

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2350 Session of
1990

INTRODUCED BY PIEVSKY, LINTON, JOSEPHS, KOSINSKI, BISHOP, RYAN,
DOMBROWSKI, FEE, O'DONNELL, DeWEESE, WOGAN, J. TAYLOR, COHEN,
PERZEL, STUBAN AND CAPPABIANCA, MARCH 14, 1990

REFERRED TO COMMITTEE ON APPROPRIATIONS, MARCH 14, 1990

A SUPPLEMENT

1 To the act of June 12, 1931 (P.L.575, No.200), entitled, "An act
2 providing for joint action by Pennsylvania and New Jersey in
3 the development of the ports on the lower Delaware River, and
4 the improvement of the facilities for transportation across
5 the river; authorizing the Governor, for these purposes, to
6 enter into an agreement with New Jersey; creating The
7 Delaware River Joint Commission and specifying the powers and
8 duties thereof, including the power to finance projects by
9 the issuance of revenue bonds; transferring to the new
10 commission all the powers of the Delaware River Bridge Joint
11 Commission; and making an appropriation," authorizing certain
12 projects of the Delaware River Port Authority pursuant to
13 Article XII of the Compact or agreement between the
14 Commonwealth of Pennsylvania and the State of New Jersey
15 creating the Delaware River Port Authority.

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

18 Section 1. Legislative findings.

19 The General Assembly finds and declares as follows:

20 (1) There is an urgent need for development of port
21 facilities in the Commonwealth of Pennsylvania.

22 (2) There is an urgent need for development of port
23 facilities in Southern New Jersey.

24 (3) Such development can best be undertaken by the

1 Delaware River Port Authority.

2 (4) It will be of mutual advantage to the State of New
3 Jersey and the Commonwealth of Pennsylvania that the Delaware
4 River Port Authority proceed with these projects for the
5 improvement and development of the port district for port
6 purposes.

7 (5) It would be advantageous to such port development
8 for the Delaware River Port Authority to create, acquire,
9 construct and operate an International Trade Center in
10 Camden, New Jersey, a Regional Intermodal Transfer Facility
11 in the southeastern portion of Philadelphia, Pennsylvania and
12 a Regional Port Enhancement and Development Project.

13 (6) Article XII of the Compact between the States
14 creating the Delaware River Port Authority provides that it
15 shall not be within the power of the Authority to undertake
16 such projects unless and until the Legislatures of the
17 Commonwealth of Pennsylvania and the State of New Jersey
18 shall have authorized the commission to so proceed.

19 (7) The Delaware River Port Authority, pursuant to
20 Article XII of the Compact between the States, has requested
21 of the Legislatures the authority to proceed with the
22 development of an International Trade Center in Camden, New
23 Jersey and requested authority to proceed with the
24 development of a Regional Intermodal Transfer Facility in the
25 southeastern portion of Philadelphia, Pennsylvania and
26 requested authority to undertake a Regional Port Enhancement
27 and Development Project for the Port District.

28 Section 2. Definitions.

29 The following words and phrases when used in this act shall
30 have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

2 "Authority." The Delaware River Port Authority.

3 "Compact" or "DRPA Compact" The Compact or agreement entered
4 into by the Commonwealth of Pennsylvania and the State of New
5 Jersey creating the Delaware River Port Authority.

6 "International Trade Center Project." A project consisting
7 of an office building, parking facilities, and other
8 appurtenances, and located in the City of Camden, New Jersey on
9 the new Riverside Drive, between Mickle Boulevard and Federal
10 Street.

11 "Regional Intermodal Transfer Facility." A project
12 consisting of a rail facility, moving stock, and other necessary
13 appurtenances, located in the City of Philadelphia within an
14 area below the western terminus of the Walt Whitman Bridge.

15 "Regional Port Enhancement and Development Projects." The
16 projects described as follows:

17 (1) The development of terminal facilities within the
18 port district. Terminal facility is defined in Article XIII
19 of the DRPA Compact to include wharves, piers, slips,
20 ferries, docks, drydocks, ship repair yards, bulkheads, dock
21 walls, basins, carfloats, float-bridges, dredging equipment,
22 radio receiving and sending equipment, grain or other storage
23 elevators, warehouses, cold storage, tracks, yards, sheds,
24 switches, connections, overhead appliances, bunker coal, oil
25 and fresh water stations, markets, and every kind of
26 terminal, storage or supply facility now in use to facilitate
27 passenger transportation and for the handling, storage,
28 loading or unloading of freight at terminals, and equipment,
29 materials and supplies.

30 (2) A dredging project consisting of a study of future

1 dredging needs of the Delaware River in conjunction with the
2 Army Corps of Engineers, and the Authority being designated
3 as the regional local sponsor for all cost-sharing projects
4 that may be approved by the Federal Government in the future.

5 Section 3. Authorization of projects.

6 After investigation and study, having concluded plans with
7 estimates of costs and means of financing for new projects for
8 the improvement of the Delaware River's port facilities, and
9 having made to the Legislature of the Commonwealth of
10 Pennsylvania and to the Legislature of the State of New Jersey a
11 detailed report dealing only with these projects, and having
12 requested of the Legislatures authority to proceed with the
13 projects described in the report pursuant to Article XII of the
14 Compact, the Authority is authorized to finance, construct or
15 rent, acquire by purchase or condemnation, operate, maintain,
16 lease, own and otherwise deal with an International Trade Center
17 Project, a Regional Intermodal Transfer Facility, and Regional
18 Port Enhancement and Development Projects, all as described in
19 section 2.

20 Section 4. Acquisition of property.

21 (a) Condemnation.--

22 (1) For the effectuation of any of its purposes
23 authorized by this act, the Authority is hereby granted, in
24 addition to and in support of any other powers heretofore or
25 hereafter granted to it, power and authority to acquire in
26 its name by purchase or otherwise, on such terms and
27 conditions and in such manner as it may deem proper, or by
28 the exercise of the power of eminent domain, any land and
29 other property which it may determine is reasonably necessary
30 for the facilities referred to in this act or for the

1 construction thereof as the Authority shall deem necessary,
2 and any and all rights, titles and interest in such land and
3 other property, including public lands, parks, playgrounds,
4 reservations, highways, or parkways, owned by or in which any
5 public body of the Commonwealth of Pennsylvania or the State
6 of New Jersey has any right, title or interest, or parts
7 thereof or rights therein and any fee simple absolute or any
8 lesser interest in private property, and any fee simple
9 absolute in, easements upon, or the benefit or restrictions
10 upon, abutting property to preserve and protect such
11 facilities, the approaches, rail and highway connections
12 thereto.

13 (2) Upon the exercise of the power of eminent domain
14 under this act, the compensation to be paid with regard to
15 property located in the Commonwealth of Pennsylvania shall be
16 ascertained and paid as provided by the act of June 22, 1964
17 (Sp. Sess., P.L.84, No.6) known as the Eminent Domain Code,
18 insofar as the provisions thereof are applicable and not
19 inconsistent with the provisions of the Compact and of this
20 act.

21 (3) Upon the exercise of the power of eminent domain,
22 under this act, the compensation to be paid with regard to
23 property located in the State of New Jersey shall be
24 ascertained and paid in the manner provided in Chapter 1 of
25 Title 20 of the Revised Statutes of New Jersey insofar as the
26 provisions thereof are applicable and not inconsistent with
27 the provisions of the Compact and of this act.

28 (4) The Authority may join, in separate subdivisions in
29 one petition, declaration or complaint, the descriptions of
30 any number of tracts or parcels of land or property to be

1 condemned and the names of any number of owners and other
2 parties who may have an interest therein. All such land or
3 property included in the petition; declaration or complaint
4 may be condemned in a single proceeding; provided, however,
5 that separate awards shall be made for each tract or parcel
6 of land or property; And provided further, that each of said
7 tracts or parcels of land or property lies wholly in or has a
8 substantial part of its value lying wholly within the same
9 county.

10 (b) New Jersey public utilities.--In addition to any other
11 powers heretofore or hereafter granted to it, the Authority, in
12 connection with construction or operation of the projects
13 authorized by this act, shall have power to make reasonable
14 regulations for the installation, construction, maintenance,
15 repair, renewal, relocation and removal of tracks, pipes, mains,
16 conduits, cables, wires, towers, poles or any other equipment
17 and appliances (in this paragraph (b) called "works") in section
18 48:2-13 of the Revised Statutes of New Jersey in, on, along,
19 over or under any such project. Whenever in connection with the
20 construction of operation of such projects the Authority shall
21 determine that it is necessary that any such works, which are
22 now or hereafter may be located in, on, along, over or under
23 such projects shall be relocated in such project, or should be
24 removed therefrom, the public utility owning or operating such
25 works shall relocate or remove the same in accordance with the
26 order of the Authority, provided, however, that the cost and
27 expenses of such relocations or removal, including the cost of
28 installing such works in a new location or new locations, and
29 the cost of any lands or any rights or interest in lands or any
30 other rights acquired to accomplish such relocation or removal,

1 less the cost of any rights or interests in lands or any other
2 rights of the public utility paid to the public utility in
3 connection with the relocation or removal of such works, shall
4 be paid by the Authority and shall be included in the cost of
5 such project. In case of any such relocation or removal of works
6 as aforesaid, the public utility owning or operating the same,
7 its successors or assigns, may maintain and operate such works,
8 with the necessary appurtenances, in the new location or
9 locations for as long a period, and upon the same terms and
10 conditions, as it had the right to maintain and operate such
11 works in their former location.

12 (c) Pennsylvania public utilities.--Whenever the Authority
13 acquires under this section the whole or any part of the right-
14 of-way of a public utility located in the Commonwealth of
15 Pennsylvania, the Authority shall at its own expense, provide a
16 substitute right-of-way on another and favorable location. Such
17 public utility shall thereupon provide for the transfer to, or
18 reconstruction upon, in, under or above said substitute right-
19 of-way of any structures and facilities of said public utility
20 located upon, in, under or above said original right-of-way at
21 the time the same is so acquired. The Authority is hereby
22 authorized to enter into agreements with such public utility to
23 contribute toward the expense of such transfer or
24 reconstruction, and in the event that they are unable to agree
25 on the amount to be paid, the matter shall be referred to the
26 Pennsylvania Public Utility Commission which shall, after
27 hearing thereon, make a finding of the amount to be paid to such
28 public utility by the Authority. In case of failure of such
29 public utility, within a reasonable time after notice so to do,
30 to remove its facilities to such substitute right-of-way, the

1 Pennsylvania Public Utility Commission shall have jurisdiction,
2 on petition of the Authority to order such transfer or
3 reconstruction. Any party to such proceedings shall have the
4 right of appeal from the ruling of the Pennsylvania Public
5 Utility Commission.

6 (d) Utility rights-of-way.--The Authority is hereby
7 authorized to acquire, by purchase or by the exercise of the
8 power of eminent domain, any necessary land or right-of-way for
9 the relocation of any such public utility right-of-way and
10 facilities. The substitute right-of-way thus acquired shall be
11 equal in estate to the original right-of-way acquired from the
12 public utility, and the Authority shall deliver to the public
13 utility a deed, duly executed and acknowledged, conveying to it
14 an estate in the substitute right-of-way at least equal to that
15 owned by the public utility in the original right-of-way, or if
16 such right-of-way is to be acquired by purchase, the Authority
17 shall procure and deliver to the public utility a deed conveying
18 such estate to it from the owner of the land on which such
19 substitute right-of-way is located.

20 (e) Application of section.--This section shall have no
21 application to the relocation of public utility facilities
22 located in the beds of public streets, roads or highways.

23 Section 5. Entry upon lands.

24 The Authority and its duly authorized agents and employees
25 may enter upon land in the Commonwealth of Pennsylvania and the
26 State of New Jersey for the purpose of making such surveys, maps
27 or other examinations thereof as it may deem necessary or
28 convenient for the purposes of acquiring and constructing the
29 facilities authorized by this act.

30 Section 6. Tax exemption.

1 In addition to all tax exemptions given by the Compact to the
2 Authority, to its property, and to the bonds or obligations
3 issued by it, no property, real or personal, nor its transfer or
4 use, shall be subject to any tax by the Commonwealth of
5 Pennsylvania or State of New Jersey, or any political
6 subdivision of either of them, imposed on the purchase, use,
7 sale, transfer or on the privilege of transferring title to such
8 property, or on the execution, delivery or recording of any
9 written instrument in connection therewith, to or by the
10 Authority, in carrying out the projects authorized by this Act
11 or in carrying out any other undertaking of the Authority.

12 Section 7. Collection of tolls, rents and other charges.

13 As provided in the Compact, and in any event, not in
14 derogation of any powers granted therein or in any manner
15 heretofore, the Authority is authorized to establish, levy,
16 collect and combine tolls, rents, user fees, rates and other
17 charges and revenues in accordance with the Compact and the
18 Congressional consents thereto as it may deem convenient or
19 necessary and for the use of the projects, and to use and pledge
20 the same as provided in the Compact and the Congressional
21 consents thereto. The projects may be constructed, in whole or
22 in part, with funds raised by the Authority on bonds or other
23 securities or obligations issued or incurred by it pursuant to
24 the Compact.

25 Section 8. Credit not be pledged.

26 Notwithstanding any provision of this act, the Authority
27 shall have no power to pledge the credit of the Commonwealth of
28 Pennsylvania, or the credit of the State of New Jersey, or the
29 credit of any county, city, borough, village, township or other
30 municipality of said Commonwealth or of said State, or to create

1 any debt of said Commonwealth of said State or of said
2 municipality.

3 Section 9. Construction of act.

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

7 Section 10. Effective date.

8 This act shall take effect upon the date of final enactment
9 of legislation of the State of New Jersey having a substantially
10 similar effect as this act, but if the State of New Jersey has
11 already enacted such legislation, this act shall take effect
12 immediately.