

32:4-6

August 21, 1970

LEGISLATIVE HISTORY OF R.S. 32:4-6
(Delaware River Port Authority Police - powers)

No similar bills introduced, 1965-1969

Copy 2

1969 - Chapt. 290 - §728

Introduced April 14 by Italiano, Miller, H. Kelly

Not amended during passage

Bill had statement (copy enclosed)

No hearing or reports were located

No clippings located:

V.F.--N.J.--Delaware River Port Authority

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SENATE, No. 728

STATE OF NEW JERSEY

INTRODUCED APRIL 14, 1969

By Senators ITALIANO, MILLER and H. A. KELLY

Referred to Committee on Federal and Interstate Relations

AN ACT to amend "An act authorizing and empowering the Delaware River Port Authority, a body corporate and politic, functioning under the legislation enacted by the Commonwealth of Pennsylvania and the State of New Jersey, and the express consent of the Congress of the United States, to appoint policemen; make rules and regulations for the prevention of disorder, the preservation of safety, and the conservation of traffic on such bridges and in such tunnels and approaches thereto as the commission does or may hereafter operate; to prevent the evasion of the payment of tolls; providing a penalty for the violation of any such rules or regulations or for the evasion or the attempt to evade the payment of tolls, and repealing chapter 4 of Title 32 of the Revised Statutes," approved May 9, 1957 (P. L. 1957, c. 35).

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

1 1. Section 1 of the act of which this act is amendatory (C. 32:4-6)
2 is amended to read as follows:

3 1. The Delaware River Port Authority, a body corporate and
4 politic, functioning under the legislation enacted by the Common-
5 wealth of Pennsylvania and the State of New Jersey, and the
6 express consent of the Congress of the United States, *and its*
7 *wholly-owned subsidiary corporation through which it is effectu-*
8 *ating its authorized purposes,* shall have the power, and authority
9 **[is hereby conferred thereon]** to appoint such number of police-
10 men as may be found necessary to keep in safety and preserve
11 order upon such bridges and tunnels and approaches thereto, *and*
12 *upon the rapid transit systems, ferries, facilities and other prop-*
13 *erty as the [authority] Delaware River Port Authority or such*

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

14 *subsidiary corporations* does or may hereafter *own, lease or oper-*
15 *ate*; to administer to such policemen an oath or affirmation faith-
16 fully to perform the duties of their respective positions or offices;
17 and to provide for the payment of such policemen from the tolls,
18 *fares, charges* and other revenue of *the Delaware River Port Au-*
19 *thority or such subsidiary corporations*. The policemen so ap-
20 pointed shall have the power and authority to make arrests for
21 *any crimes, misdemeanors, and the offenses* [of any character]
22 *committed under the laws of the State of New Jersey or the Com-*
23 *monwealth of Pennsylvania* upon said bridges or within said
24 tunnels [and] or approaches thereto, *on the rapid transit systems,*
25 *ferries, facilities or other property*, for disorder or breach of the
26 peace, [and] or for violations of any lawful regulation which may
27 be or may heretofore have been adopted by the Delaware River
28 Port Authority or such subsidiary corporations. Such policemen
29 shall be further authorized and empowered to make arrests for
30 evasion or attempts to evade the payment of tolls, *fares or other*
31 *charges* which may be fixed or may have been fixed [for passage
32 over said bridges or through said tunnels and approaches thereto]
33 *for the use of such bridge, tunnel, rapid transit system, or ferry,*
34 *facility or other property*. To pass over any part of said bridges
35 or through said tunnels and approaches thereto in any vehicle for
36 which tolls shall be collectible, or for any person or vehicle to use
37 *the rapid transit systems or ferries or other facilities or property*
38 without passing through the toll gates or paying such toll, *fares*
39 *or charges* shall constitute such evasion and shall subject the person
40 so evading or attempting to evade such payment to arrest as afore-
41 said. Upon the apprehension or arrest of any person or persons
42 for any of the foregoing reasons, the offender may be taken before
43 any [magistrate of the city and county of Philadelphia or any]
44 proper judicial officer of the Commonwealth of Pennsylvania or of
45 State of New Jersey without respect to the portion of the bridge
46 [or tunnel and approaches thereto], *tunnel, ferry facility, rapid*
47 *transit system, facilities or other property* upon or within which
48 such offense may have been committed or attempted or such
49 offender arrested, and thereupon such [magistrate or] judicial
50 officer shall have the power and authority to punish such offender
51 as hereinafter provided. The Delaware River Port Authority and
52 *its wholly-owned subsidiary corporations through which it is*
53 *effectuating its authorized purposes* shall have the power to adopt
54 such rules and regulations as [it] they may respectively deem
55 expedient for the proper government of said bridges [or], tunnels,
56 [and] approaches thereto, *rapid transit systems, ferries, facilities*

57 *or other property* and for the preservation of good order, safe
 58 traffic, and proper conduct thereon or therein. For any violation
 59 of any of the foregoing provisions of this act or of any rule or
 60 regulation adopted by the Delaware River Port Authority, *or its*
 61 *said subsidiary corporations*, or for any evasion or attempt to
 62 evade payment of tolls, *fares or charges* the offender or offenders
 63 shall be subject to a fine or penalty of not less than \$10.00 or more
 64 than \$25.00, together with costs, to be adjudged by the [magistrate]
 65 *proper judicial officer* of the city and county of Philadelphia or
 66 other *proper* judicial officer of the Commonwealth of Pennsylvania
 67 or of the State of New Jersey before whom such offender or
 68 offenders may be brought, and on default of payment of such fine
 69 or penalty, then to imprisonment of not less than 10 days or more
 70 than 30 days in the place of incarceration decreed by said magis-
 71 trate or other judicial officer; and upon conviction of any sub-
 72 sequent offense, shall be subject to a fine or penalty of not less
 73 than \$25.00 or more than \$50.00, together with costs, or to imprison-
 74 ment of not less than 30 days or more than 60 days or both at the
 75 discretion of the said magistrate or other judicial officer.

1 2. The powers vested in the Delaware River Port Authority
 2 by this act shall be construed as being in addition to and not in
 3 diminution of the powers heretofore vested in the Delaware River
 4 Port Authority.

1 3. All acts and parts of acts are repealed insofar as they are
 2 inconsistent herewith.

1 4. This act shall take effect upon the enactment into law by the
 2 Commonwealth of Pennsylvania of legislation having a substan-
 3 tially similar effect as this act, but if the Commonwealth of Penn-
 4 sylvania shall have already enacted such legislation, this act shall
 5 take effect immediately.

STATEMENT

In the past few years, legislation has been enacted to empower the Delaware River Port Authority to undertake projects of a different nature than the original toll bridge functions of the authority. The need for the appointment of police to perform essential law enforcement services for the authority has long been recognized and legislative authorization for appointment of such police has been enacted. However, legislation which expanded the functions of the port authority and changed the corporate structure of the authority has not amended the statutory provisions dealing with authority police. Thus the duties, authority and jurisdiction of police officers are not as clearly delineated as they should be.

The grant and exercise of police powers is of such importance that the legislation providing for such powers should be clear, complete and free of ambiguity. This legislation is intended to eliminate any ambiguities that might exist in view of the expanded duties and change in structure of the port authority.