, dated January ninth, one thousand nine hundred and thirty-one --."

There is a distinct parallel, if the Committee please, between the original protest of the Township of Weehawken against the Port Authority's original plan to carry the tunnel directly under the Palisades, their insistence on entrances, exits, a viaduct and an open-cut across the Palisades, and their contrary argument now about the Third Tube. Though the Third Tube requires a negligible amount of property in the Township of Weehawken, Mayor Krause originally demanded that the Third Tube have no entrances and exits in Weehawken and continue directly under the Palisades. That was just the opposite to the original argument made by the municipality, as you will recall. This pointless demand has been constantly repeated in public statements by Assemblyman Musto even after the engineers selected by the Township submitted their conclusion that "the location of the western portal of the Third Tube, whether east or west of Bergen Hill, would have

little, if any, effect on traffic using the streets of Weehawken.*** " and they said"to do so would at times impose a hardship on local traffic and on residents of Weehawken."

I might also point out that the extension of the Third Tube through Bergen Hill as originally demanded by Mayor Krause, would not only add a \$20,000,000 cost to the project but would also reduce the flexibility and effectiveness of the three-tube operation and thus cut down the overall capacity of the Lincoln Tunnel under its contemplated three-tube operation in 1957. In the words of the Township of Weehawken's own consulting engineers, "- - - placing the portal of the third tube other than at the present toll plaza would eliminate the possibility of operating the six lanes of the three tubes in various combinations. This flexibility will benefit residents of Weehawken who use the Tunnel as well as all others."

HISTORY OF NEGOTIATIONS BETWEEN THE TOWNSHIP OF WEEHAWKEN
AND THE PORT AUTHORITY ON REQUEST FOR APPROVAL OF PLANS
FOR FIRST TUBE.

The Port Authority records show that commencing in 1931 and down to the execution of the Agreement between the Port Authority and the Township dated August 1, 1935, between fifteen and twenty formal conferences as well as many informal meetings were held to discuss plans and to receive suggestions from everyone concerned.

The stage of formal negotiations as distinguished from informal discussion and explanation actually commenced on September 19, 1933 when the Port Authority requested Weehawken to approve plans showing a general approach scheme in Weehawken and the other municipalities

through which the approaches were to be constructed.

After a number of conferences at which numerous plans were discussed, it was decided by the Township on March 2, 1934, that the engineering committee which had developed the then most recent plan should present a report and forward it to the Township as well as the other bodies represented, with their recommendations.

On March 21, 1934 such a report was signed by all the engineering representatives of the bodies concerned, including Mr. Frank J. Madigan, on behalf of the Township of Weehawken. In its report, the committee approved and recommended a plan which consisted essentially of:

- (1) A Weehawken Plaza with highway connections, both to south and to the north, with Park Avenue and Hudson County Boulevard East, the principal traffic arteries east of the Palisades.
- (2) A six-lane express highway partly elevated and partly depressed, leading to the Weehawken plaza over the plateau of the Palisades to direct connection with Hudson County Boulevard East and with the state highway arteries, route Nos. 1 and 3, west of the Palisades.
- (3) Marginal surface highways flanking the express highway on either side and parallel thereto, between the Hudson County Boulevard West and Hudson County Boulevard East.

Under this plan, the express highway crossed over Hudson County Boulevard East and Park Avenue but passed under Pleasant Avenue, continuing as a depressed roadway to the west side of the Palisades. The marginal highways intercept all streets and grades between Hudson County Boulevard West and Hudson County Boulevard East excepting only

Park Avenue where the marginal streets as well as the express highway were elevated in order to avoid crossing trolley tracks on a grade.

On April 6, 1934 at the invitation of the Township, a conference was held in Weehawken at which Mayor Meister of Weehawken presented a proposition radically departing from the schemes previously developed. Again, there followed more meetings between the Township and the Port Authority in an attempt to reach an agreement on the plans. In the meantime, ground was broken for the construction of the tunnel on May 17, 1934, though engineering studies continued throughout the rest of that year, and finally resulted in a tentative determination as to how much township property would be required for the tunnel and also in an agreement in principle that the Port Authority would build and dedicate to the Township portions of what is now the baseball playing fields, the tennis courts and similar recreational facilities.

In a letter dated September 27, 1934, John E. Bessy, then General Manager of the Port Authority, suggested to Mayor Meister that in order to progress negotiations and arrive at an understanding and agreement upon value of the real property affected, a board of three men be chosen with the power in essence to determine the value to be set and the price to be paid in connection with the exchange of real property interests. The Township responded by throwing this matter open for public discussion, setting a meeting for the residents and citizens of the Township of Weehawken on Wednesday evening, October 17, 1934.

At this meeting, the general public was able to review and

inspect the plans and models for the proposed project submitted by the Port Authority. The result was that the plan for the New Jersey approach in Weehawken dated August 17, 1934 and revised October 16, 1934 was regarded in general as acceptable to all concerned. The drafting of an agreement between the Township of Weehawken and the Port Authority was then commenced. It should be noted that this was six months after construction had begun on the first tube of the Lincoln Tunnel.

ACQUISITION OF THE LINCOLN SCHOOL AND BLOCK 13
PROPERTY IN WEEHAWKEN

In repeated and continuing statements to the press, Mayor Krause and Assemblyman William F. Musto have pictured this matter of the Lincoln School as a "confiscation" and "illegal seizure" in the "fangs" of the Port Authority. The facts are as follows:

The Lincoln School is located on a triangle of property in the Township of Weehawken between Park and Willow Avenues, north of West 19th Street. None of the plans prepared and submitted by the Port Authority over the entire period from 1929 to and including 1934 included this block in the area required. It was not included on the Port Authority's plans as they had been completed at the time ground was broken for construction of the tunnel in May 1934.

At a conference in the office of the Port Authority on February 9, 1935, Mayor Meister of Weehawken and Mr. John Schuster, a member of the Weehawken Township Committee, first suggested the acquisition by the Port Authority of this triangular block containing the Lincoln School and other properties owned by the Township and some

of them by private owners. The suggestion made at this meeting was opposed by the Port Authority.

At a subsequent meeting, held on February 20, 1935, the Port Authority was memorialized by a resolution of the Committee of the Whole of the Township of Hoboken requesting the Port Authority to acquire this triangle of property; in other words, to re-draw the plans so as to specifically include that therein. The argument of the township officials, as stated to the Port Authority, was that the traffic induced by the tunnel would render the Lincoln School site hazardous and therefore unsuitable, unnecessary and surplus to the Board of Education; and therefore the Port Authority should change its plans to include the school and acquire the property.

At this time, the Port Authority took the position that the acquisition of this property would not be essential to the efficient operation of the Lincoln Tunnel and its approaches, certainly within the foreseeable future. This has been borne out by the facts of actual traffic operations on Park and Willow Avenues in the more than fifteen years of Lincoln Tunnel operations.

However, it should be stated for the record that, at that time, there was an arguable point as to whether Park and Willow Avenues might have to be widened at some future time in order to handle future Lincoln Tunnel traffic. In the traffic studies of the early 1930's it was assumed that 50% of the traffic using the Lincoln Tunnel would be coming to and from a southerly route by way of Hoboken, Jersey City and the rest of Hudson County. The fact is,

however, that at present only 15% of tunnel traffic comes to and from this direction. This radical change in routing results from the fact that the construction of the New Jersey Turnpike and other arterial New Jersey highways across the Hackensack Meadows has brought about a re-routing of traffic, 85% of which now uses the Bergen Hill Underpass in approaching or leaving the tunnel.

Since it was possible that Park and Willow Avenues might have to be widened at some future date to take care of the traffic volumes, the Port Authority finally agreed to purchase not only the Lincoln School but the remaining parcels of private properties in that block. I might add that the Port Authority did actually "use" the south end of this block to widen West 19th Street between Park and Willow Avenues.

The argument that the Lincoln School site was unnecessary for school purposes and constituted surplus property is set forth in resolutions of the Board of Education of the Township of Weehawken, dated September 30, 1935, which should be before your Committee and I should like to introduce them as exhibits. (Exhibits 2 and 3, respectively). In each resolution, it is declared that the Lincoln school property is no longer necessary or required for school purposes; The Lincoln School property is described as "unsuitable," "unnecessary," and "not required for school purposes." Its continued use is declared by the Township to be "hazardous."

Pursuant to these resolutions, the Board of Education conveyed the property to the Township for \$1.00 and in turn the Township

conveyed the schoolhouse property together with other parcels of land to the Port Authority on October 31, 1935. The Port Authority paid the Township \$313,104 for this property. The Port Authority records show that \$168,500 was assigned as the value of the school property. The Township later apparently represented to the Board of Education that the amount applicable to the school property was \$133,000.

Including \$168,500 as the value of the schoolhouse, the Port Authority expended a total of \$380,675 for the entire block, which the Township insisted we buy.

The agreement for sale of the property contemplated continued use and occupation by the Board of Education to July 1, 1936. At that time, the Weehawken officials stated that the proceeds from the sale of the Lincoln School property would be held for financing the construction of a new school. However, without objection by the Port Authority, the Township continued to use the old Lincoln School until the end of the school year of 1937. I might say that this Lincoln School property comes right in the middle of our project so what happened should be set forth in the discussion.

On February 3, 1937, Mr. Schuster on behalf of the Township requested the continued use of the school property after September 1, 1937. Mr. Schuster stated that it was his understanding that the Board of Education could continue in possession until 1939. Mr. Ramsey, General Manager of the Port Authority, assured Mr. Schuster that the municipality could continue to use the school for an additional year if the municipality would bear the expense of demolishing the building

and doing the necessary grading. In April 1939, Mr. Schuster proposed that the Township rent the property and pay rent therefor at the rate of \$3,250 a year.

Though Mayor Krause has repeatedly denounced this rental payment as a gross imposition on the Township, note in the first place it was a rental suggested by the Township- it should be noted that the purchase price which the Port Authority paid to the Township of \$168,500 would reflect a normal rental value of about \$12,000. As a matter of fact, the rental paid by the Township through these fifteen years is not even sufficient to cover the interest on the sum paid by the Port Authority for the property.

Accordingly, a lease covering the property was entered into under date of September 26, 1939, covering the period July 1, 1939 to June 30, 1942 with an option under which the Board of Education could extend the lease for an additional term of two years. The option to extend was subsequently exercised. This arrangement has been extended since 1944 from year to year to the present time at the request of the Township. As a matter of fact, the Port Authority has just received a letter dated May 28, 1953 from Lester L. Davis, Secretary of the Weehawken Board of Education, formally requesting a renewal of the lease starting July 1, 1953 at the yearly rental of \$3,250.00.

The lease placed upon the tenant the obligation of demolishing the structure within sixty days after termination of the lease. It gave to the tenant the right to retain salvage from demolition. Sub-

sequently, the lease was modified to make available to the Board of Education property adjoining that constituting the original school-house property, such additional property to be used for playground purposes, without any increase in rent.

Also it is important to note for the record that the use of the property by the Board of Education is a tax exempt use today, just as it was at the time of our acquisition. The fact is that the Port Authority, by paying full value and accepting low rental has subsidized the Township and the Board of Education in its use of the entire school area ever since the Port Authority was obliged to acquire it.

ACQUISITION OF PRIVATE PROPERTIES IN THE KING'S BLUFF AREA

The final demands of township officials in connection with the agreement made in connection with the two tubes presented almost simultaneously with the demand for the taking of the school block also encompassed the requirement that the Port Authority acquire full title to a large group of private dwellings on the top of King's Bluff along Kingswood Road. It was contended by Township Commissioner Schuster of Weehawken that blasting for the tunnel 180 feet below these properties would cause such damage as to render them uninhabitable and valueless. I should note that Commissioner Schuster and his family own three of these properties. These parcels were therefore purchased by the Port Authority and subsequently, after the completion of the improvement, sold at public auction. The total purchase price

of \$338,850 paid during the course of their acquisition during 1936 compares with the total sales price received by the Port Authority when they were sold at public auction of \$170,850. The properties were thus restored to the ratables.

During the construction of the first two tubes of the Lincoln Tunnel in the 1930's, complete examinations were made, both before and after construction, of the interiors and exteriors of each building which the Port Authority was forced to purchase along Kingswood Road. This study showed that only small cracks had developed as a result of the blasting in some of the plaster walls and brick facing. In other words, the construction of the tunnel had involved no structural damage to any of the buildings.

PROVISION OF RECREATION FACILITIES BY THE
PORT AUTHORITY FOR THE TOWNSHIP OF WERRAWAUKIN

The construction of the first two tubes of the Lincoln Tunnel required some relocation and rearrangement of municipal property, particularly the Township's recreation facilities.

In consideration for the temporary use for construction purposes of portions of the township playground at that time, the Port Authority built, and together with a portion of the property upon which they are located, turned over to the Township a new playground in the area adjoining the Lincoln Tunnel plaza just to the west of Hudson Boulevard East. These recreation facilities included six tennis courts, two basketball courts and a practice basketball court immediately north of the present Lincoln Tunnel Administration

Building. We are going to have to talk about those in a little while.

A portion of this property is now required for widening the Lincoln Tunnel plaza in connection with the Third Tube project. However, the Port Authority has on many occasions offered to relocate these courts to any reasonable site which may be suggested by the township officials.

Also a part of the reconstructed recreation facilities conveyed to the Township by the Port Authority during the 1930's was a baseball diamond on the property just north of the Lincoln Tunnel portals and adjacent to the Weehawken Municipal Building, a substantial portion of which was also acquired by the Port Authority and conveyed to the Township. Within this playground the Port Authority also built a retaining wall along the westerly side of Hudson Boulevard East, so constructed as to have concrete seats which we built for approximately 2,000 spectators.

AGREEMENT FOR FINAL APPROVAL OF LINCOLN TUNNEL PLANS
BY TOWNSHIP OF WEEHAWKEN

All of the foregoing were involved in the negotiations which resulted in the agreement of 1935 between the Port Authority and the Township of Weehawken on the plans for the first two tubes of the Lincoln Tunnel.

AGREEMENT FOR ADDITIONAL TRANS-HUDSON VEHICULAR CAPACITY

On February 1, 1945, the second, or North Tube of the Lincoln

Tunnel was opened to traffic. Starting with that year, the traffic on all trans-Hudson Crossings showed a sharp increase over the low volumes experienced during the war when gasoline rationing was in effect. With the availability of two tubes, a much greater traffic growth was experienced at the Lincoln Tunnel than at the Holland Tunnel and George Washington Bridge. Our Director of Port Development, Mr. Walter F. Hedson, will describe in greater detail the traffic studies and plans which were made at that time. I would like to point out, however, the following table, containing the record of this growth. At the Lincoln Tunnel the increase amounted to some 200% between 1945 and 1952.

ANNUAL TRAFFIC AT TRANS-HUDSON CROSSINGS

	<u>Holland and Lincoln Tunnels and George Washington Bridge</u>	<u>Lincoln Tunnel</u>
1945	27 242 906	6 512 788
1946	37 326 354	9 610 114
1947	40 172 431	10 635 383
1948	42 205 595	11 121 107
1949	47 426 886	12 962 842
1950	53 527 860	15 532 561
1951	60 644 591	17 462 312
1952	66 338 595	19 577 039

As these figures show, shortly after the completion of the North Tube of the Lincoln Tunnel, the second one, in 1945, we were faced with an upward trend in trans-Hudson traffic. Immediately after trans-Hudson traffic in 1945 had gone to 33,000,000 vehicles (as compared with 70,000,000 today), we made a special staff survey addressed to the question of whether traffic in the then foreseeable future would require a new trans-Hudson crossing. This survey came

to the conclusion that "The pressure for a new crossing will be very strong from 1950 to 1955." That was made, as you will note, some ten years ago.

In 1949, however, several significant developments in the arterial highway system of northern New Jersey indicated an immediate need for new crossings to meet the tremendous growth of interstate travel.

Of the greatest significance was the creation in 1949 by the New Jersey Legislature of the New Jersey Turnpike Authority. For more than ten years, the New Jersey State Highway Department and other agencies had recognized the need for building a direct link between the west end of the Pulaski Skyway and the New Jersey approach to the Lincoln Tunnel. However, all studies of this so-called Trans-Meadows highway never became a reality because of the tremendous costs for building the high-level bridges and viaduct structures which would be required to span the waterways along the line of this route. The creation of the New Jersey Turnpike Authority made possible the construction of this direct link to the Lincoln Tunnel which we immediately recognized would impose additional burdens on that facility that could not be carried by the existing two tubes.

Also in 1949, the Highway Department completed portions of Route S-3 (numbering changed to Route 3 as of January 1, 1953) and the by-pass around Secaucus, which provided a new direct artery between the Lincoln Tunnel and the populous North Jersey communities in Essex, Passaic and Bergen Counties. This new highway had no immediate and stimulating

effect on Lincoln Tunnel traffic.

Early in 1949, work was also started in Midtown Manhattan on the Port Authority Bus Terminal. This facility, when opened in December 1950, provided a much needed improvement in bus passenger convenience, causing the re-routing of some bus lines which had previously used the Holland Tunnel in reaching Manhattan. The parking area on the terminal roof for 450 cars made this a particularly convenient facility for the New Jersey motorists who now found it possible to drive through the Lincoln Tunnel to a parking spot on the terminal roof without touching Manhattan streets.

All of these developments were recognized as having a significant effect on the future growth of traffic through the Lincoln Tunnel. Accordingly, in August 1949, the Commissioners authorized the staff to undertake detailed traffic studies to determine the weight and extent of the rapidly increasing trans-Hudson traffic burden, as well as to find out where and when additional trans-Hudson traffic capacity should be provided. That study is quite important. I would like to introduce it as Exhibit 4. Mr. Hedden will describe to you the Port Authority's comprehensive origin-and-destination survey of October 1949 in which 135,000 trans-Hudson motorists were interviewed. At the same time, our Engineering Department undertook studies of the most practical means of providing expanded trans-Hudson vehicular crossing capacity.

As Commissioner Lowe has pointed out, the most practicable means of increasing the trans-Hudson vehicular capacity at the

earliest possible time was the construction of a Third Tube of the Lincoln Tunnel. On May 16, 1950, the Port Authority Board of Commissioners authorized the staff to prepare detailed studies for building a Third Tube. That resolution could also be introduced and we will do so. (Exhibit 5). The following year, on March 8, 1951 and May 10, 1951, the Commissioners adopted preliminary and then final plans for the Third Tube as well as for the New York and New Jersey approaches. I would like to introduce those resolutions into the record. (Exhibits 6, 7 and 8).

The announcement of Third Tube plans met with enthusiastic approval of the newspapers of the metropolitan area, civic agencies and leading citizens alike. Typical editorials from leading newspapers during the last two years are included among the exhibits. I would like also to introduce those as Exhibits 9 to 15.

APPROVAL OF THIRD TUBE PLANS BY GOVERNOR DRISCOLL

The Governors of both States are kept fully informed of all of the proceedings of the Port Authority by the transmittal of the minutes to the respective Governors following each meeting of the Commission.

Governor Driscoll early expressed an interest in plans for relief of traffic congestion through construction of an additional crossing of the Hudson River and in the preliminary studies which indicated the desirability of effecting that relief through construction of a Third Tube to the Lincoln Tunnel.

In a letter dated March 6, 1951, Howard S. Gullman, Chairman of the Port Authority, notified Governor Driscoll that the Board of Commissioners had authorized the staff to review the plans of a Third Tube of the Lincoln Tunnel, together with its approaches and connections in New Jersey and in New York, with responsible State and municipal officials of both States (Exhibit 16).

On the same date, we invited New Jersey State Highway Commissioner Mansford J. Abbott and Chairman Paul L. Troast of the New Jersey Turnpike Authority to meet with us at their earliest convenience in order that they might have an opportunity to go over the maps, models, renderings and other studies that had been in course of preparation over a period of the prior year (Exhibits 17 and 18). Our invitation suggested that after Commissioner Abbott and Chairman Troast had had an opportunity to review the plans, they would be in a position to give the Governor the benefit of their views and recommendations, preparatory to the submission of the plans to the Governor for approval.

On March 22, 1951, I met with State Highway Commissioner Abbott and Chief Engineer Kilpatrick of the State Highway Department, Chairman Troast and Chief Engineer Noble of the New Jersey Turnpike Authority, and reviewed the plans with them. The details of the plans were discussed not only at that time, but in other meetings, and in telephone conferences with these State officers, who acted as the Governor's representatives.

On May 15, 1951, pursuant to authorization of the Board of

Commissioners at their meeting of May 10, 1951, the plan was submitted to the Governor by Mr. Cullman (Exhibit 19).

On May 25, 1951, Governor Briscoe approved the Port Authority's Third Tube plans.

APPROVAL OF THIRD TUBE PLANS BY GOVERNOR DEWEY

Governor Dewey, like Governor Briscoe, was kept fully informed of all of the proceedings of the Port Authority and of the studies made by the Port Authority staff in connection with the problem of relief of traffic congestion.

On March 8, 1951, the same date as his letter to Governor Briscoe, Mr. Cullman notified Governor Dewey that the Board of Commissioners had authorized the staff to review the plans for a Third Tube of the Lincoln Tunnel with the responsible State and municipal officials of both States (Exhibit 20). Lawrence E. Walsh, then Counsel to the Governor, responded to this communication both orally and in writing, indicating that Governor Dewey was referring the studies to the Hon. Bertram D. Tallamy, the Superintendent of the New York State Department of Public Works (Exhibit 21). On the same date, I wrote to Mr. Tallamy suggesting a review with him of our detailed plans (Exhibit 22). On April 30th, officials of the State Department of Public Works reviewed the plans and the Port Authority's models in detail.

Under date of May 18, 1951, Mr. Cullman wrote to Governor Dewey, informing him of developments in negotiations with the City

of New York with respect to Third Tube plans (Exhibit 23). On June 28, 1951, Governor Dewey approved our Third Tube plans.

APPROVAL OF THIRD TUBE PLANS
BY THE UNITED STATES GOVERNMENT

On November 26, 1951, an application was submitted by the Port Authority to the Secretary of the Army and the Chief of Engineers for approval of the plans (Exhibit 24). The Port Authority had been informed that prior to January 7, 1952, objections to the proposal were received by the Army Engineers from the Township of Weehawken and North Bergen.

On April 8, 1952, a permit was issued by the Department of the Army to the Port Authority for construction of the tunnel crossing (Exhibit 25).

THE PORT AUTHORITY'S ATTEMPTS TO OBTAIN THE TOWNSHIP'S
APPROVAL OF THE PLANS FOR THE LINCOLN TUNNEL THIRD TUBE

I have attached to the statements, which are being filed with this Committee, a chronology of the correspondence between the Port of New York Authority and the Mayor of Weehawken, relating our attempts to meet with the representatives of that Township in order to secure their approval of the plans for the approaches to the Third Tube of the Lincoln Tunnel as they affect that municipality. However, I would like to point up some of the significant dates in that record, as bearing upon Mayor Kravitz's newspaper statements charging the Port Authority with "failure to consult with municipal authorities."

The Port Authority plans for the New Jersey approach to the

Third Tube of the Lincoln Tunnel, as approved by its Board of Commissioners on May 18, 1951, include a modification of the Port Authority plaza for traffic to and from Park Avenue in Weehawken and the acquisition of certain Township property (the tennis court property that I referred to before) for widening of the New Jersey plaza for the Lincoln Tunnel. Although the construction of these new ramps does not technically constitute an additional connection with Weehawken highways, the plan of the New Jersey approach to the Lincoln Tunnel as shown on Port Authority drawing No. 8-473 was transmitted to Mayor Krause on May 18, 1951 for approval by the Township. I would like to introduce that also into the record.

The improvements proposed by the Port Authority for the New Jersey approach include the widening of the New Jersey ramp ("the helix") for westbound traffic in order to provide an additional lane for vehicles leaving the tunnel, the construction of a new underpass, which I have referred to, on the tunnel plaza for traffic to Park Avenue in Weehawken, and the widening from six to eight traffic lanes of the viaduct over Tonnelle Avenue, linking the Bergen Hill underpass with New Jersey Route 3 and the New Jersey Turnpike. Additional work on the New Jersey side includes the widening of the plaza in Weehawken in order to serve traffic entering the new Third Tube, which will require the demolition of the present Port Authority Administration Building, and construction of a new Administration Building on the easterly side of Hudson Boulevard East, on property presently owned by the Erie Railroad.

The widening of the plaza will require the acquisition of Township property presently occupied by six tennis courts, two basketball courts and a practice basketball court. The alignment of the tunnel itself between the New Jersey Ventilation Building and portal contemplates passage of the tunnel at a depth of approximately 180 feet under Kingswood Road, a municipal street, for which a permanent easement has been requested, and under a portion of the township recreation property presently used for a baseball diamond and grandstand. (Exhibit 27).

On March 8, 1951, the Commissioners of the Port Authority authorized me to review the plans for the Third Tube of the Lincoln Tunnel and its approach construction in both New Jersey and New York, with the respective State and municipal officials. On the same day I wrote to Mayor Krause, advising him of that authorization and requesting a conference with him on March 23rd. I proposed at that meeting to review with the Weehawken officials the maps, models, renderings and other studies of the Third Tube crossing.

On March 26, 1951, Port Authority representatives met with Weehawken officials and reviewed in detail the Third Tube plans as well as the plans of connections with Weehawken streets which were presented for review and approval. The Mayor did not come to this meeting because of illness. On April 3rd, I wrote to Mayor Krause and forwarded to him certain supplement information that the other Commissioners of Weehawken had requested at the March 26th meeting. I also wrote that:

"We should be pleased to discuss any further suggestions that the Township of Weehawken may have, at your earliest convenience."

Mayor Krause replied to this letter on April 6, 1951, and said:

"I will look forward to meeting with you when we again get together in the very near future. Rest assured that you will have some indication from our governing body concerning the approval of the approach plans in connection with the new Third Tube."

On April 9th, I again wrote to Mayor Krause and referred to the question of relocation of recreational facilities which was discussed at the March 26th meeting with the other Commissioners of the Township of Weehawken. In that letter, I said:

"I assume that whenever you are ready for a second conference you will have your own suggestions as to a proper relocation of these recreational facilities. Whenever you are ready to do so, we will be prepared to meet with you and the members of the Council for purposes of further discussion of the Third Tube plans."

On May 16, 1951, I transmitted a copy of the official plans for the New Jersey approaches, adopted by the Port Authority Board of Commissioners on May 10, 1951, and again requested a meeting with the representatives of the Township "to discuss the details covering the necessary exchanges of rights and interests in property required for the effectuation of this plan." On May 23rd, Mayor Krause replied as follows:

"I will be glad to take up the matter of fixing the time and place for a conference among my fellow representatives on the Township Committee and your representatives to further discuss this matter, and will communicate with you again in the very near future."

However, the Mayor never communicated with me along these lines.

On July 18th, I again wrote to Mayor Krause, not having heard from him, enclosing plans which he had requested for the North Hudson Mayors. In that letter, we also asked for a meeting with that group, including Mayor Krause, and suggested July 23rd or 24th, if those dates were convenient for Mayor Krause and his associates. In his reply - bear in mind that we are accused here in quotes of failure to consult with the municipal authorities - the Mayor indicated that the dates of July 23rd or 24th suggested for the next meeting with the North Hudson Mayors "would be rather inconvenient" because arrangements were then proceeding for a further meeting of the Mayors' group. The Mayor added:

"May I assure you of the desire of myself and my colleagues that this matter be fully discussed with you at the earliest date possible."

On Saturday, July 21st, the "Hudson Dispatch" reported on a statement by Mayor Krause which was released on July 20th. The item read as follows:

"Krause last night said that such a meeting as Tobin proposed is what the Hudson County officials are seeking but he added that they wish to be fully aware of all the ramifications of the problem before sitting down with Port Authority officials."

From the newspapers we also learned that the North Hudson Mayors had met on July 25th. On July 27th, I therefore wrote to Mayor Krause again requesting a meeting on August 3rd this time, and offered to spend as much time as the Weehawken officials wanted to review fully any problems concerning the construction of the Third Tube. On August 2nd, Mayor Krause telephoned me and I suggested a

meeting with the Weehawken Commissioners during the week of August 13th. Mayor Krause promised to check this date with his other Commissioners and call back. I never heard from him.

In the then following period of inactivity, as far as meetings between the Port Authority and the Mayor of Weehawken were concerned, other reports appeared in the press reporting comments of Mayor Krause and the North Hudson Mayors' Committee, criticizing the Third Tube plans. Apparently the Mayor felt that he could resolve any problems involved in the construction of the Third Tube more expeditiously by issuing statements to the press rather than meeting with the Port Authority.

A year passed since I had first advised Mayor Krause that tentative plans for the Third Tube approaches had been completed and that I had been authorized by the Commissioners to discuss them with him. You will recall that during this period, despite the efforts that I have recounted, we had only been able to meet with the Township Commissioners once, on March 26, 1951, and Mayor Krause had avoided any meeting with the Port Authority at all.

Finally, on March 3, 1952, Mayor Krause wrote to the Port Authority:

"We of the North Hudson Mayors Committee are most anxious to discuss with your members and engineers the proposed plans of the Third Tube and suggest a conference to be held during the week of March 11, preferably at this office. We would also appreciate your sending us several copies of your proposed plans showing all details with respect to the proposed approaches of the new tube on the New Jersey as well as the New York end. ***"

You will recall that, almost ten months earlier, I had sent to Mayor Krause copies of the plans for the New Jersey approaches to be distributed to the members of the North Hudson Mayors' Committee.

On March 7th I replied to the Mayor, acknowledging his invitation and suggesting March 27th as the date for our meeting. I also pointed out to the Mayor in that letter that on six separate occasions in 1951, to which I specifically referred, we tried to initiate such a meeting. On March 12th, Mayor Krause wrote again and indicated that the March 27th date was "too soon to permit us to properly study the plans prior to our contemplated conference and I suggest April 8th at 2 o'clock in this building" * * * May I assure you that we of the North Hudson Mayors' Committee are most desirous of furthering all action for the relief of the serious congestion of trans-Hudson traffic, commuter, freight and motor vehicle alike, in this general area."

However, in the meantime the Mayor had written to Governor Ericsson, attempting to enlist his aid in whatever the Mayor had in mind. Shortly before April 8th he telephoned me, and again postponed the meeting, this time until April 23rd. Then, shortly before that date, he postponed the meeting for the third time.

Finally, on April 30, 1952, almost fourteen months after our first request, we met with Mayor Krause and the Mayors of six other Hudson County communities. The chief concern of Mayor Krause and the others was the adequacy of our tunnel approach plans for handling traffic without burdening local streets. At this meeting, we

therefore acceded to their request that the Port Authority aid the Township of Weehawken in obtaining independent engineering advice on the adequacy of the proposed third tube connections with Weehawken streets. We agreed to pay for the cost of such a study, which would be undertaken by a firm of consulting engineers to be chosen by the Township. Mayor Krause was to advise us as to the Township's selection, but as I shall note, he did not select the firm of DeLauw & Brill until July 16, 1952, more than two and one-half months later.

On June 25th, in that same year 1952, Mr. Cullinan received a letter from Governor Briscoell which discussed a conference between the Governor and Mayor Krause. The Governor wrote as follows:

"I expressed the hope that the Mayor and members of the Township Committee would proceed promptly to a final consideration of the proposal of The Port of New York Authority for an addition to the Lincoln Tunnel. I am confident that we may expect the friendly cooperation of the municipal officials of Weehawken."

On July 16th, Governor Briscoell again wrote to Mayor Krause, stating that there was "imperative need to complete the additional tube as quickly as possible," suggesting to the Mayor "that we should try to dispose of this matter within the next few days." The Committee will recall that this^{is} why we proposed they select their own engineers, but no engineers were picked until two and one-half months later. On July 18th, Acting Mayor Leo Hatten of Weehawken wrote to me, nominating the firm of DeLauw & Brill to make the engineering study which we had offered to pay for at our April 30th meeting.

On July 23rd, we replied to Mayor Krause, advising him that Weehawken's nomination of the engineering firm of DeLew & Brill would be considered by the Port Authority Commissioners at a meeting on July 30th. It was suggested in that letter that a meeting of Port Authority and Weehawken representatives and DeLew & Brill engineers would expedite the survey. On July 28th, such a meeting was held. The Port Authority agreed to make available to DeLew & Brill the traffic data, plans and other pertinent information which might help them in making the study. At that meeting also we discussed some of the problems raised by the Weehawken officials concerning the location of the new Administration Building. In the course of this discussion we pointed out that the amount of Weehawken ratables now required for this public purpose amounted to only \$42,000, as compared with the requirement in Manhattan for ratables of over \$5,000,000.

The report of DeLew & Brill was transmitted to the Mayor and Commissioners of the Township of Weehawken under date of January 30, 1953. On February 17th, DeLew & Brill wrote the Port Authority that they had submitted their report to Mayor Krause on the "Proposed Lincoln Tunnel Improvements as They Will Affect Connecting Streets in the Township of Weehawken."

Now it should be remembered that the principal argument which the Mayor has been expounding to the public press ever since we announced the Third Tube plans almost two years earlier, had been the argument that the Third Tube would place a new heavy and insupportable traffic burden on the streets of the Township. That had been his

principal argument at the single meeting on April 30, 1952, with his which we had been able to obtain during the course of these two years.

It also had been the basis of our suggestion that Weehawken itself select any nationally known firm of consulting engineers to review the Port Authority's plans and submit a report directly to the Township. Practically every public statement of the Mayor during these two years had emphasized this argument that the Third Tube would add to traffic congestion in Weehawken:

"The Authority's plans were labelled 'unsatisfactory' at a meeting of commissioners and officials of North Hudson and Hoboken held yesterday at the Weehawken Municipal Building in the office of Mayor Charles F. Krause, Jr. who presided. 'Until further and more elaborate plans on the third tube approaches resulting in a benefit to our communities from a traffic viewpoint are presented, we feel we must not accept the present ones', a resolution by the commissioners group stated." (Jersey Journal, September 19, 1951.)

"Mayor Charles F. Krause said the firm of DeLuw and Brill,*** will be recommended to the Port Authority for the survey.*** The North Hudson Mayors have contended that any third tube at the present time would only add to an already congested traffic situation in Hudson County." ("Jersey Journal," July 18, 1952.)

In their report to Mayor Krause, the engineers selected by the Township found that there was no merit in this argument which had been used by the Mayor for the past two years as the principal reason for opposing the Third Tube plans. On the contrary, they came to the conclusion that:

"We believe that the third tube of the Lincoln Tunnel will provide relief from the serious traffic congestion which frequently occurs on the approaches in the Township of Weehawken many years before any other means of providing relief could be constructed.*** No serious

congestion should occur (on the approach ramp) except when the traffic desiring to use the Tunnel exceeds the capacity thereof. The overall plans for improvements in the New Jersey approaches are, therefore, adequate for the presently foreseeable traffic until such time as it becomes greater than the capacity of the Tunnel itself.

"We conclude that the location of the western portal of the third tube, whether east or west of Bergen Hill, would have little, if any, effect on traffic using the streets of Weehawken."

On March 6, 1953, the "Jersey Journal" carried the following story under the headline:

KRAUSE REFUSES RELEASE

"The suppressed engineering report on the projected third tube for the Lincoln Tunnel is favorable to the Port Authority's plans for the project, the Jersey Journal learned today.

"It is understood that the report says the Weehawken street system will be able to take the load of traffic from the third tube without undue congestion. This was the point questioned by the Weehawken governing body in demanding an engineering survey of the Port Authority's plan.

"Members of the engineering firm of DeLew and Brill, who made the survey and the report, declined today to divulge the contents of the report without permission from Weehawken Mayor Charles F. Krause.

"Krause, who has had the report for more than a week, refused again today to allow it to be made public.

"Krause said the report was 'too technical' for the public to understand, and if it were published the public might form a wrong opinion of how the third tube would affect Weehawken. He said he believed the engineering firm might make some changes in the report after conferring with the Weehawken Town Committee, which he heads as Mayor."

On March 9th the "Jersey Journal" also made the following

editorial comment:

"WEEHAWKEN BOOMERANG"

"Mayor Krause of Weehawken seems to have been hit by the business end of a boomerang.

"The mayor and his friends have been tilting with the Port Authority over a third Lincoln Tunnel tube for some time. His Honor claimed he wasn't sure just what the new tube would do to traffic on Weehawken's streets.

"After much argument, it was agreed that Weehawken could pick its own engineers, to advise about the situation, and the Port Authority would pay the bill.

"When he got the engineers' report upholding the Port Authority, Mayor Krause promptly sat on it. It was definitely not for publication, he said, because the public might get the wrong idea. Also, the engineers might make some changes after they and the town officials had had a conference.

"Having been denied access to the original report, how will the public (which Mr. Krause implies was so dumb it would get the wrong idea) know whether any changes that might be made were meritorious?"

MR. SMITH: (Interrupting) I would like to see, Mr. Tobin, if we could not adjourn now for lunch and return at three o'clock. I think our plan then would be to continue on with representatives of the Port Authority, of which there is just one other person after Mr. Tobin. Following that, Weehawken had indicated they would have three witnesses to testify. I would like to see if we could not possibly clear that up by six o'clock. After Weehawken gets through we will hear the general public if there is time at six o'clock. If, in turn, we are unable to hear those desiring to speak, we will have to continue this hearing at another date, in order to give everyone equal opportunity to be heard. I see that one of the Weehawken

Commissioners wants to ask a question.

MR. MAHER: Mr. Chairman, may I suggest that we convene at 3:30 instead of 3 o'clock? The people of Scotchman are not familiar with the facilities for eating in this neighborhood and we would like to pick a place, and I don't think we will be able to get served and get back such before 3:30.

MR. SMITH: It is certainly all right with me for 3:30, but we will stick to that six o'clock deadline, however.

MAYOR KRAUSE: Let's keep it at three and if they don't get back--

MR. SMITH: Mayor Krause wants to keep it at three o'clock and it seems desirable to retain it at three o'clock. If that is the case, we will keep it at three o'clock. That will be better if we can do that.

(RECESS FOR LUNCH)

recreation facilities, we would make a flat payment of \$285,000 to the Township, representing the estimated cost for the relocated recreation facilities.

At the conclusion of the May 15th meeting, Mayor Krause and his colleagues advised the Port Authority representatives that a further meeting would be held in the near future after consideration of the points which had been discussed on that occasion. As a group and individually, the Township Commissioners gave every indication of intending to carry on these discussions and meetings. They indicated in no way that they were rejecting our offer, despite the fact that that morning Hudson County newspapers were carrying Mayor Krause's denunciation of the Port Authority and its plans.

By appealing to the Legislature, we can only assume that the Weehawken Commissioners have rejected our half million dollar offer.

CONTRACT FOR EXCAVATION OF
NEW JERSEY SHAFT OF THE LINCOLN TUNNEL THIRD TUBE

At the meeting of May 14, 1953 - and I think it is quite important that, in light of what has been advanced for an excuse for the appeal to the Legislature, we go into the question of this construction - the Port Authority Board of Commissioners awarded a contract for the excavation of the New Jersey shaft of the Lincoln Tunnel Third Tube at the base of King's Bluff in Weehawken. This contract was in the amount of \$509,037 and was awarded to the low bidder, which was the joint venture of Walsh Construction Company, B.

Perini & Sons, Inc., and Peter F. Connolly Company.

This shaft will serve as the foundation for the New Jersey ventilation building for the new tube, and a prefabricated steel tunnel shield will be erected in the shaft for use in driving the tunnel under the Hudson River. This contract is therefore a key to the progress and completion of the entire Third Tube project. Any delay in the start of this work will substantially set back the date on which this vitally needed Third Tube is completed.

At our first meeting with Mayor Krause and his colleagues on April 10, 1953, that date is very important in connection with this, we carefully explained that, to meet its construction schedule the Port Authority must start work shortly in Weehawken on the construction of that shaft. I pointed out that this construction would be located on property purchased from the New York Central System and in no way involved Township property or connection with Township streets. I suggested an exchange of letters in which the Port Authority would state that the position of the Township would be in no way prejudiced by that construction. This was precisely the same pattern which had been approved by Mayor Krause on March 3, 1953, when he permitted the Port Authority to make exploratory borings within Township property, with the understanding that this also would in no way prejudice the position of Weehawken.

At the April 10th meeting, Mayor Krause said he thought that my suggestion of a letter, explaining the start of construction

of the ventilation building, was a good idea and approved this procedure.

Accordingly, on April 20, 1953, I wrote to Mayor Krause as follows - and this letter is likewise important:

"Dear Mayor Krause:

This has reference to our conversation with you and your fellow commissioners on Friday, April 10, 1953, regarding the construction of the Third Tube of the Lincoln Tunnel.

As I informed you, we will receive bids tomorrow for the excavation of the construction shaft in Weehawken. When completed, this shaft will be used by the tunnel contractor to erect the tunnel shield and to transport materials and equipment to and from the tunnel heading.

The shaft, which is shown on the enclosed drawing S-763, will be excavated in solid rock at the base of Kings Bluff on Port Authority property and it is planned to start this excavation as soon as possible after the award of the contract.

The entire work in connection with the excavation of this shaft will be performed without risk, cost or expense to the Township of Weehawken and the Port Authority will assume all risk and will indemnify and save the Township harmless from and against all and any injury to or death of persons, to whosoever occurring, and loss of or damage to property arising out of or resulting from or in connection with such excavation work.

As stated to you at our meeting, we understand that this construction is in no way intended and shall not for any purpose be construed as approval by or on behalf of the Township of Weehawken relative to construction of the Third Tube, its approaches or connections, nor shall such construction in any way prejudice the position of the Township of Weehawken with respect thereto.

The Commissioners of the Port Authority will not take final action on the bids which we will receive tomorrow until their next meeting on May 14, 1953 and, therefore, no work will be performed at the site until after that date.

Sincerely

(s)

Austin J. Tobin
Austin J. Tobin
Executive Director"

Mayor Krause did not respond to this letter nor refer to it in any way in the three subsequent meetings between the Port Authority and Weehawken representatives on April 24th, May 8th and May 15th.

The Port Authority has followed, to the letter, the procedure outlined in my conversation with Mayor Krause on April 10th and in that letter which I have just submitted to the Committee. The announcement of the award of this contract was released to the newspapers in regular course following the public meeting of the Board of Commissioners on May 14th. Mayor Krause had been fully advised as to the start of work on this contract, more than three weeks before this announcement. His statement to the press that he and his colleagues were "shocked" when the announcement of the award of the contract by our Commissioners on May 14th was released to the press is, therefore, considerably less than frank and straightforward.

**CLAIM BY WEEHAWKEN OFFICIALS OF
"INDIRECT DAMAGES" FROM THE LINCOLN TUNNEL**

Throughout the past two years, Mayor Krause and Assemblyman Masto have alleged that "indirect damages" have been suffered by the Township of Weehawken as a result of the construction of the first two tubes of the Lincoln Tunnel. They have further claimed that "millions of dollars worth of ratables" were wiped out by the construction of the tunnel.

The claim by Mayor Krause of "indirect damages" to the Township as a result of the Lincoln Tunnel should be contrasted with

the actual financial condition and industrial development of this municipality. It should be remembered, however, in connection with this, that the geographic boundaries of the Township of Weehawken are such that any substantial expansion of its industries or residential development is severely limited by those geographic boundaries.

During the past few years since the opening of the tunnel, it is a fact that new industries have come into Weehawken to the advantage of employment in the Township and increased ratables and taxes to the Township treasury. Dun and Bradstreet reports that the average number of production workers in Weehawken increased by 46.7% between the period of 1939, just following the opening of the first tube of the Lincoln Tunnel, and 1947, just following the opening of the second tube. This report also states that the value added by processing of manufactured products in Weehawken more than tripled between those years immediately after the opening of the Tunnel.

That upward trend has continued during the past five years. The Neo-Grevure Company plant was built just south of the Lincoln Tunnel plaza during the late 1940's and sold to the John Hancock Life Insurance Company in 1950 for \$2,000,000. This plant pays approximately \$50,000 in taxes each year to the Township treasury. A company official has stated to us that the Lincoln Tunnel, by assuring ease of distribution of their product, was a contributing factor to the selection of the Weehawken location for their printing plant which today employs in Weehawken over 500 persons.

In 1952, the Banana Terminal, operated by the United Fruit Company, was built on the Weehawken waterfront, close to the Lincoln Tunnel, at a total cost of about \$1,000,000. More than 300 persons are employed at this terminal.

Significant also is the statement by the Mayor of Weehawken on the occasion of the opening of the second or North Tube of the Lincoln Tunnel on February 1, 1915. The "Hudson Dispatch" of that day carries a signed article by Mayor Heister that:-

"Lincoln Tunnel facilities will attract capital to invest its money in a building program in Weehawken. Of this I am confident. This would offset and perhaps exceed the loss we sustained in realties in the township through construction of the tunnel."

"The tunnel itself has been the realization of the pioneers of our township in bringing us closer to the great metropolis, New York City, in terms of transportation. Formerly commuting was by trolley and ferryboat, and the time now saved is considerable."

"Through the construction of the tunnel we obtained the playground, stadium, tennis courts and a recreational building, which is enjoyed to its fullest by the youth and adults of our community. From Port of New York Authority we obtained a Library-Museum Building, which now completes our Municipal Center."

"There is a distinct advantage to the motorists of Weehawken who are not desirous of using the tunnel facilities, but who want to travel to the highways of the State of New Jersey. They can use the approach ramps which lead to the main express highway, thus avoiding the congestion and dangerous travel which formerly existed."

The present Mayor, Mr. Krause, as well as his colleagues, have testified to the value of the Lincoln Tunnel to the industrial development of the Township. The 1952-1953 issue of the

"New Jersey Industrial Directory" contains a half page advertisement signed by the entire Township committee including Mayor Krause (Exhibit 32) which reads as follows:-

Weehawken - Western Terminus of the Lincoln Tunnel (Next greatest city in the world) offers industrial choice sites and a program based on a well-defined formula - - - The strategic location of the town presents exceptional opportunities to industry for development. Located in the heart of the greatest and busiest harbor in the world. Weehawken has excellent waterfront facilities. Situated at the mouth of the Lincoln Tunnel, Weehawken is also fed by all railroads and three trunk lines. Swift highway connections, including nearby interchange with the New Jersey Turnpike, afford access to the marts of the world.

"As the result of the latest tax survey, Weehawken is able to offer to industry low taxes. At the same time, the town's AA financial rating assures industry of a stable tax structure and precludes any fear of tax lightning. Industry is invited to investigate these advantages at the office of the mayor."

I have underlined several references in this statement signed by Mayor Krause and the entire Township Committee, testifying to the advantage to Weehawken of close proximity to the Lincoln Tunnel as well as the Fort Authority-built highway connections and interchange with the New Jersey Turnpike.

In the "Jersey Journal" of October 3, 1952, Mayor Krause was quoted as expressing gratification at the construction of the Banana Terminal and the Neo-Gravure plant and boasting in part that "Weehawken's unmatched transportation facilities, its waterfront, its railroad yards and terminals, its proximity to the great trunk roads have brought other firms smaller in size but great in value to the community to locate here".

The foregoing songs of civic pride would seem to be set to a different set of lyrics than the laments which you will hear today of millions of dollars of "indirect damages" suffered by the Township of Weehawken as a result of the Lincoln Tunnel construction.

Now, as to the matter of properties purchased for construction of the Lincoln Tunnel. The total assessed valuation of all properties acquired by the Port Authority for tunnel construction during the 1930's from private owners and railroads amounted to \$740,503. In addition, the Port Authority acquired school and church properties carrying a total valuation of \$76,000 which, of course, were exempt from taxation and thus were not removed from ratables as a result of Port Authority purchase.

I should also point out, however, that surplus properties assessed at \$137,933, have since been sold off by the Port Authority and thus restored to the tax rolls. Thus, a net total of \$602,568 of ratables were acquired for Lincoln Tunnel construction. This amount of ratables acquired for public use by the Port Authority will be even further reduced by our offer to convey to the Township our surplus parcels of property valued at \$89,000. Acceptance of this offer would cut the total loss of ratables for the entire construction of the Lincoln Tunnel, past and present, to approximately \$514,000 which is far different from "millions of dollars" of lost ratables.

If the tax rates for Township and school purposes over the

years 1933 to 1952 were applied to the total assessed non-exempt properties purchased and still held by the Port Authority, the tax losses to Weehawken over the 20-year period amounted to an average of about \$16,000 per year. As I have previously pointed out, the Port Authority has been in effect subsidizing the Township by its rental of the Lincoln School for only \$3,250, as compared to a normal real estate rental on this property of at least \$12,000. If this \$9,000 saving to the Township on the use of the school is taken into account, the net loss of taxes amounts to something in the neighborhood of \$7,000 a year. Taking into consideration the new taxes enjoyed by Weehawken on only the Koo-Gravure plant and the Banana Terminal, aside from all other industrial benefits which the Mayor himself has associated with the Lincoln Tunnel, it becomes apparent that Weehawken has gained far more in tax rates as a result of the construction of the Lincoln Tunnel, than it has lost.

I therefore respectfully submit to the Committee that far from causing "indirect damages" to the Township, the Lincoln Tunnel has brought a transportation advantage which the Weehawken officials themselves have admitted and even boasted about. Further, the very substantial work which the Port Authority undertook for the Township during the 1930's when the first two tubes were built, as well as our present proposal of benefits totalling over one half million dollars is a generous offer which the Weehawken officials can accept in good conscience as a most generous settlement of this matter.

I wish now to call on our Director of Port Development, Mr. Walter F. Hedden, to describe briefly to the Committee the traffic planning on which was based our decision to build a Third Tube of the Lincoln Tunnel.

MR. SMITH: Mr. Tobin, I believe Mr. Hauser has some questions he would like to ask of you first.

MR. HAUSER: Mr. Tobin, in looking at Exhibit 30 in the rear of the book, in which some of the other gentlemen - the Commissioners of Weehawken and the Mayor, the Port of New York Authority, and the Members of the Committee, including myself - are interested, and I am interested not only from the viewpoint of Weehawken but also from the viewpoint of the neighboring municipality of Hoboken, where I reside, and which I notice in your manuscript there originally was proposed to generate about 50% of the traffic which was to come from the South into Lincoln Tunnel and later deteriorated to about 15%. I am trying to tie this up with a problem that I believe Weehawken has of a possibility of this Third Tube generating additional traffic on the streets of Hoboken. On gazing at the map here, it seems to me that traffic approaching this Tunnel from the West, either from the Turnpike or Secaucus on Route 3, which causes an overloading particularly on week-ends or particularly in the East bound direction on Sunday Night. It seems to me any number of cars go off the helix or ramp there or out of the cut as I do, but in my case with justification because I am not bound for the Tunnel but I am bound for Hoboken and I have to

out off at the last access ramp, which I believe is at Pleasant Avenue, in order to get down to Boulevard East to get on into Hoboken. I find on Sunday night - I am making this personal just to translate it into the terms of Weehawken's problem - I find literally hundreds of cars not bound for Hoboken, as I am, in order to beat the backup on the helix go down into the streets of Weehawken, particularly on the Boulevard East, in order to have access to the backdoor of the Weehawken Tunnel and this situation is further emphasized and accentuated in my mind, and very irritating to me personally, by a new presence there recently of a traffic light which is evidently put there to accommodate the operator of a parking station there. I don't know whether it was put up by your people of the Township, but in any event ^{is} it/a bloody nuisance, and I was wondering, looking at this map that you have here - am I correct in this long question in saying that you propose a pedestrian overpass there to possibly eliminate this confounded light nuisance? Also, and this is the second question, do you think or not, if it is a fair question, that the Third Tube will further aggravate this situation - let's blame it on the New Yorkers because we are in New Jersey - of the New Yorkers coming off the ramp or helix going down to Weehawken's streets and trying to beat the main traffic by going in the backdoor or not? I don't know whether you follow that.

MR. YOBIN: Yes, I do. It is in three parts. I will start at the back and take the last one first and proceed up through

your question.

The reason that the cars try to beat the light down at the open cut and go off into local streets is simply that there isn't tunnel capacity in the tunnel so they are jammed up back in the open cut. That is precisely the reason why we need a third tube and it is our opinion, as well as the opinion of the Township Consulting Engineers, that the making of the Third Tube available will correct that condition and keep the traffic flowing so that the people won't have the perfectly normal and natural temptation to beat the line by ducking out of the cut and running down on the surface streets.

Secondly, we did not put that traffic light there. I believe that the County Boulevard Commission did, either the County Boulevard Commission or the Township, I would assume the Boulevard Commission. Certainly the Port Authority did not put that light there or hasn't anything to say about that light there.

Finally, that bridge, that you will note on Exhibit 30, was a bridge that during the discussion of these new recreational facilities and the new baseball field was requested by Commissioner Begovich who said that he was concerned, when we discussed the possible location of a new recreational field down there, that the kids would have to cross/heavy traffic artery, and this was an attempt - he suggested, as I recall it, the bridge himself and we said "all right" and we included the bridge. And the cost of the Bridge is included in the cost of \$255,000, Assemblyman, that I gave you before.

If I have not adequately answered your question as to the traffic, Mr. Hadden is going to cover that precise point and he will, I am sure, make it much clearer than I have.

MR. HAUSER: You have answered my question. The only other concern that I have, and of course I happen to be a representative of Hudson County on this Legislative Commission, in which is located the Township of Weehawken - the only other thought I have at this point on that particular subject was the possibility that - we know what a mess and confusion we have in transportation facilities now in the metropolitan area and we know it doesn't seem to get any better; we know also that there is need, I think it is generally agreed, for other transportation facilities - the thought has occurred to me, however, that perhaps, and this is in the form of a parenthetical question, it is true that sometimes, from your observations, by increasing the so-called facilities and removing this jam or backlog we are going to emphasize or accentuate the very thing we are trying to obviate. I have an idea that perhaps the third tube might generate more traffic, more traffic than it is designed to obviate. In other words, like the bus terminal in New York which I use quite frequently, it is a wonderful thing, however I sometimes wonder if the creation of facilities like that sometimes attracts so much more business that you backlog yourself by giving more public convenience resulting in the end run of some public inconvenience. And the thought occurred to me that - I don't know how far you are with the third tube, but was any consideration given to possibly another location (not Hoboken)

for relieving this congestion?

MR. TORINE: Well, of course, we considered all the possible alternate plans and we, after a long long time of study, and all the engineers and all the traffic experts we could get to consult came to the conclusion that the thing to be done for relief of traffic at this time and the thing that could be done most rapidly - and "most rapidly" means that even if we go forward now we will be finished by 1957 - was the third tube of the Lincoln Tunnel and we believe that will relieve traffic in the area. And, Assemblyman, that is the conclusion not only of ourselves but of all the engineers and traffic people and DeLew and Brill, an independent Detroit traffic engineering concern brought in by the Township, and that is their absolute conclusion as stated in their report.

The bus terminal, incidentally, actually takes some 2400 buses a day off the streets of west side Manhattan, and its relief of traffic in those areas is even visible to the naked eye, which traffic relief seldom is. We have also said and said properly that any new facility that was constructed in this area - we are still where we were 25 years ago in saying that we do not believe that the facility should come up in Weehawken or Hoboken, as the Weehawken people insist that this one come up to the surface in Weehawken, and certainly in any consideration of any new tunnel that would be our basic opinion. I know that these facilities should not be brought up in the marginal communities. If the Port Authority had been permitted to carry through its original plans I think it would be

quite clear that we would not be sitting here today, but we are wrestling with a plan that was insisted upon by the community.

MR. HAUSER: May I ask one more question?

MR. SMITH: Yes.

MR. HAUSER: Without unnecessarily prolonging this, but I think it is important to me as a lawyer and not an engineer, it would seem that that third tube if it held stationary at one time 300 or 400 cars, whatever the figure might be, that would be the extent of the traffic alleviation. We say Weehawken is on the spot here but it seems to me from reading this and remembering the reports in the public press that the public officials of New York had a slight hassle, a snafu, a rhubarb with the Port of New York Authority over the plans over there. It seems to me too that the crux of this traffic problem and the back-up sometimes as far as Secaucus can be blamed not so much on the absence of another twin tube as on the outmoded antiquated street facilities in Manhattan. And in order to eliminate the backlog in Weehawken and the Jersey facilities, it would seem to me to properly distribute that so many streets would have to be obliterated in New York and so many private buildings and ratables destroyed that it would make quite a scar on the face of Manhattan Island. I think Mr. Moses, the Chairman of the New York Planning Commission, and the authorities over there have pressured, I won't say high-pressured, and attempted to blackjack the Port Authority into, if I recall correctly, a trans-Manhattan

tunnel or express-way. It seems to me the New York authorities seem to realize, what I think as a lawyer I can realize, that this thing is going to back up into more of their streets and that it takes some 70 minutes to cross from west side Manhattan over to the east side. And I presume the answer is yes, but the Port Authority engineers are making adequate headway with New York so that if this third tunnel is built and all the things you say will happen in Manhattan are so, that the traffic pattern in New York would be such as to actually with the third tube relieve Jersey congestion.

MR. TOBIN: Well, Assemblyman, of course with the length of time we have had to take here, the Lord forbid that I should get into a discussion with you on the details of the New York negotiation. I can give you some brief thinking. We in our plans, the whole proposal in connection with the third tube - of the \$92,000,000 that this tube will cost, some \$71,000,000 of it is for the construction of and opening up new street approaches in Manhattan on the west side going down and out to 30th street. They are a very complicated group of streets and tunnels and by-passes, the usual traffic spaghetti that you see of that kind.

You can gather some idea of their extent when I tell you they require some \$5,000,000 worth of real estate and they will require another \$15,000,000 or so of construction and we believe that these are quite adequate to distribute the new third tube traffic together with the other Lincoln Tunnel traffic on the city streets.

Commissioner Moses, while he went through some motion of questioning that, what he was faced with frankly was something else. He wants to construct a trans-Manhattan express-way across 30th Street and it was convenient to latch on to the Port Authority, and because of requiring municipal approval of street connections, because very certainly we have had new street connections over there, to attempt to get a contribution of the Port Authority to this trans-Manhattan tunnel or express-way of \$30,000,000 of the \$90,000,000 that that would cost. He said at the outset of that argument that unless you pay us \$30,000,000 in addition to the \$20,000,000 you are going to spend for approaches there will be no approval of city streets and we argued and argued for the period of a year that there was no connection at all between the two facilities and the \$20,000,000 for approach facilities in New York that would be required to adequately distribute that traffic and that the 30th Street elevated highway was something else again. The upshot of the matter was that Commissioner Moses finally accepted our argument and we are building in New York exactly what we proposed to build in the first place with two very very minor exceptions both of which are conditioned on future action by the City of New York.

Have I covered that?

MR. HAUSER: That is enough.

MR. SMITH: Anything further?

MR. BAUMER: This is my final statement. I don't want to ask any more questions except to state on behalf of the Weehawken officials that I think there seems to be a general prevailing opinion among the general public and perhaps among officials, I think it has been demonstrated in New York, that not only has Weehawken attempted to get things from let's say the fat treasury of the Port Authority, but New York wanted to get into the act too.

I don't think it is a question only of Weehawken trying to get a few things for the community, some of which might seem far-fetched, like the sewage disposal plant, but I think Moses and the agile and clever political statesmen who operate New York City and its various governmental functions have tried to sandbag the Port Authority Treasury for some improvement over there which perhaps they felt could not be put on the taxpayers of New York.

The whole point of my question has been that the demands, so-called, of Weehawken seemed to me to be a part of the pattern that the authorities over in New York set when they first approached the Port of New York Authority and, of course, quite successfully.

Thank you very much.

MR. TOBIN: Yes, sir.

MR. SMITH: Mr. Tobin, I would only like to ask you this: Has the Port of New York Authority ever instituted formal condemnation proceedings to acquire the ownership of any property

owned by a municipality after that municipality would not give its consent or that negotiation had broken off?

MR. TOBIN: We have very definitely no power whatever to do so. The statute, both the compact, the original Port of New York Authority compact, and the tunnel statute itself expressly say that we cannot take municipal property without the consent of the township and we have absolutely no power that I know of, certainly no power of eminent domain.

MR. SMITH: Have you ever run into the situation in the past where you were attempting to negotiate with the municipality concerned and you have met with absolute refusal on their part to consent?

MR. TOBIN: No. Well, you have heard the story of the first Weehawken acquisition and the concessions that had to be made there but we have always been able to negotiate and work these things out.

I assume, Assemblyman, in the nature of these things, which is the burden of the legal argument that I made during the course of some of these hearings, that the courts could hold that such consent is to be reasonably interpreted and certainly the legislature did not mean to tell us to go forward and construct a tunnel and say, however, that every municipality along the route was to have an absolute veto power on it. I would question whether it is absolute but I have no authority on that. I would simply assume, and only

assume, that the word "consent" in the statute is to be reasonably construed.

MR. SMITH: The statutory language requiring consent has never been subjected to a court contest?

MR. TOBIN: No, sir, it has never been subjected to such a contest.

MR. SMITH: Thank you, Mr. Tobin.

MR. HAUSER: I have one more question, Mr. Tobin; that is: Did the New York Planning Commission approve the Port of New York Authority's plans for the third tube?

MR. TOBIN: Yes, sir.

MR. HAUSER: Thank you.

MR. WALTER P. HEDDEN: Mr. Chairman and members of the Committee, I will be very brief. My name is Walter P. Hedden, Director of Port Development for the Port of New York Authority.

The reason for my appearing before you is the fact that I have had direct responsibility for many years in connection with the planning of new projects for the Port of New York Authority. I have been in my present position for ten years and I think I can help a bit on two or three of the questions that have been asked you today - primarily, on how the decision was reached that the traffic demands require enlargement of the Lincoln Tunnel under-river lane capacity; second, the most urgent need for going forward immediately without further delay on this proposal; and the third point, in our judgment, that this project will help rather than harm Weehawken from the standpoint of traffic through the city.

I should take just a moment to sketch the importance of these trans-Hudson River crossings. They are the keys to the whole highway transportation system for the Port District. We have this Hudson River which separates the two sides of the Port, and every day at the present time 200,000 people come up to that river in road vehicles seeking transportation across. Two hundred thousand in the morning going to their businesses from their homes and 200,000 in the evening going back from their place of work to their homes. In addition to this tremendous movement of people by road vehicles, we have moving across that river every day 10,000 trucks carrying merchandise to the tune of 50,000 tons - the life-blood of our commercial and industrial

existence.

Now, in such a situation this problem of keeping ahead of the traffic demand is a very serious one, and one which the States have turned over to the Port of New York Authority to solve.

In 1927, or prior to 1927, we had only ferries to transport vehicles back and forth across the river and I guess we had that perfect situation, Mr. Hauser, that you mention, where there were no facilities to speak of and therefore there was no encouragement for the movement. But perhaps you will recall that even then, traffic was stacked up for, well, miles, waiting for the ferries, to get aboard. At that time traffic crossing the river was very, very small, only on the ferries. Since that time, by direction of the two States, the Port Authority has built 16 lanes of traffic under or over the Hudson River. Eight of those are at the George Washington Bridge, four at the Holland Tunnel, and four at the Lincoln Tunnel, and the capacity for traffic movement across the river has been more than quadruple, more than four times as great. Now, we were well ahead of the general situation until recently, and I have an exhibit that is included in your text, but I would like to show here the capacity for movement across the Hudson River against the actual flow over the period from 1915 to the present day and projected up to 1957, the anticipated date of opening of the Third Tube. You will notice that during the early years up to 1927, there was approximately twenty or twenty-one million vehicle capacity per annum, merely the ferries. That, as I said, has been quadrupled by the completion of these 16

lanes of traffic. Now, all through the years 1930 up to about 1946, the capacity of the river crossings was well in excess of traffic demand and you did not have traffic congestion. You had four-minute crossings as advertised. Now you don't, because traffic has caught up within the last few years, so that we are now within fourteen million vehicles capacity, taking the whole water front - one of saturation. The only way we can meet the situation is by hastening the construction of additional lanes.

Now, the question of where these lanes shall be is not a matter that has just been picked out of the air. We have worked continuously at this problem of where the facilities shall be expanded, and the selection of the Lincoln Tunnel for expansion was not just arbitrary or guess but was based upon a very careful following of the number of visitors that contribute to this tremendous growth in traffic. By the very nature of its location; that is, being in the middle of the river from, we will say, the Battery on the south to Yonkers on the north, the Lincoln Tunnel naturally becomes a focal point for movement across the river. It started slowly. It started around 2,000,000 in 1938, and now it is up to almost 20,000,000 last year, and going over 20,000,000 this year. The fast growing of each of these facilities-- Now, why is that? Among other things, it is because the whole State highway system has tended to focus on that area, and we have shown on this chart the two major highways that have been opened in recent years that point directly to the Lincoln Tunnel. That is the New Jersey Turnpike and Route 3. Both

of those have contributed heavily into the movement of the area served by the Lincoln Tunnel.

We interviewed 135,000 motorists to find out where they were coming from and where they were going. That was in order to find out where the next expansion would have to be. We took those studies back in the fall of 1949. We were trying to see if it were possible to by-pass the New Jersey waterfront communities and even the Island of Manhattan, itself. We came up with the conclusion that 25 per cent of the traffic that is now pouring through and into the Hudson River crossings into Manhattan could, if facilities were provided, be detoured north and south of the existing facilities, and we recommended in the report, which is part of your record, that a portion of it could be diverted north of the George Washington Bridge if a new bridge were built there, and a portion could be diverted south of the Battery across the Narrows of New York Harbor if a bridge were constructed there. The bridge to the north is now under construction by the New York State Thruway Authority and Mr. Moses' Triborough Bridge and Tunnel Authority has a permit for construction of that Narrows Bridge and we hope it goes forward with it within the next few years. But 75 per cent of all the traffic that was mounting so heavily was destined to Manhattan Island and communities immediately west and east; that is, the neighboring communities in New Jersey and the neighboring communities of Long Island. There was only one thing to do about that and it would be the Port Authority's job, and that was to expand the facilities in that area.

Now, as we examined the whole situation, it was perfectly clear that the place to do that expansion was the Lincoln Tunnel, for several reasons. First of all, it was the place where people wanted to go; it was the place where the highways brought them today in New Jersey, but perhaps most important, on the New Jersey side, there were adequate approaches built deliberately oversized when the original two tubes of the Lincoln Tunnel were built. When I say "built deliberately oversized," it was because of the fact that this open cut, which has been discussed before, was designed not only wide enough to carry the tunnel traffic, which is four lanes, you will recall now, but to carry additional traffic which might want to travel through that cut between the waterfront and the west. So there are six lanes of traffic now available in that open cut.

Our observations show that 85 per cent of the traffic that comes to the Lincoln Tunnel and will come to the Lincoln Tunnel comes from back of Bergen Hill; in other words, from these arterial highways to the west, and the problem is not that the open cut is not adequate to take them, but that the existing under-river capacity of the Lincoln Tunnel just won't take them.

You have before you in the brief the photograph which I have here, which shows clearly and graphically the real problem. This is the morning, about 8:30 A.M., with traffic flowing perfectly freely out of the tunnel from New York and up the helix-- no congestion whatsoever - but into the Tube backed up all the way up to the top of the hill and, as Assemblyman Hauser said, out through the Pleasant Avenue

exit down to Hudson Boulevard east, congesting the whole surrounding area. Why? Because there are only two lanes to carry that travel to New York, whereas the approach lanes can carry far more, and the plug that has to be pulled is the under-river plug. That is why we proposed two additional lanes be opened up under the river, which can be used in the morning east bound and in the afternoon west bound. The same situation obtains in New York in the afternoon, and those coming back to New Jersey to their homes from Manhattan in the afternoon know that the streets around the entrance to the north tube and the New Jersey bound tube of the Lincoln Tunnel are completely plugged. This photograph shows 700 cars backed up. Why? Not because the approaches are inadequate but because there is not enough lane capacity under the river. So this one tube project with two additional lanes will permit flexible operation in the predominant direction of traffic at that point which is now adequately served with very little change in the approaches on the New Jersey side. Mr. Tobin has described the changes to be made on the New York side to make it completely adequate for distribution there.

So here is the picture that we face: Something has to be done, and quickly, to remove this backup on the approaches because of lack of under-river lane capacity, and this project for the expansion of the under-river capacity of the Lincoln Tunnel satisfies that need without causing any backup on the approaches in New Jersey, and the conditions that have troubled the people in Weehawken in the way of overflow on their streets can only be relieved by additional under-

river tubes.

Now, we don't think for a minute that unless the automobile and the truck are supplanted by some other kind of machine - and we don't see that right away - the provision of the Third Tube of the Lincoln Tunnel will be the last project in the world for meeting this rising movement of traffic, but it is the place, the time, and the solution for the situation of the next few years. In the meantime, other facilities will come into play, such as the Thruway Bridge that I mentioned, the Harrows Bridge, and other studies that we will have to make and propose to the Legislature for further relief at other points. But there is no question that the situation for the next ten years is dominated by this immediate urgent necessity to increase the under-river lane capacity of the Lincoln Tunnel.

I am not going to refer to my written manuscript here. There are figures in there that will help support what I am saying, but I am in a position, I hope, to answer any questions you have as to the reasons for this step and the urgent necessity for pushing forward.

MR. HAUSER: Mr. Hadden, I am completely satisfied with your very capable and competent statement. I don't think there is any question about the fact that you know whereof you speak, and I can see where some of the facilities that you have mentioned, such as the bridge for the New York State Thruway, probably will be connected to the expansion of the Turnpike from Ridgewood to the boundary line of Bergen County, where some of the Turnpike traffic will by-pass the metropolitan area with which we are concerned. I am a little dubious

about the Narrows Bridge proposed from Fort Hamilton to the Fort Wadsworth area in Staten Island. From what I know, there will be unmitigated opposition by the Army Department, but the thought struck me, too, that perhaps the legislated Newark Bay Bridge may even alleviate some of this congestion. By bringing some of the truck traffic which now seems to be heading for the nicer looking Lincoln Tunnel than the Holland Tunnel, from Elizabethport over to the Bayonne-Jersey City line, it may alleviate some of the condition and pull back some of the stolen traffic from the Lincoln Tunnel and divert it back to the Holland Tunnel. Do you agree that that would be a fair supposition?

MR. HEDDEN: If I can correct you on one thing: Don't worry about the Army engineers' permission. It has already been granted on the Narrows Bridge. I do agree that the completion of the Newark Bay Bridge will tend to make a more attractive route to the Holland Tunnel. These things are very fluid - diversion from one place to another. We hope that the Narrows Bridge when built will greatly relieve the pressure on the Holland Tunnel, which would in turn make it more attractive in conjunction with the West Side Expressway in Jersey City for some of the trucks now coming to the Lincoln Tunnel.

MR. HAUSER: It is my opinion, which is purely personal, that the Turnpike, the way it is presently located and situated by coming so conveniently close to the Lincoln Tunnel, has brought a number of trucks that ordinarily would be routed through the Holland Tunnel and which are primarily destined for lower Manhattan. They would rather

take a few more miles trip on the Turnpike through the Lincoln Tunnel and down through to New York than get befuddled. In one of my municipalities, in the sense of representation; namely, Jersey City, they are faced with a street problem such as Weehawken.

I want to say you are very convincing, and the only thing I still feel puzzled about, in spite of Mr. Tobin's very frank answer, is the backup of New York streets, but I wouldn't press any further on that at the present time.

MR. SMITH: I believe Mr. Vervaeke has some questions to ask of Mr. Hedden.

MR. VERVAEKE: I have just one question. It would seem from looking at the charts you have and by way of your explanation that the Third Tube would give sufficient extra capacity to equalize the load which the bridges will now take.

MR. HEDDEN: Yes, that's right.

MR. VERVAEKE: Is there any point in the foreseeable future that you could see where there would ease up the necessity for a Fourth Tube in the Lincoln Tunnel?

MR. HEDDEN: I am sure that nobody in our Planning Department would recommend a Fourth Tube as an expansion of the Lincoln Tunnel, because you would then throw it out of balance. At that time you would need an entire new system of approaches.

MR. VERVAEKE: Thank you. That is the answer.

MR. HEDDEN: Mr. Chairman, this DeLew & Brill report has been referred to. I don't believe it is in your record. I think it is

tremendously important because the conclusions are so definite and have been arrived at by independent engineers. I would like to file this DeLew & Brill report as part of your record. May I?

MR. SMITH: Yes, you may. May we have sufficient copies for each member of the Committee, if they are available?

MR. HEDDEN: Yes, sir. In order to shorten the amount of homework you have to do, may I call your attention to page 18, which contains the conclusions and recommendations of the DeLew & Brill Report, and the three that I think are most important for your consideration are Nos. 1, 2, and 6. I would read them if time permitted, but they are most important in bearing on the problem that you have before you.

MR. SMITH: Thank you, Mr. Hedden. I believe then, in accordance with what has been said earlier--

MR. LOWE: May I make a brief summary statement for the Port Authority?

MR. TOBIN: That is the conclusion of his statement.

MR. SMITH: Commissioner Lowe wants to make a brief summary and that will wind up his testimony for the Port Authority.

MR. LOWE: Thank you. (Reading)

The statements by Mr. Tobin, Mr. Hedden and myself have presented a complete history of the entire record of the Port Authority's efforts during more than two years to come to a reasonable agreement with the Township of Weehawken for their consent to the acquisition of Township property for construction of the plaza and approaches of

the Lincoln Tunnel Third Tube. I am sorry that Mayor Krause's request for this inquiry has made these lengthy statements necessary. However, the background of these discussions, both in the plans and construction of the first two tubes as well as the Third Tube of the Lincoln Tunnel is essential to a proper understanding of the subject of the resolution under which this Committee was appointed.

We respectfully submit that our presentation of the facts and circumstances surrounding the construction of the Lincoln Tunnel Third Tube has demonstrated that the Port Authority has never taken any action contrary to the fact that the consent of the Township was required for acquisition of municipal property and would be required for new connections with municipal streets, and that the Port Authority has acted completely in the public interest in going forward as promptly as possible with the construction of the Third Tube of the Lincoln Tunnel.

On behalf of the Port of New York Authority, the Commissioners are of the firm belief that these facts will justify a finding by this Committee that there is no need for further investigation in connection with the construction of this vital public project, the Third Tube of the Lincoln Tunnel; that the Committee and the General Assembly are fully in accord with the need for completion of the Third Tube at the earliest possible date; and that the Committee and General Assembly should urge the officials of the Township of Weehawken to accept the offer by the Port Authority totaling over a half million dollars in benefits, for Township consent to the acquisition for public purposes

of the municipal properties required for the construction of the Third Tube.

Thank you, Mr. Chairman.

MR. SMITH: All right, Commissioner Lowe and members of the Port Authority, we thank you for the testimony that has been given here today and you may be assured that the testimony of the representatives of the Port Authority, coupled with that of the Weehawken officials and others here, will be taken into consideration. If that is all on behalf of the Port Authority, I would like to ask Mayor Krause or Mr. Rosen of Weehawken who their first speaker is.

MR. ROSEN: May I ask that we have a recess of five minutes? Our first witness will be Mayor Krause.

MR. SMITH: All right. Mayor Krause will be the first witness, and we will recess at the request of Mr. Rosen for five minutes.

(FIVE-MINUTE RECESS)

MR. SMITH: All right, ladies and gentlemen, we will now proceed in connection with hearing the officials of the Township of Weehawken on this particular matter. At this time I think they have indicated that Mayor Krause of Weehawken would like to be their first speaker. May I ask you to please step up.

MAYOR CHARLES F. KRAUSE, JR.: If it please the Members of the Committee, this is Charles F. Krause, Jr., Mayor of the Township of Weehawken, and I should like to introduce the members of the Township Committee that are here: Commissioner W. Lee Batten, Commissioner of Public Safety in charge of the Police Department; Commissioner Matthew W. Begovich, Commissioner of Recreation, Parks and Playgrounds; Commissioner Earl H. Purdy, Commissioner of Transportation; Commissioner Mark Aiello, Commissioner of Public Safety in charge of the Fire Department; Commissioner William James Maher, in charge of Streets, Ways and Roads; Commissioner Charles J. Fizzuta in charge of Zoning.

I regret, gentlemen, that I must go back to the statements attributed to me by Commissioner Love and Mr. Tobin which somewhat attack my personal integrity. I dislike doing this because we have just been off on a constructive discussion, but I feel that it is necessary and I should like to, and I will try to be as brief as I can. This is necessarily extemporaneous. I have just notes here and you will pardon me if I hesitate as I go along.

MR. SMITH: Yes. Mayor Krause, I would like to say this: I realize certain remarks have been made. They have been injected into

the record. I think it is only fair that you be permitted to respond to those remarks as any conscientious individual, particularly a public official, would want to do. I repeat by way of request, I hope we might be able to limit it without cutting you off so to speak because I think we are proceeding along a more constructive line and some worthwhile things undoubtedly shall come out of this hearing.

MAYOR KRAUSE: What I say I say most respectfully to the gentlemen here, but it is necessary to advise the Committee of those things which have been brought out and I want to take issue with them. Perhaps it might be wise if I state at the outset so you gentlemen may have an idea of our present status or negotiations, that this terrible statement that I was supposed to have made in the press and which resulted in this fine inquiry was made the very morning and appeared in the press the very morning that we met with the Port of New York Authority; and we carried on a most constructive conference there which resulted in my asking that they consider the intangible damage, not indirect damage as used by them, but the intangible damage suffered by Keesbawken. Perhaps that may seem far fetched, but we think we should be paid not only for the value of the tennis courts or the value of municipal property as fixed by appraisers - but there is an intangible value too, a loss of our recreational facilities by our youth, which is worth I dollars. We discussed that at great length at that conference. Then it was decided that the counsel for the Port Authority should submit to us its brief or memorandum of law stating its position on this intangible damage proposition. And I might say that as late as the day

before yesterday that memorandum was received, so that again you might know the status of this proceeding and anything that has been said to influence you gentlemen that matters have been cut off immediately by us is certainly not true as evidenced by that.

Unfortunately, I have been attacked for using certain adjectives. I am very happy that I wasn't included in the intimidation charges made against my predecessors of the Weehawken Township Committee. We dislike any such thing as intimidation. We claim intimidation takes two parties and we want no part of it. Suffice it on that subject.

On the question of delay, I should like to read some of the correspondence - and I will read just a few letters - because I think it is so evident that delay was not practiced for any reason other than a real desire to serve the people of Weehawken in studying this plan. You men must realize, and you can see here today, that we are seven Township Committeemen. We operate as you gentlemen know as joint members of a body. One man has no more say than the other. A majority rules. If we talk, we talk as representatives solely and not as agents. We must necessarily carry back to that Township Committee our conferences and then vote upon them. Anything that has been said, I assume, against myself as Mayor Krause -- I say this not because I'm afraid of responsibility because I like it, but merely in respect to my colleagues, that we all join in everything. We go forward as a team, not as individuals. We decide things as a body. If things were decided, they were decided by all of us. I include in that Township Committee our very able and very hard-working township attorneys James Rosen and Rudolph Schroeder,

and that composes the entire team or body of men that it takes to study these intricate matters. And you can look at the Port Authority here today and see a staff of the best engineers in the country, the best lawyers in the East, the best of everything, and yet they say, "We want it done and we must do it right away." They say, "Terrible - a year and a half it took to tell us." But it took New York City, a tremendous city, the largest in the world, almost that period of time. I will bring out that was the period of time they were negotiating with New York that we waited, because we often claim that you have to have two ends of a tunnel. You can't have just one end; you can't carry on without both.

Now I'll read a few of these letters so that you might see whether or not we have been so terribly delaying in this matter. On March 19, the letter from Mr. Tobin asked for an adjournment of a meeting. "Your suggestion of April 8th for the meeting is satisfactory to the Port Authority but may I suggest setting the time at 2:30 P.M. rather than at 2:00 P.M." That matter was later adjourned for some other reasons, but I see no particular seriousness in that.

I again wrote a letter to Mr. Tobin on March the 3rd, 1952, as follows:

"Your negotiations with the City of New York relative to the proposed construction of a third tube to the Lincoln Tunnel have come to my attention through press reports. I am, of course, much concerned with the matter, both as Mayor of this municipality and as Chairman of the North Hudson Mayors' Committee. The latter

is a committee of mayors of Union City, North Bergen, West New York, Guttenberg, Secaucus and Hoboken, formed for the purpose of discussing and cooperating upon all matters of mutual interest to such municipalities, especially the problem of the flow of traffic between mid-town New York and such North Hudson communities.

"We, of the North Hudson Mayors Committee, are most anxious to discuss with your members and engineers the proposed plans of the third tube and suggest a conference to be held during the week of March 31 preferably at this office. We would also appreciate your sending us several copies of your proposed plans showing all details with respect to the proposed approaches of the new tube on the New Jersey as well as the New York end. Receipt of such copies on or before March 15 would be indeed appreciated, in order that we may properly study them before our proposed conference later in the month.

"May I please hear from you shortly concerning a convenient date for our conference, in order that I may advise our other members and arrange for the same accordingly"

Incidentally I had correspondence with New York, because, as you all remember, New York had definitely turned down the plans of the Port of New York Authority on this third tube of the Lincoln Tunnel. It was a definite "no" by Bob Moses. Therefore, during that time that it was a definite "no", why should we meet with the Port Authority? Why should we be forced to tell them what we wanted? There was no other end of the tunnel. You can't have one on the westerly end of the tunnel without one being on the other side. I have a letter from the man

in New York stating to me that they were not then ready. The letter is from Deputy Coordinator George E. Spargo, dated April 2, 1952. I wrote to Mayor Impellitteri asking their status and whether he thought we ought to meet together to discuss the general problem on both sides of the river. And incidentally, I might add that I earn a living in New York and so do all of our men. We perform these duties for the folks we have been elected to represent when we can give them time, the same as you gentlemen. He says, and I am quoting from George E. Spargo's letter in answer to my letter to the Mayor: "I have your letter to Mayor Impellitteri regarding the committee in connection with the Manhattan approaches to the third tube of the Lincoln Tunnel. This committee has met twice" - this is on April 2, 1952 - "and is well on the way to reaching a solution that would be satisfactory to the City of New York." It was in April and they hadn't reached agreement. "I think it would complicate matters to attempt to integrate the design of the two ends." And he suggests that we do not meet at that time.

You have heard reference to Governor Briscoe predding us and pushing us. Governor Briscoe offered his services to us and we have been down on several occasions to discuss matters with him; some of these matters were on the fear perhaps of legislation. We wanted to be apprised of it all the time to see if any legislation would be forced through and we went to see him on many occasions. Governor Briscoe discussed with us certain propositions and suggested that I see the Commissioners rather than anyone else and deal with the Commissioners

inasmuch as they dealt with the members of the governing body in Weehawken. And on April 4th, I have somewhat of a diary entry and I put it into letter form to Governor Driscoll and I want to read from that because it sums up pretty much and might act as a conclusion to this idea of any delay which we have been charged so seriously with.

MR. SMITH: May I ask you when you give these days and months to please state the year as well to avoid confusion on that score.

MAYOR KRAUSE: I will, sir. On April 4, 1952, I wrote to Governor Driscoll as follows:

"My dear Governor:

"This will acknowledge receipt of your letter of March 31. I was rather disappointed to receive word from you deferring our proposed conference of April 7, because of the inability of Dr. Sly to attend the conference. There were such important matters to discuss prior to the April 23 conference with the Port of New York Authority, and I felt that I needed your help.

"I was most surprised to read of Dr. Sly's advice to you, which in substance stated that several dates had been suggested or fixed with me for a meeting with 'representatives' of the Port of New York Authority, which dates I did not keep. Such a statement by Dr. Sly is quite unfair. I most respectfully recall to you that in my conference with you several months ago, I mentioned that I was attempting to contact Austin Tobin, Executive Director of the Port of New York Authority, and you expressly advised me not to confer or contact 'employees', but to go directly to one of the

Commissioners, and you very kindly suggested that I see Dr. Sly. An appointment was made by you with him at Nassau Tavern, which I kept.

"I had a most delightful conference with Dr. Sly, and at his suggestion when I returned to my office, I dictated a memorandum concerning my points with respect to Weehauken property taken by the Port of New Authority 'for tunnel purposes' and exempt from taxes for many long years, which property was never intended or used for tunnel purposes.' Dr. Sly also suggested in our conference at Nassau Tavern that he come to Weehauken, so that he might see the physical layout and be more familiar with it when it was discussed by him with members of the Port Authority. In my letter of transmittal to Dr. Sly, I invited him to Weehauken to look over such physical setup in accordance with his suggestion. That letter of transmittal and the memorandum were sent to Dr. Sly on December 17, 1951. I have received no acknowledgment, reply or any other word whatsoever from him since that time.

"The dates to which he refers undoubtedly were told him by Austin Tobin. It is true that Mr. Tobin attempted to have many conferences with us during the time between their negotiations with the City of New York and the ultimate refusal by the City of New York to go along with their plans. In my opinion, any conference during that time would have been premature, and surely any discussion of plans after New York City had turned down the entire matter would

have been purely academic.

"In my further opinion, the Port of New York Authority was at that time trying to have New York consent to the matter and then use it as a wedge in their arguments with us. May I make it clear, however, that I have no quarrel whatsoever with Mr. Tobin or any member of the Port of New York Authority with the basic problem facing us.

"I, like you, desire only to deal with the Port of New York Authority Commissioners, but to date I have not been able to do so, except on the one occasion with Dr. Sly. It may be that we will see only Austin Tobin and some professional engineers on April 23 and if so, I should be terribly disappointed and I do not intend to proceed with the meeting. I intended to call each of our Commissioners in this state, but have now deferred it because of your letter. I would not want Dr. Sly to feel that I was avoiding a pre-conference without his present. My thought and desire has been to meet with them in order that I might get some idea of what they intend to do to our Township, and then perhaps prevail upon you to have our State Highway Commissioner supply us with professional engineering advice, so that we, the governing body of the Township, might be better advised as to whether or not we are going to receive the same very detrimental results as we received in the original construction of the Lincoln Tunnel.

"I am, of course, mindful of the very urgent need of trans-Hudson traffic facilities, but I am also very mindful of the fact that

I am Chief Executive of this Township and entrusted with the rights and property of our people. The latter are foremost in my mind, and I assure you that I will not permit our Township to be jockeyed into a position where we must spend large sums of money for professional advice, in order to be properly advised with respect to the Port of New York Authority and their proposed plans for a third tube to the Lincoln Tunnel. Our budget cannot stand any such expenses, and I do not think that it is fair to our people to be put to such expense at the will of the Port of New York Authority. Their treatment and negotiations with Weehawken in the past are nothing to boast about. Express statements by Mr. Tobin to several members of our governing body were sufficient to put us on guard this time.

"I truly hope that you will read this letter in the light that it is sent, namely, to tell you how disappointed I am in not being able to see any of the men who represent us on the Port of New York Authority in preparation of our April 23 conference.

"I am terribly sorry that I bothered you with this matter at such a busy time, but you expressly told me that I should come directly to you on these matters or any others that affected the welfare of the Township, which I deemed a great privilege and honor, believe me."

Now, I think that shows, gentlemen, whether or not we were delaying for any ulterior motives. I wrote the Governor again on April 23, 1952 about the report which I intended to send to him on the April 23 conference. It was delayed a bit and we sent it in later.

As late as May 26 - that is true, May 26, 1952 - Mr. Tobin wrote us and mentioned about a meeting we had had on April 30th and merely outlined the discussions in that meeting.

The adjectives that I may have used there were not any such things as high-binding or any other word to that effect. They were that they were aggressive, that they were imperialistic perhaps, and I still believe and so do my colleagues somewhat along those lines. Gentlemen, I might liken it to a simple situation, such as condemning, say, the Elks Club in our town for a fire house. I'm using this as an example. Assume that we want the Elks Club for a fire house, so we go to the Elks and we say, "Fellows, we're going to take the club." They say, "My word, we've been here so many years. No, sir, you can't pay us money for it. We love it." We say, "You are going to get out. We want it." We negotiate on the price. While we are negotiating, we take our big fire trucks and roll them up on their porch and we take the engines and roll them up and we take firemen in uniform and we put them there. My word, the people would think that we were a terrible body if we were doing that. And that is what has happened to us in Weehawken and what I speak of when I say imperialistic and aggressive, for example, the litigation which has just been carried on recently in the court. Some of you men are lawyers. We had a real fine issue as to what we thought was a point of law. We were sworn to uphold the laws of our township. Our Building Department is zealous to see that buildings going up are safe. When we heard this tube was being built, or the shaft,

our Township Attorney advised us to go to court. We went to court and the court issued a temporary restraint. While that restraint was going on - I realized the tube must go on as Mr. Tobin says all the time - there were people to watch and fears of people. During the construction of our last tunnel, there was blasting there galore and our housewives and people were frightened. I'm not stating this to influence you, but blasting in a town with dynamite isn't a very safe thing. Our last experience with blasting there frightened our people terribly so that I got letter after letter asking about it. But here, what happens? While we are litigating the matter, large compressors are moved in immediately and we went to court and said, "How about dynamite?" and were advised - don't worry; we won't have a bit of dynamite come in. These big steel mats that are used for dynamite are moved in, the drills are moved in, everything is on the spot. Do you think the people believe that we haven't given permission to bring dynamite in? Do you think when they put the releases in the paper which were mentioned, they believed that? We said at our conferences, gentlemen, please, no more public relations. Stay away from it. When we confer with you, let's do it here in this room. Don't be telling everybody you're coming through with that tube - you're digging. Keep away from the releases.

Incidentally, we must come back to that one that I wrote about this fine inquiry. I am surprised at Mr. Tobin, the type man he is, should say the things he has. That very morning that that appeared in the paper - he knows this - he called me and said, "My word, did you see the paper?" I said, "Yes." He said, "Did you demand any inquiry from the Legislature?"

"Well," I said, "I can't help but say I did. Did you read the statement?" He said, "Was that your demand?" "Why," I said, "yes." He said, "Mr. Musto said it is aired around the Assembly that you personally asked Mr. Musto." I said, "So what?". He said, "Well, did you?". I said I had asked for it in the public press. Certainly if Mr. Musto took that as a request, he was perfectly in order to do it because I asked for it in the public press. He said, "I thought you went down personally to him." I said, "I did nothing of the kind." Mr. Tobin said, "I don't blame you," or words to the effect - I would have done the same thing. "I'm glad to hear," says he, "that you didn't go to Mr. Musto."

What has created this terrific problem, gentlemen, with all the other things is that on that day-- and Mr. Fred Hauser, one of your colleagues, ^{we} knows about a week before I went down there/held an election in our high school and the people of Mahanock know that every year we elect a mayor and councilmen and on a certain day we take them down to your fine Assembly Chamber and Senate. I wrote Mr. Hauser to give me the floor of the Senate on that day. Honestly, innocently as could be, Mr. Musto prepares a resolution that appears the same day. The House was crowded; the school bill was on that day. I merely introduced my boy mayor, who is a fine boy. He talked to the gathering and we walked out of the Chamber. Bill Musto says, "I have this resolution that I passed about your thing in the paper," and I probably said, "Fine, fine," and shook hands and went out. Word has gotten around that I surreptitiously sneaked up to Bill Musto and had a

bill drawn and passed by the Assembly. Let's end that there and get on with some real constructive work. I still say if they insist upon putting the fear of dynamiting and drilling in our people, I will put it in the paper every time. They are not going to imply to our people that they have been given consent when they haven't. If they hadn't done that, we wouldn't have used that method. We are not that type of a governing body in Weehawken.

I might say on that dynamite, while I am on it, there is a man here who may testify and talk. It is up to our attorney. In our last building of the Lincoln Tunnel the dynamite was stored in trucks in driveways in our township. Now that is as true as I am sitting here. Our women know that. The management of the dynamite was in a most negligible manner. In one case, there was a car, supposed to have been small arms and that is allowed in without permit, as I understand. After examination, which was insisted upon, black powder was found, which again I understand, and the expert will so testify, is a dangerous thing. We are charged with the safe-keeping of that town the same as you men are in the Assembly with the laws. Now we are told, "You can't do anything about it. You can't enforce your ordinance. You can't do anything, gentlemen, the Port authority is there." As our counsel has stated, it almost looks as though we have to give the town back to the Indians if we can't govern it as we have been elected so to do. That is one of our chief complaints here today.

Now I have spent time on that extemporaneously. I should like to read from the prepared brief and go into the law side of it.

First, our counsel advises us we should like to put in the record something further with respect to Mr. Tobin's testimony. He said on February 1, 1945, the Mayor of Eschawzen put some sort of an article in the Hudson Dispatch. We would like it to appear that that was in 1945 and that was Mayor Meister, my predecessor. That is on page 48 of the brief of the Port of New York Authority.

MR. SMITH: Mayor Krause and Mr. Rosen, at the outset of the hearing there were additional copies of this memorandum of yours given to each member of this Committee. Then the members in turn turned them back for the use of some other persons in the audience. At this particular time, we would like to have them returned so we can follow the text of what you are about to read.

(Memorandum prepared by Mayor Krause
returned to Committee.)

MAYOR KRAUSE: I would like to say one other thing as to these alternate plans. Mr. Tobin spoke of these offers made by us or discussions, and again it was put to you in a manner that is most unfair. Fairness alone would have led Mr. Tobin to tell you as we sat down in our different conferences, we had perhaps new suggestions, so when he says they are cumulative and not alternative, it is not true.

On one occasion we did think of this incinerator and sewage disposal plant because we are under an order of the Interstate Sanitation Commission to build one, and again, being laymen, we were of the opinion that they might disturb our sewer system and it might be possible to work such a plan. In a very friendly statement we said, "We have never

done it, gentlemen, but let's look into it and see if we can." And they would study it and the next time report back. There was no such thing as our going and hitting them and hammering them about it. We carried on fine negotiations. It is not self-praise, but several times we were commended by them. There was no doubt we had fine negotiations going on. As to this thing that we came and bludgeoned them or any such thing, there is nothing going on like that now. There may have been something like that going on in the past, as Mr. Tobin stated, but nothing is going on like that now, nor will there be.

He also dwells on the tennis courts and the fact they built them all the time. That was under the agreement with the township. In the last building of the original tunnel, they built them and paid the town a amount of dollars.

When he further stated that he was surprised that we were shocked when he had previously sent us a letter about the building of the shaft, I might explain that by saying we had previously consented to their coming in and making test borings in town, but that couldn't be construed as any consent on our part for the building. They mailed a harmless letter to us. I turned it over to our Township Attorney. He saw certain things in it that he thought should be amended. A new one was drawn and back it went. The same thing, of course, happened with respect to the shaft they talked of. We talked about that at our April 10, 1953 meeting. Subsequently a letter was mailed similar to the test boring letter and again we waited perhaps ten or twelve days. That is a terrible thing according to Mr. Tobin. But we handed it to our attorney

and he looked it over. We decided among ourselves at our conferences in the evening - perhaps we don't want to do this. This is a shaft. What does it mean? What is a shaft? Is it the beginnings of the tube? All those things entered into our minds. We met the next three or four times. No demand was made by them. Then this release appeared in the paper without any due warning: "\$90,000,000 tube coming into Weehawken - shaft starting in a few days." What would you think if you were a resident of Weehawken? -- the Township has consented; they are blasting tomorrow; the tube is coming in. This is what we said to them, "Don't be doing these terrific jobs with your public relations department, fellows. Let's negotiate. Stay away from them." Once they did, we were going to tell our people in no uncertain terms, and have them understand, that we have not consented to the third tube. Although I want to say that our mind is an open one. We have an open mind until we meet with our people in public meetings after we have had full conferences.

The thing that stood out in my mind in the De Loew and Brill reports, again I am putting it in Layman's language, was the recommendation by them that in 1967 the third tube will have reached its maximum. From 1967 on we will be in the same condition we are now. Now we discussed that in detail with Mr. De Loew in our office and pressed him on that and when we pressed him, he said, "Well, I would say even less than ten years. It wouldn't surprise me if it would be two or three years after the third tube was in that you fellows will be backed up in the condition you are now." As you saw on these pictures, gentlemen, if you Weehawken at four o'clock in the afternoon on, you would see the

condition that we have. I say this again for the record and not for the purpose of influencing you, but a child was killed not more than a month ago and a young lawyer was killed within the last year. The traffic condition is terrible there. If the third tube is just going to serve us for five or six short years, shouldn't we take a little more than a year and a half to think about it? - although one year was used by New York in refusing, or thereabouts. Should we rush into this thing because the Port Authority with all of its vast services is all prepared to come in? Would you if you were a municipal official in Weehawken hurry it up? I don't think you would.

In 1921 the Port of New York Authority (hereinafter referred to as Port Authority) was created by Chapter 151, Laws of New Jersey 1921 as a body corporate and politic having specific powers therein enumerated. The said laws provide, among other things, that the Port Authority have such additional powers and duties as might thereafter be delegated to or imposed upon it from time to time by the action of the Legislature of either the State of New Jersey or of New York concurred in by the Legislature of the other. The said Laws also provide that the Port Authority may from time to time make plans for the development of the Port of New York supplemental to or amendatory of any plan theretofore adopted, and that such plans when duly approved by the Legislatures of the two states shall be binding upon both states.

Thereafter in 1930 (Chapter 248, Laws of New Jersey 1930) the Port Authority was directed to report to the Legislatures of the States

of New Jersey and New York upon the desirability of constructing the Hudson Hudson Tunnel, which report was to include the working plans together with the estimated cost of the said tunnel. On or about January 9, 1931, pursuant to the said 1930 Law, the Port Authority filed its report wherein among other things it recommended the immediate construction of the Hudson Hudson Tunnel, which was to consist of twin tubes at an estimated cost of \$96,000,000. Thereafter in 1931, in accordance with the said report, the Legislature of the State of New Jersey adopted Chapter 4 of the Laws of 1931, empowering the Port Authority to construct the Hudson Tunnel. The said law contained the following provision:

The Port Authority shall from time to time make studies, surveys and investigations to determine the necessity and practicability of additional vehicular bridges and tunnels over or under Interstate waters within the said Port of New York district and report to the Governors and Legislatures of the two states thereon. The Port Authority shall not proceed with the construction of any additional vehicular bridges and tunnels over or under said Interstate waters until hereafter expressly authorized by the two said states.

Subsequently the Port Authority proceeded with the construction of the said Hudson Tunnel, (now known as the Lincoln Tunnel) in accordance with the plans and specifications originally reported to the Legislatures. The first of the said twin tubes was completed in

1937. The second tube was completed in 1945 at a total cost for both tubes of less than \$87,000,000. In 1951, the Port Authority prepared plans and specifications for an additional tunnel at an estimated cost of \$90,000,000. In 1951, the Port Authority prepared plans and specifications for an additional tunnel at an estimated cost of \$90,000,000. In May 1953, the Port Authority, without any express authorization from the States of New Jersey and New York, as provided in Chapter 4 of the Laws of 1931, proceeded with plans for the construction of an additional tunnel, and to that end entered into a contract with the Walsh Construction Company and others for the purpose of constructing a new ventilation building for said additional tunnel.

The report of the Port Authority, dated January 9, 1931, which was submitted to the Legislature of the State of New Jersey stated as follows:

"The main tunnel under the Hudson River is to consist of twin tubes to be built by the shield driven method. This construction procedure will follow very closely that so successfully used for the Holland and other tunnels. Each of the two tubes is to have an outside diameter of 31 feet and is to accommodate a two-lane roadway of a width of at least 21 feet, which is one foot more than in the Holland Tunnel, to allow for the tendency toward wider vehicles."

There is nothing in this report which contemplated an additional third tube of the Lincoln Tunnel. Examination of the original plans and specifications of the present Lincoln Tunnel establish

that the facility was to consist of a maximum of two tubes. This twin tube operation was to and did constitute the full and complete facility within the intentment of all of the parties who made the report and the Legislature who received the report. The plans failed to make any provision for an additional tube, as now proposed. On the contrary, they provided for tennis courts to be built on the very site of the proposed new westerly portal of the proposed additional tunnel. The tennis courts, as so planned, were built by the Port Authority for Weehawken on land conveyed to Weehawken by the Port Authority.

PROPOSED NEW TUBE OR TUNNEL

The plans for the proposed new tunnel or tube definitely establish that it is a new project. The proposed third tunnel so described on the map of the Port of New York Authority as shown on drawing No. SK-5414 entitled, "Lincoln Tunnel Proposed Third Tube General Plans and Profiles - November 30, 1950", establishes that the said proposed third tunnel or tube is a separate unit, which construction is contemplated under the Hudson River from New York to New Jersey and will be south of the south tube of the present Lincoln Tunnel. There is a space between the said south tube of the present Lincoln Tunnel and the proposed third tunnel of 130' to 190' variation. The dimensions of the proposed new tunnel are approximately the same as that of the original tube, viz., diameter of approximately 31', accommodating a two-lane roadway of a width of approximately 21'.

In addition to the proposed third tunnel, there is a proposed ventilation building which would be constructed in the Township of Weehawken in order to take care of the needs of the proposed third tunnel south of the present ventilation building which was constructed at the time of the original project.

The proposed plans also provide for the demolition of the existing Administration Building of the Port Authority on the westerly side of Boulevard East, and for the building of a new Administration Building on the easterly side of Boulevard East; they also contemplate a new underpass from the new Administration Building to the toll booths.

In order to complete the Weehawken approach of the proposed new tunnel, it is contemplated by the Port Authority to take the land owned by the Township of Weehawken and which is now being used as tennis courts and other recreational facilities. This is the same land which was conveyed by the Port Authority to Weehawken and tennis courts constructed by the Port Authority as shown on the original plans of the Lincoln Tunnel approach. The plans further disclose other changes which are contemplated as a result of the proposed third tunnel.

The cost of the proposed new tunnel is estimated at \$90,000,000.

The proposed new third tunnel or tube is a separate and an additional vehicular tunnel under interstate waters within the Port of New York District.

TUNNEL'S EFFECT ON THE TOWNSHIP OF WEEHAWKEN

The Township of Weehawken as a result of the construction of the present Lincoln Tunnel has lost millions of dollars in rentals

and as a result thereof has suffered serious financial losses. This is a matter of public record, uncontradicted and uncontroverted. When the present Lincoln Tunnel was originally proposed, it was generally believed that the said tunnel would benefit the Township of Weehawken.

The Township of Weehawken has every reason to be fearful that a new tunnel as now proposed by the Port Authority will increase its burdens and the Township will suffer irreparable damage and loss.

WEHAWKEN'S GOOD FAITH CLEARLY ESTABLISHED

The present administration took office on January 1, 1951 and shortly thereafter was confronted with the matter of the proposed construction of the additional tunnel. A conference was held among officials of the Township of Weehawken, officials of the County of Hudson, and representatives of the Port Authority, at which conference the proposed plans were discussed generally. At that time the officials of Weehawken requested the Port Authority to acquaint them with the facts concerning the construction of the present Lincoln Tunnel. It was at this conference that the present officials of Weehawken learned that a public school, known as Lincoln School, together with adjoining land had been acquired by the Port Authority despite the fact they did not need the said school or land for tunnel purposes at any time.

It is out contention also, gentlemen, that when the Port Authority speaks always of its limited powers - it must do only what the statute says - looking back on this, certainly the statute never contemplated the Port of New York Authority renting a facility for educational purposes to Weehawken or any other township. Whether they

are three thousand or twelve thousand is of no consequence. Surely, I repeat, they had no power to lease a school for educational purposes. If that can be found in the statute, we should like to see it.

While I'm on that subject, when they state \$568,000 as their offer, they figure \$168,000 coming to us for the school. Remember, their offer was to lease it to us for one dollar a year. And if two years from now they decide to take it from us, any child could see we don't get \$168,000. So immediately take \$168,000 off that \$500,000 figure. Those figures will be gone into further later. It just occurred to me and I wanted to get it in.

Their statement is supported by the fact that 18 years have elapsed and yet the school and land have not been used for any such tunnel purposes. This fact was further corroborated by an official of the Port Authority at a subsequent conference among a committee of North Hudson Mayors, officials and representatives of the Port Authority. At that particular conference Weehawken urged that the proposed plans be amended so as to bring the proposed new additional tube underground to the Secaucus meadows. This suggestion was made to avoid the loss of additional ratables, inconvenience and hardship to the people of Weehawken. Past experience by the Township of Weehawken and its citizens at the time the present Lincoln Tunnel was constructed was sufficient reason for the position taken by the Township officials. If I may deviate again for a moment, when they say, "We were going over the hill and the law says we must come up in Weehawken," read the law. It says

an entrance and an exit must come in Weehawken. It didn't say the whole shebang should be there. We bear the whole brunt. It says an exit and an entrance should be in Weehawken. The law is clear. I refer you to it. The Port Authority then advised the officials of Weehawken that such a plan would not be feasible, and was too costly as it would mean \$20,000,000 in excess of the amount originally contemplated or an increase from \$90,000,000 to \$110,000,000.

The Port Authority then requested the Township officials of Weehawken to reconsider their opposition to the proposed plans and to withdraw their suggested plan of an underground tube. The Port Authority urged the Township officials to have additional conferences with them for the purpose of ascertaining what benefits if any the Township would receive as a result of the proposed new tunnel. At that time the Township officials made it convincingly clear to the representatives of the Port Authority (and on many subsequent occasions) that as a matter of public policy the Township would not summarily give its assent or approval to the acquisition by the Port Authority of municipally-owned property. In the event discussions between the Township officials and the Port Authority were such as to be the basis of consideration by the citizens of Weehawken, a public meeting would be held by the Township officials at which time the citizens of Weehawken would have an opportunity to discuss and voice their opinions relative to the plans and proposals submitted by the Port Authority. This policy was announced publicly and restated time and time again.

It was further stated by the Mayor and the officials of the Township of Weehawken that a study of the plans submitted by the Port Authority and of the feasibility of underground construction of a tunnel could not be intelligently made without professional advice of qualified engineers. We stated that we did not feel that the taxpayers of Weehawken should be obliged to pay for such engineering advice inasmuch as it was the Port Authority who wanted the tunnel. As a result of these discussions the engineering firm of DeLew and Brill was retained.

I might deviate again. I have been accused of waiting two and one-half months to give the name of DeLew and Brill. We were told we must select a firm of engineers of national reputation, national experience. We searched. We are laymen. I couldn't have named you one at that time. I immediately wrote to Kesselsner, M.I.T., Stevens Institute, Columbia University and several colleges - I have them in my correspondence - and asked them to name me what in their opinion were four of the outstanding engineering firms in the country, figuring if I got three letters back from three good schools and each one had the same engineering firm, I would be sure to hit the one. And I have got to admit we had to hit one that never worked for the Port Authority and that is a hard job. We wanted one absolutely free of any Port Authority work and that is a hard job. Anybody would do that. So it did take two and one-half months of the Township Committee's time to submit a name. I don't think that is a terrifically long time. It certainly was very advantageous because we did receive one of the finest engineering

firm, I think, in the country. Incidentally, in connection with that, we conferred with Governor Briscoe and asked him if he had any names of people. He said, "No, I'd rather have you fellows find your own." He suggested the names of two or three that we could go to in New York and they in turn could refer us to others, but these two in New York worked for the Port Authority. As a result of this correspondence, we retained DeLous and Brill.

They surveyed the situation and filed a report with the Township of Weehauken. Their study shows that at best the alleviation of the traffic conditions, which are the chief subject of complaint by the Port Authority in the operation of the present Lincoln Tunnel, would be of a temporary nature only; that within a short number of years after the completion of the proposed new tunnel the traffic congestion in Weehauken would be as bad if not worse than it is today.

I think I mentioned to you gentlemen before and I might add here again that we most respectfully state, despite the gruffs shown by the very able and well-respected Mr. Hodson, we feel that the Port Authority delayed somewhat. The Lincoln Tunnel was built and the two tubes finished in 1945. From 1945 until this time, with all their vast services, certainly they should have had another facility across that river some place. The DeLous and Brill report shows that this third tube will be nothing unless they build another facility yet. There is only talk of that now. I don't know what other town is going to be hit. Surely we feel they should have looked into it and had another crossing by now. Why wait until now? The Turnpike started years ago .

They surely could have foreseen on that score. Again, I am a layman, but from my standpoint, why is it little Weehawken all the time - population 15,000, a mile seven-tenths long, four blocks wide. You know the congestion there. Why take rates away from a town like that. New York has \$21,000,000,000; we have \$11,000,000. And they compare taking from us with \$11,000,000 rates, with New York's \$21,000,000,000.

There followed further conferences. These are the conferences that followed after our DeLoer and Brill report and are fairly current - about three months ago. At the outset of these conferences the Mayor clearly stated to the representatives of the Port Authority that their public relations policies were detrimental to good relations between the parties. The Port Authority had announced that they were building the third tube. The Port Authority had broken ground in New York. The Port Authority had held elaborate ceremonies for the first ground breaking in New York. The Port Authority was announcing over its private radio station that the third tube was under construction. All this without regard to Weehawken's rights and without Weehawken's consent to convey its needed municipally-owned property. The Chairman of this Committee well raised the question - there can be no eminent domain with respect to municipal property, but we have the absolute right to either refuse or consent or forego it. The Port Authority readily agreed with the position taken by the Mayor. Notwithstanding these facts, on May 14, 1953 the Port Authority issued a newspaper release which in substance told our people that the new

\$90,000,000 tunnel was coming into Weehawken, that excavation of the New Jersey shaft of the third tube was to begin the next few days and again implied that the Township had consented to these plans. The Township sincerely believed that this release was a breach of faith and the Mayor for and on behalf of the entire Township Committee issued the following statement:

MR. SMITH: Excuse me, Mayor Krause. In light of the earlier announcement that we are trying to set a 6:00 P.M. closing time, I'd like to say we certainly intend to hear Mayor Krause out and then, after that, we will see where we are going to head, depending upon our time situation.

MAYOR KRAUSE: I am quoting the May 14 press release by the Weehawken Township Committee:

"My colleagues and I were shocked to read the misleading, unfair and autocratic statements by the Port of New York Authority concerning the proposed building of a construction shaft. We want to make it very clear that the construction shaft is proposed to be built by the Port Authority, and not on Weehawken Township property. This is once again a despicable attempt on the part of the Port Authority to give the impression to the public that an agreement has been made between the Port Authority and our Municipality, for the construction of a third tube. We emphatically deny that there has been a formal or informal understanding on this subject.

"We once again assure the citizens of Weehawken that our policy remains now the same as it has been for the past two years. The citizens of Weehawken know that this administration will not approve any Port Authority plans for a third tube until such time as there have been open public hearings by our Township and all the Port Authority plans submitted to our people for full discussion.

"The present proposed plans for the third tube contemplates the taking of Weehawken Township owned property and such

property cannot and will not be taken by the Port Authority without the express permission of our Township. These facts are well known, and have been acknowledged by the Port Authority. The statement by the Public Relations Department of the Port Authority cannot change these well known and established facts.

"The awarding of \$14,000,000 in construction contracts by the Port Authority at this time for the construction of the proposed third tube in New Jersey and New York, is a flagrant breach of trust of monies invested for public purposes. If the Port Authority were a public body such as our Township Committee it could be held accountable for spending \$14,000,000 before it has any possible right to open a tube in Weehawken. This type of action should call for legislative inquiry by New Jersey and New York."

As a result of the newspaper release by the Port Authority and the reply thereto by the Mayor of Weehawken as above quoted, the General Assembly of the State of New Jersey adopted the resolution under which this hearing is held. There followed a controversy with Walsh Construction Company. This company came into our municipality to construct the vent shaft without proper municipal permission. They did not file plans nor did they obtain a permit from our Building Department in accordance with our ordinance. Litigation followed and is now pending before our Superior Court, in which the Port Authority seeks a permanent injunction. It has been granted a temporary injunction. The final hearing in the court matter is set down for June 23, 1953.

At the argument relative to the application for temporary injunction the court was asked by the Township of Weehawken to protect it from the transportation of dynamite into the Township but this request was denied. However, the Port Authority represented to the court that it would cooperate with the Township in the matter of the transportation

and storage of the dynamite within the boundaries of the Township. This is a poor substitute for the legal powers of a municipality.

The Port Authority has no ordinance, cannot enforce our ordinance and yet we as public officials sworn to uphold and enforce our public safety and other laws must sit idly by fearing a disaster if the contractors for the Port Authority misuse explosives.

Under these circumstances, it is obvious that we cannot properly protect our people against this invasion of our municipal rights. We, therefore, appeal to you gentlemen of the General Assembly to halt the aggressive and dangerous attack of the Port Authority on the fundamental Home Rule of our community.

TOWNSHIP'S CONTENTIONS

I

The Port Authority's attempt to construct an additional tunnel in the guise of a third tube to the Lincoln Tunnel violates the specific provision of the statute (PL 1931, c.h. R.S. 32:1-119) that it may not proceed with such construction until expressly authorized by both states.

- A. The Port Authority, in February, 1945, had completed the construction of the Hudson Tunnel as authorized by law (L. 1931, c.h. Sec. 2, p. 19, R.S. 32:1-119).

The Port Authority was created by Chapter 151 of the Laws of 1921 (R.S. 32:1-1, et seq.). The statute, among other things, provided that the Port Authority should have such additional powers and duties as might thereafter be delegated from time to time by the

legislatures of the two states, they should then be binding on both states (R.S. 32:1-12).

In 1930, by Chapter 248, L. 1930, the Port Authority was directed to report to the legislatures of both states upon the desirability of the construction of a Midtown Tunnel. That report was to include the working plans, together with the estimated cost, of the proposed Midtown Tunnel.

Pursuant to that statute, on January 9, 1931, the Port Authority filed its report with the governors and legislatures of both states wherein, among other things, it recommended the immediate construction of the Midtown Tunnel, which was to consist of twin tubes, at an estimated cost of \$96,000,000.

Thereafter, on March 2, 1931, in accordance with the report and recommendations, the New Jersey Legislature adopted a statute (L. 1931, c. 4, R.S. 32:1-119) which provided, among other things:

"the port authority is hereby authorized and empowered to construct, own, maintain and operate an interstate vehicular tunnel or tunnels (hereinafter called the Midtown Hudson tunnel) under the Hudson River, together with such approaches thereto and connections with highways as the port authority may deem necessary or desirable."

Then followed this provision:

"The port authority shall from time to time make studies, surveys and investigations to determine the necessity and practicability of additional vehicular bridges and tunnels over or under interstate waters within the said Port of New York District, and report to the governors and legislatures of the two states thereon. The port authority shall not proceed with the construction of any additional vehicular bridges and tunnels over or under said interstate waters until hereafter expressly authorized by the two said states."

Thereafter the Port Authority proceeded with the construction of the Midtown Tunnel in accordance with the plans and specifications set forth in the report of January 9, 1931. The first of said twin tubes was completed in 1937, and the second in 1945, at a total cost of about \$87,000,000. Thus in February, 1945, the Port Authority completed the construction of the Midtown Tunnel, which was authorized by the said L. 1931, c.4. The authorization of the legislature was based on the report submitted by the Port Authority dated January 9, 1931, for the construction of twin tubes and on plans and specifications therein set forth. In fact, the eventual cost of the Midtown Tunnel was about \$9,000,000. less than the original estimate of \$96,000,000.

- B. The proposed construction of a third tunnel or tube to the Midtown Tunnel was not authorized by L. 1931, c.4. In fact, it was never contemplated. It was not included in the original plans and specifications. Any new tunnel must be expressly authorized by both states.

The report of January 9, 1931, submitted to the legislature, specifically provided that the Midtown Tunnel was to consist of twin tubes which were specifically described. There was no mention of any possible third tube or tunnel.

It may be noted that the legislature, in the very section where it authorized and empowered the Port Authority to construct the Midtown Tunnel, authorized it to make surveys and studies for additional vehicular bridges and tunnels, but which specifically provided:

"The port authority shall not proceed with the construction of any additional vehicular bridges and tunnels

over or under said interstate waters until hereafter expressly authorized by the two said states."
(R.S. 32:1-119)

It may not be successfully argued that because the third tunnel or tube is within the approaches set forth for the Midtown Tunnel (R.S. 32:1-120) therefore the Port Authority does not need any express legislative authority by the both states.

The original 1921 law creating the Port Authority specifically provided (R.S. 32:1-12):

"The port authority shall from time to time make plans for the development of said district, supplementary to or amendatory of any plan theretofore adopted, and when such plans are duly approved by the legislatures of the two states, they shall be binding upon both states with the same force and effect as if incorporated in this agreement."

This section clearly demonstrates the original intent - which, of course, continues in effect - that the Port Authority should construct nothing in the absence of explicit legislative sanction. Even a project merely "supplementary to or amendatory of any plan theretofore adopted" could not be binding without legislative approval. The most that could be said of the Port Authority's contemplated third tube or tunnel - although we believe we are quite correct in viewing it as an independent structure - is that it is designed to supplement or amend a plan theretofore adopted. But even such an undertaking, unless the language of the statute is to be ignored, may not lawfully proceed unless and until the two states' legislatures have adopted it.

The history of subsequent activity of this character shows that the construction of every bridge or tunnel was specifically

authorized by appropriate legislation.

The Arthur Kill Bridges, by L. 1924, c.125; R.S. 32:1-36, et seq.

The George Washington Bridge, by L. 1925, c.41; R.S. 32:1-71, et seq.,

The Bayonne Bridge, by L. 1925, c.97; R.S. 32:1-94, et seq.,

The Midtown Hudson Tunnel, by L. 1931, c.4; R.S. 32:1-119.

II

WECHAWKEN HAS NOT CONSENTED TO CONVEY MUNICIPALLY OWNED PROPERTY TO THE PORT AUTHORITY.

According to the proposed plans for the additional tube, the Port Authority contemplates acquiring land which is owned by the Township of Weehawken. Until this date, no consent has been given by the Township of Weehawken so as to enable the Port Authority to acquire the said property. The position of the Township of Weehawken is substantiated by R.S. 32:1-133 which provides that

"no property now or hereafter vested in or held by any County * Township or other Municipality shall be taken by the Port Authority without the authority or consent of such County, City * Township or other Municipality as provided in said compact of April 30, 1921 * "

The Township of Weehawken therefore respectfully states ^{the} that/Port Authority in proceeding with the construction of the ventilation shaft in the Township of Weehawken, which is the beginning of the construction of the new tube, is in effect impairing the statutory right of the Township of Weehawken to grant authority or consent in conveying municipally owned property to the Port Authority.

III

~~THE PORT AUTHORITY SHOULD BE MADE TO COMPLY WITH MUNICIPAL LAWS PERTAINING TO THE HEALTH, WELFARE AND SAFETY OF THE PEOPLE OF WECHAWKEN~~

The Township of Weehawken was granted a charter as a municipal corporation by a special act of the legislature in 1859. This charter gives specific powers to the municipality to pass laws for the promotion of the general welfare of its citizens. Thereafter, the legislature by an act entitled "The Township Act" supplemented the authority granted to the Township of Weehawken in its charter. In 1918 the Home Rule Act was passed by the legislature which was a comprehensive plan giving the municipality authority to enact ordinances which would specifically affect the health, welfare and safety of the people of such municipality. In accordance with the aforementioned statutory provisions, the Township of Weehawken has over a period of many years adopted municipal ordinances which are in the interests of the people of the said Township. The legislature of the State of New Jersey never intended that the Port Authority should have the power to usurp the authority expressly granted to a municipality in the creation and enforcement of ordinances for the health, welfare and safety of its residents. If the Port Authority is permitted to disregard the statutory prerogatives of a local municipality, whether large or small, then this is tantamount to destruction of the charter of such municipality, including the Township of Weehawken.

CONCLUSION

In the light of Weehawken's experience subsequent to the original construction of the Lincoln Tunnel, we recommend that laws be passed to protect the charter and statutory rights and the Home Rule Protection previously bestowed upon the municipality by the legislature.

We respectfully urge this Honorable Committee to recommend to the General Assembly of the State of New Jersey that a committee be appointed to study the conflict of authority between the Port Authority and municipalities in the New York Port District to the end that proper legislation be enacted to protect the interests of municipalities.

Respectfully submitted,

THE TOWNSHIP OF WEENAWKEN.

Thank you very much, gentlemen, for your patience.

MR. SMITH: I would like to ask Mayor Krause some questions if I may.

Mayor Krause, in connection with these tennis courts and the recreational facilities in Weehawken that seem to be needed by the Port Authority if the third tube is to go ahead, has any appraised valuation been obtained by the Township of Weehawken on those properties?

MAYOR KRAUSE: No. We have received no independent appraisal. The first we heard of value was at one of our meetings with the Port Authority when they advised us they had an appraisal of \$70,000.

MR. SMITH: And the Township of Weehawken has had no independent appraisal value on those properties other than what was made known to it by the representative of the Port of New York Authority, is that right?

MAYOR KRAUSE: Right. That is true.

MR. SMITH: Do I understand you to say that if you people of Weehawken, when I say that I mean the official representatives, feel that you want to go into the matter further pertaining to consent, that you would only do so after you have had a public hearing so the citizens of the municipality would have a chance to voice themselves?

MAYOR KRAUSE: Indeed that is true. What we intend to do is pinpoint as much as we can all our plans, discussions and whatnot, and then have a public hearing before the people so they may be apprised of everything that has been discussed and voice

their opinions as such and thereby help us make up our minds because we must represent them and we must hear them.

MR. SMITH: Now, I think the Port Authority indicated here today that there were two particular items they needed in connection with the construction of the third tube. One related to the acquisition of the tennis courts and other recreational facilities; the second thing had to do with the broadening of the present plaza area. I believe in connection with both of these matters it would necessitate the acquisition of municipally owned property, is that correct?

MAYOR KRAUSE: It is the reverse of that. That is the widening of our plaza there and the construction of five or six toll booths will necessarily take our tennis courts or a portion of the land comprising the tennis courts and the westerly portal, the portals you see when you go through the third tube portal, the proposed third tube portal will be right where these tennis courts are now. They must take them if they want the portal to come through Weehawken at that point.

MR. SMITH: It would seem that in connection with the third tube, in regard to the acquisition of real property, it is just as you specified, and if a proper figure could be fixed and agreed upon for the value of those lands at least we would have progressed in that particular line.

Then let me ask you this: In the minds of the officials

of Weehawken, in connection with the problem of consent, do you view it as an isolated matter pertaining to the value of the real property that seems to be necessary for the third tube, or do you view it as a problem not only of fixing the value of real property that is needed but also to get into other factors over and beyond that that have some monetary worth?

MAYOR KRAUSE: Of course. Here again I am referring you to the congestion of our Township, the size of our Township and, of course, other matters. The Township was built in 1892 on 25 foot lots where we are congested, I think there are two or three lots in Weehawken and that is all there are to build on. So that when we say we are going to sell our tennis courts to the Port Authority it means we must replace that recreational facility. It is the only place we have. Where to place it is a big problem.

MR. SMITH: When you talk about replacing, you talk in the sense of receiving monetary value for the loss of the courts and beyond that you are asking the Port Authority to provide a relocated spot for those courts.

MAYOR KRAUSE: Stating it that way is unfair. I don't mean to charge you for what we say. We talk about intangible damage. We have just gotten a brief on it which we haven't had time to study. We say the fact that we are going to be deprived of these tennis courts in their present position, where they are now, and our high school must go elsewhere and all the other inconveniences, we say intangibles and all the other things one thinks about should be

valued, not only that the tennis courts are worth X dollars as a physical asset but because we are disturbed, the same example as I gave for the Elks Club. In that, like the Elks Club, the real estate may be appraised at a certain price but we think there is value beyond that.

Now that we are discussing that, we just received a very elaborate and a very able memorandum of law by Mr. Goldstein. We haven't studied it yet. We would like to go into that. So, when you say is it just the value of that and also continue over, it is difficult to answer that. Do I make myself clear?

MR. SMITH: I think so.

MAYOR KRAUSE: The same way with the \$1,500,000 - the way Mr. Tobin gave it to you, he is being terribly unfair, that we were demanding the \$1,500,000 and all these other things. Again, they were not cumulative. We would go and ask for the incinerator and a sewage disposal plant and they said "Boys, we can't do that." so we came back with \$1,500,000 as the figure to make up for the tennis courts and the other items and so forth, each time trying to arrive at something we thought was reasonable compensation to Weehawken.

MR. SMITH: Then, in other words, I think it appears to me - Colonel Hauser just used a good expression here - he was analogizing it to a negligence case, not only would it be compensating for the actual physical injuries to the individual but also there is

what is known as pain and suffering, intangible, which you would inculcate in "intangibles".

MAYOR KRAUSE: We would go way beyond that amount - if it was pain and suffering we would go beyond that. That is invaluable in Weehawken.

MR. SMITH: Mayor Krause, in an ordinary situation where a municipal corporation has condemnation powers I believe it to be that in the taking of the lands they would be relegated to pay what the appraised worth is set for those lands and in the ordinary condemnation picture you don't go over and beyond the appraised value of the land and possibly any damage to a remainder that might exist there. I realize too what we are talking about here is the very fact, pursuant to the existing statutory law, it has been admitted that the powers of condemnation are not vested in the Authority in connection with the taking of land owned by a municipality, so this is some sort of a hybrid situation which has some earmarking of a condemnation nature, yet is lacking in the total attribute of a true or pure condemnation.

MAYOR KRAUSE: I don't mean to be argumentative, Sir, but I have a different viewpoint on that entirely. I think that the legislature really intended to give the municipality, that is the legislature was jealous of the home rule situation, and said: "Mr. Municipality, you have the right to consent to that or no". As one time stated, I think by Mr. Tobin, to you, or rather agreed by him and the rest of the gentlemen in our discussions, it was almost

arbitrary. At least we use that word merely in discussing it and certainly not in practice. That is how I picture it. I don't think it comes within the same purview of eminent domain to have to make the appraised value the sole determining factor. Do I make my point clear?

MR. SMITH: I believe so.

MAYOR KRAUSE: It is a very nice question. I don't know. Again you can see the little time necessary to delve into that to see that we were getting the right amount for Weehawken. We are charged the same as a trustee, and you gentlemen are lawyers. We are doing the utmost we can to see that our people are reimbursed or compensated for everything that is taken.

MR. SMITH: Even if you could arrive at some monetary valuation that might satisfy, from your indication about possible fears that the third tube might be only a prelude to the fourth tube and you are worried and concerned about that, how are you ever going to arrive at a point where you will be able to freely consent?

MAYOR KRAUSE: That is a difficult thing to answer. I don't think there is anything impossible. The fourth tube situation has been thought over by Commissioner Purdy - he used the term "The Swiss Cheese of the Town."

MR. SMITH: As long as that is hanging over your head and you seem to be cognizant of that possibility, how then are you ever going to come to the point where you feel you might give consent?

MAYOR KRAUSE: I think what you mean, Sir, do we contemplate or figure on the inconvenience of a fourth tube in arriving at any figure that we have arrived at now. Is that what you mean?

MR. SMITH: It would seem to me, if you are concerned about the possibility that anything in relation to the third tube has to bring about a consideration that a strong possibility exists, and I think you said the engineers had given thought in that direction, that there would be only possibly a five-year span before a fourth tube would blossom forth - if that is the thinking and because of that fear and deep concern which might be adequately justified, then how can you get into any discussion about the worth of the lands, the tennis courts, where they are going to build, the incinerator, etc.? No matter what they do in that regard you still have the ever-present possibility of the fourth tube swinging in the air.

MAYOR KRAUSE: Well, that, if I might state at this time, is an assumed fact but it is almost academic now. I think Mr. Hedden stated in no uncertain terms there would be no fourth tube. We would like that in writing and be binding, but I don't think there is any question that he said definitely no fourth tube. I think that would rule that out.

MR. SMITH: Are you saying the negotiation might continue without positive assurance of a fourth tube or is that another prerequisite to the consent?

MAYOR KRAUSE: That negotiation might continue.

MR. SMITH: We are talking about, if there are going to be further negotiations toward the possible end of achieving this consent, what might be certain requirements imposed in order to obtain that consent? Now, would the restriction against the fourth tube be inserted as an additional requirement?

MAYOR KRAUSE: I think at this point, you heard Mr. Hedden today, it would be.

MR. SMITH: Unless we can settle the fundamental now, that they will give a definite assurance in a proper legal sense that no fourth tube will ever be forthcoming, that would be a block in going into any other possible requirements?

MAYOR KRAUSE: In Weehawken?

MR. SMITH: Yes. Of course in Weehawken.

MAYOR KRAUSE: It would be another thing we would consider and decide upon and say that's that. But I don't think that is any reflection whatsoever on the fixation of any request on our part. We haven't considered that.

MR. SMITH: I am just trying to get straightened out in my own mind is this possibility of a fourth tube in Weehawken a positive must in connection with any further discussion toward the end of possibly getting the consent, and if you cannot receive positive sound legal surety that the fourth tube will never come into Weehawken there will be no sense of further discussion toward the end of possibly getting the consent?

MAYOR KRAUSE: I don't like to state that now. I wouldn't like to go, Sir, on record as stating one way or another. I would like to consider that. That is a new matter that has just come. I would like to consider that.

MR. SMITH: All right.

MAYOR KRAUSE: Our Counsel pointed out to me, I might add, that the Port of New York Authority has recommended a tunnel in Hoboken. A new facility. I assume a new twin-tube in Hoboken. Mr. Hauser is smiling.

MR. HAUSER: Say it isn't so.

MR. SMITH: Thank you, Mayor Krause. May I ask who is the next witness for the Township? May I have his name?

MR. ROSEN: Assemblyman Smith, Mr. Tobin made a statement in connection with real property value, assessed valuation and property taxes. You will recall that statement. That came as a complete surprise to us.

VOICE FROM AUDIENCE: Microphone, please, Mr. Rosen.

MR. ROSEN: I said a few moments ago that Mr. Tobin in presenting facts and figures concerning assessment and taxes took us by surprise, because we are in a position to complete^{ly} contradict what he said. In preparing this memorandum, we gave serious thought, and you will notice in the memorandum handed to you, we stated this fact, that the loss of rates and taxes is uncontradicted and uncontroverted. Now, I am personally in a position to refute Mr. Tobin's statement. I have prepared material on that subject and I think probably you should know what the real facts are concerning the loss of rates in Weehawken. I am willing to read that statement to you because I am familiar with the tax situation in Weehawken. Do you want to hear it at this time?

MR. SMITH: Excuse me a moment. Ladies and gentlemen, what I would like to do now, because the time is getting late-- Mr. James Rosen, the counsel for the Township of Weehawken, has some remarks to make pertaining to the tax situation, the assessed value situation, and so on. He believes it won't take too long. Therefore, we would like him to present that as rapidly as he can without doing an injustice to it. At the end of that, we will terminate the hearing for today and we will sit another day, when we will continue this particular matter, to allow the rest of the official family of Weehawken to have their say and the members of the general public. We will try to fix the exact day for that during the course of next week, and in compliance with the request and at the convenience of other parties who are here, and in view of the fact that there seems to be some atmosphere regarding

not holding the hearing down at Weehawken-- although I don't know what relevancy the site of the hearing has to the particular problem at issue - you can speak just as well down in the middle of Cape May, I think - the next hearing will be held in Weehawken, in the Municipal Building, thanks to the offer of Mayor Krause for the use of the Council Chamber at that time.

We will hear from Mr. Rosen now and then we will adjourn the hearing.

Just one other thing: Mr. Tobin spoke to me and I understand they have a legal opinion of the Counsel to the Port Authority relating to this subject.

MR. TOBIN: Assemblyman, may I please simply introduce the decision yesterday of the Superior Court of New Jersey on a case in a motion covering the legal points that Mayor Krause was reading from the legal brief that was submitted yesterday by the Township to the Superior Court. The judge decided that case in an interlocutory decision yesterday, and I would like to submit that for the record at this time, that copy of Judge Brewen's opinion,*for the benefit of the members of the Committee.

MR. SMITH: For the benefit of those who did not hear, and I know you are all interested, there was a hearing before Judge Brewen yesterday on some question pertaining to the Third Tube of the Lincoln Tunnel, and what is submitted now for the record is a copy of the opinion and decision of the judge in that hearing pronounced yesterday in that matter. Incidentally, do I understand that a further hearing

in that cause will be held on June 23?

MR. ROSEN: That does not appear in the statement, Mr. Chairman. I would like that to be part of the record. The final hearing will be held on June 23, which is a supplement to the opinion handed to you.

MR. SMITH: May I request that whatever the decision, we might receive copies of the final decision in that cause?

MR. ROSEN: I am sure you will receive copies.

MR. SMITH: We will now hear Mr. Rosen on the subject relating to taxes which has been brought up from time to time.

MR. ROSEN: Mr. Chairman and members of the Committee, I think this statement is most important in view of Mr. Tobin's assertion which gave a very heavenly picture about the effect of the Lincoln Tunnel on our tax situation in Weehawken. All I can say is, I wish it were so, and if it were so I would not have to make this statement.

The Port Authority, according to township records, apparently began the acquisition of property for the Lincoln Tunnel in 1933 and completed most of these acquisitions in 1934 or 1935. The records indicate that 164 parcels were acquired from private owners, including 61 improved properties having an assessed valuation of over five hundred thousand dollars. It is significant to note that, despite the fact that the Port Authority held these properties for many years, we did not collect one nickel in taxes. They were held on the list as exempt as late as 1951. In addition, it appears that a number of private properties were acquired and held by the Port Authority for a

period and then re-sold. These properties were rented by the Port Authority all during this period of time while they enjoyed tax exempt status. All the above properties are in addition to municipal properties acquired, including School No. 1, which has been referred to, I believe, as the Lincoln School, which was subsequently rented to the Board of Education.

It is interesting to note that the Port Authority representatives now say that the school property, including the entire triangle involved, never was and is not now essential to the present tube facilities. As a matter of fact, the retention of this building for 18 years, without demolition or use in connection with the tunnel, more than supports that statement. I might add, for the purpose of clarification, that when they speak of a certain sum involved in the Lincoln School, it also involves land immediately north of that school.

It is interesting and must be pointed out at this time what has been the indirect or consequential effect of the Lincoln Tunnel on the economy of Weehawken. In 1934 the assessed valuation of all property in the Township of Weehawken was over \$35,500,000. These valuations have steadily decreased each year until, in 1950, the assessed valuations amounted to only slightly beyond \$11,000,000. The average loss in ratables is over \$3,300,000 per year over the past 18 years. As you know, or probably don't know, the largest single taxpaying group in the township's main industry is in the railroads. As the result of the introduction of the competing means

of transportation - I mean the Lincoln Tunnel - which is now used heavily by the trucking industry, the railroads have successfully litigated and obtained substantial reductions in their assessed values. As a result, second-class railroad property, assessed by the State Director of Finance and Taxation, has been reduced from \$15,100,000 in 1934 to only \$11,600,000 in 1951. Also, local assessed railroad property valuations, meaning of course third-class property assessed for local purposes, have been reduced from \$3,300,000 in 1934 to less than \$2,400,000 in 1951, all of these reductions having been granted after a review by the State Tax Board of the State of New Jersey and the courts of the State. This indicates a loss in railroad tax valuations alone of \$4,500,000. Now, that figure includes second-class rates of railroads as well as third-class so-called locally assessed.

Railroad property assessed for \$45,000 per acre in 1934 had an acreage value of only \$28,000, established for the same property in 1951 by the State Board of Tax Appeals and affirmed by the Appellate Division of the New Jersey Superior Court. So we have a reduction, gentlemen, of from \$45,000 an acre to \$28,000 an acre.

The railroads located in Weehawken pay approximately 45 per cent of the taxes collected, and the Port Authority has been responsible for the impairment of our rates. This is directly in conflict with the provisions of Section 5 of the 1921 Compact Act and also Section 16 of Chapter 4 of the Laws of 1931, wherein it is provided:

"Nor shall anything herein impair or invalidate in any way any bonded indebtedness of the State, or such county, city, borough, village, township or other municipality."

The property acquired by the Port Authority was taken during the depression years of 1933 and 1934 when values were low and sub-normal. Because of the loss of ratables in the Township, it was necessary to refund the then bonded indebtedness in 1935. Beginning with 1933, the taxable ratables of the municipality progressively decreased until the present time, when the ratables are approximately \$5,000,000 less than they were before the Port Authority came into our municipality. In 1934 our total ratables were \$35,800,000; in 1935, \$35,573,000; in 1945, \$31,200,000; in 1951, \$31,145,000, showing a difference between 1934, the completion date of the acquisition of property by the Port Authority in Weehawken, and 1951 of \$5,382,000 in loss of ratables.

These figures demonstrate conclusively that the Lincoln Tunnel has in no way improved the financial condition of our municipality but, as a matter of fact, has impaired our bonded indebtedness. That is a clear violation by the Port Authority of the Compact and Section 16 of Chapter 4 of the Laws of 1931. It is therefore fair to state that the decrease in our ratables previously indicated was detrimental to the credit position or credit rating of our municipality and impaired our ability to market the bonds to best advantage.

It was represented to many people in Weehawken that the Lincoln

Tunnel would prove a great boon to the industrial development of the Township. Subsequent developments have proven that this has not been the case. Not one single industry was established between the year 1934 and the end of 1950 and, as a matter of fact, valuations of real property, other than railroad property, decreased \$350,000 during this period. The tax rate climbed as a result of this situation and other matters. The best estimates available indicate that over \$2,500,000 in taxes have been lost during the period 1934 to 1951, which means that the residents and other taxpayers of Weehawken have had to pay heavy additional taxes by reason of this tax exempt facility, the Port Authority. Since the Tunnel has provided low-cost travel facilities for the trucking industry, the people of Weehawken have been directly subsidizing this competing means of transportation at the expense of its principal taxpayer, the railroads. Weehawken was a thriving industrial center and a highly desirable residential area in 1934. The Lincoln Tunnel has very apparently not improved the Township's position as an industrial center and has certainly not improved its desirability as a residential area.

Mr. Chairman and gentlemen of the Committee, those figures are taken from the official records of the Township of Weehawken and are not disputable.

MR. SMITH: Mr. Rosen, I would like to ask you a question there. You say that you believe the proceeding on the part of the Port Authority has brought about an impairment of the bonded indebtedness relative to Weehawken and that that was violative of

article VI of the Compact, which is embraced in the Revised Statutes as Section 321-7 and other possible sections that are citable. Is that your contention?

MR. ROSEN: We contend, yes, that that was a violation.

MR. SMITH: Has the Township of Weehawken ever taken the Port Authority into the court system of the State for violating that section?

MR. ROSEN: During that period of time?

MR. SMITH: At any time.

MR. ROSEN: I have no knowledge of it. I would say generally, no, keeping in mind that I have no knowledge of municipal affairs.

COMMISSIONER BROOVICH: At that time the Port Authority could not be sued anyway. Only in the past years, I think, has the Legislature--

MR. ROSEN: I think Mr. Smith knows that. He was one of the members who voted for the bill allowing suits against the Port Authority. I think that bill was passed in 1951 or 1952, if I recall.

MR. SMITH: There was a statute passed in 1952 pertaining to certain types of actions that might now be brought against the Port Authority. However, the action I think we are discussing was not precluded prior to the passage of that enactment.

MR. ROSEN: As Mr. Watson pointed out to me, you will find that is not so. You will find that before that you could not sue them for any purpose.

MR. SMITH: You may be right. I will have to check into that. Then do I understand you further contend that because of the coming of the Lincoln Tunnel and the ease of facility for use of the truckers, that in turn did not set well with the competing transportation medium, the railroads, and because thereof there has been a reduction in railroad rates?

MR. ROSEN: Yes, definitely. It definitely had a primary effect on that. If you will check the total tonnage of the railroads with the competing industry, you will find that is so. In addition to that, Mr. Chairman and members of the Committee, keep in mind that when the Port Authority came through the first time it was necessary for them to obtain certain easements over lands of the Erie Railroad and, I believe, the Pennsylvania Railroad and perhaps the New York State Railroad Company, which is a subsidiary of the New York Central. That depreciated the value of the land, as shown by the judgment I referred to.

I would like to call your attention to the fact that if the present plans of the Third Tube are carried out, it becomes necessary and I think the Port Authority has dickered for easements over some of the railroads, which will also result in depreciation, based upon the opinions of the State Board of Appeals, in the value of the land involved in giving these easements by anywhere from fifteen to one-third. That is the usual reduction granted.

MR. SMITH: For the purpose of clarification on one thing - when you talk about the reduction in tax rates pertaining to the

railroads, are you talking about decrease in the real property valuation of the land in Weehawken owned by the railroad, or are you talking about railroad taxes?

MR. ROSEN: I am talking about rates. At one phase I spoke of taxes of \$2,500,000. The rest of the time I spoke of rates.

MR. SMITH: When you talked of the taxes of two million, are you talking about real property taxes realized on property owned by the railroads in Weehawken.

MR. ROSEN: Solely over the period of time that I mentioned, together with the decrease of the rates of private property. I gave you figures of a combination of both, but one has decreased a fraction of the other.

MR. SMITH: Thank you very much.

MR. ROSEN: Any further questions?

MR. SMITH: Then, as stated before, we will now terminate the hearing today and the hearing will continue at a later date. We will attempt to fix that next week, and it will be at some spot in Weehawken which we will decide upon as well.

(HEARING ADJOURNED)

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION - HUDSON COUNTY
DOCKET NO. C 2001-52

THE PORT OF NEW YORK AUTHORITY,
WALSH CONSTRUCTION COMPANY, a
corporation

Plaintiffs,

v.

TOWNSHIP OF WEHAWKEN, et al.,

Defendants.

Jersey City, New Jersey
June 12, 1953

BEFORE:

HON. JOHN DRAWEN, A. J. S. C.

APPEARANCES:

RUSSELL E. WATSON, ESQ., FOR the plaintiffs,

JAMES ROSEN, ESQ., for the defendants.
ISADORE GLAUBERMAN, ESQ., of counsel.

THE COURT: I am ready to decide the case, having heard the argument. Let me say at the outset that I have read as studiously as I could the briefs submitted as well as the affidavits, and I believe that I understand clearly the juridical problems that the argument submits. Counsel for the defendant opened his argument by saying that the real contention here centers on a pinpoint. I do not know that it is quite so sharply constricted but it is within very, very narrow compass, and we disagree as to the identity of the pinpoint or narrow compass.

It is quite apparent to the court that whatever prevails here in the way of grievance is that which has its proper place within the realm of political processes and not judicial processes. The court is convinced beyond what the court regards as anything like a serious question that the project here under consideration is within the scope of the enactments of the two states and within the scope of the compact. I do not regard it as requiring any stress or strain upon words to conclude that the project is within the purpose of the legislation in the first instance and in the subsequent enactments.

I do not know how meritorious the engineering conclusions have been, and I am not required to, but suffice it to say that it is deemed needful in the discharge of the duty and function of the Port of New York Authority to create an adjunct to the Midtown Tunnel. The purposes of that creation have been indicated in the briefs and in the papers filed on behalf of the Authority and indicated also expressly in the course of the argument made by counsel for the Port of New York Authority. Again I say that the juridical point seems sufficiently clear to justify the court in granting the relief that the plaintiff asks for, and that will be the order.