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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 650 Session of  
2018

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INTRODUCED BY EMRICK, R. BROWN, DUSH, FREEMAN, GILLEN, IRVIN,  
KEEFER, LAWRENCE, MACKENZIE, MILLARD, B. MILLER, MOUL, RYAN  
AND WARD, JANUARY 8, 2018

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REFERRED TO COMMITTEE ON TRANSPORTATION, JANUARY 8, 2018

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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, is amended to read:

23 ARTICLE II.

24 For the effectuation of its authorized purposes, the  
25 commission is hereby granted the following powers as limited and

1 supplemented by the act of July 1, 1996 (P.L.457, No.70),  
2 entitled "A supplement to the act of June 25, 1931 (P.L.1352,  
3 No.332), entitled 'An act providing for joint action by the  
4 Commonwealth of Pennsylvania and the State of New Jersey in the  
5 administration, operation, and maintenance of bridges over the  
6 Delaware River, and for the construction of additional bridge  
7 facilities across said river; authorizing the Governor, for  
8 these purposes, to enter into an agreement with the State of New  
9 Jersey; creating a Delaware River Joint Toll Bridge Commission  
10 and specifying the powers and duties thereof, including the  
11 power to finance the construction of additional bridges by the  
12 issuance of revenue bonds to be redeemed from revenues derived  
13 from tolls collected at such bridges; transferring to said  
14 commission all powers now exercised by existing commission  
15 created to acquire toll bridges over the Delaware River; and  
16 making an appropriation,' requiring the commission to adopt  
17 competitive purchasing, equal opportunity employment and  
18 competitive hiring practices":

19 (a) To have perpetual succession.

20 (b) To sue and be sued.

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

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

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

27 (f) To appoint such other officers, agents and employees as  
28 it may require for the performance of its duties.

29 (g) To determine the qualifications and duties of its  
30 appointees, and to fix their compensation, except that the

1 commission shall not employ directly or as an independent  
2 contractor a member of the commission for a period of two years  
3 after the expiration of the term of office of that member.

4 (h) To enter into contracts.

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

7 (j) To acquire, own, use, lease, operate, and dispose of  
8 real property and interest in real property, and to make  
9 improvements thereon.

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

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

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

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

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

26 (o) In addition to the foregoing powers, to exercise the  
27 powers, duties, authority and jurisdiction heretofore conferred  
28 and imposed upon the aforesaid commissions, hereby constituted a  
29 joint commission by reciprocal legislation of the Commonwealth  
30 of Pennsylvania and the State of New Jersey, with respect to the

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

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

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

28 (r) To provide from time to time for the issuance of its  
29 bonds or other obligations for any one or more of its corporate  
30 purposes; all bonds and other obligations hereafter issued by

1 the commission shall have all the qualities and incidents of  
2 negotiable instruments.

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

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

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

30 (1) Every kind of terminal or storage structure or facility

1 now in use or hereafter designed for use in the handling,  
2 storage, loading or unloading of freight or passengers at  
3 steamship, railroad or motor terminals or airports, and every  
4 kind of transportation facility now in use or hereafter designed  
5 for use in connection therewith; and

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

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

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

25 Nothing contained in any other of the provisions of this  
26 compact or agreement shall be deemed or construed to amend,  
27 modify or repeal any of the powers, rights or duties conferred  
28 by, or limitations or restrictions expressed in, Article X of  
29 this compact or agreement, or any of the provisions of said  
30 Article X relating to a bridge to be constructed, operated and

1 maintained by the Pennsylvania Turnpike Commission or the New  
2 Jersey Turnpike Authority acting alone or in conjunction with  
3 each other.

4 Notwithstanding the above, each state reserves the right to  
5 provide by law for the exercise of a veto power by the Governor  
6 of that state over any action of any commissioner from that  
7 state at any time within ten days (Saturdays, Sundays and public  
8 holidays in the particular state excepted) after receipt at the  
9 Governor's office of a certified copy of the minutes of the  
10 meeting at which such vote was taken. Each state may provide by  
11 law for the manner of delivery of the minutes, and for  
12 notification of the action on the minutes.

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

18 Section 3. The Governor shall publish the date of execution  
19 of the supplemental compact or agreement referenced in section 2  
20 as a notice in the Pennsylvania Bulletin.

21 Section 4. This act shall take effect immediately.