

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 813 Session of 2015

INTRODUCED BY EMRICK, FREEMAN, COHEN, HELM, FABRIZIO, STAATS, TOPPER, MACKENZIE, HARHART, LAWRENCE, B. MILLER, HEFFLEY, DIAMOND, HICKERNELL, O'NEILL, TOOHIL, TOEPEL, MENTZER, HAHN, GABLER, RADER, D. PARKER, MURT, JOZWIAK, R. BROWN, PEIFER, DUSH, GILLEN, KORTZ, SACCONI, EVANKOVICH, SAMUELSON, KAUFFMAN AND SANTARSIERO, MARCH 17, 2015

REFERRED TO COMMITTEE ON TRANSPORTATION, MARCH 17, 2015

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," providing for veto power by the Governor over  
 17 certain actions.

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 11, 1996 (P.L.556, No.99), is  
 23 amended to read:

ARTICLE II.

1  
2 For the effectuation of its authorized purposes, the  
3 commission is hereby granted the following powers as limited and  
4 supplemented by the act of July 1, 1996 (P.L.457, No.70),  
5 entitled "A supplement to the act of June 25, 1931 (P.L.1352,  
6 No.332), entitled 'An act providing for joint action by the  
7 Commonwealth of Pennsylvania and the State of New Jersey in the  
8 administration, operation, and maintenance of bridges over the  
9 Delaware River, and for the construction of additional bridge  
10 facilities across said river; authorizing the Governor, for  
11 these purposes, to enter into an agreement with the State of New  
12 Jersey; creating a Delaware River Joint Toll Bridge Commission  
13 and specifying the powers and duties thereof, including the  
14 power to finance the construction of additional bridges by the  
15 issuance of revenue bonds to be redeemed from revenues derived  
16 from tolls collected at such bridges; transferring to said  
17 commission all powers now exercised by existing commission  
18 created to acquire toll bridges over the Delaware River; and  
19 making an appropriation,' requiring the commission to adopt  
20 competitive purchasing, equal opportunity employment and  
21 competitive hiring 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 Notwithstanding the above, each state reserves the right to  
8 provide by law for the exercise of a veto power by the Governor  
9 of that state over any action of any commissioner from that  
10 state at any time within ten days (Saturdays, Sundays and public  
11 holidays in the particular state excepted) after receipt at the  
12 Governor's office of a certified copy of the minutes of the  
13 meeting at which such vote was taken. Each state may provide by  
14 law for the manner of delivery of the minutes, and for  
15 notification of the action on the minutes.

16 Section 2. The Governor shall not enter into a supplemental  
17 compact or agreement on behalf of the Commonwealth of  
18 Pennsylvania until passage by the State of New Jersey of a  
19 substantially similar act embodying a supplemental compact or  
20 agreement between the two states.

21 Section 3. The Governor shall publish the date of execution  
22 of any supplemental compact or agreement referenced in section 2  
23 as a notice in the Pennsylvania Bulletin.

24 Section 4. This act shall take effect immediately.