

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 664 Session of
2005

INTRODUCED BY BOSCOLA, MAY 26, 2005

REFERRED TO TRANSPORTATION, MAY 26, 2005

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; and further providing for powers and duties
18 and for audits.

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

21 Section 1. Articles II and IX of section 1 of the act of
22 June 25, 1931 (P.L.1352, No.332), referred to as the Delaware
23 River Joint Toll Bridge Compact, amended July 11, 1996 (P.L.556,
24 No.99), are amended to read:

25 ARTICLE II.

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

21 (a) To have perpetual succession.

22 (b) To sue and be sued.

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

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

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

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

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

6 (h) To enter into contracts.

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

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

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

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

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

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

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

28 (o) In addition to the foregoing powers, to exercise the
29 powers, duties, authority and jurisdiction heretofore conferred
30 and imposed upon the aforesaid commissions, hereby constituted a

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

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

25 (q) To acquire, construct, rehabilitate, improve, maintain,
26 lease as lessor or as lessee, repair and operate, port and
27 terminal facilities, as hereinafter defined, within the
28 district, including the dredging of ship channels and turning
29 basins and the filling and grading of land therefor.

30 (r) To provide from time to time for the issuance of its

1 bonds or other obligations for any one or more of its corporate
2 purposes; all bonds and other obligations hereafter issued by
3 the commission shall have all the qualities and incidents of
4 negotiable instruments.

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

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

28 As used in this agreement, the term 'port and terminal
29 facilities' shall mean and shall include, without intending
30 thereby to limit the definition of such term, any one or more of

1 the following or any combination thereof:

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

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

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

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

27 Nothing contained in any other of the provisions of this
28 compact or agreement shall be deemed or construed to amend,
29 modify or repeal any of the powers, rights or duties conferred
30 by, or limitations or restrictions expressed in, Article X of

1 this compact or agreement, or any of the provisions of said
2 Article X relating to a bridge to be constructed, operated and
3 maintained by the Pennsylvania Turnpike Commission or the New
4 Jersey Turnpike Authority acting alone or in conjunction with
5 each other.

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

15 ARTICLE IX.

16 The commission shall make annual reports to the Governors and
17 Legislatures of the Commonwealth of Pennsylvania and the State
18 of New Jersey setting forth in detail its operations and
19 transactions, and may make such additional reports from time to
20 time to the Governors and Legislatures, as it may deem
21 advisable.

22 [The commission shall submit biennially to a performance
23 audit jointly conducted by the Auditor General of Pennsylvania
24 and the State Auditor of New Jersey, which shall include
25 expenditures and operations of the commission. These auditors
26 shall complete the performance audit and prepare a joint report
27 by December 31 of every odd-numbered year, with the first audit
28 and report to be completed by December 31, 1997. A report of
29 those audits shall be submitted to the Governors and
30 Legislatures of the Commonwealth of Pennsylvania and the State

1 of New Jersey and to the Delaware River Joint Toll Bridge
2 Commission.

3 An annual financial audit shall be conducted at the expense
4 of the commission by an independent accounting firm in
5 accordance with generally accepted accounting principles. A
6 written report of each audit shall be submitted to the
7 commission and shall be retained by the commission for at least
8 five years.]

9 The Auditor General of Pennsylvania and the State Auditor of
10 New Jersey shall jointly conduct annual financial and management
11 audits of expenditures and operations of the commission and
12 shall submit a report of those audits to the Governors and
13 Legislatures of the Commonwealth of Pennsylvania and the State
14 of New Jersey.

15 Section 2. The Governor shall not enter into a supplemental
16 compact or agreement on behalf of the Commonwealth of
17 Pennsylvania until passage by the State of New Jersey of a
18 substantially similar act embodying a supplemental compact or
19 agreement between the two states.

20 Section 3. The Governor shall publish the date of execution
21 of any supplemental compact or agreement referenced in section 2
22 as a notice in the Pennsylvania Bulletin.

23 Section 4. This act shall take effect as follows:

24 (1) Sections 2 and 3 of this act shall take effect
25 immediately upon publication of the notice provided for under
26 section 3.

27 (2) The remainder of this act shall take effect
28 immediately.