

32:3-1

LEGISLATIVE HISTORY CHECKLIST
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(Delaware River Port Authority--
expanded powers)

NJSA: 32:3-1

LAWS OF: 1991 CHAPTER: 515

BILL NO: S3757

SPONSOR(S): Rand

DATE INTRODUCED: December 9, 1991

COMMITTEE: ASSEMBLY: _____

SENATE: Transportation

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: ASSEMBLY: January 10, 1992

SENATE: January 9, 1992

DATE OF APPROVAL: January 19, 1992

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

Report mentioned in statements--available from Senate Committee aide--984-7381

KBG/pp

P.L.1991, CHAPTER 515, *approved January 19, 1992*

1991 Senate No. 3757

1 ~~AN ACT~~ concerning the Delaware River Port Authority and
2 amending P.L.1931, c.391, authorizing the Governor, on behalf
3 of the State of New Jersey, to enter into a supplemental
4 compact or agreement with the Commonwealth of
5 Pennsylvania amending the compact or agreement between the
6 State of New Jersey and the Commonwealth of Pennsylvania
7 entitled "Agreement Between The Commonwealth of
8 Pennsylvania and The State of New Jersey creating the
9 Delaware River Joint Commission as a body corporate and
10 politic and defining its powers and duties," as amended and
11 supplemented, and authorizing the Governor to apply, on behalf
12 of the State of New Jersey, to the Congress of the United
13 States for its consent to such supplemental compact or
14 agreement.
15

16 BE IT ENACTED by the Senate and General Assembly of the
17 State of New Jersey:

18 1. The Governor is authorized to enter into a supplemental
19 compact or agreement, on behalf of the State of New Jersey,
20 with the Commonwealth of Pennsylvania amending Articles I, II,
21 III, IV, XII and XIII of the compact or agreement between the
22 Commonwealth of Pennsylvania and the State of New Jersey
23 entitled "Agreement Between The Commonwealth of
24 Pennsylvania and The State of New Jersey creating the Delaware
25 River Joint Commission as a body corporate and politic and
26 defining its powers and duties," as set forth in this 1991
27 amendatory act.

28 2. Article I of the "Agreement Between The Commonwealth of
29 Pennsylvania and The State of New Jersey creating the Delaware
30 River Joint Commission as a body corporate and politic and
31 defining its powers and duties," as amended and supplemented
32 (R.S.32:3-1 et seq.), is amended to read as follows:

33 R.S.32:3-2. The body corporate and politic, heretofore created
34 and known as the Delaware River Joint Commission hereby is
35 continued under the name of the Delaware River Port Authority
36 (hereinafter in this agreement called the "commission"), which
37 shall constitute the public corporate instrumentality of the
38 Commonwealth of Pennsylvania and the State of New Jersey for
39 the following public purposes, and which shall be deemed to be
40 exercising an essential governmental function in effectuating
41 such purposes, to wit:

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.

- 1 (a) The operation and maintenance of the bridge, owned jointly
2 by the 2 States, across the Delaware river between the city of
3 Philadelphia in the Commonwealth of Pennsylvania and the city
4 of Camden in the State of New Jersey, including its approaches,
5 and the making of additions and improvements thereto.
- 6 (b) The effectuation, establishment, construction, acquisition,
7 operation and maintenance of railroad or other facilities for the
8 transportation of passengers across any bridge or tunnel owned or
9 controlled by the commission, including extensions of such
10 railroad or other facilities [within the city of Camden and the
11 city of Philadelphia] necessary for efficient operation in the Port
12 District.
- 13 (c) The improvement and development of the Port District for
14 port purposes by or through the acquisition, construction,
15 maintenance or operation of any and all projects for the
16 improvement and development of the Port District for port
17 purposes, or directly related thereto, either directly by purchase,
18 lease or contract, or by lease or agreement with any other public
19 or private body or corporation or in any other manner.
- 20 (d) Co-operation with all other bodies interested or concerned
21 with, or affected by the promotion, development or use of the
22 Delaware river and the Port District.
- 23 (e) ~~The procurement from the Government of the United~~
24 States of any consents which may be requisite to enable any
25 project within its powers to be carried forward.
- 26 (f) The construction, acquisition, operation and maintenance of
27 other bridges and tunnels across or under the Delaware river,
28 between the city of Philadelphia or the county of Delaware in the
29 Commonwealth of Pennsylvania and the State of New Jersey,
30 including approaches and the making of additions and
31 improvements thereto.
- 32 (g) The promotion as a highway of commerce of the Delaware
33 river, and the promotion of increased passenger and freight
34 commerce on the Delaware river and for such purpose the
35 publication of literature and the adoption of any other means as
36 may be deemed appropriate.
- 37 (h) To study and make recommendations to the proper
38 authorities for the improvement of terminal, lighterage,
39 wharfage, warehouse and other facilities necessary for the
40 promotion of commerce on the Delaware river.
- 41 (i) Institution through its counsel, or such other counsel as it
42 shall designate, or intervention in, any litigation involving rates,
43 preferences, rebates or other matters vital to the interest of the
44 Port District; provided, that notice of any such institution of
45 or intervention in litigation shall be given promptly to the Attorney
46 General of the Commonwealth of Pennsylvania and to the
47 Attorney General of the State of New Jersey, and provision for
48 such notices shall be made in a resolution authorizing any such
49 invention or litigation and shall be incorporated in the minutes of
50 the commission.

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

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

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

25 (m) The unification of the ports of the Delaware river through
26 (i) the acquisition or taking control of any terminal, terminal
27 facility, transportation facility or marine terminal or port
28 facility or associated property within the Port District through
29 purchase, lease or otherwise, or by the acquisition, merger,
30 becoming the successor to or entering into contracts, agreements
31 or partnerships with any other port corporation, port authority or
32 port related entity which is located within the Port District, all
33 in accordance with the applicable laws of the State in which the
34 facility, corporation or authority is located; (ii) the exercise of
35 the other powers granted by this compact; or (iii) the
36 establishment (whether solely or jointly with any other entity or
37 entities) of such subsidiary corporation or corporations or
38 maritime or port advisory committees as may be necessary or
39 desirable to effectuate this purpose.

40 (n) The planning, financing, development, acquisition,
41 construction, purchase, lease, maintenance, marketing,
42 improvement and operation of any project, including but not
43 limited to any terminal, terminal facility, transportation facility,
44 or any other facility of commerce or economic development
45 activity; from funds available after appropriate allocation for
46 maintenance of bridge and other capital facilities.

47 (cf. P.L.1971, c.122, s.1)

48 3. Article II of the agreement (R.S.32:3-3) is amended to read
49 as follows:

50 R.S.32:3-3. The commission shall consist of sixteen

1 commissioners, eight resident voters of the Commonwealth of
2 Pennsylvania and eight resident voters of the State of New
3 Jersey, who shall serve without compensation.

4 [The present members of the commission, including ex-officio
5 members, shall continue to serve, respectively, as commissioners
6 until the expiration of their terms or the terms of office by
7 virtue of the holding of which they are members of the
8 commission and until succeeding commissioners shall be
9 appointed and qualify, except that the terms of the present
10 members of the commission for the Commonwealth of
11 Pennsylvania shall expire as of the date of the coming into force
12 of the supplemental compact or agreement authorized by the Act
13 of the 1951 General Assembly of said Commonwealth providing
14 for amendment of this article.]

15 The commissioners for the State of New Jersey shall be
16 appointed by the Governor of New Jersey with the advice and
17 consent of the Senate of New Jersey, for terms of five years, and
18 in case of a vacancy occurring in the office of commissioner
19 during a recess of the Legislature, it may be filled by the
20 Governor by an ad interim appointment which shall expire at the
21 end of the next regular session of the Senate unless a successor
22 shall be sooner appointed and qualify and, after the end of the
23 session, no ad interim appointment to the same vacancy shall be
24 made unless the Governor shall have submitted to the Senate a
25 nomination to the office during the session and the Senate shall
26 have adjourned without confirming or rejecting it, and no person
27 nominated for any such vacancy shall be eligible for an ad interim
28 appointment to such office if the nomination shall have failed of
29 confirmation by the Senate.

30 Six of the eight commissioners for the Commonwealth of
31 Pennsylvania shall be appointed by the Governor of Pennsylvania
32 for terms of five years. The Auditor General and the State
33 Treasurer of said Commonwealth shall ex-officio be
34 commissioners for said Commonwealth, each having the privilege
35 of appointing a representative to serve in his place at any
36 meeting of the commission which he does not attend personally.
37 Any commissioner who is an elected public official shall have the
38 privilege of appointing a representative to serve and act in his
39 place at any meeting of the commission which he does not attend
40 personally.

41 All commissioners shall continue to hold office after the
42 expiration of the terms for which they are appointed or elected
43 until their respective successors are appointed and qualify, but no
44 period during which any commissioner shall hold over shall be
45 deemed to be an extension of his term of office for the purpose
46 of computing the date on which his successor's term expires.

47 (cf. P.L.1951, c.288, s.1(2))

48 4. Article III of the agreement (R.S.32:3-4) is amended to read
49 as follows:

1 R.S.32:3-4. The commissioners shall have charge of the
2 commission's property and affairs and shall for the purpose of
3 doing business constitute a board, but no action of the
4 commissioners shall be binding unless a majority of the members
5 of the commission from Pennsylvania and a majority of the
6 members of the commission from New Jersey shall vote in favor
7 thereof.

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

17 (cf. R.S.32:3-4).

18 5. Article IV of the agreement (R.S.32:3-5) is amended to read
19 as follows:

20 R.S.32:3-5. For the effectuation of its authorized purposes the
21 commission is hereby granted the following powers:

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 to adopt suitable bylaws for the management of its
27 affairs. The secretary and treasurer need not be members of the
28 commission.

29 (e) To appoint, hire, or employ counsel and such other officers
30 and such agents and employees as it may require for the
31 performance of its duties, by contract or otherwise, and fix and
32 determine their qualifications, duties and compensation.

33 (f) To enter into contracts.

34 (g) To acquire, own, hire, use, operate and dispose of personal
35 property.

36 (h) To acquire, own, use, lease, operate, mortgage and dispose
37 of real property and interests in real property, and to make
38 improvements thereon.

39 (i) To grant by franchise, lease or otherwise, the use of any
40 property or facility owned or controlled by the commission and to
41 make charges therefor.

42 (j) To borrow money upon its bonds or other obligations, either
43 with or without security, and to make, enter into and perform any
44 and all such covenants and agreements with the holders of such
45 bonds or other obligations as the commission may determine to be
46 necessary or desirable for the security and payment thereof,
47 including without limitation of the foregoing, covenants and
48 agreements as to the management and operation of any property
49 or facility owned or controlled by it, the tolls, rents, rates or
50 other charges to be established, levied, made and collected for

1 any use of any such property or facility, or the application, use
2 and disposition of the proceeds of any bonds or other obligations
3 of the commission or the proceeds of any such tolls, rents, rates
4 or other charges or any other revenues or moneys of the
5 commission.

6 (k) To exercise the right of eminent domain within the Port
7 District.

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

12 (m) In addition to the foregoing, to exercise the powers,
13 duties, authority and jurisdiction heretofore conferred and
14 imposed upon the aforesaid the Delaware River Joint Commission
15 by the Commonwealth of Pennsylvania or the State of New
16 Jersey, or both of the said two States[.].

17 (n) To exercise all other powers not inconsistent with the
18 constitutions of the two States or of the United States, which
19 may be reasonably necessary or incidental to the effectuation of
20 its authorized purposes or to the exercise of any of the foregoing
21 powers, except the power to levy taxes or assessments, and
22 generally to exercise in connection with its property and affairs,
23 and in connection with property within its control, any and all
24 powers which might be exercised by a natural person or a private
25 corporation in connection with similar property and affairs.

26 (o) To acquire, purchase, construct, lease, operate, maintain
27 and undertake any project, including any terminal, terminal
28 facility, transportation facility, or any other facility of
29 commerce and to make charges for the use thereof.

30 (p) To make expenditures anywhere in the United States and
31 foreign countries, to pay commissions, and hire or contract with
32 experts [and] or consultants, and otherwise to do indirectly
33 anything which the commission may do directly.

34 (q) To establish one or more operating divisions as deemed
35 necessary to exercise the power and effectuate the purposes of
36 this agreement.

37 ~~The commission shall also have such additional powers as may~~
38 ~~hereafter be delegated to or imposed upon it from time to time~~
39 ~~by the action of either State concurred in by legislation of the~~
40 ~~other.~~

41 It is the policy and intent of the Legislature of the
42 Commonwealth of Pennsylvania and the State of New Jersey that
43 the powers granted by this article shall be so exercised that the
44 American system of free competitive private enterprise is given
45 full consideration and is maintained and furthered. In making its
46 reports and recommendations to the Legislatures of the
47 Commonwealth of Pennsylvania and the State of New Jersey on
48 ~~the need for any facility or project which the commission~~
49 ~~believes should be undertaken for the promotion and development~~
50 ~~of the Port District, the commission shall include therein its~~
51 findings which fully set forth that the facility or facilities

1 operated by private enterprise within the Port District and which
2 it is intended shall be supplanted or added to are not adequate.
3 (cf. P.L.1951, c.288, s.1(3))

4 6. Article XII of the agreement (R.S.32:3-13) is amended to
5 read as follows:

6 R.S.32:3-13. [The commission shall make annual reports to the
7 Governors and Legislatures of the Commonwealth of
8 Pennsylvania and the State of New Jersey, setting forth in detail
9 its operations and transactions, and may make such additional
10 reports from time to time to the Governors and Legislatures as it
11 may deem desirable. Copies thereof shall be available for public
12 information and use.

13 Whenever the commission after investigation and study shall
14 have concluded plans, with estimates of cost and means of
15 financing, for any new project for a purpose other than any
16 described in Article I, subdivisions (b) or (j) hereof, for
17 transportation across or under the Delaware river within the Port
18 District or improvement of the Delaware river's port facilities,
19 the commission shall make to the Legislatures of each State a
20 detailed report dealing only with the contemplated project and
21 shall request of said Legislatures authority to proceed with the
22 project described and it shall not be within the power of the
23 commission to construct, erect or otherwise acquire any new
24 facility or project, for a purpose other than any described in
25 Article I, subdivisions (b) or (j) hereof, unless and until the
26 Legislatures of both States shall have authorized the commission
27 to proceed with the project outlined in its special report thereon.]

28 The commission shall, within 90 days after the end of each
29 fiscal year, submit to the Governors and Legislatures of the
30 Commonwealth of Pennsylvania and the State of New Jersey a
31 complete and detailed report of the following:

32 (1) its operations and accomplishments during the completed
33 fiscal year;

34 (2) its receipts and disbursements or revenues and expenses
35 during that year in accordance with the categories and
36 classifications established by the commission for its own
37 operating and capital outlay purposes;

38 (3) its assets and liabilities at the end of the fiscal year,
39 including the status of reserve, depreciation, special or other
40 funds including debits and credits of these funds;

41 (4) a schedule of bonds and notes outstanding at the end of the
42 fiscal year;

43 (5) a list of all contracts exceeding \$100,000 entered into
44 during the fiscal year;

45 (6) a business or strategic plan for the commission and for
46 each of its operating divisions; and

47 (7) a five year capital plan.

48 Not less than once every five years the commission shall cause
49 a management audit of its operational effectiveness and
50 efficiency to be conducted by an independent consulting firm

1 selected by the commission. The first management audit to be
2 conducted shall commence within three years of the date of
3 coming into force of the supplemental compact or agreement
4 authorized by this 1991 amendatory act. This audit is in addition
5 to any other audit which the commission determines to conduct
6 from time to time.

7 The commission shall, not later than two years after the date
8 of the coming into force of the supplemental compact or
9 agreement authorized by this 1991 amendatory act, prepare a
10 comprehensive master plan for the development of the Port
11 District. The plan shall include, but not be limited to, plans for
12 the construction, financing, development, reconstruction,
13 purchase, lease, improvement and operation of any terminal,
14 terminal facility, transportation facility or any other facility of
15 commerce or economic development activity. The master plan
16 shall include the general location of such projects and facilities
17 as may be included in the master plan and shall to the maximum
18 extent practicable include, but not be limited to, a general
19 description of each such projects and facilities, the land use
20 requirements necessary therefor, and estimates of project costs
21 and of a schedule for commencement of each such project. Prior
22 to adopting such master plan, the commission shall give written
23 notice to, afford a reasonable opportunity for comment, consult
24 with and consider any recommendations from State, county and
25 municipal government, as well as commissions, public
26 corporations and authorities, and the private sector. The
27 commission may modify or change any part of the plan in the
28 same form and manner as provided for the adoption of the
29 original plan. At the time the commission authorizes any project
30 or facility, the commission shall promptly provide to the
31 Governor and Legislature of each state a detailed report on the
32 project including its status within the master plan. The
33 commission shall include within the authorization a status of the
34 project or facility in the master plan and any amendment thereof,
35 and no project shall be authorized if not included in the master
36 plan or amendment thereof. Any project which has been
37 commenced and approved by the commission prior to the adoption
38 of the master plan shall be included, for informational purposes
39 only, in the master plan. The commission shall provide notice of
40 such on-going projects to those State, county and municipal
41 governments, as well as entities in the private sector who would
42 be entitled to such notice had the project not been commenced in
43 anticipation of adopting the master plan, but there shall be no
44 requirement that the project be delayed or deferred due to these
45 provisions.

46 In addition to other powers conferred upon it, and not in
47 limitation thereof, the commission may acquire all right, title
48 and interest in and to the Tacony-Palmyra bridge, across the
49 Delaware river at Palmyra, New Jersey, together with any
50 approaches and interests in real property necessary thereto. The

1 acquisition of such bridge, approaches and interests by the
2 commission shall be by purchase or by condemnation in
3 accordance with the provisions of the Federal law consenting to
4 or authorizing the construction of such bridge [and] or
5 approaches, or the acquisition of such bridge, approaches or
6 interests by the commission shall be pursuant to and in
7 accordance with the provisions of section 48:5-22 and 48:5-23 of
8 the Revised Statutes of New Jersey, and for all the purposes of
9 said provisions and sections the commission is hereby appointed
10 as the agency of the State of New Jersey and the Commonwealth
11 of Pennsylvania exercising the rights and powers granted or
12 reserved by said Federal law or sections to the State of New
13 Jersey and Commonwealth of Pennsylvania jointly or to the State
14 of New Jersey acting in conjunction with the Commonwealth of
15 Pennsylvania. The commission shall have authority to so acquire
16 such bridge, approaches and interests, whether the same be
17 owned, held, operated or maintained by any private person, firm,
18 partnership, company, association or corporation or by any
19 instrumentality, public body, commission, public agency or
20 political subdivision (including any county or municipality) of, or
21 created by or in, the State of New Jersey or the Commonwealth
22 of Pennsylvania, or by any instrumentality, public body,
23 commission or public agency of, or created by or in, a political
24 subdivision (including any county or municipality) of the State of
25 New Jersey or the Commonwealth of Pennsylvania. None of the
26 provisions of the preceding paragraph shall be applicable with
27 respect to the acquisition by the commission, pursuant to this
28 paragraph, of said Tacony-Palmyra bridge, approaches and
29 interests. The power and authority herein granted to the
30 commission to acquire said Tacony-Palmyra bridge, approaches
31 and interests shall not be exercised unless and until the Governor
32 of the State of New Jersey and the Governor of the
33 Commonwealth of Pennsylvania have filed with the commission
34 their written consents to such acquisition.

35 [It shall not be within the power of the commission to
36 construct, erect, or otherwise acquire any new facility or project
37 for a purpose described in Article I, subdivision (j) hereof, unless
38 and until the commission shall have made to the Legislature and
39 Governor of the State of New Jersey and to the Legislature and
40 Governor of the Commonwealth of Pennsylvania a detailed report
41 dealing only with such contemplated facility or project, and the
42 Governor of said State and the Governor of said Commonwealth
43 shall have filed with the commission their written consents to
44 such construction, erection or acquisition.]

45 Notwithstanding any provision of this agreement, nothing
46 herein contained shall be construed to limit or impair any right or
47 power granted or to be granted to the Pennsylvania Turnpike
48 Commission or the New Jersey Turnpike Authority, to finance,
49 construct, operate and maintain the Pennsylvania Turnpike
50 System or any turnpike project of the New Jersey Turnpike

1 Authority, respectively, throughout the Port District, including
2 the right and power, acting alone or in conjunction with each
3 other, to provide for the financing, construction, operation and
4 maintenance of one bridge across the Delaware river south of the
5 city of Trenton in the State of New Jersey; provided that such
6 bridge shall not be constructed within a distance of ten miles,
7 measured along the boundary line between the Commonwealth of
8 Pennsylvania and the State of New Jersey, from the existing
9 bridge, operated and maintained by the commission, across the
10 Delaware river between the city of Philadelphia in the
11 Commonwealth of Pennsylvania and the city of Camden in the
12 State of New Jersey, so long as there are any outstanding bonds
13 or other securities or obligations of the commission for which the
14 tolls, rents, rates, or other revenues, or any part thereof, of said
15 existing bridge shall have been pledged. Nothing contained in this
16 agreement shall be construed to authorize the commission to
17 condemn any such bridge.

18 ~~Anything herein contained to the contrary notwithstanding, no~~
19 ~~bridge or tunnel shall be constructed, acquired, operated or~~
20 ~~maintained by the commission across or under the Delaware river~~
21 ~~north of the boundary line between Bucks county and Philadelphia~~
22 ~~county in the Commonwealth of Pennsylvania as extended across~~
23 ~~the Delaware river to the New Jersey shore of said river, and any~~
24 ~~new bridge or tunnel authorized by or pursuant to this compact or~~
25 ~~agreement to be constructed or erected by the commission may~~
26 ~~be constructed or erected at any location south of said boundary~~
27 ~~line notwithstanding the terms and provisions of any other~~
28 ~~agreement between the Commonwealth of Pennsylvania and the~~
29 ~~State of New Jersey. Except as may hereafter be otherwise~~
30 ~~provided in conformity with Article IX hereof with respect to~~
31 ~~specific properties designated by action of the Legislatures of~~
32 ~~both of the signatory States, no property or facility owned or~~
33 ~~controlled by the commission shall be acquired from it by any~~
34 ~~exercise of powers of condemnation or eminent domain.~~
35 (cf. P.L.1951, c.288, s.1(5)).

36 7. Article XIII of the agreement (R.S.32:3-13.23) is amended
37 to read as follows:

38 R.S.32:3-13.23. As used herein, unless a different meaning
39 clearly appears from the context:

40 "Port District" shall mean all the territory within the counties
41 of Bucks, Chester, Delaware, Montgomery and Philadelphia in
42 Pennsylvania, and all the territory within the counties of
43 Atlantic, Burlington, Camden, Cape May, Cumberland,
44 Gloucester, Ocean and Salem in New Jersey.

45 "Commission" shall mean the Delaware River Port Authority
46 and, when required by the context, the board constituting the
47 governing body thereof in charge of its property and affairs.

48 "Commissioner" shall mean a member of the governing body of
49 the Delaware River Port Authority.

50 "Economic development activity" or "economic development"

1 means any structure or facility or any development within the
2 Port District in connection with manufacturing, port-oriented
3 development, foreign trade zone site development or research,
4 commercial, industrial, or recreational purposes, or for purposes
5 of warehousing or consumer and supporting services directly
6 relating to any of the foregoing or to any authority project or
7 facility which are required for the sound economic development
8 of the Port District.

9 "Terminal" shall include any marine, motor truck, motorbus,
10 railroad and air terminal or garage, also any coal, grain and
11 lumber terminal and any union freight and other terminals used or
12 to be used in connection with the transportation of passengers
13 and freight, and equipment, materials and supplies therefor.

14 "Transportation facility" and "facilities for transportation of
15 passengers" shall include railroads operated by steam, electricity
16 or other power, rapid transit lines, motor trucks, motorbuses,
17 tunnels, bridges, airports, boats, ferries, carfloats, lighters, tugs,
18 floating elevators, barges, scows, or harbor craft of any kind, and
19 aircraft, and equipment, materials and supplies therefor.

20 "Terminal facility" shall include wharves, piers, slips, berths,
21 ferries, docks, dry-docks, ship repair yards, bulkheads, dock
22 walls, basins, carfloats, floatbridges, dredging equipment, radio
23 receiving and sending stations, grain or other storage elevators,
24 warehouses, cold storage, tracks, yards, sheds, switches,
25 connections, overhead appliances, bunker coal, oil and fresh
26 water stations, markets, and every kind of terminal, storage or
27 supply facility now in use, or hereafter designed for use to
28 facilitate passenger transportation and for the handling, storage,
29 loading or unloading of freight at terminals, and equipment,
30 materials and supplies therefor.

31 "Transportation of passengers" and "passenger transportation"
32 shall mean the transportation of passengers by railroad or other
33 facilities.

34 "Rapid transit system" shall mean a transit system for the
35 transportation of passengers, express, mail and baggage by
36 railroad or other facilities, and equipment, materials and supplies
37 therefor.

38 "Project" shall mean any improvement, betterment, facility or
39 structure authorized by or pursuant to this compact or agreement
40 to be constructed, erected, acquired, owned or controlled or
41 otherwise undertaken by the commission. "Project" shall not
42 include undertakings for purposes described in Article I,
43 subdivisions [(a),] (d), (e), (g), (h) and (i).

44 "Railroad" shall include railways, extensions thereof, tunnels,
45 subways, bridges, elevated structures, tracks, poles, wires,
46 conduits, powerhouses, substations, lines for the transmission of
47 power, carbarns, shops, yards, sidings, turnouts, switches, stations
48 and approaches thereto, cars and motive equipment.

49 "Bridge" and "tunnel" shall include such approach highways and
50 interests in real property necessary therefor in the

1 Commonwealth of Pennsylvania or the State of New Jersey as
2 may be determined by the commission to be necessary to
3 facilitate the flow of traffic in the vicinity of a bridge or tunnel
4 or to connect a bridge or tunnel with the highway system or other
5 traffic facilities in said Commonwealth or said State; provided,
6 however, that the power and authority herein granted to the
7 commission to construct new or additional approach highways
8 shall not be exercised unless and until the Department of
9 [Highways] Transportation of the Commonwealth of Pennsylvania
10 shall have filed with the commission its written approval as to
11 approach highways to be located in said Commonwealth and the
12 State Highway Department of the State of New Jersey shall have
13 filed with the commission its written approval as to approach
14 highways to be located in said State.

15 "Facility" shall include all works, buildings, structures,
16 property, appliances, and equipment, together with appurtenances
17 necessary and convenient for the proper construction, equipment,
18 maintenance and operation of a facility or facilities or any one or
19 more of them.

20 "Personal property" shall include choses in action and all other
21 property now commonly, or legally, defined as personal property,
22 or which may hereafter be so defined.

23 "Lease" shall include rent or hire.

24 "Municipality" shall include a county, city, borough, village,
25 township, town, public agency, public authority or political
26 subdivision.

27 Words importing the singular number include the plural number
28 and vice versa.

29 Wherever legislation or action by the Legislature of either
30 signatory State is herein referred to it shall mean an act of the
31 Legislature duly adopted in accordance with the provisions of the
32 Constitution of such State.

33 (cf: P.L.1951,c.288,s.1(6))

34 8. The Governor is authorized to apply, on behalf of the State
35 of New Jersey, to the Congress of the United States for its
36 consent and approval to such supplemental compact or
37 agreement, but in the absence of such consent and approval, the
38 commission referred to in such supplemental compact or
39 agreement shall have all of the powers which the Commonwealth
40 of Pennsylvania and the State of New Jersey may confer upon it
41 without the consent and approval of Congress.

42 9. This act shall take effect immediately; but the Governor
43 shall not enter into the supplemental compact or agreement
44 hereinabove set forth on behalf of the State of New Jersey until
45 passage by the Commonwealth of Pennsylvania of a substantially
46 similar act embodying the supplemental compact or agreement
47 between the two States.

STATEMENT

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This bill amends R.S.32:3-1 et seq. containing the compact between the Commonwealth of Pennsylvania and the State of New Jersey creating the Delaware River Port Authority (DRPA).

One of the fundamental purposes of this bill is to permit the DRPA to take action to unify the ports of the Delaware river through the acquisition or control of maritime terminals or facilities or transportation facilities or by the acquisition of, or merger with, the existing port authorities or corporations within the Port District, such as the South Jersey Port Corporation or the Philadelphia Regional Port Authority. Such action would have to conform to the applicable laws of the two respective States. The DRPA would also be empowered to set up subsidiary corporations for this purpose as well as maritime or port advisory committees. These proposed changes to the compact are largely a result of the report by Halpin and Olcott, Unifying the Ports of the Delaware River (October 1988).

The powers of the DRPA are expanded to include the planning, financing, development, acquisition, construction, purchase, lease, maintenance, marketing, improvement and operation of any project, including any terminal, terminal facility, transportation facility, or any other facility of commerce or economic development activity, from funds available after appropriate allocation for maintenance of bridge and other capital facilities. Economic development activity is a new scope of responsibility for the authority. The current provisions of the compact requiring a report to the Legislatures of both states and their approval of certain projects is deleted. The authority would be required, however, to provide a detailed annual report to the Legislatures and the Governors of the two states concerning its operations and financial condition and provide a business or strategic plan and five year capital plan for the authority. The bill also provides for the adoption of a Master Plan within two years of the coming into force of the supplemental compact which would make provision for public and private consultation and comment on the plan and supply a list of projects to be undertaken by the authority. No project could be authorized if not included in the Master Plan or in an amendment to it. In addition, at the time the authority authorizes any project or facility, it is to provide a detailed report to the Governor and Legislature of each state.

The bill enlarges the Port District in Pennsylvania by adding the counties of Bucks, Chester and Montgomery (it presently embraces Philadelphia and Delaware counties) and permits the establishment and operation of a rapid transit system within this enlarged Port District which could include the extension of the current system or the construction of a new one.

Not less than once every five years the authority is to cause a management audit of its operational effectiveness and efficiency

1 to be conducted by an independent consulting firm, the first one
2 of which is to commence within three years.

3 ~~The bill also permits each State to provide by law for the~~
4 ~~exercise of a veto-power by the governor thereof over any action~~
5 ~~of any commissioner from that State.~~

6 The approval of Congress and the enactment by Pennsylvania
7 of substantially similar legislation will be required before the
8 supplemental compact authorized by this bill may be entered into.

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AUTHORITIES AND REGIONAL AGENCIES

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Provides for DRPA to take action to unify ports of the Delaware
river, permits New Jersey and Pennsylvania to enact law giving
Governor veto power over DRPA minutes, provides for master
plan and makes other changes to DRPA compact.

STATEMENT

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Governor veto power over DRPA minutes, provides for master
plan and makes other changes to DRPA compact.

SENATE TRANSPORTATION AND PUBLIC UTILITIES
COMMITTEE

STATEMENT TO

SENATE, No. 3757

STATE OF NEW JERSEY

DATED: DECEMBER 19, 1991

The Senate Transportation and Public Utilities Committee favorably reports Senate Bill No. 3757.

This bill amends R.S.32:3-1 et seq. containing the compact between the Commonwealth of Pennsylvania and the State of New Jersey creating the Delaware River Port Authority (DRPA). One of the fundamental purposes of this bill is to permit the DRPA to take action to unify the ports of the Delaware river through the acquisition or control of maritime terminals or facilities or transportation facilities or by the acquisition of, or merger with, the existing port authorities or corporations within the Port District, such as the South Jersey Port Corporation or the Philadelphia Regional Port Authority. Such action would have to conform to the applicable laws of the two respective States. The DRPA would also be empowered to set up subsidiary corporations for this purpose as well as maritime or port advisory committees. These proposed changes to the compact are largely a result of the report by Halpin and Olcott, Unifying the Ports of the Delaware River (October 1988).

The powers of the DRPA are expanded to include the planning, financing, development, acquisition, construction, purchase, lease, maintenance, marketing, improvement and operation of any project, including any terminal, terminal facility, transportation facility, or any other facility of commerce or economic development activity, from funds available after appropriate allocation for maintenance of bridge and other capital facilities. Economic development activity is a new scope of responsibility for the authority. The current provisions of the compact requiring a report to the Legislatures of both states and their approval of certain projects is deleted. The authority would be required, however, to provide a detailed annual report to the Legislatures and the Governors of the two states concerning its operations and financial condition and provide a business or strategic plan and five year capital plan for the authority. The bill also provides for the adoption of a Master Plan within two years of the coming into force of the supplemental compact which would make provision for public and private consultation and comment on the plan and supply a list of projects to be undertaken by the authority. No project could be authorized if not included in the Master Plan or in an amendment to it. In addition, at the time the authority authorizes any project or facility, it is to provide a detailed report to the Governor and Legislature of each State.

The bill enlarges the Port District in Pennsylvania by adding the counties of Bucks, Chester and Montgomery (it presently embraces Philadelphia and Delaware counties) and permits the establishment and operation of a rapid transit system within this enlarged Port District which could include the extension of the current system or the construction of a new one.

Not less than once every five years the authority is to cause a management audit of its operational effectiveness and efficiency to be conducted by an independent consulting firm, the first one of which is to commence within three years.

The bill also permits each State to provide by law for the exercise of a veto-power by the governor thereof over any action of any commissioner from that State.

The approval of Congress and the enactment by Pennsylvania of substantially similar legislation will be required before the supplemental compact authorized by this bill may be entered into.



OFFICE OF THE GOVERNOR

NEWS RELEASE

CN-001**Contact:** JON SHURE 609-538-1480
JO ASTRID GLADING 609-466-4136**TRENTON, N.J. 08625****Release:** SUNDAY
JANUARY 19, 1992

GOV. FLORIO OPENS DOOR FOR MAJOR PORT DEVELOPMENT BY SIGNING UNIFICATION MEASURE

CAMDEN -- Gov. Jim Florio today signed legislation that will give a shot in the arm to the prospects of the Delaware River port area, by allowing unification of the ports to go forward.

At the headquarters of the Delaware River Port Authority, Gov. Florio signed a measure that amends the DRPA compact to allow unification through agreements among any of the port-related entities within the Port District. Those entities include the South Jersey Port Corp. and the Philadelphia Regional Port Authority.

"We're building a bridge to opportunity and economic growth," Gov. Florio said. "This great port is too important a resource to waste. It all comes down to jobs. Pooling our resources and acting together we can create more jobs to help more families, and help an entire region reach its full potential. This new law will help us cut red tape and get down to business."

The legislation is still pending in Pennsylvania. Upon passage there, Congressional authorization would be needed for the unification to go forward. The measure allows the DRPA to take a number of actions to unify the ports, including acquiring facilities and merging existing entities.

The authority is now developing its plan for unifying the ports. Under the new law, for the first time the DRPA can undertake economic development projects. For years, many people on both sides of the Delaware River have been urging this action, noting that it will help the Pennsylvania-New Jersey port region compete with others that have marshalled their economic resources and created powerful world competitors.

Under the new law, the governors of New Jersey and Pennsylvania could veto DRPA actions; and the authority must submit detailed annual reports to the governors and legislatures of both states.

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