

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 813 Session of 2015

INTRODUCED BY EMRICK, FREEMAN, COHEN, HELM, FABRIZIO, STAATS, TOPPER, MACKENZIE, HARHART, LAWRENCE, B. MILLER, HEFFLEY, DIAMOND, HICKERNELL, O'NEILL, TOOHIL, TOEPEL, MENTZER, HAHN, GABLER, RADER, D. PARKER, MURT, JOZWIAK, R. BROWN, PEIFER, DUSH, GILLEN, KORTZ, SACCONI, EVANKOVICH, SAMUELSON, KAUFFMAN, SANTARSIERO AND RAPP, MARCH 17, 2015

AS REPORTED FROM COMMITTEE ON TRANSPORTATION, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 30, 2015

AN ACT

1 Amending the act of June 25, 1931 (P.L.1352, No.332), entitled
2 "An act providing for joint action by the Commonwealth of
3 Pennsylvania and the State of New Jersey in the
4 administration, operation, and maintenance of bridges over
5 the Delaware River, and for the construction of additional
6 bridge facilities across said river; authorizing the
7 Governor, for these purposes, to enter into an agreement with
8 the State of New Jersey; creating a Delaware River Joint Toll
9 Bridge Commission and specifying the powers and duties
10 thereof, including the power to finance the construction of
11 additional bridges by the issuance of revenue bonds to be
12 redeemed from revenues derived from tolls collected at such
13 bridges; transferring to said commission all powers now
14 exercised by existing commission created to acquire toll
15 bridges over the Delaware River; and making an
16 appropriation," providing for veto power by the Governor over
17 certain actions; FURTHER PROVIDING FOR AUDITS; AND PROVIDING <--
18 THE GOVERNOR OF EACH STATE WITH POWER TO RATIFY OR VETO
19 CERTAIN ACTIONS TAKEN BY COMMISSIONERS.

20 The General Assembly of the Commonwealth of Pennsylvania
21 hereby enacts as follows:

22 Section 1. ~~Article II~~ ARTICLES II AND IX of section 1 of the <--
23 act of June 25, 1931 (P.L.1352, No.332), referred to as the
24 Delaware River Joint Toll Bridge Compact, amended July 11, 1996

1 (P.L.556, No.99), ~~is~~ ARE amended to read:

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2 ARTICLE II.

3 For the effectuation of its authorized purposes, the  
4 commission is hereby granted the following powers as limited and  
5 supplemented by the act of July 1, 1996 (P.L.457, No.70),  
6 entitled "A supplement to the act of June 25, 1931 (P.L.1352,  
7 No.332), entitled 'An act providing for joint action by the  
8 Commonwealth of Pennsylvania and the State of New Jersey in the  
9 administration, operation, and maintenance of bridges over the  
10 Delaware River, and for the construction of additional bridge  
11 facilities across said river; authorizing the Governor, for  
12 these purposes, to enter into an agreement with the State of New  
13 Jersey; creating a Delaware River Joint Toll Bridge Commission  
14 and specifying the powers and duties thereof, including the  
15 power to finance the construction of additional bridges by the  
16 issuance of revenue bonds to be redeemed from revenues derived  
17 from tolls collected at such bridges; transferring to said  
18 commission all powers now exercised by existing commission  
19 created to acquire toll bridges over the Delaware River; and  
20 making an appropriation,' requiring the commission to adopt  
21 competitive purchasing, equal opportunity employment and  
22 competitive hiring practices":

23 (a) To have perpetual succession.

24 (b) To sue and be sued.

25 (c) To adopt and use an official seal.

26 (d) To elect a chairman, vice-chairman, secretary and  
27 treasurer, and appoint an engineer. The secretary, treasurer,  
28 and engineer need not be members of the commission.

29 (e) To adopt suitable by-laws for the management of its  
30 affairs.

1 (f) To appoint such other officers, agents and employees as  
2 it may require for the performance of its duties.

3 (g) To determine the qualifications and duties of its  
4 appointees, and to fix their compensation, except that the  
5 commission shall not employ directly or as an independent  
6 contractor a member of the commission for a period of two years  
7 after the expiration of the term of office of that member.

8 (h) To enter into contracts.

9 (i) To acquire, own, hire, use, operate, and dispose of  
10 personal property.

11 (j) To acquire, own, use, lease, operate, and dispose of  
12 real property and interest in real property, and to make  
13 improvements thereon.

14 (j.1) At its option, to authorize the Department of Property  
15 and Supplies to prescribe standards and specifications and make  
16 contracts and purchases of various materials and services for  
17 the commission, pursuant to the provisions of sections 2403,  
18 2403.1 and 2409 of the act of April 9, 1929 (P.L.177), known as  
19 "The Administrative Code of 1929."

20 (k) To grant the use of, by franchise, lease, and otherwise,  
21 and to make and collect charges for the use of, any property or  
22 facility owned or controlled by it.

23 (l) To borrow money upon its bonds or other obligations,  
24 either with or without security.

25 (m) To exercise the power of eminent domain.

26 (n) To determine the exact location, system, and character  
27 of, and all other matters in connection with, any and all  
28 improvements or facilities which it may be authorized to own,  
29 construct, establish, effectuate, maintain, operate or control.

30 (o) In addition to the foregoing powers, to exercise the

1 powers, duties, authority and jurisdiction heretofore conferred  
2 and imposed upon the aforesaid commissions, hereby constituted a  
3 joint commission by reciprocal legislation of the Commonwealth  
4 of Pennsylvania and the State of New Jersey, with respect to the  
5 acquisition of toll bridges over the Delaware River, the  
6 management, operation and maintenance of such bridges, and the  
7 location, acquisition, construction, administration, operation  
8 and maintenance of additional bridge communications over the  
9 Delaware River at any location north of the boundary line  
10 between Bucks County and Philadelphia County in the Commonwealth  
11 of Pennsylvania, as extended across the Delaware River to the  
12 New Jersey shore of said river. The powers granted in this  
13 paragraph shall be in addition to those powers granted by  
14 paragraph (a) of Article X of this agreement.

15 (p) To exercise all other powers, not inconsistent with the  
16 Constitutions of the States of Pennsylvania and New Jersey or of  
17 the United States, which may be reasonably necessary or  
18 incidental to the effectuation of its authorized purposes or to  
19 the exercise of any of the powers granted to the commission by  
20 this agreement or any amendment thereof or supplement thereto,  
21 except the power to levy taxes or assessments for benefits; and  
22 generally to exercise, in connection with its property and  
23 affairs and in connection with property under its control, any  
24 and all powers which might be exercised by a natural person or a  
25 private corporation in connection with similar property and  
26 affairs.

27 (q) To acquire, construct, rehabilitate, improve, maintain,  
28 lease as lessor or as lessee, repair and operate, port and  
29 terminal facilities, as hereinafter defined, within the  
30 district, including the dredging of ship channels and turning

1 basins and the filling and grading of land therefor.

2 (r) To provide from time to time for the issuance of its  
3 bonds or other obligations for any one or more of its corporate  
4 purposes; all bonds and other obligations hereafter issued by  
5 the commission shall have all the qualities and incidents of  
6 negotiable instruments.

7 (s) To fix, charge and collect fees, rentals, tolls and  
8 other charges for the use of any of its port and terminal  
9 facilities so as to provide funds at least sufficient with other  
10 funds available for such purposes (1) to pay the cost of  
11 maintaining, repairing and operating such port and terminal  
12 facilities, including the administrative expenses of the  
13 commission chargeable thereto; (2) to pay the bonds or other  
14 obligations issued on account of such facilities and the  
15 interest thereon as the same become due and payable; and (3) to  
16 provide reserves for such purposes, and to pledge such funds  
17 over and above such costs of maintenance, repair and operation  
18 to the payment of such bonds or other obligations and the  
19 interest thereon.

20 (t) To petition the Interstate Commerce Commission, any  
21 public service or public utilities commission, or any other  
22 federal, state or local authority, whether administrative,  
23 judicial or legislative, for the adoption and execution of any  
24 physical improvement, change in method, rate of transportation,  
25 system of handling freight, warehousing, docking, lightering or  
26 transfer of freight, which, in the opinion of the commission,  
27 may be designed to improve or facilitate the movement or  
28 handling of commerce within the district or improve the terminal  
29 or transportation facilities therein.

30 As used in this agreement, the term 'port and terminal

1 facilities' shall mean and shall include, without intending  
2 thereby to limit the definition of such term, any one or more of  
3 the following or any combination thereof:

4 (1) Every kind of terminal or storage structure or facility  
5 now in use or hereafter designed for use in the handling,  
6 storage, loading or unloading of freight or passengers at  
7 steamship, railroad or motor terminals or airports, and every  
8 kind of transportation facility now in use or hereafter designed  
9 for use in connection therewith; and

10 (2) All real and personal property and all works, buildings,  
11 structures, equipment, machinery, appliances and appurtenances  
12 necessary or convenient for the proper construction, equipment,  
13 maintenance and operation of such facility or facilities or any  
14 one or more of them.

15 Notwithstanding any other provision of this agreement or any  
16 provision of law, state or federal, to the contrary, the  
17 commission shall not combine for financing purposes any port and  
18 terminal facility or facilities constructed or acquired by it  
19 under the provisions of this agreement with any bridge or  
20 bridges heretofore or hereafter constructed or acquired by the  
21 commission.

22 The powers herein granted to the commission with reference to  
23 port and terminal facilities shall supersede the right to  
24 exercise any such powers within the district, as defined in  
25 paragraph (e) of Article I of this agreement, by any other body  
26 which has been heretofore created by compact or agreement  
27 between the Commonwealth of Pennsylvania and the State of New  
28 Jersey.

29 Nothing contained in any other of the provisions of this  
30 compact or agreement shall be deemed or construed to amend,

1 modify or repeal any of the powers, rights or duties conferred  
2 by, or limitations or restrictions expressed in, Article X of  
3 this compact or agreement, or any of the provisions of said  
4 Article X relating to a bridge to be constructed, operated and  
5 maintained by the Pennsylvania Turnpike Commission or the New  
6 Jersey Turnpike Authority acting alone or in conjunction with  
7 each other.

8 Notwithstanding the above, each state reserves the right to  
9 provide by law for the exercise of a veto power by the Governor  
10 of that state over any action of any commissioner from that  
11 state at any time within ten days (Saturdays, Sundays and public  
12 holidays in the particular state excepted) after receipt at the  
13 Governor's office of a certified copy of the minutes of the  
14 meeting at which such vote was taken. Each state may provide by  
15 law for the manner of delivery of the minutes, and for  
16 notification of the action on the minutes.

17 ARTICLE IX. <--

18 THE COMMISSION SHALL MAKE ANNUAL REPORTS TO THE GOVERNORS AND  
19 LEGISLATURES OF THE COMMONWEALTH OF PENNSYLVANIA AND THE STATE  
20 OF NEW JERSEY SETTING FORTH IN DETAIL ITS OPERATIONS AND  
21 TRANSACTIONS, AND MAY MAKE SUCH ADDITIONAL REPORTS FROM TIME TO  
22 TIME TO THE GOVERNORS AND LEGISLATURES, AS IT MAY DEEM  
23 ADVISABLE.

24 [THE COMMISSION SHALL SUBMIT BIENNIALLY TO A PERFORMANCE  
25 AUDIT JOINTLY CONDUCTED BY THE AUDITOR GENERAL OF PENNSYLVANIA  
26 AND THE STATE AUDITOR OF NEW JERSEY, WHICH SHALL INCLUDE  
27 EXPENDITURES AND OPERATIONS OF THE COMMISSION. THESE AUDITORS  
28 SHALL COMPLETE THE PERFORMANCE AUDIT AND PREPARE A JOINT REPORT  
29 BY DECEMBER 31 OF EVERY ODD-NUMBERED YEAR, WITH THE FIRST AUDIT  
30 AND REPORT TO BE COMPLETED BY DECEMBER 31, 1997. A REPORT OF

1 THOSE AUDITS SHALL BE SUBMITTED TO THE GOVERNORS AND  
2 LEGISLATURES OF THE COMMONWEALTH OF PENNSYLVANIA AND THE STATE  
3 OF NEW JERSEY AND TO THE DELAWARE RIVER JOINT TOLL BRIDGE  
4 COMMISSION.

5 AN ANNUAL FINANCIAL AUDIT SHALL BE CONDUCTED AT THE EXPENSE  
6 OF THE COMMISSION BY AN INDEPENDENT ACCOUNTING FIRM IN  
7 ACCORDANCE WITH GENERALLY ACCEPTED ACCOUNTING PRINCIPLES. A  
8 WRITTEN REPORT OF EACH AUDIT SHALL BE SUBMITTED TO THE  
9 COMMISSION AND SHALL BE RETAINED BY THE COMMISSION FOR AT LEAST  
10 FIVE YEARS.]

11 THE AUDITOR GENERAL OF PENNSYLVANIA AND THE STATE AUDITOR OF  
12 NEW JERSEY SHALL JOINTLY CONDUCT ANNUAL FINANCIAL AND MANAGEMENT  
13 AUDITS OF EXPENDITURES AND OPERATIONS OF THE COMMISSION AND  
14 SHALL SUBMIT A REPORT OF THOSE AUDITS TO THE GOVERNORS AND  
15 LEGISLATURES OF THE COMMONWEALTH OF PENNSYLVANIA AND THE STATE  
16 OF NEW JERSEY.

17 \* \* \*

18 SECTION 2. (A) THE MINUTES OF EVERY MEETING OF THE DELAWARE  
19 RIVER JOINT TOLL BRIDGE COMMISSION SHALL, AS SOON AS POSSIBLE  
20 AFTER THE MEETING, BE DELIVERED BY, AND UNDER THE CERTIFICATION  
21 OF THE SECRETARY OF THE COMMISSION, TO THE GOVERNOR.

22 (B) NO ACTION TAKEN BY A PENNSYLVANIA COMMISSIONER AT THE  
23 MEETING SHALL HAVE FORCE OR EFFECT FOR A PERIOD OF 10 DAYS,  
24 EXCEPT SATURDAYS, SUNDAYS AND COMMONWEALTH PUBLIC HOLIDAYS,  
25 AFTER THE MINUTES HAVE BEEN DELIVERED TO THE GOVERNOR UNDER THIS  
26 SUBSECTION, UNLESS THE GOVERNOR APPROVES THE MINUTES, OR ANY  
27 PART OF THE MINUTES, IN WRITING, BY RECITING THE ACTION  
28 APPROVED, WITHIN THE 10-DAY PERIOD. THIS VETO POWER SHALL NOT BE  
29 CONSTRUED TO AFFECT THE COVENANTS CONTAINED IN THE BONDS OF THE  
30 COMMISSION.

1 (C) (1) THE GOVERNOR SHALL RETURN THE MINUTES TO THE  
2 DELAWARE RIVER JOINT TOLL BRIDGE COMMISSION, NOT LATER THAN  
3 THE 10-DAY PERIOD PRESCRIBED IN SUBSECTION (B), EITHER WITH  
4 OR WITHOUT A VETO OF ANY ACTION RECITED IN THE MINUTES TO  
5 HAVE BEEN TAKEN BY A COMMISSIONER APPOINTED FROM  
6 PENNSYLVANIA.

7 (2) IF THE GOVERNOR DOES NOT RETURN THE MINUTES WITHIN  
8 THE 10-DAY PERIOD, THE ACTION TAKEN BY THE PENNSYLVANIA  
9 COMMISSIONERS SHALL HAVE THE FORCE AND EFFECT AS RECITED IN  
10 THE MINUTES, ACCORDING TO THE WORDING OF THE MINUTES. IF THE  
11 GOVERNOR, WITHIN THE 10-DAY PERIOD PRESCRIBED IN SUBSECTION  
12 (B), RETURNS THE MINUTES OF THE DELAWARE RIVER JOINT TOLL  
13 BRIDGE COMMISSION WITH A VETO AGAINST THE ACTION OF THAT  
14 COMMISSIONER FROM PENNSYLVANIA, THE ACTION OF THAT  
15 COMMISSIONER SHALL BE NULL AND VOID AND OF NO EFFECT.

16 (D) THE COMMISSION SHALL DESIGNATE AN INDIVIDUAL WHO SHALL  
17 BE RESPONSIBLE FOR RESPONDING TO REQUESTS FROM THE PUBLIC AND  
18 THE NEWS MEDIA FOR INFORMATION CONCERNING THE SCHEDULING,  
19 ATTENDANCE AND MINUTES OF COMMISSION MEETINGS.

20 Section ~~2~~ 3. The Governor shall not enter into a <--  
21 supplemental compact or agreement on behalf of the Commonwealth  
22 of Pennsylvania until passage by the State of New Jersey of a  
23 substantially similar act embodying a supplemental compact or  
24 agreement between the two states.

25 Section ~~3~~ 4. The Governor shall publish the date of <--  
26 execution of any supplemental compact or agreement referenced in  
27 section ~~2~~ 3 as a notice in the Pennsylvania Bulletin. <--

28 Section ~~4~~ 5. This act shall take effect immediately. <--