

## LEGISLATIVE HISTORY CHECKLIST

**NJSA:** 32:11E-1.1 (Delaware River and Bay Authority--  
require public hearings prior to approving  
major projects)

**LAWS OF:** 1989 **CHAPTER:** 191

**Bill No:** S3701

**Sponsor(s):** Zane

**Date Introduced:** June 22, 1989

**Committee: Assembly:**

**Senate:** Independent Authorities

**Amended during passage:** Yes Amendments during passage denoted  
by asterisks

**Date of Passage: Assembly:** July 10, 1989

**Senate:** June 29, 1989

**Date of Approval:** October 18, 1989

**Following statements are attached if available:**

**Sponsor statement:** Yes

**Committee Statement: Assembly:** No

**Senate:** Yes

**Fiscal Note:** No

**Veto Message:** No

**Message on signing:** Yes

**Following were printed:**

**Reports:** No

**Hearings:** No

[FIRST REPRINT]  
SENATE, No. 3701

STATE OF NEW JERSEY

INTRODUCED JUNE 22, 1989

By Senator ZANE

2 AN ACT concerning the Delaware River and Bay Authority,  
supplementing P.L.1961, c.66 (C.32:11E-1 et seq.).

4 BE IT ENACTED *by the Senate and General Assembly of the  
State of New Jersey:*

6 1. The Delaware River and Bay Authority shall not approve  
any <sup>1</sup>[major]<sup>1</sup> project <sup>1</sup>, other than a crossing,<sup>1</sup> or part thereof  
8 without first holding a public hearing on the proposed <sup>1</sup>[major]<sup>1</sup>  
project. The authority shall cause to be published notice of the  
10 public hearing at least 10 days prior to the hearing in at least  
three newspapers with a daily circulation in Cape May,  
12 Cumberland, Gloucester and Salem counties. <sup>1</sup>The Delaware  
River and Bay Authority shall not undertake any project, other  
14 than a crossing, to be located in the State of New Jersey or in the  
Delaware River or Bay, without having first secured legislative  
16 authorization and approval of each specific project or part  
thereof pursuant to New Jersey law.<sup>1</sup>

18 2. The authority shall not increase any rate of Delaware  
Memorial Bridge toll charged as a volume discount rate from the  
20 rate in effect on the earlier of the effective date of (i) \_\_\_ Del.  
Laws, C. \_\_\_, § \_\_\_ (now pending before the Delaware General  
22 Assembly as House Bill No. \_\_\_ ) or (ii) New Jersey P.L. \_\_\_, c. \_\_\_  
(C. \_\_\_ ) (now pending before the New Jersey Legislature as Senate  
24 Bill No. 3702 of 1989), for a period of 10 years following that  
date, if the increase would cause the volume discount rate to  
26 exceed 25% of the basic toll rate charged by the authority for  
individual crossings of the bridge by passenger automobiles,  
28 provided that the authority may raise the volume discount rate in  
excess of this 25% limitation to the extent that the increase is  
30 determined by the authority to be reasonably necessary for the  
protection of the authority's bondholders in accordance with  
32 Article XI of the "Delaware-New Jersey Compact," P.L.1961,  
c.66 (C.32:11E-1).

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in the  
above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup> Senate SIA committee amendments adopted June 26, 1989.

2 3. The Governor is hereby authorized to apply on behalf of the  
State of New Jersey to the Congress of the United States for its  
consent and approval to any modifications to the compact and to  
4 the use of tolls collected on any crossing for the financing of any  
transportation or terminal facility or commerce facility or  
6 development constructed or operated by the authority, but in the  
absence of such consent and approval, the Delaware River and  
8 Bay Authority shall have all the powers the State of Delaware  
and the State of New Jersey may confer upon it without the  
10 consent and approval of Congress.

12 4. This act shall take effect upon the effective date of  
P.L. \_\_, c. \_\_ (C. \_\_) (now pending before the Legislature as  
Senate Bill No. 3702 of 1989).

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**AUTHORITIES AND REGIONAL COMMISSIONS**

**Public Notice, Meetings, Participation**

18

20 Directs Delaware River and Bay Authority to hold public hearings  
before projects are approved; certain volume discount rate  
increases disallowed subject to bondholder rights.

1 Bay Authority shall have all the powers the State of Delaware  
and the State of New Jersey may confer upon it without the  
3 consent and approval of Congress.

4. This act shall take effect upon the effective date of  
5 P.L. \_\_, c. \_\_ (C. \_\_) (now pending before the Legislature as  
Senate Bill No. 3702 of 1989).

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## STATEMENT

11 This bill would supplement P.L.1961, c.66 (C.32:11E-1 et seq.)  
to provide for a public hearing before a major project could be  
13 approved by the Delaware River and Bay Authority. This bill's  
companion measure, Senate Bill No. 3702 of 1989, amends the  
15 "Delaware-New Jersey Compact," P.L.1961, c.66 (C.32:11E-1),  
and, among other things, categorizes the various projects that the  
17 authority may undertake and articulates special procedures for a  
major project, defined to mean any project, other than a crossing,  
19 having or likely to have significant environmental impact on the  
Delaware River and Bay, its shorelines or estuaries, as  
21 determined by the environmental agency of the State in which  
the major project is to be located.

23 This bill also prohibits for a period of 10 years increases in any  
rate of Delaware Memorial Bridge toll charged as a volume  
25 discount rate if the increase would cause the volume discount  
rate to exceed 25% of the basic toll rate charged by the authority  
27 for individual crossings of the bridge by passenger automobiles,  
subject to protection of the authority's bondholders.

29 This bill also authorizes the Governor to apply on behalf of the  
State of New Jersey to the Congress for its consent and approval  
31 to modifications in the "Delaware-New Jersey Compact."

The effective date of this bill is linked to the effective date of  
33 its companion measure.

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## AUTHORITIES AND REGIONAL COMMISSIONS

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## Public Notice, Meetings, Participation

39 Directs Delaware River and Bay Authority to hold public hearings  
before major projects are approved.

SENATE INDEPENDENT AUTHORITIES  
COMMITTEE

STATEMENT TO

**SENATE, No. 3701**

with Senate committee amendments

**STATE OF NEW JERSEY**

DATED: JUNE 26, 1989

The Senate Independent Authorities Committee favorably reports Senate Bill No. 3701 with Senate committee amendments.

As amended, this bill would supplement P.L.1961, c.66 (C.32:11E-1 et seq.) to provide for a public hearing before a project other than a crossing could be approved by the Delaware River and Bay Authority. In addition, the bill would omit the term "major" in section 1, and prohibit the authority from undertaking projects in New Jersey or the Delaware River or Bay without having first secured legislative authorization and approval of each project, or part thereof, pursuant to New Jersey law. This bill's companion measure, Senate Bill No. 3702 of 1989, amends the "Delaware-New Jersey Compact," P.L.1961, c.66 (C.32:11E-1), and, among other things, categorizes the various projects that the authority may undertake and articulates special procedures for a major project, defined to mean any project, other than a crossing, having or likely to have significant environmental impact on the Delaware River and Bay, its shorelines or estuaries, as determined by the environmental agency of the State in which the major project is to be located.

This bill also prohibits for a period of 10 years increases in any rate of Delaware Memorial Bridge toll charged as a volume discount rate if the increase would cause the volume discount rate to exceed 25% of the basic toll rate charged by the authority for individual crossings of the bridge by passenger automobiles, subject to protection of the authority's bondholders.

This bill also authorizes the Governor to apply on behalf of the State of New Jersey to the Congress for its consent and approval to modifications in the "Delaware-New Jersey Compact."

The effective date of this bill is linked to the effective date of its companion measure.

The committee amended the bill to omit the term "major" in section 1, and prohibit the authority from undertaking projects in New Jersey or the Delaware River or Bay without having first secured legislative authorization and approval of each project, or part thereof, pursuant to New Jersey law.



OFFICE OF THE GOVERNOR

**NEWS RELEASE**

Governor Thomas H. Kean  
TRENTON, N.J. 08625  
Release: WED., 10/18/89

CN-001

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Governor Thomas H. Kean today signed legislation which will permit the Delaware River and Bay Authority to undertake economic growth and development projects in its areas of jurisdiction, increase the authority membership from 10 to 12 members, and give the Legislature the right to approve Authority projects.

The bills, which amend the 1961 compact with the State of Delaware which created the Authority, were sponsored in the Senate by Senator Raymond Zane, D-Salem, and in the Assembly by Assemblymen Gary Stuhltrager and Jack Collins, Salem County Republicans. The bills are S-3701 and S-3702.

"The effect of these changes in the compact will be to generate greater involvement by the bi-state Authority in economic development projects in the two states," Kean said. "The ability granted under these bills for the Authority to finance projects will greatly enhance the economic growth and development of the areas involved.

"It is one more example of how independent authorities can be utilized to provide service and assistance beyond their original purpose to meet new and increased needs," the Governor said. "The growth of this area of southern New Jersey will be of immense benefit in terms of employment as well as increased economic and fiscal well-being."

The Delaware Legislature must approve legislation in that state for the compact amendments to become effective. The House of Representatives in Delaware has approved the package, but the Senate there has not yet acted.

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S-3702 authorizes the Authority to undertake economic development projects in the four affected counties in New Jersey --- Cape May, Cumberland, Gloucester and Salem.

Among projects which could be undertaken by the Authority would be recreational or commercial fishing development, marina development, aquaculture, shoreline preservation and development, foreign trade zone site development, manufacturing and industrial facilities.

The bill also increase the membership on the Authority to six each --- rather than five --- from both New Jersey and Delaware.

S-3701 provides:

\*A public hearing be held before the Authority may approve a project

\*The Legislature have the right to approve projects to be undertaken by the Authority

\*A limit on the right of the Authority to increase volume discount tolls on the Delaware Memorial Bridge for a period of 10 years.

Any increase in the volume discount rate would be prohibited during the 10-year period if the increase would cause the discount rate to exceed 25 percent of the basic toll rate charged for individual crossings. Currently, the individual toll rate is 75 cents and the discount rate 37.5 cents.

In addition to operating the Delaware Memorial Bridge, the Authority operates the Cape May to Lewes, Delaware, ferry system.

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