

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1344 Session of
1995

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

AS AMENDED ON THIRD CONSIDERATION, APRIL 10, 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 powers, for a limitation on certain employment and for
18 joint audits.

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

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

25 ~~ARTICLE I.~~

26 ~~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 ~~The commission shall constitute the public corporate~~

~~instrumentality of the Commonwealth of Pennsylvania and the State of New Jersey for the following public purposes, and shall be deemed to be exercising an essential governmental function in effectuating such purposes, to wit:~~

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

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

~~(c) The preparation of plans and specifications for, and location, acquisition, construction, administration, operation and maintenance of, such additional bridge communications over the Delaware River, at any location north of the boundary line between Bucks County and Philadelphia County in the Commonwealth of Pennsylvania as extended across the Delaware River to the New Jersey shore of said river, as the commission deems necessary to advance the interests of the two States and to facilitate public travel; and the issuance of bonds and obligations to provide moneys sufficient for the acquisition or construction of such bridges; and the collection of tolls, rentals, and charges for the redemption of such bonds and obligations, and the payment of interest thereon;~~

~~(d) The procurement from the Government of the United States of any consents which may be requisite to enable the commission~~

1 ~~to exercise any of its powers;~~

2 ~~(c) The investigation of the necessity for additional port~~
3 ~~and terminal facilities within the area (hereinafter referred to~~
4 ~~as the 'district') comprising all of the territory within the~~
5 ~~counties of Bucks, Northampton, Monroe and Pike in Pennsylvania,~~
6 ~~all of the territory within the counties of Sussex, Warren,~~
7 ~~Hunterdon and Mercer in New Jersey, and that part of the~~
8 ~~territory within the county of Burlington in New Jersey north of~~
9 ~~the northerly bank of Rancocas Creek, as said creek and its~~
10 ~~north branch extend in a general easterly direction from the~~
11 ~~Delaware River and through Mount Holly, Pemberton and Browns~~
12 ~~Mills and other communities to the Burlington Ocean County~~
13 ~~boundary line in New Jersey;~~

14 ~~(f) The acquisition, construction, administration, operation~~
15 ~~and maintenance of such port and terminal facilities within the~~
16 ~~district as the commission may deem necessary to advance the~~
17 ~~interests of the two states, the issuance of bonds or other~~
18 ~~obligations of the commission to provide moneys sufficient for~~
19 ~~the acquisition or construction of such facilities, and the~~
20 ~~collection of fees, rentals, tolls and other charges for the~~
21 ~~payment of such bonds or obligations and the interest thereon,~~
22 ~~and for the administration, operation and maintenance of such~~
23 ~~facilities.~~

24 ~~Section 2. Article II of section 1 of the act, amended July~~
25 ~~6, 1953 (P.L.369, No.84), November 10, 1965 (P.L.704, No.336)~~
26 ~~and June 28, 1968 (P.L.279, No.134), is amended to read:~~

27 SECTION 1. ARTICLE II OF SECTION 1 OF THE ACT OF JUNE 25, <—
28 1931 (P.L.1352, NO.332), REFERRED TO AS THE DELAWARE RIVER JOINT
29 TOLL BRIDGE COMPACT, AMENDED JULY 6, 1953 (P.L.369, NO.84),
30 NOVEMBER 10, 1965 (P.L.704, NO.336) AND JUNE 28, 1968 (P.L.279,

1 NO.134), IS AMENDED TO READ:

2 ARTICLE II.

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

22 (a) To have perpetual succession.

23 (b) To sue and be sued.

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

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

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

30 (f) To appoint such other officers, agents and employees as

1 it may require for the performance of its duties.

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

7 (h) To enter into contracts.

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

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

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

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

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

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

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

29 (o) In addition to the foregoing powers, to exercise the
30 powers, duties, authority and jurisdiction heretofore conferred

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

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

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

1 (r) To provide from time to time for the issuance of its
2 bonds or other obligations for any one or more of its corporate
3 purposes; all bonds and other obligations hereafter issued by
4 the commission shall have all the qualities and incidents of
5 negotiable instruments.

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

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

29 As used in this agreement, the term 'port and terminal
30 facilities' shall mean and shall include, without intending

1 thereby to limit the definition of such term, any one or more of
2 the following or any combination thereof:

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

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

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

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

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

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

7 Section 3 2. Article IX of section 1 of the act, amended <—
8 June 13, 1947 (P.L.592, No.256), is amended to read:

9 ARTICLE IX.

10 The commission shall make annual reports to the Governors and
11 Legislatures of the Commonwealth of Pennsylvania and the State
12 of New Jersey setting forth in detail its operations and
13 transactions, and may make such additional reports from time to
14 time to the Governors and Legislatures, as it may deem
15 advisable.

16 At the direction and expense of the commission, the Auditor
17 General of Pennsylvania and the State Auditor of New Jersey
18 shall jointly conduct regular, at least quadrennial, performance
19 audits, which shall include expenditures and operations of the
20 commission. A report of those audits shall be submitted to the
21 Governors and Legislatures of the Commonwealth of Pennsylvania
22 and the State of New Jersey.

23 Section 4 3. The Governor shall not enter into a <—
24 supplemental compact or agreement on behalf of the Commonwealth
25 of Pennsylvania until passage by the State of New Jersey of a
26 substantially similar act embodying a supplemental compact or
27 agreement between the two states.

28 Section 5 4. This act shall take effect immediately. <—