

AUTHORIZING DELAWARE RIVER PORT AUTHORITY TO ERECT A TOLL BRIDGE
Act of Dec. 13, 1955, P.L. 830, No. 241

Cl. 36

AN ACT

Authorizing and empowering the Delaware River Port Authority to finance, construct, erect, acquire, operate, maintain and own a new toll bridge for vehicular traffic across the Delaware River between Philadelphia County, Pennsylvania, and Burlington County or Camden County, New Jersey, at a location to be selected by the said Delaware River Port Authority, between a point or points within a three-mile radius of the intersection of State Road and Levick Street in the City of Philadelphia, Pennsylvania, and a point or points within a three-mile radius of the intersection of New Jersey State Route No. 73, Market Street and Temple Boulevard in the Borough of Palmyra, County of Burlington, New Jersey, together with such approaches thereto and such highway connections as may be necessary or desirable, and granting and defining and continuing certain powers of eminent domain and other functions, powers, duties and privileges; all of said actions to be taken pursuant to and in accordance with this act and the Compact or Agreement and amendments or supplements thereto between New Jersey and Pennsylvania, dated July one, one thousand nine hundred thirty-one, August twenty-three, one thousand nine hundred fifty-one, and August thirty, one thousand nine hundred fifty-one, and the consent by the Congress of the United States thereto.

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

Section 1. The Delaware River Port Authority (hereinafter sometimes called the "Authority") after investigation and study, having concluded plans, with estimates of cost and means of financing, for a new project for transportation across the Delaware River within the Port District, consisting of a new toll bridge for vehicular traffic across the Delaware River between a point or points within a one-mile radius of the intersection of Hedley Street and Delaware Avenue, in the City of Philadelphia, Commonwealth of Pennsylvania, and a point or points within a one-mile radius of the intersection of Drousse Avenue and River Road in the Township of Pennsauken, County of Camden, State of New Jersey, together with such approaches thereto and such highway connections as may be necessary or desirable (herein sometimes called collectively "new toll bridge"), and the Authority having made to the Legislatures of the Commonwealth of Pennsylvania and the State of New Jersey a detailed report in 1963 dealing only with said project and having requested of said Legislatures authority to proceed with the project described in said report, all pursuant to, in accordance with and as provided in the Compact or Agreement between the Commonwealth of Pennsylvania and the State of New Jersey hereinafter mentioned, the Authority is hereby authorized

and empowered to finance, construct, erect, acquire, operate, maintain and own such a new toll bridge for vehicular traffic, together with such approaches thereto and highway connections as the Authority may deem necessary or desirable, and to proceed with the said project outlined in said detailed report. The Authority, in addition to other public purposes now or hereafter provided for it and other powers and duties now or hereafter conferred upon it and not in limitation thereof and notwithstanding any of the provisions of any act, shall have among its authorized purposes such financing, construction, erection, acquisition, operation, maintenance and ownership of such new toll bridge for vehicular traffic all pursuant to, in accordance with and as provided in this act and the Agreement or Compact as heretofore or hereafter amended or supplemented (herein sometimes called the "Compact") between the Commonwealth of Pennsylvania and State of New Jersey creating The Delaware River Port Authority as a body corporate and politic, and defining its powers and duties, which said Compact as amended or supplemented to January 1, 1963, is duly authorized by the Acts of the Commonwealth of Pennsylvania, approved June twelve, one thousand nine hundred thirty-one, Act No. 200, Pamphlet Laws 575, July eighteen, one thousand nine hundred fifty-one, Act No. 214, Pamphlet Laws 1010, August ten, one thousand nine hundred fifty-one, Act No. 274, Pamphlet Laws 1206; and by the laws of the State of New Jersey, approved June thirty, one thousand nine hundred thirty-one, Chapter 391, Pamphlet Laws 1931, June twenty-six, one thousand nine hundred fifty-one, Chapter 287, Pamphlet Laws 1951, June twenty-six, one thousand nine hundred fifty-one, Chapter 288, Pamphlet Laws 1951, and has been duly consented to by the Congress of the United States by Public Resolution No. 26, Seventy-second Congress (S. J. Resolution 41) approved June fourteen, one thousand nine hundred thirty-two, Public Law 573, Chapter 921, Eighty-second Congress, Second Session, approved July seventeen, one thousand nine hundred fifty-two, Public Law 574, Chapter 922, Eighty-second Congress, Second Session, approved July seventeen, one thousand nine hundred fifty-two.

(1 amended Aug. 24, 1963, P.L.1206, No.507)

Section 2. (a) For the effectuation of any of its purposes, authorized by this act, the Authority is hereby granted, in addition to and in support of any other powers heretofore or hereafter granted to it, power and authority to acquire in its name by purchase or otherwise, on such terms and conditions and in such manner as it may deem proper, or by the exercise of the power of eminent domain, any land and other property which it may determine is reasonably necessary for the new toll bridge referred to in this act or for the construction of such approaches thereto or highway connections as the Authority shall deem necessary, and any and all rights, title and interest in such land and other property, including public lands, parks, playgrounds, reservations, highways, or parkways, owned by or in which any county, city, borough, town, township, village, or other political subdivision of the Commonwealth of Pennsylvania or State of New Jersey has any right, title or interest, or parts thereof or rights therein and any fee simple absolute or

any lesser interest in private property, and any fee simple absolute in easements upon, or the benefit of restrictions upon, abutting property to preserve and protect such bridge, the approaches thereto or highway connections. Upon the exercise of the power of eminent domain under this act, the compensation to be paid with regard to property located in the Commonwealth of Pennsylvania shall be ascertained and paid as provided by the act of July nine, one thousand nine hundred nineteen (Pamphlet Laws 814) and acts amendatory thereof and supplementary thereto insofar as the provisions thereof are applicable and not inconsistent with the provisions of the Compact and of this act, and upon the exercise of the power of eminent domain, the compensation to be paid with regard to property located in the State of New Jersey shall be ascertained and paid in the manner provided in chapter one of Title 20 of the Revised Statutes of New Jersey insofar as the provisions thereof are applicable and not inconsistent with the provisions of the Compact and of this act. The Authority may join, in separate subdivisions in one petition or complaint, the descriptions of any number of tracts or parcels of land or property to be condemned and the names of any number of owners and other parties who may have an interest therein and all such land or property included in said petition or complaint may be condemned in a single proceeding: Provided, however, That separate awards shall be made for each tract or parcel of land or property: And provided further, That each of said tracts or parcels of land or property lies wholly in or has a substantial part of its value lying wholly within the same county.

(b) Whenever the Authority acquires under this section 2 the whole or any part of the right of way of a public utility located in the Commonwealth of Pennsylvania, the Authority shall, at its own expense, provide a substitute right of way on another and favorable location. Such public utility shall thereupon provide for the transfer to or reconstruction upon, in, under or above said substitute right of way of any structures and facilities of said public utility located upon, in, under or above said original right of way at the time the same is so acquired. The Authority is hereby authorized to enter into agreements with such public utility to contribute toward the expense of such transfer or reconstruction, and in the event that they are unable to agree on the amount to be paid, the matter shall be referred to the Pennsylvania Public Utility Commission, which shall, after hearing thereon, make a finding of the amount to be paid to such public utility by the Authority. In case of failure of such public utility, within a reasonable time after notice so to do, to remove its facilities to such substitute right of way, the Pennsylvania Public Utility Commission shall have jurisdiction, on petition of the Authority, to order such transfer or reconstruction. Any party to such proceedings shall have the right of appeal from the ruling of the Pennsylvania Public Utility Commission. The Authority is hereby authorized to acquire, by purchase or by the exercise of the power of eminent domain, any necessary land or right of way for the relocation of any such public utility right of way and facilities. The substitute right of way thus acquired

shall be equal in estate to the original right of way acquired from the public utility and the Authority shall deliver to the public utility a deed, duly executed and acknowledged, conveying to it an estate in the substitute right of way, at least equal to that owned by the public utility in the original right of way, or if such substitute right of way is to be acquired by purchase, the Authority shall procure and deliver to the public utility a deed conveying such estate to it from the owner of the land on which such substitute right of way is located. This subsection (b) shall have no application to the relocation of public utility facilities located in the beds of public streets, roads or highways.

(2 amended Aug. 24, 1963, P.L.1206, No.507)

Section 3. The Commonwealth of Pennsylvania and State of New Jersey hereby consent to the use and occupation by the Authority of any real property of the said States which may be, or become, necessary or convenient to the effectuation of the authorized purposes of the Authority, including lands lying under water and lands already devoted to public use.

Section 4. The term "property," as used herein, includes lands, structures, franchises and interests in land, including lands under water and riparian rights, and any and all things and rights usually included within the said term and includes not only fees simple absolute, but also any and all lesser interests such as easements, rights of way, uses, leases, licenses and all other incorporeal hereditaments, and every estate, interest or right, legal or equitable, including terms of years and liens thereon by way of judgments, mortgages or otherwise, claims for damages to real estate, and includes also personal property, franchises and any other rights granted by any statute or covenant.

Section 5. The Authority and its duly authorized agents and employes may enter upon any land in the Commonwealth of Pennsylvania and State of New Jersey for the purpose of making such surveys, maps or other examinations thereof as it may deem necessary or convenient for the purpose of constructing the bridge, approaches and highway connections authorized hereby.

Section 6. In addition to all tax exemptions given by the Compact to the Authority, to its property, and to the bonds or other securities or obligations issued by it, no property, real or personal, nor its transfer or use, shall be subject to any tax by the Commonwealth of Pennsylvania or the State of New Jersey, or any political subdivisions of either of them, imposed on the purchase, use, sale, transfer or on the privilege of transferring title to such property, or on the execution, delivery or recording of any written instrument in connection therewith, to or by the Authority, in carrying out the project authorized by this act or in carrying out any other undertaking of the Authority.

Section 7. Notwithstanding any of the provisions of this act, the Authority shall not, in connection with the new toll bridge, construct any approach or highway connection in the Commonwealth of Pennsylvania unless and until the Department of Highways of said Commonwealth shall have filed with the Authority its written consent to the location and general plans

of the approaches and highway connections, and the Authority shall not, in connection with the new toll bridge, construct any approach or highway connection in the State of New Jersey unless and until the State Highway Department of said State shall have filed with the Authority its written consent to the location and general plans of the approaches and highway connections. As used in this paragraph, the term "approach" or "highway connection" means and includes any highway, road or structure for passage of vehicles, located inland of any of the established bulkhead lines of the Delaware River, including any highway, road or structure for passage of vehicles, necessary to create access to the new toll bridge referred to in this act or to connect such bridge with a highway system or other traffic facilities, or necessary to facilitate the flow of traffic in the vicinity of such bridge.

Section 8. As provided in the Compact and, in any event, not in derogation of any powers granted therein or in any manner heretofore, the Authority is authorized to establish, levy, collect and combine tolls, rents, rates, and other charges and revenues in accordance with the Compact and the Congressional consents thereto as it may deem convenient or necessary for the use of the new toll bridge and of other bridges, projects and other undertakings authorized by the Compact and to use and pledge the same as provided in the Compact and the Congressional consents thereto. The new toll bridge may be constructed, in whole or in part, with funds to be raised by the Authority on bonds or other securities or obligations issued or incurred by it pursuant to the Compact.

(8 amended Aug. 24, 1963, P.L.1206, No.507)

Section 9. Notwithstanding any provision of this act, the Authority shall have no power to pledge the credit of the Commonwealth of Pennsylvania, or the credit of the State of New Jersey, or the credit of any county, city, borough, village, township or other municipality of said Commonwealth or of said State, or to create any debt of said Commonwealth or of said State or of such municipality.

Section 10. Any powers vested in the Authority by this act shall be in addition to and not in diminution of the powers heretofore vested by law in the Authority.

Section 11. This act shall take effect immediately but the Delaware River Port Authority shall not proceed with construction of the new toll bridge until or unless the State of New Jersey shall have enacted a substantially similar act.

Section 12. The provisions of the agreement or Compact authorized by the Acts of the Commonwealth of Pennsylvania, approved the twelfth day of June, one thousand nine hundred thirty-one, (Pamphlet Laws 575), the eighteenth day of July, one thousand nine hundred fifty-one, (Pamphlet Laws 1010) and the tenth day of August, one thousand nine hundred fifty-one, (Pamphlet Laws 1206) and by the Acts of the State of New Jersey approved the thirtieth day of June, one thousand nine hundred thirty-one, Chapter 391, the twenty-sixth day of June, one thousand nine hundred fifty-one, Chapter 288, and the twenty-sixth day of June, one thousand nine hundred fifty-one, Chapter 287 are maintained in full force and effect.

Section 13. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application and, to this end, the provisions of this act are declared to be severable.