

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1344 Session of
1995

INTRODUCED BY ULIANA, HECKLER AND TOMLINSON, DECEMBER 14, 1995

SENATOR GERLACH, INTERGOVERNMENTAL AFFAIRS, AS AMENDED,
FEBRUARY 6, 1996

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," further providing for attendance at meetings,
17 for a limitation on certain employment and for joint audits.

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

20 Section 1. Article I of section 1 of the act of June 25,
21 1931 (P.L.1352, No.332), referred to as the Delaware River Joint
22 Toll Bridge Compact, amended July 6, 1953 (P.L.369, No.84), is
23 amended to read:

24 ARTICLE I.

25 There is hereby created a body corporate and politic, to be

1 known as the Delaware River Joint Toll Bridge Commission
2 (hereinafter in this agreement called the 'commission'), which
3 shall consist of the commissioners, on behalf of the
4 Commonwealth of Pennsylvania, provided for by the act, approved
5 the eighth day of May, one thousand nine hundred and nineteen
6 (Pamphlet Laws, one hundred forty-eight), and its supplements
7 and amendments, for the acquisition of toll bridges over the
8 Delaware River, and of commissioners, on behalf of the State of
9 New Jersey, provided for by the act, approved the first day of
10 April, one thousand nine hundred and twelve (Chapter, two
11 hundred ninety-seven), and its supplements and amendments, for
12 the acquisition of toll bridges over the Delaware River, which
13 said commissions have heretofore been acting as a joint
14 commission by virtue of reciprocal legislation.

15 No action of the commission shall be binding unless a
16 majority of the members of the commission from Pennsylvania and
17 a majority of the members of the commission from New Jersey
18 shall vote in favor thereof.

19 [In the event that any ex-officio member of the commission
20 from Pennsylvania shall for any reason be absent from a meeting
21 of the commission, a deputy or other person in his department,
22 designated by him for such purpose, shall be authorized to act
23 at such meeting for and in behalf of such absent member and to
24 vote in his place on all matters which may be presented for
25 consideration at such meeting. Such designation shall be signed
26 by such ex-officio member and filed with the Secretary of the
27 commission and shall continue in effect until the expiration of
28 the term of office of such member or until another designation
29 shall be made.]

30 In the event that any ex-officio member of the commission

1 from Pennsylvania shall for any reason be absent from a meeting
2 of the commission, a deputy or other person in the ex-officio
3 member's department designated by the ex-officio member for such
4 purpose shall be authorized to act at such meeting for and in
5 behalf of such absent member and to vote in the member's place
6 on all matters which may be presented for consideration at such
7 meeting. Such designation shall be signed by the ex-officio
8 member and filed with the Secretary of the commission and shall
9 continue in effect until the expiration of the term of office of
10 such member or until another designation shall be made.

11 The commission shall constitute the public corporate
12 instrumentality of the Commonwealth of Pennsylvania and the
13 State of New Jersey for the following public purposes, and shall
14 be deemed to be exercising an essential governmental function in
15 effectuating such purposes, to wit:

16 (a) The administration, operation, and maintenance of the
17 joint State-owned bridges across the Delaware River between the
18 Commonwealth of Pennsylvania and the State of New Jersey, and
19 located north of the present stone arch bridge of the
20 Pennsylvania Railroad across the Delaware River from Morrisville
21 to Trenton;

22 (b) The investigation of the necessity for additional bridge
23 communications over the Delaware River, and the making of such
24 studies, surveys, and estimates as may be necessary to determine
25 the feasibility and cost of such additional bridge
26 communications;

27 (c) The preparation of plans and specifications for, and
28 location, acquisition, construction, administration, operation
29 and maintenance of, such additional bridge communications over
30 the Delaware River, at any location north of the boundary line

1 between Bucks County and Philadelphia County in the Commonwealth
2 of Pennsylvania as extended across the Delaware River to the New
3 Jersey shore of said river, as the commission deems necessary to
4 advance the interests of the two States and to facilitate public
5 travel; and the issuance of bonds and obligations to provide
6 moneys sufficient for the acquisition or construction of such
7 bridges; and the collection of tolls, rentals, and charges for
8 the redemption of such bonds and obligations, and the payment of
9 interest thereon;

10 (d) The procurement from the Government of the United States
11 of any consents which may be requisite to enable the commission
12 to exercise any of its powers;

13 (e) The investigation of the necessity for additional port
14 and terminal facilities within the area (hereinafter referred to
15 as the 'district') comprising all of the territory within the
16 counties of Bucks, Northampton, Monroe and Pike in Pennsylvania,
17 all of the territory within the counties of Sussex, Warren,
18 Hunterdon and Mercer in New Jersey, and that part of the
19 territory within the county of Burlington in New Jersey north of
20 the northerly bank of Rancocas Creek, as said creek and its
21 north branch extend in a general easterly direction from the
22 Delaware River and through Mount Holly, Pemberton and Browns
23 Mills and other communities to the Burlington-Ocean County
24 boundary line in New Jersey;

25 (f) The acquisition, construction, administration, operation
26 and maintenance of such port and terminal facilities within the
27 district as the commission may deem necessary to advance the
28 interests of the two states, the issuance of bonds or other
29 obligations of the commission to provide moneys sufficient for
30 the acquisition or construction of such facilities, and the

1 collection of fees, rentals, tolls and other charges for the
2 payment of such bonds or obligations and the interest thereon,
3 and for the administration, operation and maintenance of such
4 facilities.

5 Section 2. Article II of section 1 of the act, amended July
6 6, 1953 (P.L.369, No.84), November 10, 1965 (P.L.704, No.336)
7 and June 28, 1968 (P.L.279, No.134), is amended to read:

8 ARTICLE II.

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

28 (a) To have perpetual succession.

29 (b) To sue and be sued.

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

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

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

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

(g) To determine the qualifications and duties of its appointees, and to fix their compensation[.], except that the commission shall not employ directly or as an independent contractor a member of the commission for a period of ~~one year~~ TWO YEARS after the expiration of the term of office of that member.

(h) To enter into contracts.

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

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

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

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

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

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

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

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

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

1 private corporation in connection with similar property and
2 affairs.

3 (q) To acquire, construct, rehabilitate, improve, maintain,
4 lease as lessor or as lessee, repair and operate, port and
5 terminal facilities, as hereinafter defined, within the
6 district, including the dredging of ship channels and turning
7 basins and the filling and grading of land therefor.

8 (r) To provide from time to time for the issuance of its
9 bonds or other obligations for any one or more of its corporate
10 purposes; all bonds and other obligations hereafter issued by
11 the commission shall have all the qualities and incidents of
12 negotiable instruments.

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

26 (t) To petition the Interstate Commerce Commission, any
27 public service or public utilities commission, or any other
28 federal, state or local authority, whether administrative,
29 judicial or legislative, for the adoption and execution of any
30 physical improvement, change in method, rate of transportation,

1 system of handling freight, warehousing, docking, lightering or
2 transfer of freight, which, in the opinion of the commission,
3 may be designed to improve or facilitate the movement or
4 handling of commerce within the district or improve the terminal
5 or transportation facilities therein.

6 As used in this agreement, the term 'port and terminal
7 facilities' shall mean and shall include, without intending
8 thereby to limit the definition of such term, any one or more of
9 the following or any combination thereof:

10 (1) Every kind of terminal or storage structure or facility
11 now in use or hereafter designed for use in the handling,
12 storage, loading or unloading of freight or passengers at
13 steamship, railroad or motor terminals or airports, and every
14 kind of transportation facility now in use or hereafter designed
15 for use in connection therewith; and

16 (2) All real and personal property and all works, buildings,
17 structures, equipment, machinery, appliances and appurtenances
18 necessary or convenient for the proper construction, equipment,
19 maintenance and operation of such facility or facilities or any
20 one or more of them.

21 Notwithstanding any other provision of this agreement or any
22 provision of law, state or federal, to the contrary, the
23 commission shall not combine for financing purposes any port and
24 terminal facility or facilities constructed or acquired by it
25 under the provisions of this agreement with any bridge or
26 bridges heretofore or hereafter constructed or acquired by the
27 commission.

28 The powers herein granted to the commission with reference to
29 port and terminal facilities shall supersede the right to
30 exercise any such powers within the district, as defined in

1 paragraph (e) of Article I of this agreement, by any other body
2 which has been heretofore created by compact or agreement
3 between the Commonwealth of Pennsylvania and the State of New
4 Jersey.

5 Nothing contained in any other of the provisions of this
6 compact or agreement shall be deemed or construed to amend,
7 modify or repeal any of the powers, rights or duties conferred
8 by, or limitations or restrictions expressed in, Article X of
9 this compact or agreement, or any of the provisions of said
10 Article X relating to a bridge to be constructed, operated and
11 maintained by the Pennsylvania Turnpike Commission or the New
12 Jersey Turnpike Authority acting alone or in conjunction with
13 each other.

14 Section 3. Article IX of section 1 of the act, amended June
15 13, 1947 (P.L.592, No.256), is amended to read:

16 ARTICLE IX.

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

23 The Auditor General of Pennsylvania and the State Auditor of
24 New Jersey shall jointly conduct annual financial and management
25 audits of expenditures and operations of the commission and
26 shall submit a report of those audits to the Governors and
27 Legislatures of the Commonwealth of Pennsylvania and the State
28 of New Jersey.

29 Section 4. Notwithstanding section 5 of this act, the
30 Governor shall not enter into the supplemental compact or

1 agreement hereinabove set forth on behalf of the Commonwealth of
2 Pennsylvania until passage by the State of New Jersey of a
3 substantially similar act embodying the supplemental compact or
4 agreement between the two states.

5 Section 5. This act shall take effect immediately.