
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, HOUSE OF REPRESENTATIVES,
JUNE 27, 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 powers, for a
17 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 II 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),
23 November 10, 1965 (P.L.704, No.336) and June 28, 1968 (P.L.279,
24 No.134), is amended to read:

ARTICLE II.

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

(a) To have perpetual succession.

(b) To sue and be sued.

(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

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. ANY AND ALL BOND SERVICE REQUIRED BY <—
6 THIS ACT WHICH CANNOT BE PERFORMED BY EMPLOYEES OF THE
7 COMMISSION SHALL BE CONTRACTED WITH AND PERFORMED BY THE BOND
8 SERVICE PROVIDER SUBMITTING THE LOWEST RESPONSIBLE BID. FOR EACH
9 BOND SERVICE REQUIRED BY THIS ACT, THE COMMISSION SHALL
10 DISTRIBUTE A REQUEST FOR PROPOSAL REQUIRING A WRITTEN RESPONSE.
11 AFTER EACH BOND SERVICE PROVIDER IS SELECTED, THE COMMISSION
12 SHALL ISSUE A WRITTEN REPORT OF THE SELECTION OF THE SERVICE
13 PROVIDER AND THE BASIS THEREFOR. A COPY OF THE REQUEST FOR
14 PROPOSAL AND THE RESPONSES THERETO SHALL BE MADE A PART OF THE
15 REPORT. THIS REPORT SHALL BE MADE AVAILABLE TO THE PUBLIC. AS
16 USED IN THIS SUBSECTION, THE FOLLOWING WORDS AND PHRASES SHALL
17 HAVE THE MEANINGS GIVEN TO THEM AS FOLLOWS:

18 "BOND SERVICES." LEGAL, FINANCIAL AND OTHER SERVICES
19 RENDERED IN CONJUNCTION WITH ANY BONDS ISSUED PURSUANT TO THIS
20 ACT.

21 "BOND SERVICE PROVIDER." ANY BOND COUNSEL, FINANCIAL
22 ADVISER, UNDERWRITER, LOAN AND TRANSFER AGENT, VERIFICATION
23 AGENT OR PRINTER WHO PROVIDES BOND SERVICES PURSUANT TO THIS
24 ACT.

25 (s) To fix, charge and collect fees, rentals, tolls and
26 other charges for the use of any of its port and terminal
27 facilities so as to provide funds at least sufficient with other
28 funds available for such purposes (1) to pay the cost of
29 maintaining, repairing and operating such port and terminal
30 facilities, including the administrative expenses of the

1 commission chargeable thereto; (2) to pay the bonds or other
2 obligations issued on account of such facilities and the
3 interest thereon as the same become due and payable; and (3) to
4 provide reserves for such purposes, and to pledge such funds
5 over and above such costs of maintenance, repair and operation
6 to the payment of such bonds or other obligations and the
7 interest thereon.

8 (t) To petition the Interstate Commerce Commission, any
9 public service or public utilities commission, or any other
10 federal, state or local authority, whether administrative,
11 judicial or legislative, for the adoption and execution of any
12 physical improvement, change in method, rate of transportation,
13 system of handling freight, warehousing, docking, lightering or
14 transfer of freight, which, in the opinion of the commission,
15 may be designed to improve or facilitate the movement or
16 handling of commerce within the district or improve the terminal
17 or transportation facilities therein.

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

22 (1) Every kind of terminal or storage structure or facility
23 now in use or hereafter designed for use in the handling,
24 storage, loading or unloading of freight or passengers at
25 steamship, railroad or motor terminals or airports, and every
26 kind of transportation facility now in use or hereafter designed
27 for use in connection therewith; and

28 (2) All real and personal property and all works, buildings,
29 structures, equipment, machinery, appliances and appurtenances
30 necessary or convenient for the proper construction, equipment,

1 maintenance and operation of such facility or facilities or any
2 one or more of them.

3 Notwithstanding any other provision of this agreement or any
4 provision of law, state or federal, to the contrary, the
5 commission shall not combine for financing purposes any port and
6 terminal facility or facilities constructed or acquired by it
7 under the provisions of this agreement with any bridge or
8 bridges heretofore or hereafter constructed or acquired by the
9 commission.

10 The powers herein granted to the commission with reference to
11 port and terminal facilities shall supersede the right to
12 exercise any such powers within the district, as defined in
13 paragraph (e) of Article I of this agreement, by any other body
14 which has been heretofore created by compact or agreement
15 between the Commonwealth of Pennsylvania and the State of New
16 Jersey.

17 Nothing contained in any other of the provisions of this
18 compact or agreement shall be deemed or construed to amend,
19 modify or repeal any of the powers, rights or duties conferred
20 by, or limitations or restrictions expressed in, Article X of
21 this compact or agreement, or any of the provisions of said
22 Article X relating to a bridge to be constructed, operated and
23 maintained by the Pennsylvania Turnpike Commission or the New
24 Jersey Turnpike Authority acting alone or in conjunction with
25 each other.

26 Section 2. Article IX of section 1 of the act, amended June
27 13, 1947 (P.L.592, No.256), is amended to read:

28 ARTICLE IX.

29 The commission shall make annual reports to the Governors and
30 Legislatures of the Commonwealth of Pennsylvania and the State

1 of New Jersey setting forth in detail its operations and
2 transactions, and may make such additional reports from time to
3 time to the Governors and Legislatures, as it may deem
4 advisable.

5 ~~At the direction and expense of the commission, THE~~ <—
6 COMMISSION SHALL SUBMIT BIENNIALY TO A PERFORMANCE AUDIT
7 JOINTLY CONDUCTED BY the Auditor General of Pennsylvania and the
8 State Auditor of New Jersey shall jointly conduct regular, at <—
9 least quadrennial, performance audits, which shall include
10 expenditures and operations of the commission. THESE AUDITORS <—
11 SHALL COMPLETE THE PERFORMANCE AUDIT AND PREPARE A JOINT REPORT
12 BY DECEMBER 31 OF EVERY ODD-NUMBERED YEAR, WITH THE FIRST AUDIT
13 AND REPORT TO BE COMPLETED BY DECEMBER 31, 1997. A report of
14 those audits shall be submitted to the Governors and
15 Legislatures of the Commonwealth of Pennsylvania and the State
16 of New Jersey AND TO THE DELAWARE RIVER JOINT TOLL BRIDGE <—
17 COMMISSION.

18 AN ANNUAL FINANCIAL AUDIT SHALL BE CONDUCTED AT THE EXPENSE <—
19 OF THE COMMISSION BY AN INDEPENDENT ACCOUNTING FIRM IN
20 ACCORDANCE WITH GENERALLY ACCEPTED ACCOUNTING PRINCIPLES. A
21 WRITTEN REPORT OF EACH AUDIT SHALL BE SUBMITTED TO THE
22 COMMISSION AND SHALL BE RETAINED BY THE COMMISSION FOR AT LEAST
23 FIVE YEARS.

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

29 Section 4. This act shall take effect immediately.