

No. 1996-99

AN ACT

SB 1344

Amending 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," further providing for powers, for a limitation on certain employment and for joint audits.

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

Section 1. Article II of section 1 of the act of June 25, 1931 (P.L.1352, No.332), referred to as the Delaware River Joint Toll Bridge Compact, amended July 6, 1953 (P.L.369, No.84), November 10, 1965 (P.L.704, No.336) and June 28, 1968 (P.L.279, 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 July 1, 1996 (P.L.456, No.70), 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 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 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.

(m) To exercise the power of eminent domain.

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

(o) In addition to the foregoing powers, to exercise the powers, duties, authority and jurisdiction heretofore conferred and imposed upon the aforesaid commissions, hereby constituted a joint commission by reciprocal legislation of the Commonwealth of Pennsylvania and the State of New Jersey, with respect to the acquisition of toll bridges over the Delaware River, the management, operation and maintenance of such bridges, and the location, acquisition, construction, administration, operation and maintenance of 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. The powers granted in this paragraph shall be in addition to those powers granted by paragraph (a) of Article X of this agreement.

(p) To exercise all other powers, not inconsistent with the Constitutions of the States of Pennsylvania and New Jersey or of the United States, which may be reasonably necessary or incidental to the effectuation of its authorized

purposes or to the exercise of any of the powers granted to the commission by this agreement or any amendment thereof or supplement thereto, except the power to levy taxes or assessments for benefits; and generally to exercise, in connection with its property and affairs and in connection with property under its control, any and all powers which might be exercised by a natural person or a private corporation in connection with similar property and affairs.

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

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

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

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

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

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

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

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

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

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

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

ARTICLE IX.

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

The commission shall submit biennially to a performance audit jointly conducted by the Auditor General of Pennsylvania and the State Auditor of New Jersey, which shall include expenditures and operations of the commission. These auditors shall complete the performance audit and prepare a joint report by December 31 of every odd-numbered year, with the first audit and report to be completed by December 31, 1997. A report of those audits shall be submitted to the Governors and Legislatures of the Commonwealth of Pennsylvania and the State of New Jersey and to the Delaware River Joint Toll Bridge Commission.

An annual financial audit shall be conducted at the expense of the commission by an independent accounting firm in accordance with generally accepted accounting principles. A written report of each audit shall be submitted to the commission and shall be retained by the commission for at least five years.

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

Section 4. This act shall take effect immediately.

APPROVED—The 11th day of July, A.D. 1996.

THOMAS J. RIDGE