

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 768 Session of 2009

INTRODUCED BY RAFFERTY, ORIE, O'PAKE, PICCOLA, EARLL, WARD,
EICHELBERGER, FOLMER AND ALLOWAY, APRIL 23, 2009

REFERRED TO TRANSPORTATION, APRIL 23, 2009

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," further providing
12 for purposes of commission.

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

15 Section 1. The Governor is hereby authorized to enter into a
16 supplemental compact or agreement, on behalf of the Commonwealth
17 of Pennsylvania, with the State of New Jersey, further amending
18 and supplementing the compact or agreement between the
19 Commonwealth of Pennsylvania and the State of New Jersey
20 entitled "Agreement between the Commonwealth of Pennsylvania and
21 the State of New Jersey creating The Delaware River Joint
22 Commission as a body corporate and politic and defining its
23 powers and duties," which was executed on behalf of the

1 Commonwealth of Pennsylvania by its Governor on July first, one
2 thousand nine hundred and thirty-one, and on behalf of the State
3 of New Jersey by the New Jersey Interstate Bridge Commission by
4 its members on July first, one thousand nine hundred and thirty-
5 nine, and which was consented to by the Congress of the United
6 States by Public Resolution Number twenty-six, being chapter two
7 hundred fifty-eight of the Public Laws, Seventy-second Congress,
8 approved June fourteenth, one thousand nine hundred and thirty-
9 two, which supplemental compact and agreement shall be in
10 substantially the following form:

11 Supplemental agreement between the Commonwealth of
12 Pennsylvania and the State of New Jersey further amending and
13 supplementing the agreement entitled "Agreement between the
14 Commonwealth of Pennsylvania and the State of New Jersey
15 creating The Delaware River Joint Commission as a body corporate
16 and politic and defining its powers and duties," further
17 providing for purposes of commission.

18 The Commonwealth of Pennsylvania and the State of New Jersey
19 do hereby solemnly covenant and agree, each with the other, as
20 follows:

21 (1) Article I of the compact or agreement entitled
22 "Agreement between the Commonwealth of Pennsylvania and the
23 State of New Jersey creating The Delaware River Joint Commission
24 as a body corporate and politic and defining its powers and
25 duties," which was executed on behalf of the Commonwealth of
26 Pennsylvania by its Governor on July first, one thousand nine
27 hundred and thirty-one, and on behalf of the State of New Jersey
28 by the New Jersey Interstate Bridge Commission by its members on
29 July first, one thousand nine hundred and thirty-one, and which
30 was consented to by the Congress of the United States by Public

1 Resolution Number twenty-six, being chapter two hundred fifty-
2 eight of the Public Laws, Seventy-second Congress, approved June
3 fourteenth, one thousand nine hundred and thirty-two, amended
4 April 3, 1992 (P.L.57, No.19), is amended to read:

5 ARTICLE I

6 The body corporate and politic, heretofore created and known
7 as The Delaware River Joint Commission, hereby is continued
8 under the name of The Delaware River Port Authority (hereinafter
9 in this agreement called the "commission"), which shall
10 constitute the public corporate instrumentality of the
11 Commonwealth of Pennsylvania and the State of New Jersey for the
12 following public purposes, and which shall be deemed to be
13 exercising an essential governmental function in effectuating
14 such purposes, to wit:

15 (a) The operation and maintenance of the bridge, owned
16 jointly by the two States, across the Delaware River between the
17 City of Philadelphia in the Commonwealth of Pennsylvania and the
18 City of Camden in the State of New Jersey, including its
19 approaches, and the making of additions and improvements hereto.

20 (b) The effectuation, establishment, construction,
21 acquisition, operation and maintenance of railroad or other
22 facilities for the transportation of passengers across any
23 bridge or tunnel owned or controlled by the commission,
24 including extensions of such railroad or other facilities
25 necessary for efficient operation in the Port District.

26 (c) The improvement and development of the Port District for
27 port purposes by or through the acquisition, construction,
28 maintenance or operation of any and all projects for the
29 improvement and development of the Port District for port
30 purposes, or directly related thereto, either directly by

1 purchase, lease or contract, or by lease or agreement with any
2 other public or private body or corporation, or in any other
3 manner.

4 (d) Cooperation with all other bodies interested or
5 concerned with, or affected by the promotion, development or use
6 of the Delaware River and the Port District.

7 (e) The procurement from the Government of the United States
8 of any consents which may be requisite to enable any project
9 within its powers to be carried forward.

10 (f) The construction, acquisition, operation and maintenance
11 of other bridges and tunnels across or under the Delaware River,
12 between the City of Philadelphia or the County of Delaware in
13 the Commonwealth of Pennsylvania, and the State of New Jersey,
14 including approaches, and the making of additions and
15 improvements thereto.

16 (g) The promotion as a highway of commerce of the Delaware
17 River, and the promotion of increased passenger and freight
18 commerce on the Delaware River and for such purpose the
19 publication of literature and the adoption of any other means as
20 may be deemed appropriate.

21 (h) To study and make recommendations to the proper
22 authorities for the improvement of terminal, lighterage,
23 wharfage, warehouse and other facilities necessary for the
24 promotion of commerce on the Delaware River.

25 (i) Institution through its counsel, or such other counsel
26 as it shall designate, or intervention in, any litigation
27 involving rates, preferences, rebates or other matters vital to
28 the interest of the Port District: Provided, That notice of any
29 such institution of or intervention in litigation shall be given
30 promptly to the Attorney General of the Commonwealth of

1 Pennsylvania and to the Attorney General of the State of New
2 Jersey, and provision for such notices shall be made in a
3 resolution authorizing any such intervention or litigation and
4 shall be incorporated in the minutes of the commission.

5 (j) The establishment, maintenance, rehabilitation,
6 construction and operation of a rapid transit system for the
7 transportation of passengers, express, mail, and baggage, or any
8 of them, between points in New Jersey within the Port District
9 and points in Pennsylvania within the Port District, and
10 intermediate points. Such system may be established either by
11 utilizing existing rapid transit systems, railroad facilities,
12 highways and bridges within the territory involved or by the
13 construction or provision of new facilities where deemed
14 necessary, and may be established either directly by purchase,
15 lease or contract, or by lease or agreement with any other
16 public or private body or corporation, or in any other manner.

17 (k) The performance of such other functions which may be of
18 mutual benefit to the Commonwealth of Pennsylvania and the State
19 of New Jersey insofar as concerns the promotion and development
20 of the Port District for port purposes and the use of its
21 facilities by commercial vessels.

22 (l) The performance or effectuation of such additional
23 bridge, tunnel, railroad, rapid transit, transportation,
24 transportation facility, terminal, terminal facility, and port
25 improvement and development purposes within the Port District as
26 may hereafter be delegated to or imposed upon it by the action
27 of either State concurred in by legislation of the other.

28 (m) The unification of the ports of the Delaware River
29 through (i) the acquisition or taking control of any terminal,
30 terminal facility, transportation facility or marine terminal or

1 port facility or associated property within the Port District
2 through purchase, lease or otherwise, or by the acquisition,
3 merger, becoming the successor to or entering into contracts,
4 agreements or partnerships with any other port corporation, port
5 authority or port-related entity which is located within the
6 Port District, all in accordance with the applicable laws of the
7 State in which the facility corporation or authority is located;
8 (ii) the exercise of the other powers granted by this compact;
9 or (iii) the establishment (whether solely or jointly with any
10 other entity or entities) of such subsidiary corporation or
11 corporations or maritime or port advisory committees as may be
12 necessary or desirable to effectuate this purpose.

13 [(n) The planning, financing, development, acquisition,
14 construction, purchase, lease, maintenance, marketing,
15 improvement and operation of any project, including, but not
16 limited to, any terminal, terminal facility, transportation
17 facility or any other facility of commerce or economic
18 development activity, from funds available after appropriate
19 allocation for maintenance of bridge and other capital
20 facilities.]

21 Section 2. The Governor is hereby authorized to apply, on
22 behalf on the Commonwealth of Pennsylvania, to the Congress of
23 the United States for its consent and approval to the aforesaid
24 supplemental compact or agreement; but, in the absence of such
25 consent and approval, the commission referred to in such
26 supplemental compact or agreement shall have all of the powers
27 which the Commonwealth of Pennsylvania and the State of New
28 Jersey may confer upon it without the consent and approval of
29 Congress.

30 Section 3. The Governor shall not enter into any

1 supplemental compact or agreement under this act until the State
2 of New Jersey has passed a substantially similar act embodying
3 the agreement between the two states as specified in this act.

4 Section 4. This act shall take effect immediately.