

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1046 Session of
1983

INTRODUCED BY KUSSE AND HELFRICK, OCTOBER 5, 1983

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF
REPRESENTATIVES, AS AMENDED, NOVEMBER 19, 1984

AN ACT

1 ~~Amending Title 75 (Vehicles) of the Pennsylvania Consolidated~~ <—
2 ~~Statutes, further providing for the use of lighted lamps.~~
3 CONCERNING A SUPPLEMENT TO THE COMPACT OF THE DELAWARE RIVER <—
4 JOINT TOLL BRIDGE COMMISSION, AUTHORIZING THE COMMONWEALTH OF
5 PENNSYLVANIA AND STATE OF NEW JERSEY TO CONSTRUCT A NEW
6 BRIDGE IN THE VICINITY OF EASTON, PENNSYLVANIA, AND
7 PHILLIPSBURG, NEW JERSEY.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 ~~Section 1. Section 4302 of Title 75 of the Pennsylvania~~ <—
11 ~~Consolidated Statutes is amended to read:~~

12 ~~§ 4302. Period for requiring lighted lamps.~~

13 ~~Every vehicle upon a highway at any time between sunset and~~
14 ~~sunrise, at any time when identification, clearance or side~~
15 ~~marker lights are utilized and at any other time when, due to~~
16 ~~insufficient light or unfavorable atmospheric conditions,~~
17 ~~persons and vehicles on the highway are not clearly discernible~~
18 ~~from a distance of 1000 feet ahead shall display lighted head~~
19 ~~and other lamps and illuminating devices as required under this~~

1 ~~chapter for different classes of vehicles, subject to exceptions~~
2 ~~with respect to parked vehicles. Stop lights, turn signals and~~
3 ~~other signaling devices shall be lighted as prescribed in this~~
4 ~~title.~~

5 ~~Section 2. This act shall take effect in 60 days.~~

6 SECTION 1. AUTHORITY TO ENTER INTO SUPPLEMENTAL AGREEMENT. <—

7 THE GOVERNOR IS HEREBY AUTHORIZED TO ENTER INTO A
8 SUPPLEMENTAL COMPACT OR AGREEMENT ON BEHALF OF THE COMMONWEALTH
9 OF PENNSYLVANIA WITH THE STATE OF NEW JERSEY, SUPPLEMENTING THE
10 COMPACT OR AGREEMENT ENTITLED "AGREEMENT BETWEEN THE
11 COMMONWEALTH OF PENNSYLVANIA AND THE STATE OF NEW JERSEY
12 CREATING THE DELAWARE RIVER JOINT TOLL BRIDGE COMMISSION AS A
13 BODY CORPORATE AND POLITIC AND DEFINING ITS POWERS AND DUTIES,"
14 WHICH WAS EXECUTED ON BEHALF OF THE STATE OF NEW JERSEY BY ITS
15 GOVERNOR ON DECEMBER 18, 1934, AND ON BEHALF OF THE COMMONWEALTH
16 OF PENNSYLVANIA BY ITS GOVERNOR ON DECEMBER 19, 1934, AND WHICH
17 COMPACT OR AGREEMENT WAS THEREAFTER AMENDED AND SUPPLEMENTED BY
18 COMPACTS OR AGREEMENTS EXECUTED BY THE RESPECTIVE STATES IN JULY
19 1947, JULY 1951 AND JULY 1953, SUCH SUPPLEMENTAL COMPACT OR
20 AGREEMENT TO BE IN SUBSTANTIALLY THE FOLLOWING FORM:

21 "SUPPLEMENTAL AGREEMENT BETWEEN THE COMMONWEALTH OF
22 PENNSYLVANIA AND THE STATE OF NEW JERSEY SUPPLEMENTING
23 THE COMPACT OR AGREEMENT ENTITLED 'AGREEMENT BETWEEN THE
24 COMMONWEALTH OF PENNSYLVANIA AND THE STATE OF NEW JERSEY
25 CREATING THE DELAWARE RIVER JOINT TOLL BRIDGE COMMISSION
26 AS A BODY CORPORATE AND POLITIC AND DEFINING ITS POWERS
27 AND DUTIES,' AS HERETOFORE AMENDED AND SUPPLEMENTED IN
28 JULY 1945, JULY 1951 AND JULY 1953, TO ESTABLISH THE
29 PURPOSES FOR WHICH THE COMMISSION MAY FIX, CHARGE AND
30 COLLECT TOLLS, RATES, RENTS AND OTHER CHARGES FOR THE USE

1 OF COMMISSION FACILITIES AND PROPERTIES."

2 THE COMMONWEALTH OF PENNSYLVANIA AND THE STATE OF NEW JERSEY
3 DO HEREBY SOLEMNLY COVENANT AND AGREE EACH WITH THE OTHER AS
4 FOLLOWS:

5 (1) (I) NOTWITHSTANDING ANY OTHER PROVISION OF THE COMPACT
6 OR AGREEMENT HEREBY SUPPLEMENTED, OR ANY PROVISION OF LAW, STATE
7 OR FEDERAL, TO THE CONTRARY, AS SOON AS THE EXISTING OUTSTANDING
8 BONDED INDEBTEDNESS OF THE COMMISSION SHALL BE REFUNDED,
9 DEFEASED, RETIRED OR OTHERWISE SATISFIED AND THEREAFTER, THE
10 COMMISSION MAY FIX, CHARGE AND COLLECT TOLLS, RATES, RENTS AND
11 OTHER CHARGES FOR THE USE OF ANY COMMISSION FACILITY OR PROPERTY
12 AND IN ADDITION TO ANY PURPOSE NOW OR HERETOFORE OR HEREAFTER
13 AUTHORIZED FOR WHICH THE REVENUES FROM SUCH TOLLS, RATES, RENTS
14 OR OTHER CHARGES MAY BE APPLIED, THE COMMISSION IS HEREBY
15 AUTHORIZED TO APPLY OR EXPEND ANY SUCH REVENUE FOR THE
16 MANAGEMENT, OPERATION, MAINTENANCE, BETTERMENT, RECONSTRUCTION
17 OR REPLACEMENT (1) OF THE EXISTING NON-TOLL BRIDGES (FORMERLY
18 TOLL OR OTHERWISE) OVER THE DELAWARE RIVER BETWEEN THE STATE OF
19 NEW JERSEY AND THE COMMONWEALTH OF PENNSYLVANIA HERETOFORE
20 ACQUIRED BY THE COMMISSION PURSUANT TO THE PROVISIONS OF THE ACT
21 OF THE STATE OF NEW JERSEY APPROVED THE FIRST DAY OF APRIL, 1912
22 (CHAPTER 297), AND ALL SUPPLEMENTS AND AMENDMENTS THERETO, AND
23 THE ACT OF THE COMMONWEALTH OF PENNSYLVANIA APPROVED THE EIGHTH
24 DAY OF MAY, 1919 (P.L.148, NO.102), AND ALL SUPPLEMENTS AND
25 AMENDMENTS THERETO AND (2) OF ALL OTHER BRIDGES WITHIN THE
26 COMMISSION'S JURISDICTION AND CONTROL. BETTERMENT SHALL INCLUDE
27 BUT NOT BE LIMITED TO PARKING AREAS FOR PUBLIC TRANSPORTATION
28 SERVICES AND ALL FACILITIES APPURTENANT TO APPROVED PROJECTS.

29 (II) THE COMMISSION MAY BORROW MONEY OR OTHERWISE INCUR
30 INDEBTEDNESS AND PROVIDE FROM TIME TO TIME FOR THE ISSUANCE OF

1 ITS BONDS OR OTHER OBLIGATIONS FOR ONE OR MORE OF THE PURPOSES
2 AUTHORIZED IN THIS SUPPLEMENTAL AGREEMENT. THE COMMISSION IS
3 HEREBY AUTHORIZED AND EMPOWERED TO PLEDGE ITS TOLLS, RATES,
4 RENTS AND OTHER REVENUES, OR ANY PART THEREOF, AS SECURITY FOR
5 THE REPAYMENT, WITH INTEREST, OF ANY MONEYS BORROWED BY IT OR
6 ADVANCED TO IT FOR ANY OF ITS AUTHORIZED PURPOSES, AND AS
7 SECURITY FOR THE SATISFACTION OF ANY OTHER OBLIGATION ASSUMED BY
8 IT IN CONNECTION WITH SUCH LOAN OR ADVANCES.

9 (III) THE AUTHORITY OF THE COMMISSION TO FIX, CHARGE AND
10 COLLECT FEES, RENTALS, TOLLS OR ANY OTHER CHARGES ON THE BRIDGES
11 WITHIN ITS JURISDICTION, INCLUDING THE BRIDGE AT THE DELAWARE
12 WATER GAP, IS HEREBY CONFIRMED.

13 (IV) THE COVENANTS OF THE STATE OF NEW JERSEY AND THE
14 COMMONWEALTH OF PENNSYLVANIA AS SET FORTH IN ARTICLE VI OF THE
15 COMPACT TO WHICH THIS IS A SUPPLEMENTAL AGREEMENT SHALL BE FULLY
16 APPLICABLE TO ANY BONDS OR OTHER OBLIGATIONS ISSUED OR
17 UNDERTAKEN BY THE COMMISSION. NOTWITHSTANDING ARTICLE VI OR ANY
18 OTHER PROVISION OF THE COMPACT, THE STATE OF NEW JERSEY AND THE
19 COMMONWEALTH OF PENNSYLVANIA MAY CONSTRUCT A BRIDGE ACROSS THE
20 DELAWARE RIVER IN THE VICINITY OF EASTON, PENNSYLVANIA, AND
21 PHILLIPSBURG, NEW JERSEY, WITHIN TEN MILES OF THE EXISTING TOLL
22 BRIDGE AT THAT LOCATION. ALL THE REST AND REMAINDER OF THE
23 COMPACT, AS AMENDED OR SUPPLEMENTED, SHALL BE IN FULL FORCE AND
24 EFFECT EXCEPT TO THE EXTENT IT IS INCONSISTENT WITH THIS
25 SUPPLEMENTAL AGREEMENT.

26 (2) THE COMMISSION IS HEREBY AUTHORIZED AND EMPOWERED TO
27 FIX, CHARGE OR COLLECT FEES, RENTALS, TOLLS OR ANY OTHER CHARGES
28 ON THE PROPOSED BRIDGE TO BE CONSTRUCTED IN THE VICINITY OF
29 EASTON, PENNSYLVANIA, AND PHILLIPSBURG, NEW JERSEY, IN THE SAME
30 MANNER AND TO THE SAME EXTENT THAT IT CAN DO SO FOR ALL OTHER

1 TOLL BRIDGES UNDER ITS JURISDICTION AND CONTROL PROVIDED THAT
2 THE UNITED STATES GOVERNMENT HAS APPROVED THE BRIDGE TO BE A
3 PART OF THE NATIONAL SYSTEM OF INTERSTATE AND DEFENSE HIGHWAYS
4 WITH 90% OF THE COST OF CONSTRUCTION TO BE CONTRIBUTED BY THE
5 UNITED STATES GOVERNMENT AND PROVIDED FURTHER THAT THE NON-
6 FEDERAL SHARE OF SUCH BRIDGE PROJECT IS CONTRIBUTED BY THE
7 COMMISSION. THE COMMISSION IS FURTHER AUTHORIZED AND EMPOWERED
8 IN THE SAME MANNER AND TO THE SAME EXTENT THAT IT CAN DO SO FOR
9 ALL OTHER TOLL BRIDGES UNDER ITS JURISDICTION AND CONTROL TO
10 FIX, CHARGE AND COLLECT FEES, RENTALS, TOLLS OR ANY OTHER
11 CHARGES ON ANY OTHER BRIDGE WITHIN ITS JURISDICTION AND CONTROL
12 IF SUCH BRIDGE HAS BEEN CONSTRUCTED IN PART WITH FEDERAL FUNDS.

13 (3) THE CONSENT OF CONGRESS TO THIS COMPACT SHALL CONSTITUTE
14 FEDERAL APPROVAL OF THE POWERS HEREIN VESTED IN THE COMMISSION
15 AND SHALL ALSO CONSTITUTE AUTHORITY TO THE UNITED STATES
16 DEPARTMENT OF TRANSPORTATION OR ANY SUCCESSOR AGENCY AND THE
17 INTENT OF CONGRESS TO GRANT ANY FEDERAL APPROVALS REQUIRED
18 HEREUNDER TO PERMIT THE COMMISSION TO FIX, CHARGE AND COLLECT
19 FEES, RENTALS, TOLLS OR ANY OTHER CHARGES ON THE BRIDGES WITHIN
20 ITS JURISDICTION TO THE EXTENT PROVIDED IN PARAGRAPHS (1), (2)
21 AND (3) HEREOF AND THE COMPACT.

22 (4) NOTWITHSTANDING THE ABOVE PROVISIONS, THE COMMISSION
23 SHALL NOT FIX, CHARGE OR COLLECT FEES, RENTALS, TOLLS OR ANY
24 OTHER CHARGES ON ANY OF THE VARIOUS BRIDGES FORMERLY TOLL OR
25 OTHERWISE OVER THE DELAWARE RIVER BETWEEN THE STATE OF NEW
26 JERSEY AND THE COMMONWEALTH OF PENNSYLVANIA HERETOFORE ACQUIRED
27 BY THE COMMISSION PURSUANT TO THE PROVISIONS OF THE ACT OF THE
28 STATE OF NEW JERSEY APPROVED THE FIRST DAY OF APRIL, 1912
29 (CHAPTER 297), AND ALL SUPPLEMENTS AND AMENDMENTS THERETO, AND
30 THE ACT OF THE COMMONWEALTH OF PENNSYLVANIA APPROVED THE EIGHTH

1 DAY OF MAY, 1919 (P.L.148, NO.102), AND ALL SUPPLEMENTS AND
2 AMENDMENTS THERETO.

3 (5) AT ANY TIME THAT THE COMMISSION SHALL BE FREE OF ALL
4 OUTSTANDING INDEBTEDNESS, THE STATE OF NEW JERSEY AND THE
5 COMMONWEALTH OF PENNSYLVANIA MAY, BY THE ENACTMENT OF
6 SUBSTANTIALLY SIMILAR ACTS, REQUIRE THE ELIMINATION OF ALL
7 TOLLS, RATES, RENTS AND OTHER CHARGES ON ALL BRIDGES WITHIN THE
8 COMMISSION'S JURISDICTION AND CONTROL AND, THEREAFTER, ALL COSTS
9 AND CHARGES IN CONNECTION WITH THE CONSTRUCTION, MANAGEMENT,
10 OPERATION, MAINTENANCE AND BETTERMENT OF BRIDGES WITHIN THE
11 JURISDICTION AND CONTROL OF THE COMMISSION SHALL BE THE
12 FINANCIAL RESPONSIBILITY OF THE STATES AS PROVIDED BY LAW.

13 SECTION 2. EFFECT UPON SIGNATURE.

14 UPON ITS SIGNATURE ON BEHALF OF THE STATE OF NEW JERSEY AND
15 THE COMMONWEALTH OF PENNSYLVANIA, THE SUPPLEMENTAL COMPACT OR
16 AGREEMENT SET FORTH IN SECTION 1 OF THIS ACT SHALL BECOME
17 BINDING, AND SHALL HAVE THE FORCE AND EFFECT OF A STATUTE OF THE
18 COMMONWEALTH OF PENNSYLVANIA, AND THE DELAWARE RIVER JOINT TOLL
19 BRIDGE COMMISSION SHALL THEREUPON BECOME VESTED WITH ALL THE
20 POWERS, RIGHTS, AND PRIVILEGES, AND BE SUBJECT TO THE DUTIES,
21 OBLIGATIONS, CONDITIONS AND LIMITATIONS CONTAINED THEREIN, AS
22 THOUGH THE SAME WERE SPECIFICALLY AUTHORIZED AND IMPOSED BY
23 STATUTE, AND THE COMMONWEALTH OF PENNSYLVANIA SHALL BE BOUND BY
24 ALL OF THE OBLIGATIONS ASSUMED BY IT UNDER SUCH SUPPLEMENTAL
25 COMPACT OR AGREEMENT, AND THE GOVERNOR SHALL TRANSMIT AN
26 ORIGINAL SIGNED COPY THEREOF TO THE SECRETARY OF THE
27 COMMONWEALTH FOR FILING IN HIS OFFICE.

28 SECTION 3. CONSENT AND APPROVAL OF CONGRESS.

29 THE GOVERNOR IS HEREBY AUTHORIZED TO APPLY, ON BEHALF OF THE
30 COMMONWEALTH OF PENNSYLVANIA, TO THE CONGRESS OF THE UNITED

1 STATES FOR ITS CONSENT AND APPROVAL TO SUCH SUPPLEMENTAL COMPACT
2 OR AGREEMENT.

3 SECTION 4. AUTHORITY TO CONSTRUCT BRIDGE.

4 NOTWITHSTANDING THE AUTHORITY GRANTED TO THE DELAWARE RIVER
5 JOINT TOLL BRIDGE COMMISSION IN ITS COMPACT TO CONSTRUCT BRIDGES
6 ACROSS THE DELAWARE RIVER, THE SECRETARY OF TRANSPORTATION, IN
7 COOPERATION WITH THE DEPARTMENT OF TRANSPORTATION OF THE STATE
8 OF NEW JERSEY AND THE UNITED STATES DEPARTMENT OF
9 TRANSPORTATION, IS HEREBY AUTHORIZED TO CONSTRUCT AS PART OF THE
10 NATIONAL SYSTEM OF INTERSTATE AND DEFENSE HIGHWAYS A BRIDGE
11 ACROSS THE DELAWARE RIVER IN THE VICINITY OF EASTON,
12 PENNSYLVANIA, AND PHILLIPSBURG, NEW JERSEY, WITHIN TEN MILES OF
13 THE EXISTING TOLL BRIDGE OWNED AND OPERATED BY THE COMMISSION.

14 SECTION 5. AUTHORITY TO ENTER INTO AGREEMENT FOR CONSTRUCTION,
15 OPERATION AND MAINTENANCE.

16 THE SECRETARY OF TRANSPORTATION IS FURTHER AUTHORIZED TO
17 ENTER INTO AN AGREEMENT WITH THE DEPARTMENT OF TRANSPORTATION OF
18 NEW JERSEY, THE UNITED STATES DEPARTMENT OF TRANSPORTATION AND
19 THE DELAWARE RIVER JOINT TOLL BRIDGE COMMISSION PROVIDING FOR
20 THE OPERATION AND MAINTENANCE OR THE CONSTRUCTION, OPERATION AND
21 MAINTENANCE OF THE PROPOSED EASTON-PHILLIPSBURG BRIDGE BY THE
22 COMMISSION. THE PROVISIONS OF THE COMPACT AND ALL AMENDMENTS AND
23 SUPPLEMENTS THERETO SHALL BE APPLICABLE TO THE CONSTRUCTION,
24 OPERATION AND MAINTENANCE OF THE BRIDGE FACILITY EXCEPT AS
25 OTHERWISE PROVIDED FOR BY FEDERAL LAW OR IN THE AGREEMENT
26 BETWEEN THE PARTIES.

27 SECTION 6. AUTHORITY TO PROVIDE FUNDS.

28 THE COMMONWEALTH, AT ITS DISCRETION, SHALL HAVE AUTHORITY TO
29 PROVIDE FUNDS TO THE DELAWARE RIVER JOINT TOLL BRIDGE COMMISSION
30 FOR MAJOR CAPITAL IMPROVEMENTS TO OR THE REPLACEMENT OF THE

1 COMMISSION'S NON-TOLL BRIDGES OR FOR SUCH OTHER FINANCIAL
2 ASSISTANCE AS MAY BE REQUESTED.

3 SECTION 7. AUTHORITY OF COMMISSION TO TAKE PROPERTY.

4 FOR THE PURPOSES OF THE LOCATION, CONSTRUCTION, MANAGEMENT,
5 OPERATION, MAINTENANCE, BETTERMENT OR REPLACEMENT OF ANY BRIDGES
6 NOW EXISTING OR TO BE CONSTRUCTED WITHIN ITS JURISDICTION AND
7 CONTROL, THE COMMISSION IS GRANTED THE POWER AND AUTHORITY TO
8 ENTER UPON, USE, OVERPASS, OCCUPY, ENLARGE, CONSTRUCT, IMPROVE
9 OR CLOSE ANY EASEMENT, STREET, ROAD OR HIGHWAY LOCATED WITHIN
10 THE LIMITS OF, OR TO USE, OCCUPY OR TAKE PROPERTY, NOW OR
11 HEREAFTER VESTED IN OR HELD BY ANY MUNICIPALITY IN ACCORDANCE
12 WITH THE PROVISIONS AND PROCEDURES OF THE LAWS OF THE
13 COMMONWEALTH GOVERNING SUCH TAKINGS.

14 SECTION 8. LIMITATION ON GOVERNOR.

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15 THE GOVERNOR OF THE COMMONWEALTH OF PENNSYLVANIA SHALL NOT
16 ENTER INTO THE SUPPLEMENTAL COMPACT OR AGREEMENT SET FORTH IN
17 SECTION 1 ON BEHALF OF THE COMMONWEALTH OF PENNSYLVANIA UNTIL
18 PASSAGE BY THE STATE OF NEW JERSEY OF A SUBSTANTIALLY SIMILAR
19 ACT INCLUDING A SUBSTANTIALLY SIMILAR SUPPLEMENTAL COMPACT OR
20 AGREEMENT BETWEEN THE TWO STATES.

21 SECTION 9. REPEALS.

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22 THE FOLLOWING ACTS AND PARTS OF ACTS ARE REPEALED:

23 SECTION 8 OF THE ACT OF MAY 8, 1919 (P.L.148, NO.102),
24 ENTITLED "AN ACT PROVIDING FOR THE JOINT ACQUISITION AND
25 MAINTENANCE BY THE COMMONWEALTH OF PENNSYLVANIA AND THE STATE OF
26 NEW JERSEY OF CERTAIN TOLL-BRIDGES OVER THE DELAWARE RIVER."

27 ACT OF JUNE 28, 1968 (P.L.281, NO.136), ENTITLED "AN ACT
28 CONCERNING HIGHWAYS AND BRIDGES OVER THE DELAWARE RIVER, AND
29 RESPONSIBILITIES OF THE DELAWARE RIVER JOINT TOLL BRIDGE
30 COMMISSION AND THE DEPARTMENT OF HIGHWAYS OF THE COMMONWEALTH OF

1 PENNSYLVANIA WITH REGARD TO THE CONSTRUCTION OF ADDITIONAL
2 CROSSINGS."

3 SECTION 9 10. EFFECTIVE DATE. <—

4 ~~THIS ACT SHALL TAKE EFFECT IMMEDIATELY BUT THE GOVERNOR SHALL~~ <—
5 ~~NOT ENTER INTO THE SUPPLEMENTAL COMPACT OR AGREEMENT SET FORTH~~
6 ~~IN SECTION 1 OF THIS ACT ON BEHALF OF THE COMMONWEALTH OF~~
7 ~~PENNSYLVANIA BEFORE PASSAGE BY THE STATE OF NEW JERSEY OF A~~
8 ~~SUBSTANTIALLY SIMILAR ACT INCLUDING A SUBSTANTIALLY SIMILAR~~
9 ~~SUPPLEMENTAL COMPACT OR AGREEMENT BETWEEN THE TWO STATES.~~

10 (A) EXCEPT AS PROVIDED IN SUBSECTION (B), THIS ACT SHALL
11 TAKE EFFECT IMMEDIATELY.

12 (B) AS MUCH OF SECTION 9 AS RELATES TO THE REPEAL OF SECTION
13 8 OF THE ACT OF MAY 8, 1919 (P.L.148, NO.102), ENTITLED "AN ACT
14 PROVIDING FOR A JOINT ACQUISITION AND MAINTENANCE BY THE
15 COMMONWEALTH OF PENNSYLVANIA AND THE STATE OF NEW JERSEY OF
16 CERTAIN TOLL-BRIDGES OVER THE DELAWARE RIVER," SHALL TAKE EFFECT
17 JULY 1, 1986, PROVIDED THAT ON OR BEFORE SUCH DATE THE SECRETARY
18 OF TRANSPORTATION PUBLISHES IN THE PENNSYLVANIA BULLETIN A
19 NOTICE INDICATING RATIFICATION OF THE COMPACT BY THE CONGRESS OF
20 THE UNITED STATES.