

32:11E-1

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2001 **CHAPTER:** 414
NJSA: 32:11E-1 (Delaware River and Bay Authority)
BILL NO: A2499
SPONSOR(S): Collins and Asselta
DATE INTRODUCED: May 22, 2000
COMMITTEE: **ASSEMBLY:** Transportation
 SENATE: Economic Development
AMENDED DURING PASSAGE: No
DATE OF PASSAGE: **ASSEMBLY:** May 10, 2001
 SENATE: January 7, 2001
DATE OF APPROVAL: January 8, 2002

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Original version of bill enacted)
A2499

SPONSORS STATEMENT: (Begins on page 15 of original bill)	Yes
COMMITTEE STATEMENT:	ASSEMBLY: Yes
	SENATE: Yes
FLOOR AMENDMENT STATEMENTS:	No
LEGISLATIVE FISCAL ESTIMATE:	No
VETO MESSAGE:	No
GOVERNOR'S PRESS RELEASE ON SIGNING:	No

FOLLOWING WERE PRINTED:

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REPORTS:	No
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ASSEMBLY, No. 2499

STATE OF NEW JERSEY 209th LEGISLATURE

INTRODUCED MAY 22, 2000

Sponsored by:

Assemblyman JACK COLLINS

District 3 (Salem, Cumberland and Gloucester)

Assemblyman NICHOLAS ASSELTA

District 1 (Cape May, Atlantic and Cumberland)

SYNOPSIS

Amends "Delaware-New Jersey Compact" establishing Delaware River and Bay Authority to allow authority greater flexibility in area of economic development.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/23/2001)

1 AN ACT concerning the Delaware River and Bay Authority and
2 amending P.L.1961, c.66.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 1 of P.L.1961, c.66 (C.32:11E-1) is amended to read as
8 follows:

9 1. The State of New Jersey hereby agrees with the State of
10 Delaware, upon enactment by the State of Delaware of legislation
11 having the same effect as this section, to the following compact:

12
13 DELAWARE-NEW JERSEY COMPACT

14
15 **WHEREAS**, The states of Delaware and New Jersey are separated by
16 the Delaware River and Bay which create a natural obstacle to the
17 uninterrupted passage of traffic other than by water and with
18 normal commercial activity between the two states thereby
19 hindering the economic growth and development of those areas in
20 both states which border the river and bay; and

21 **WHEREAS**, The pressures of existing trends from increasing traffic,
22 growing population and greater industrialization indicate the need
23 for closer cooperation between the two states in order to advance
24 the economic development and to improve crossings,
25 transportation, terminal and other facilities of the area; and

26 **WHEREAS**, The financing, construction, operation and maintenance of
27 such crossings, transportation, terminal and other facilities of
28 commerce and the overall planning for future economic
29 development of the area may be best accomplished for the benefit
30 of the two states and their citizens, the region and nation, by the
31 cordial cooperation of Delaware and New Jersey by and through a
32 joint or common agency or authority; and

33 **WHEREAS**, The Delaware-New Jersey Compact, enacted pursuant to
34 53 Laws of Delaware, Chapter 145 (17 Del. C. s.1701) and
35 P.L.1961, c.66 (C.32:11E-1 et seq.) of the Pamphlet Laws of New
36 Jersey, with the consent of the United States Congress in
37 accordance with Pub.L. 87-678 (1962), created the Delaware River
38 and Bay Authority with the intention of advancing the economic
39 growth and development of those areas in both states which border
40 the Delaware River and Bay by the financing, development,
41 construction, operation and maintenance of crossings,
42 transportation or terminal facilities, and other facilities of
43 commerce, and by providing for overall planning for the future

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 economic development of those areas; and
2 **WHEREAS**, The economic growth and development of areas of both
3 states will be further advanced by authorizing the authority to
4 undertake economic development projects, other than major
5 projects as defined in Article II, at its own initiative, and to
6 undertake major projects after securing only such approvals as may
7 be required by legislation of the state in which the project is to be
8 located, except that the authority is prohibited from undertaking
9 any major project, to be located in the Delaware River or Bay,
10 including, without limitation, any deep-water port or superport,
11 without the prior approval, by concurrent legislation, of the two
12 states; and

13 **WHEREAS**, The natural environment of those areas in the two states
14 which border the Delaware River and Bay would be better
15 preserved by requiring that the projects, other than crossings, of the
16 authority shall be in complete compliance with all applicable
17 environmental protection laws and regulations before the authority
18 may undertake the planning, development, construction or
19 operation of any project, other than a crossing;

20
21 **NOW, THEREFORE**, *The State of Delaware and the State of New*
22 *Jersey do hereby solemnly covenant and agree, each with the other as*
23 *follows:*

24 ARTICLE I
25 SHORT TITLE

26
27 This compact shall be known as the "Delaware-New Jersey
28 Compact."

29
30 ARTICLE II
31 DEFINITIONS

32
33 "Crossing" means any structure or facility adapted for public use in
34 crossing the Delaware River or Bay between the states, whether by
35 bridge, tunnel, ferry or other device, and by any vehicle or means of
36 transportation of persons or property, as well as all approaches thereto
37 and connecting and service routes and all appurtenances and
38 equipment relating thereto.

39 "Transportation facility" and "terminal facility" mean any structure
40 or facility other than a crossing as herein defined, adapted for public
41 use within each of the states party hereto in connection with the
42 transportation of persons or property, including railroads, motor
43 vehicles, watercraft, airports and aircraft, docks, wharves, piers, slips,
44 basins, storage places, sheds, warehouses, and every means or vehicle
45 of transportation now or hereafter in use for the transportation of
46 persons and property or the storage, handling or loading of property,

1 as well as all appurtenances and equipment related thereto.

2 "Commerce facility or development" means any structure or facility
3 adapted for public use or any development for a public purpose within
4 each of the states party hereto in connection with recreational and
5 commercial fishery development, recreational marina development,
6 aquaculture (marine farming), shoreline preservation and development
7 (including wetlands and open-lands acquisition, active recreational and
8 park development, beach restoration and development, dredge spoil
9 disposal, and port-oriented development), foreign trade zone site
10 development, manufacturing and industrial facilities, [and other
11 facilities of commerce which, in the judgment of the authority, are
12 required for the sound economic development of the area] and any
13 other facility or activity designed, directly or indirectly, to promote
14 business or commerce which, in the judgment of the authority, is
15 required for the sound economic development of the area.

16 "Appurtenances" and "equipment" mean all works, buildings,
17 structures, devices, appliances and supplies, as well as every kind of
18 mechanism, arrangement, object or substance related to and necessary
19 or convenient for the proper construction, equipment, maintenance,
20 improvement and operation of any crossing, transportation facility or
21 terminal facility, or commerce facility or development.

22 "Project" means any undertaking or program for the acquisition or
23 creation of any crossing, transportation facility or terminal facility, or
24 commerce facility or development, or any part thereof, as well as for
25 the operation, maintenance and improvement thereof.

26 "Major project" means any project, other than a crossing, having or
27 likely to have significant environmental impacts on the Delaware River
28 and Bay, its shorelines or estuaries, or any other area in the State of
29 Delaware or the New Jersey counties of Cape May, Cumberland,
30 Gloucester and Salem, as determined in accordance with state law by
31 the environmental agency of the state in which the major project is to
32 be located.

33 "Tunnel" means a tunnel of one or more tubes.

34 "Governor" means any person authorized by the Constitution and
35 law of each state to exercise the functions, powers and duties of that
36 office.

37 "Authority" means the authority created by this compact or any
38 agency successor thereto.

39 The singular whenever used in this compact shall include the plural,
40 and the plural shall include the singular.

41

42

ARTICLE III

43

FAITHFUL COOPERATION

44

45 They agree to and pledge, each to the other, faithful cooperation in
46 the effectuation of this compact and any future amendment or

1 supplement thereto, and of any legislation expressly in implementation
2 thereof hereafter enacted, and in the planning, development, financing,
3 construction, operation, maintenance and improvement of all projects
4 entrusted to the authority created by this compact.

5
6 ARTICLE IV
7 ESTABLISHMENT OF AGENCY; PURPOSES
8

9 The two states agree that there shall be created and they do hereby
10 create a body politic, to be known as "The Delaware River and Bay
11 Authority" (for brevity hereinafter referred to as the "authority"),
12 which shall constitute an agency of government of the State of
13 Delaware and the State of New Jersey for the following general public
14 purposes, and which shall be deemed to be exercising essential
15 government functions in effectuating such purposes, to wit:

16 (a) The planning, financing, development, construction, purchase,
17 lease, maintenance, improvement and operation of crossings between
18 the states of Delaware and New Jersey across the Delaware River or
19 Bay at any location south of the boundary line between the State of
20 Delaware and the Commonwealth of Pennsylvania as extended across
21 the Delaware River to the New Jersey shore of said river, together
22 with such approaches or connections thereto as in the judgment of the
23 authority are required to make adequate and efficient connections
24 between such crossings and any public highway, or other routes in the
25 State of Delaware or in the State of New Jersey; and

26 (b) The planning, financing, development, construction, purchase,
27 lease, maintenance, improvement and operation of any transportation
28 or terminal facility within the State of Delaware or the New Jersey
29 counties of Cape May, Cumberland, Gloucester and Salem, which
30 facility, in the judgment of the authority, is required for the sound
31 economic development of the area; and

32 (c) The planning, financing, development, construction, purchase,
33 lease, maintenance, improvement and operation of any commerce
34 facility or development within the State of Delaware or the New Jersey
35 counties of Cape May, Cumberland, Gloucester and Salem, which in
36 the judgment of the authority is required for the sound economic
37 development of the area; and

38 (d) The performance of such other functions as may be hereafter
39 entrusted to the authority by concurrent legislation expressly in
40 implementation hereof.

41 The authority shall not undertake any major project or part thereof
42 without having first secured such approvals as may be required by
43 legislation of the state in which the project is to be located.

44 The authority shall not undertake any major project, or part thereof,
45 to be located in the Delaware River or Bay, including, without
46 limitation, any deep-water port or superport, without having first

1 secured approval thereof by concurrent legislation of the two states
2 expressly in implementation thereof.

3 The authority shall not undertake any major project or part thereof
4 without first giving public notice and holding a public hearing, if
5 requested, on any proposed major project, in accordance with the law
6 of the state in which the major project is to be located. Each state
7 shall provide by law for the time and manner for the giving of such
8 public notice, the requesting of a public hearing and the holding of
9 such public hearings.

10
11 ARTICLE V
12 COMMISSIONERS
13

14 The authority shall consist of 12 commissioners, six of whom shall
15 be residents of and qualified to vote in, and shall be appointed from,
16 the State of Delaware, and six of whom shall be residents of and
17 qualified to vote in, and shall be appointed from, the State of New
18 Jersey; not more than three of the commissioners of each state shall be
19 of the same political party; the commissioners for each state shall be
20 appointed in the manner fixed and determined from time to time by the
21 law of each state respectively. Each commissioner shall hold office for
22 a term of five years, and until his successor shall have been appointed
23 and qualified, but the terms of the first commissioners shall be so
24 designated that the term of at least one commissioner from each state
25 shall expire each year. All terms shall run to the first day of July. Any
26 vacancy, however created, shall be filled for the unexpired term only.
27 Any commissioner may be suspended or removed from office as
28 provided by law of the state from which he shall be appointed.

29 Commissioners shall be entitled to reimbursement for necessary
30 expenses to be paid only from revenues of the authority and may not
31 receive any other compensation for services to the authority except
32 such as may from time to time be authorized from such revenues by
33 concurrent legislation.

34
35 ARTICLE VI
36 BOARD ACTION
37

38 The commissioners shall have charge of the authority's property and
39 affairs and shall, for the purpose of doing business, constitute a board;
40 but no action of the commissioners shall be binding or effective unless
41 taken at a meeting at which at least four commissioners from each
42 state are present, and unless at least four commissioners from each
43 state shall vote in favor thereof. The vote of any one or more of the
44 commissioners from each state shall be subject to cancellation by the
45 Governor of such state at any time within 10 days (Saturdays, Sundays
46 and public holidays in the particular state excepted) after receipt at the

1 Governor's office of a certified copy of the minutes of the meeting at
2 which such vote was taken. Each state may provide by law for the
3 manner of delivery of such minutes, and for notification of the action
4 thereon.

5

6

ARTICLE VII

7

GENERAL POWERS

8

9 For the effectuation of its authorized purposes, the authority is
10 hereby granted the following powers:

11 a. To have perpetual succession.

12 b. To adopt and use an official seal.

13 c. To elect a chairman and a vice-chairman from among the
14 commissioners. The chairman and vice-chairman shall be elected from
15 different states, and shall each hold office for two years. The
16 chairmanship and vice-chairmanship shall be alternated between the
17 two states.

18 d. To adopt bylaws to govern the conduct of its affairs by the
19 board of commissioners, and it may adopt rules and regulations and
20 may make appropriate orders to carry out and discharge its powers,
21 duties and functions, but no bylaw, or rule, regulation or order shall
22 take effect until it has been filed with the Secretary of State of each
23 state or in such other manner in each state as may be provided by the
24 law thereof. In the establishment of rules, regulations and orders
25 respecting the use of any crossing, transportation or terminal facility
26 or commerce facility or development owned or operated by the
27 authority, including approach roads, it shall consult with appropriate
28 officials of both states in order to insure, as far as possible, uniformity
29 of such rules, regulations and orders with the law of both states.

30 e. To appoint, or employ, such other officers, agents, attorneys,
31 engineers and employees as it may require for the performance of its
32 duties and to fix and determine their qualifications, duties,
33 compensation, pensions, terms of office and all other conditions and
34 terms of employment and retention.

35 f. To enter into contracts and agreements with either state or with
36 the United States, or with any public body, department, or other
37 agency of either state or of the United States or with any individual,
38 firm or corporation, deemed necessary or advisable for the exercise of
39 its purposes and powers.

40 g. To accept from any government or governmental department,
41 agency or other public or private body, or from any other source,
42 grants or contributions of money or property as well as loans,
43 advances, guarantees, or other forms of financial assistance which it
44 may use for or in aid of any of its purposes.

45 h. To acquire (by gift, purchase or condemnation), own, hire, lease,
46 use, operate and dispose of property, whether real, personal or mixed,

1 or of any interest therein, including any rights, franchise and property
2 for any crossing, facility or other project owned by another, and which
3 the authority is authorized to own and operate.

4 i. To designate as express highways, and control public and private
5 access thereto, all or any approaches to any crossing or other facility
6 of the authority for the purpose of connecting the same with any
7 highway or other route in either state.

8 j. To borrow money and to evidence such loans by bonds, notes or
9 other obligations, either secured or unsecured, and either in registered
10 or unregistered form, and to fund or refund such evidences of
11 indebtedness, which may be executed with facsimile signatures of such
12 persons as may be designated by the authority and by a facsimile of its
13 corporate seal.

14 k. To procure and keep in force adequate insurance or otherwise
15 provide for the adequate protection of its property, as well as to
16 indemnify it or its officers, agents or employees against loss or liability
17 with respect to any risk to which it or they may be exposed in carrying
18 out any function hereunder.

19 l. To grant the use of, by franchise, lease or otherwise, and to make
20 charges for the use of, any crossing, facility or other project or
21 property owned or controlled by it.

22 m. To exercise the right of eminent domain to acquire any property
23 or interest therein.

24 n. To determine the exact location, system and character of and all
25 other matters in connection with any and all crossings, transportation
26 or terminal facilities, commerce facilities or developments or other
27 projects which it may be authorized to own, construct, establish,
28 effectuate, operate or control.

29 o. To exercise all other powers not inconsistent with the
30 Constitutions of the two states or of the United States, which may be
31 reasonably necessary or incidental to the effectuation of its authorized
32 purposes or to the exercise of any of the foregoing powers, except the
33 power to levy taxes or assessments, and generally to exercise in
34 connection with its property and affairs, and in connection with
35 property within its control, any and all powers which might be
36 exercised by a natural person or a private corporation in connection
37 with similar property and affairs.

38
39 ARTICLE VIII
40 ADDITIONAL POWERS
41

42 For the purpose of effectuating the authorized purposes of the
43 authority, additional powers may be granted to the authority by
44 legislation of either state without the concurrence of the other, and
45 may be exercised within such state, or may be granted to the authority
46 by Congress and exercised by it; but no additional duties or obligations

1 shall be undertaken by the authority under the law of either state or of
2 Congress without authorization by the law of both states.

3
4 ARTICLE IX
5 EMINENT DOMAIN
6

7 If the authority shall find and determine that any property or
8 interest therein is required for a public use in furtherance of the
9 purposes of the authority, said determination shall not be affected by
10 the fact that such property has theretofore been taken over or is then
11 devoted to a public use, but the public use in the hands or under the
12 control of the authority, shall be deemed superior to the public use for
13 which it has theretofore been taken or to which it is then devoted. The
14 authority shall not exercise the power of eminent domain granted
15 herein to acquire any property, other than a crossing, devoted to a
16 public use, of either state, or of any municipality, local government,
17 agency, public authority or commission, or of two or more of them,
18 for any purpose other than a crossing, without having first secured the
19 authorization of the holder of the title to the land in question and such
20 other approvals as may be required by legislation of the state in which
21 the project is to be located. The authority shall not exercise the power
22 of eminent domain in connection with any commerce facility or
23 development.

24 In any condemnation proceeding in connection with the acquisition
25 by the authority of property or property rights of any character in
26 either state and the right of inspection and immediate entry thereon,
27 through the exercise by it of its power of eminent domain, any existing
28 or future law or rule of court of the state in which such property is
29 located with respect to the condemnation of property for the
30 construction, reconstruction and maintenance of highways therein,
31 shall control. The authority shall have the same power and authority
32 with respect thereto as the state agency named in any such law;
33 provided that nothing herein contained shall be construed as requiring
34 joint or concurrent action by the two states with respect to the
35 enactment, repeal or amendment of any law or rule of court on the
36 subject of condemnation under which the authority may proceed by
37 virtue of this article.

38 If the established grade of any street, avenue, highway or other
39 route shall be changed by reason of the construction by the authority
40 of any work so as to cause loss or injury to any property abutting on
41 such street, avenue, highway or other route, the authority may enter
42 into voluntary agreements with such abutting property owners and pay
43 reasonable compensation for any loss or injury so sustained, whether
44 or not it be compensable as damages under the condemnation law of
45 the state.

46 The power of the authority to acquire property by condemnation

1 shall be a continuing power, and no exercise thereof shall be deemed
2 to exhaust it.

3

4

ARTICLE X

5

REVENUES AND APPLICATION

6

7 The authority is hereby authorized to establish, levy and collect
8 such tolls and other charges as it may deem necessary, proper or
9 desirable, in connection with any crossing, transportation or terminal
10 facility, commerce facility or development, or other project which it is
11 or may be authorized at any time to construct, own, operate or
12 control, and the aggregate of said tolls and charges shall be at least
13 sufficient (1) to meet the combined expenses of operation,
14 maintenance and improvement thereof, (2) to pay the cost of
15 acquisition or construction, including the payment, amortization and
16 retirement of bonds or other securities or obligations assumed, issued
17 or incurred by the authority, together with interest thereon and (3) to
18 provide reserves for such purposes; and the authority is hereby
19 authorized and empowered, subject to prior pledges, if any, to pledge
20 such tolls and other revenues or any part thereof as security for the
21 repayment with interest of any moneys borrowed by it or advanced to
22 it for its authorized purposes and as security for the satisfaction of any
23 other obligations assumed by it in connection with such loans or
24 advances. There shall be allocated to the cost of the acquisition,
25 construction, operation, maintenance and improvement of such
26 facilities and projects, such proportion of the general expenses of the
27 authority as it shall deem properly chargeable thereto.

28

29

ARTICLE XI

30

COVENANT WITH BONDHOLDERS

31

32 The two said states covenant and agree with each other and with
33 the holders of any bonds or other securities or obligations of the
34 authority, assumed, issued or incurred by it and as security for which
35 there may be pledged the tolls and revenues or any part thereof of any
36 crossing, transportation or terminal facility, commerce facility or
37 development, or other project, that the two said states will not, so
38 long as any of such bonds or other obligations remain outstanding and
39 unpaid, diminish or impair the power of the authority to establish, levy
40 and collect tolls and other charges in connection therewith, and that
41 neither of the two said states will, so long as any of such bonds or
42 other obligations remain outstanding and unpaid, authorize any
43 crossing of the Delaware River or Delaware Bay south of the line
44 mentioned in Article IV (a) of this compact, by any person or body
45 other than the authority; unless, in either case, adequate provision shall
46 be made by law for the protection of those advancing money upon

1 such obligations.

2

3

ARTICLE XII

4

SECURITIES LAWFUL INVESTMENTS

5

6 The bonds or other securities or obligations which may be issued by
7 the authority pursuant to this compact, or any amendments hereof or
8 supplements hereto, are hereby declared to be negotiable instruments,
9 and are hereby made securities in which all state and municipal officers
10 and bodies of each state, all banks, bankers, trust companies, savings
11 banks, building and loan associations, savings and loan associations,
12 investment companies and other persons carrying on a banking
13 business, all insurance companies, insurance associations and other
14 persons carrying on an insurance business, and all administrators,
15 executors, guardians, trustees and other fiduciaries and all other
16 persons whatsoever who are now or may hereafter be authorized to
17 invest in bonds or other obligations of either state, may properly and
18 legally invest any funds, including capital, belonging to them or within
19 their control; and said obligations are hereby made securities which
20 may properly and legally be deposited with and shall be received by
21 any state or municipal officer or agency of either state for any purpose
22 for which the deposit of bonds or other obligations of such state is
23 now or may hereafter be authorized.

24

25

ARTICLE XIII

26

TAX STATUS

27

28 The powers and functions exercised by the authority under this
29 compact and any amendments hereof or supplements hereto are and
30 will be in all respects for the benefit of the people of the states of
31 Delaware and New Jersey, the region and nation, for the increase of
32 their commerce and prosperity and for the enhancement of their
33 general welfare. To this end, the authority shall be regarded as
34 performing essential governmental functions in exercising such powers
35 and functions and in carrying out the provisions of this compact and
36 of any law relating thereto, and shall not be required to pay any taxes
37 or assessments of any character, levied by either state or political
38 subdivision thereof, upon any of the property used by it for such
39 purposes, or any income or revenue therefrom, including any profit
40 from a sale or exchange. The bonds or other securities or obligations
41 issued by the authority, their transfer and the interest paid thereon or
42 income therefrom, including any profit from a sale or exchange, shall
43 at all times be free from taxation by either state or any subdivision
44 thereof.

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ARTICLE XIV
JURISDICTION; USE OF LANDS

Each of the two states hereby consents to the use and occupancy by the authority of any lands and property of the authority in such state for the construction, operation, maintenance or improvement of any crossing, transportation or terminal facility, commerce facility or development, or other project which it is or may be authorized at any time to construct, own or operate, including lands lying under water.

ARTICLE XV
REVIEW AND ENFORCEMENT OF RULES

Judicial proceedings to review any bylaw, rule, regulation, order or other action of the authority or to determine the meaning or effect thereof, may be brought in such court of each state, and pursuant to such law or rules thereof, as a similar proceeding with respect to any agency of such state might be brought.

Each state may provide by law what penalty or penalties shall be imposed for violation of any lawful rule, regulation or order of the authority, and, by law or rule of court, for the manner of enforcing the same.

ARTICLE XVI
NO PLEDGE OF CREDIT

The authority shall have no power to pledge the credit or to create any debt or liability of the State of Delaware, of the State of New Jersey, or of any other agency or of any political subdivision of said states.

ARTICLE XVII
LOCAL COOPERATION AND AGREEMENTS

- a. All municipalities, political subdivisions and every department, agency or public body of each of the states are hereby authorized and empowered to cooperate with, aid and assist the authority in effectuating the provisions of this compact and of any amendment hereof or supplement hereto.
- b. The authority is authorized and empowered to cooperate with each of the states, or any political subdivision thereof, and with any municipality, local government, agency, public authority or commission of the foregoing, in connection with the acquisition, planning, rehabilitation, construction or development of any project, other than a crossing, and to enter into an agreement or agreements, subject to compliance with the laws of the state in which the project

1 is to be located, with each of the states, or with any political
2 subdivision thereof, and with any municipality, county, local
3 government, agency, public authority or commission or with two or
4 more of them, for or relating to such purposes.

5 c. The authority and the city, town, municipality or other political
6 subdivision in which any project, other than a crossing, is to be located
7 are hereby authorized and empowered, subject to compliance with the
8 laws of the state in which the project is to be located, to enter into an
9 agreement or agreements to provide which local laws, resolutions,
10 ordinances, rules and regulations, if any, of the city, town, municipality
11 or other political subdivision affected by such project shall apply to
12 such project. All other existing local laws, resolutions, ordinances or
13 rules and regulations not provided for in the agreement shall be
14 applicable to the project, other than a crossing. All local laws,
15 resolutions, ordinances or rules and regulations enacted after the date
16 of the agreement shall not be applicable to such projects unless made
17 applicable by the agreement or any modification thereto.

18
19 ARTICLE XVIII
20 DEPOSITARIES

21
22 All banks, bankers, trust companies, savings banks and other
23 persons carrying on a banking business under the laws of either state
24 are authorized to give security for the safekeeping and prompt
25 payment of moneys of the authority deposited by it with them, in such
26 manner and form as may be required by and may be approved by the
27 authority, which security may consist of a good and sufficient
28 undertaking with such sureties as may be approved by the authority,
29 or may consist of the deposit with the authority or other depository
30 approved by the authority as collateral of such securities as the
31 authority may approve.

32
33 ARTICLE XIX
34 AGENCY POLICE

35
36 Members of the police force established by the authority, regardless
37 of their residence, shall have in each state, on the crossings,
38 transportation or terminal facilities, commerce facilities or
39 developments and other projects and the approaches thereto, owned,
40 operated or controlled by the authority, and at such other places and
41 under such circumstances as the law of each state may provide, all the
42 powers of investigation, detention and arrest conferred by law on
43 peace officers, sheriffs or constables in such state or usually exercised
44 by such officers in each state.

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ARTICLE XX
REPORTS AND AUDITS

The authority shall make annual reports to the Governors and Legislatures of the State of Delaware 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 desirable.

It shall, at least annually, cause an independent audit of its fiscal affairs to be made and shall furnish a copy of such audit report together with such additional information or data with respect to its affairs as it may deem desirable to the Governors and Legislatures of each state.

It shall furnish such information or data with respect to its affairs as may be requested by the Governor or Legislature of each state.

ARTICLE XXI
BOUNDARIES UNAFFECTED

The existing territorial or boundary lines of the states, or the jurisdiction of the two states established by said boundary lines, shall not be changed hereby.

ARTICLE XXII
ENVIRONMENTAL PROTECTION

a. The planning, development, construction and operation of any project, other than a crossing, shall comply with all environmental protection laws, regulations, directives and orders, including, without limitation, any coastal zone laws, wetlands laws, or subaqueous land laws or natural resource laws, now or hereinafter enacted, or promulgated by the state in which the project, or any part thereof, is located.

b. The planning, development, construction and operation of any project, other than a crossing, to be located in the Delaware River and Bay shall comply with all environmental protection laws, regulations, directives and orders, including, without limitation, any coastal zone laws, wetlands laws, subaqueous land laws or natural resource laws, now or hereinafter enacted or promulgated by either state.

c. The planning, development, construction and operation of any project, other than a crossing, located in the coastal zone of Delaware (as defined in Chapter 70 of Title 7 of the Delaware Code, as in effect on January 1, 1989), shall be subject to the same limitations, requirements, procedures and appeals as apply to any other person under the Delaware Coastal Zone Act, Chapter 70 of Title 7 of the Delaware Code, as in effect on January 1, 1989. Nothing in this

1 compact shall be deemed to preempt, modify or supersede any
2 provision of the Delaware Coastal Zone Act, Chapter 70 of Title 7 of
3 the Delaware Code, as in effect on January 1, 1989. The
4 interpretation and application of this paragraph shall be governed by
5 the laws of the State of Delaware and be determined by the courts of
6 the State of Delaware.

7 d. The planning, development, construction and operation of any
8 project, other than a crossing, located in New Jersey, shall be subject
9 to the provisions of New Jersey law, when applicable, including, but
10 not limited to, "The Wetlands Act of 1970," P.L.1970, c.272
11 (C.13:9A-1 et seq.) and the "Coastal Area Facility Review Act,"
12 P.L.1973, c.185 (C.13:19-1 et seq.).
13 (cf: P.L.1989, c.192, s.1)

14

15 2. This act shall take effect upon enactment into law by the State
16 of Delaware of legislation of substantially similar substance and effect,
17 but if the State of Delaware shall have already enacted such legislation,
18 this act shall take effect immediately.

19

20

21

STATEMENT

22

23 This bill amends the "Delaware-New Jersey Compact" establishing
24 the Delaware River and Bay Authority by changing the definition of
25 "commerce facility or development" to allow the authority greater
26 flexibility in the area of economic development. Since the State of
27 Delaware has enacted legislation of similar substance and effect as
28 1999 Delaware Laws, chapter 258, approved August 5, 1999, this bill
29 would take effect immediately upon enactment into law.

ASSEMBLY TRANSPORTATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2499

STATE OF NEW JERSEY

DATED: FEBRUARY 15, 2001

The Assembly Transportation Committee reports favorably
Assembly Bill No. 2499.

This bill amends the "Delaware-New Jersey Compact" establishing the Delaware River and Bay Authority by changing the definition of "commerce facility or development" to allow the authority greater flexibility in the area of economic development. Since the State of Delaware has enacted legislation of similar substance and effect as 1999 Delaware Laws, chapter 258, approved August 5, 1999, this bill would take effect immediately upon enactment into law.

SENATE ECONOMIC GROWTH, AGRICULTURE AND
TOURISM COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2499

STATE OF NEW JERSEY

DATED: JUNE 11, 2001

The Senate Economic Growth, Agriculture and Tourism Committee reports favorably Assembly Bill No. 2499.

This bill amends the "Delaware-New Jersey Compact" establishing the Delaware River and Bay Authority by changing the definition of "commerce facility or development" to allow the authority greater flexibility in the area of economic development. The State of Delaware has already enacted legislation of similar substance and effect as 1999 Delaware Laws, chapter 258, approved August 5, 1999.

P.L. 2001, CHAPTER 414, *approved January 8, 2002*
Assembly, No. 2499

1 **AN ACT** concerning the Delaware River and Bay Authority and
2 amending P.L.1961, c.66.

3

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

6

7 1. Section 1 of P.L.1961, c.66 (C.32:11E-1) is amended to read as
8 follows:

9 1. The State of New Jersey hereby agrees with the State of
10 Delaware, upon enactment by the State of Delaware of legislation
11 having the same effect as this section, to the following compact:

12

13 **DELAWARE-NEW JERSEY COMPACT**

14

15 **WHEREAS**, The states of Delaware and New Jersey are separated by
16 the Delaware River and Bay which create a natural obstacle to the
17 uninterrupted passage of traffic other than by water and with
18 normal commercial activity between the two states thereby
19 hindering the economic growth and development of those areas in
20 both states which border the river and bay; and

21 **WHEREAS**, The pressures of existing trends from increasing traffic,
22 growing population and greater industrialization indicate the need
23 for closer cooperation between the two states in order to advance
24 the economic development and to improve crossings,
25 transportation, terminal and other facilities of the area; and

26 **WHEREAS**, The financing, construction, operation and maintenance of
27 such crossings, transportation, terminal and other facilities of
28 commerce and the overall planning for future economic
29 development of the area may be best accomplished for the benefit
30 of the two states and their citizens, the region and nation, by the
31 cordial cooperation of Delaware and New Jersey by and through a
32 joint or common agency or authority; and

33 **WHEREAS**, The Delaware-New Jersey Compact, enacted pursuant to
34 53 Laws of Delaware, Chapter 145 (17 Del. C. s.1701) and
35 P.L.1961, c.66 (C.32:11E-1 et seq.) of the Pamphlet Laws of New
36 Jersey, with the consent of the United States Congress in
37 accordance with Pub.L. 87-678 (1962), created the Delaware River
38 and Bay Authority with the intention of advancing the economic
39 growth and development of those areas in both states which border
40 the Delaware River and Bay by the financing, development,
41 construction, operation and maintenance of crossings,

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 transportation or terminal facilities, and other facilities of
2 commerce, and by providing for overall planning for the future
3 economic development of those areas; and

4 **WHEREAS,** The economic growth and development of areas of both
5 states will be further advanced by authorizing the authority to
6 undertake economic development projects, other than major
7 projects as defined in Article II, at its own initiative, and to
8 undertake major projects after securing only such approvals as may
9 be required by legislation of the state in which the project is to be
10 located, except that the authority is prohibited from undertaking
11 any major project, to be located in the Delaware River or Bay,
12 including, without limitation, any deep-water port or superport,
13 without the prior approval, by concurrent legislation, of the two
14 states; and

15 **WHEREAS,** The natural environment of those areas in the two states
16 which border the Delaware River and Bay would be better
17 preserved by requiring that the projects, other than crossings, of the
18 authority shall be in complete compliance with all applicable
19 environmental protection laws and regulations before the authority
20 may undertake the planning, development, construction or
21 operation of any project, other than a crossing;

22

23 **NOW, THEREFORE,** *The State of Delaware and the State of New*
24 *Jersey do hereby solemnly covenant and agree, each with the other as*
25 *follows:*

26

ARTICLE I

27

SHORT TITLE

28

29 This compact shall be known as the "Delaware-New Jersey
30 Compact."

31

32

ARTICLE II

33

DEFINITIONS

34

35 "Crossing" means any structure or facility adapted for public use in
36 crossing the Delaware River or Bay between the states, whether by
37 bridge, tunnel, ferry or other device, and by any vehicle or means of
38 transportation of persons or property, as well as all approaches thereto
39 and connecting and service routes and all appurtenances and
40 equipment relating thereto.

41 "Transportation facility" and "terminal facility" mean any structure
42 or facility other than a crossing as herein defined, adapted for public
43 use within each of the states party hereto in connection with the
44 transportation of persons or property, including railroads, motor
45 vehicles, watercraft, airports and aircraft, docks, wharves, piers, slips,
46 basins, storage places, sheds, warehouses, and every means or vehicle

1 of transportation now or hereafter in use for the transportation of
2 persons and property or the storage, handling or loading of property,
3 as well as all appurtenances and equipment related thereto.

4 "Commerce facility or development" means any structure or facility
5 adapted for public use or any development for a public purpose within
6 each of the states party hereto in connection with recreational and
7 commercial fishery development, recreational marina development,
8 aquaculture (marine farming), shoreline preservation and development
9 (including wetlands and open-lands acquisition, active recreational and
10 park development, beach restoration and development, dredge spoil
11 disposal, and port-oriented development), foreign trade zone site
12 development, manufacturing and industrial facilities, [and other
13 facilities of commerce which, in the judgment of the authority, are
14 required for the sound economic development of the area] and any
15 other facility or activity designed, directly or indirectly, to promote
16 business or commerce which, in the judgment of the authority, is
17 required for the sound economic development of the area.

18 "Appurtenances" and "equipment" mean all works, buildings,
19 structures, devices, appliances and supplies, as well as every kind of
20 mechanism, arrangement, object or substance related to and necessary
21 or convenient for the proper construction, equipment, maintenance,
22 improvement and operation of any crossing, transportation facility or
23 terminal facility, or commerce facility or development.

24 "Project" means any undertaking or program for the acquisition or
25 creation of any crossing, transportation facility or terminal facility, or
26 commerce facility or development, or any part thereof, as well as for
27 the operation, maintenance and improvement thereof.

28 "Major project" means any project, other than a crossing, having or
29 likely to have significant environmental impacts on the Delaware River
30 and Bay, its shorelines or estuaries, or any other area in the State of
31 Delaware or the New Jersey counties of Cape May, Cumberland,
32 Gloucester and Salem, as determined in accordance with state law by
33 the environmental agency of the state in which the major project is to
34 be located.

35 "Tunnel" means a tunnel of one or more tubes.

36 "Governor" means any person authorized by the Constitution and
37 law of each state to exercise the functions, powers and duties of that
38 office.

39 "Authority" means the authority created by this compact or any
40 agency successor thereto.

41 The singular whenever used in this compact shall include the plural,
42 and the plural shall include the singular.

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ARTICLE III
FAITHFUL COOPERATION

They agree to and pledge, each to the other, faithful cooperation in the effectuation of this compact and any future amendment or supplement thereto, and of any legislation expressly in implementation thereof hereafter enacted, and in the planning, development, financing, construction, operation, maintenance and improvement of all projects entrusted to the authority created by this compact.

ARTICLE IV
ESTABLISHMENT OF AGENCY; PURPOSES

The two states agree that there shall be created and they do hereby create a body politic, to be known as "The Delaware River and Bay Authority" (for brevity hereinafter referred to as the "authority"), which shall constitute an agency of government of the State of Delaware and the State of New Jersey for the following general public purposes, and which shall be deemed to be exercising essential government functions in effectuating such purposes, to wit:

(a) The planning, financing, development, construction, purchase, lease, maintenance, improvement and operation of crossings between the states of Delaware and New Jersey across the Delaware River or Bay at any location south of the boundary line between the State of Delaware and the Commonwealth of Pennsylvania as extended across the Delaware River to the New Jersey shore of said river, together with such approaches or connections thereto as in the judgment of the authority are required to make adequate and efficient connections between such crossings and any public highway, or other routes in the State of Delaware or in the State of New Jersey; and

(b) The planning, financing, development, construction, purchase, lease, maintenance, improvement and operation of any transportation or terminal facility within the State of Delaware or the New Jersey counties of Cape May, Cumberland, Gloucester and Salem, which facility, in the judgment of the authority, is required for the sound economic development of the area; and

(c) The planning, financing, development, construction, purchase, lease, maintenance, improvement and operation of any commerce facility or development within the State of Delaware or the New Jersey counties of Cape May, Cumberland, Gloucester and Salem, which in the judgment of the authority is required for the sound economic development of the area; and

(d) The performance of such other functions as may be hereafter entrusted to the authority by concurrent legislation expressly in implementation hereof.

The authority shall not undertake any major project or part thereof

1 without having first secured such approvals as may be required by
2 legislation of the state in which the project is to be located.

3 The authority shall not undertake any major project, or part thereof,
4 to be located in the Delaware River or Bay, including, without
5 limitation, any deep-water port or superport, without having first
6 secured approval thereof by concurrent legislation of the two states
7 expressly in implementation thereof.

8 The authority shall not undertake any major project or part thereof
9 without first giving public notice and holding a public hearing, if
10 requested, on any proposed major project, in accordance with the law
11 of the state in which the major project is to be located. Each state
12 shall provide by law for the time and manner for the giving of such
13 public notice, the requesting of a public hearing and the holding of
14 such public hearings.

15

16

ARTICLE V COMMISSIONERS

17

18

19 The authority shall consist of 12 commissioners, six of whom shall
20 be residents of and qualified to vote in, and shall be appointed from,
21 the State of Delaware, and six of whom shall be residents of and
22 qualified to vote in, and shall be appointed from, the State of New
23 Jersey; not more than three of the commissioners of each state shall be
24 of the same political party; the commissioners for each state shall be
25 appointed in the manner fixed and determined from time to time by the
26 law of each state respectively. Each commissioner shall hold office for
27 a term of five years, and until his successor shall have been appointed
28 and qualified, but the terms of the first commissioners shall be so
29 designated that the term of at least one commissioner from each state
30 shall expire each year. All terms shall run to the first day of July. Any
31 vacancy, however created, shall be filled for the unexpired term only.
32 Any commissioner may be suspended or removed from office as
33 provided by law of the state from which he shall be appointed.

34 Commissioners shall be entitled to reimbursement for necessary
35 expenses to be paid only from revenues of the authority and may not
36 receive any other compensation for services to the authority except
37 such as may from time to time be authorized from such revenues by
38 concurrent legislation.

39

40

ARTICLE VI BOARD ACTION

41

42

43 The commissioners shall have charge of the authority's property and
44 affairs and shall, for the purpose of doing business, constitute a board;
45 but no action of the commissioners shall be binding or effective unless
46 taken at a meeting at which at least four commissioners from each

1 state are present, and unless at least four commissioners from each
2 state shall vote in favor thereof. The vote of any one or more of the
3 commissioners from each state shall be subject to cancellation by the
4 Governor of such state at any time within 10 days (Saturdays, Sundays
5 and public holidays in the particular state excepted) after receipt at the
6 Governor's office of a certified copy of the minutes of the meeting at
7 which such vote was taken. Each state may provide by law for the
8 manner of delivery of such minutes, and for notification of the action
9 thereon.

10
11 **ARTICLE VII**
12 **GENERAL POWERS**
13

14 For the effectuation of its authorized purposes, the authority is
15 hereby granted the following powers:

- 16 a. To have perpetual succession.
- 17 b. To adopt and use an official seal.
- 18 c. To elect a chairman and a vice-chairman from among the
19 commissioners. The chairman and vice-chairman shall be elected from
20 different states, and shall each hold office for two years. The
21 chairmanship and vice-chairmanship shall be alternated between the
22 two states.
- 23 d. To adopt bylaws to govern the conduct of its affairs by the
24 board of commissioners, and it may adopt rules and regulations and
25 may make appropriate orders to carry out and discharge its powers,
26 duties and functions, but no bylaw, or rule, regulation or order shall
27 take effect until it has been filed with the Secretary of State of each
28 state or in such other manner in each state as may be provided by the
29 law thereof. In the establishment of rules, regulations and orders
30 respecting the use of any crossing, transportation or terminal facility
31 or commerce facility or development owned or operated by the
32 authority, including approach roads, it shall consult with appropriate
33 officials of both states in order to insure, as far as possible, uniformity
34 of such rules, regulations and orders with the law of both states.
- 35 e. To appoint, or employ, such other officers, agents, attorneys,
36 engineers and employees as it may require for the performance of its
37 duties and to fix and determine their qualifications, duties,
38 compensation, pensions, terms of office and all other conditions and
39 terms of employment and retention.
- 40 f. To enter into contracts and agreements with either state or with
41 the United States, or with any public body, department, or other
42 agency of either state or of the United States or with any individual,
43 firm or corporation, deemed necessary or advisable for the exercise of
44 its purposes and powers.
- 45 g. To accept from any government or governmental department,
46 agency or other public or private body, or from any other source,

- 1 grants or contributions of money or property as well as loans,
2 advances, guarantees, or other forms of financial assistance which it
3 may use for or in aid of any of its purposes.
- 4 h. To acquire (by gift, purchase or condemnation), own, hire, lease,
5 use, operate and dispose of property, whether real, personal or mixed,
6 or of any interest therein, including any rights, franchise and property
7 for any crossing, facility or other project owned by another, and which
8 the authority is authorized to own and operate.
- 9 i. To designate as express highways, and control public and private
10 access thereto, all or any approaches to any crossing or other facility
11 of the authority for the purpose of connecting the same with any
12 highway or other route in either state.
- 13 j. To borrow money and to evidence such loans by bonds, notes or
14 other obligations, either secured or unsecured, and either in registered
15 or unregistered form, and to fund or refund such evidences of
16 indebtedness, which may be executed with facsimile signatures of such
17 persons as may be designated by the authority and by a facsimile of its
18 corporate seal.
- 19 k. To procure and keep in force adequate insurance or otherwise
20 provide for the adequate protection of its property, as well as to
21 indemnify it or its officers, agents or employees against loss or liability
22 with respect to any risk to which it or they may be exposed in carrying
23 out any function hereunder.
- 24 l. To grant the use of, by franchise, lease or otherwise, and to make
25 charges for the use of, any crossing, facility or other project or
26 property owned or controlled by it.
- 27 m. To exercise the right of eminent domain to acquire any property
28 or interest therein.
- 29 n. To determine the exact location, system and character of and all
30 other matters in connection with any and all crossings, transportation
31 or terminal facilities, commerce facilities or developments or other
32 projects which it may be authorized to own, construct, establish,
33 effectuate, operate or control.
- 34 o. To exercise all other powers not inconsistent with the
35 Constitutions of the two states or of the United States, which may be
36 reasonably necessary or incidental to the effectuation of its authorized
37 purposes or to the exercise of any of the foregoing powers, except the
38 power to levy taxes or assessments, and generally to exercise in
39 connection with its property and affairs, and in connection with
40 property within its control, any and all powers which might be
41 exercised by a natural person or a private corporation in connection
42 with similar property and affairs.

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ARTICLE VIII
ADDITIONAL POWERS

For the purpose of effectuating the authorized purposes of the authority, additional powers may be granted to the authority by legislation of either state without the concurrence of the other, and may be exercised within such state, or may be granted to the authority by Congress and exercised by it; but no additional duties or obligations shall be undertaken by the authority under the law of either state or of Congress without authorization by the law of both states.

ARTICLE IX
EMINENT DOMAIN

If the authority shall find and determine that any property or interest therein is required for a public use in furtherance of the purposes of the authority, said determination shall not be affected by the fact that such property has theretofore been taken over or is then devoted to a public use, but the public use in the hands or under the control of the authority, shall be deemed superior to the public use for which it has theretofore been taken or to which it is then devoted. The authority shall not exercise the power of eminent domain granted herein to acquire any property, other than a crossing, devoted to a public use, of either state, or of any municipality, local government, agency, public authority or commission, or of two or more of them, for any purpose other than a crossing, without having first secured the authorization of the holder of the title to the land in question and such other approvals as may be required by legislation of the state in which the project is to be located. The authority shall not exercise the power of eminent domain in connection with any commerce facility or development.

In any condemnation proceeding in connection with the acquisition by the authority of property or property rights of any character in either state and the right of inspection and immediate entry thereon, through the exercise by it of its power of eminent domain, any existing or future law or rule of court of the state in which such property is located with respect to the condemnation of property for the construction, reconstruction and maintenance of highways therein, shall control. The authority shall have the same power and authority with respect thereto as the state agency named in any such law; provided that nothing herein contained shall be construed as requiring joint or concurrent action by the two states with respect to the enactment, repeal or amendment of any law or rule of court on the subject of condemnation under which the authority may proceed by virtue of this article.

If the established grade of any street, avenue, highway or other

1 route shall be changed by reason of the construction by the authority
2 of any work so as to cause loss or injury to any property abutting on
3 such street, avenue, highway or other route, the authority may enter
4 into voluntary agreements with such abutting property owners and pay
5 reasonable compensation for any loss or injury so sustained, whether
6 or not it be compensable as damages under the condemnation law of
7 the state.

8 The power of the authority to acquire property by condemnation
9 shall be a continuing power, and no exercise thereof shall be deemed
10 to exhaust it.

11
12 ARTICLE X
13 REVENUES AND APPLICATION
14

15 The authority is hereby authorized to establish, levy and collect
16 such tolls and other charges as it may deem necessary, proper or
17 desirable, in connection with any crossing, transportation or terminal
18 facility, commerce facility or development, or other project which it is
19 or may be authorized at any time to construct, own, operate or
20 control, and the aggregate of said tolls and charges shall be at least
21 sufficient (1) to meet the combined expenses of operation,
22 maintenance and improvement thereof, (2) to pay the cost of
23 acquisition or construction, including the payment, amortization and
24 retirement of bonds or other securities or obligations assumed, issued
25 or incurred by the authority, together with interest thereon and (3) to
26 provide reserves for such purposes; and the authority is hereby
27 authorized and empowered, subject to prior pledges, if any, to pledge
28 such tolls and other revenues or any part thereof as security for the
29 repayment with interest of any moneys borrowed by it or advanced to
30 it for its authorized purposes and as security for the satisfaction of any
31 other obligations assumed by it in connection with such loans or
32 advances. There shall be allocated to the cost of the acquisition,
33 construction, operation, maintenance and improvement of such
34 facilities and projects, such proportion of the general expenses of the
35 authority as it shall deem properly chargeable thereto.

36
37 ARTICLE XI
38 COVENANT WITH BONDHOLDERS
39

40 The two said states covenant and agree with each other and with
41 the holders of any bonds or other securities or obligations of the
42 authority, assumed, issued or incurred by it and as security for which
43 there may be pledged the tolls and revenues or any part thereof of any
44 crossing, transportation or terminal facility, commerce facility or
45 development, or other project, that the two said states will not, so
46 long as any of such bonds or other obligations remain outstanding and

1 unpaid, diminish or impair the power of the authority to establish, levy
2 and collect tolls and other charges in connection therewith, and that
3 neither of the two said states will, so long as any of such bonds or
4 other obligations remain outstanding and unpaid, authorize any
5 crossing of the Delaware River or Delaware Bay south of the line
6 mentioned in Article IV (a) of this compact, by any person or body
7 other than the authority; unless, in either case, adequate provision shall
8 be made by law for the protection of those advancing money upon
9 such obligations.

10

11

ARTICLE XII

12

SECURITIES LAWFUL INVESTMENTS

13

14 The bonds or other securities or obligations which may be issued by
15 the authority pursuant to this compact, or any amendments hereof or
16 supplements hereto, are hereby declared to be negotiable instruments,
17 and are hereby made securities in which all state and municipal officers
18 and bodies of each state, all banks, bankers, trust companies, savings
19 banks, building and loan associations, savings and loan associations,
20 investment companies and other persons carrying on a banking
21 business, all insurance companies, insurance associations and other
22 persons carrying on an insurance business, and all administrators,
23 executors, guardians, trustees and other fiduciaries and all other
24 persons whatsoever who are now or may hereafter be authorized to
25 invest in bonds or other obligations of either state, may properly and
26 legally invest any funds, including capital, belonging to them or within
27 their control; and said obligations are hereby made securities which
28 may properly and legally be deposited with and shall be received by
29 any state or municipal officer or agency of either state for any purpose
30 for which the deposit of bonds or other obligations of such state is
31 now or may hereafter be authorized.

32

33

ARTICLE XIII

34

TAX STATUS

35

36 The powers and functions exercised by the authority under this
37 compact and any amendments hereof or supplements hereto are and
38 will be in all respects for the benefit of the people of the states of
39 Delaware and New Jersey, the region and nation, for the increase of
40 their commerce and prosperity and for the enhancement of their
41 general welfare. To this end, the authority shall be regarded as
42 performing essential governmental functions in exercising such powers
43 and functions and in carrying out the provisions of this compact and
44 of any law relating thereto, and shall not be required to pay any taxes
45 or assessments of any character, levied by either state or political
46 subdivision thereof, upon any of the property used by it for such

1 each of the states, or any political subdivision thereof, and with any
2 municipality, local government, agency, public authority or
3 commission of the foregoing, in connection with the acquisition,
4 planning, rehabilitation, construction or development of any project,
5 other than a crossing, and to enter into an agreement or agreements,
6 subject to compliance with the laws of the state in which the project
7 is to be located, with each of the states, or with any political
8 subdivision thereof, and with any municipality, county, local
9 government, agency, public authority or commission or with two or
10 more of them, for or relating to such purposes.

11 c. The authority and the city, town, municipality or other political
12 subdivision in which any project, other than a crossing, is to be located
13 are hereby authorized and empowered, subject to compliance with the
14 laws of the state in which the project is to be located, to enter into an
15 agreement or agreements to provide which local laws, resolutions,
16 ordinances, rules and regulations, if any, of the city, town, municipality
17 or other political subdivision affected by such project shall apply to
18 such project. All other existing local laws, resolutions, ordinances or
19 rules and regulations not provided for in the agreement shall be
20 applicable to the project, other than a crossing. All local laws,
21 resolutions, ordinances or rules and regulations enacted after the date
22 of the agreement shall not be applicable to such projects unless made
23 applicable by the agreement or any modification thereto.

24

ARTICLE XVIII

25

DEPOSITARIES

26

27

28 All banks, bankers, trust companies, savings banks and other
29 persons carrying on a banking business under the laws of either state
30 are authorized to give security for the safekeeping and prompt
31 payment of moneys of the authority deposited by it with them, in such
32 manner and form as may be required by and may be approved by the
33 authority, which security may consist of a good and sufficient
34 undertaking with such sureties as may be approved by the authority,
35 or may consist of the deposit with the authority or other depository
36 approved by the authority as collateral of such securities as the
37 authority may approve.

38

ARTICLE XIX

39

AGENCY POLICE

40

41

42 Members of the police force established by the authority, regardless
43 of their residence, shall have in each state, on the crossings,
44 transportation or terminal facilities, commerce facilities or
45 developments and other projects and the approaches thereto, owned,
46 operated or controlled by the authority, and at such other places and

1 under such circumstances as the law of each state may provide, all the
2 powers of investigation, detention and arrest conferred by law on
3 peace officers, sheriffs or constables in such state or usually exercised
4 by such officers in each state.

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ARTICLE XX
REPORTS AND AUDITS

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9 The authority shall make annual reports to the Governors and
10 Legislatures of the State of Delaware and the State of New Jersey,
11 setting forth in detail its operations and transactions, and may make
12 such additional reports from time to time to the Governors and
13 Legislatures as it may deem desirable.

14 It shall, at least annually, cause an independent audit of its fiscal
15 affairs to be made and shall furnish a copy of such audit report
16 together with such additional information or data with respect to its
17 affairs as it may deem desirable to the Governors and Legislatures of
18 each state.

19 It shall furnish such information or data with respect to its affairs
20 as may be requested by the Governor or Legislature of each state.

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ARTICLE XXI
BOUNDARIES UNAFFECTED

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25 The existing territorial or boundary lines of the states, or the
26 jurisdiction of the two states established by said boundary lines, shall
27 not be changed hereby.

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ARTICLE XXII
ENVIRONMENTAL PROTECTION

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31

32 a. The planning, development, construction and operation of any
33 project, other than a crossing, shall comply with all environmental
34 protection laws, regulations, directives and orders, including, without
35 limitation, any coastal zone laws, wetlands laws, or subaqueous land
36 laws or natural resource laws, now or hereinafter enacted, or
37 promulgated by the state in which the project, or any part thereof, is
38 located.

39 b. The planning, development, construction and operation of any
40 project, other than a crossing, to be located in the Delaware River and
41 Bay shall comply with all environmental protection laws, regulations,
42 directives and orders, including, without limitation, any coastal zone
43 laws, wetlands laws, subaqueous land laws or natural resource laws,
44 now or hereinafter enacted or promulgated by either state.

45 c. The planning, development, construction and operation of any
46 project, other than a crossing, located in the coastal zone of Delaware

1 (as defined in Chapter 70 of Title 7 of the Delaware Code, as in effect
2 on January 1, 1989), shall be subject to the same limitations,
3 requirements, procedures and appeals as apply to any other person
4 under the Delaware Coastal Zone Act, Chapter 70 of Title 7 of the
5 Delaware Code, as in effect on January 1, 1989. Nothing in this
6 compact shall be deemed to preempt, modify or supersede any
7 provision of the Delaware Coastal Zone Act, Chapter 70 of Title 7 of
8 the Delaware Code, as in effect on January 1, 1989. The
9 interpretation and application of this paragraph shall be governed by
10 the laws of the State of Delaware and be determined by the courts of
11 the State of Delaware.

12 d. The planning, development, construction and operation of any
13 project, other than a crossing, located in New Jersey, shall be subject
14 to the provisions of New Jersey law, when applicable, including, but
15 not limited to, "The Wetlands Act of 1970," P.L.1970, c.272
16 (C.13:9A-1 et seq.) and the "Coastal Area Facility Review Act,"
17 P.L.1973, c.185 (C.13:19-1 et seq.).
18 (cf: P.L.1989, c.192, s.1)

19

20 2. This act shall take effect upon enactment into law by the State
21 of Delaware of legislation of substantially similar substance and effect,
22 but if the State of Delaware shall have already enacted such legislation,
23 this act shall take effect immediately.

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STATEMENT

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28 This bill amends the "Delaware-New Jersey Compact" establishing
29 the Delaware River and Bay Authority by changing the definition of
30 "commerce facility or development" to allow the authority greater
31 flexibility in the area of economic development. Since the State of
32 Delaware has enacted legislation of similar substance and effect as
33 1999 Delaware Laws, chapter 258, approved August 5, 1999, this bill
34 would take effect immediately upon enactment into law.

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39 Amends "Delaware-New Jersey Compact" establishing Delaware River
40 and Bay Authority to allow authority greater flexibility in area of
41 economic development.

CHAPTER 414

AN ACT concerning the Delaware River and Bay Authority and amending P.L.1961, c.66.

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

1. Section 1 of P.L.1961, c.66 (C.32:11E-1) is amended to read as follows:

C.32:11E-1 Delaware New Jersey Compact.

1. The State of New Jersey hereby agrees with the State of Delaware, upon enactment by the State of Delaware of legislation having the same effect as this section, to the following compact:

DELAWARE-NEW JERSEY COMPACT

WHEREAS, The states of Delaware and New Jersey are separated by the Delaware River and Bay which create a natural obstacle to the uninterrupted passage of traffic other than by water and with normal commercial activity between the two states thereby hindering the economic growth and development of those areas in both states which border the river and bay; and

WHEREAS, The pressures of existing trends from increasing traffic, growing population and greater industrialization indicate the need for closer cooperation between the two states in order to advance the economic development and to improve crossings, transportation, terminal and other facilities of the area; and

WHEREAS, The financing, construction, operation and maintenance of such crossings, transportation, terminal and other facilities of commerce and the overall planning for future economic development of the area may be best accomplished for the benefit of the two states and their citizens, the region and nation, by the cordial cooperation of Delaware and New Jersey by and through a joint or common agency or authority; and

WHEREAS, The Delaware-New Jersey Compact, enacted pursuant to 53 Laws of Delaware, Chapter 145 (17 Del. C. s.1701) and P.L.1961, c.66 (C.32:11E-1 et seq.) of the Pamphlet Laws of New Jersey, with the consent of the United States Congress in accordance with Pub.L. 87-678 (1962), created the Delaware River and Bay Authority with the intention of advancing the economic growth and development of those areas in both states which border the Delaware River and Bay by the financing, development, construction, operation and maintenance of crossings, transportation or terminal facilities, and other facilities of commerce, and by providing for overall planning for the future economic development of those areas; and

WHEREAS, The economic growth and development of areas of both states will be further advanced by authorizing the authority to undertake economic development projects, other than major projects as defined in Article II, at its own initiative, and to undertake major projects after securing only such approvals as may be required by legislation of the state in which the project is to be located, except that the authority is prohibited from undertaking any major project, to be located in the Delaware River or Bay, including, without limitation, any deep-water port or superport, without the prior approval, by concurrent legislation, of the two states; and

WHEREAS, The natural environment of those areas in the two states which border the Delaware River and Bay would be better preserved by requiring that the projects, other than crossings, of the authority shall be in complete compliance with all applicable environmental protection laws and regulations before the authority may undertake the planning, development, construction or operation of any project, other than a crossing;

NOW, THEREFORE, *The State of Delaware and the State of New Jersey do hereby solemnly covenant and agree, each with the other as follows:*

ARTICLE I SHORT TITLE

This compact shall be known as the "Delaware-New Jersey Compact."

ARTICLE II
DEFINITIONS

"Crossing" means any structure or facility adapted for public use in crossing the Delaware River or Bay between the states, whether by bridge, tunnel, ferry or other device, and by any vehicle or means of transportation of persons or property, as well as all approaches thereto and connecting and service routes and all appurtenances and equipment relating thereto.

"Transportation facility" and "terminal facility" mean any structure or facility other than a crossing as herein defined, adapted for public use within each of the states party hereto in connection with the transportation of persons or property, including railroads, motor vehicles, watercraft, airports and aircraft, docks, wharves, piers, slips, basins, storage places, sheds, warehouses, and every means or vehicle of transportation now or hereafter in use for the transportation of persons and property or the storage, handling or loading of property, as well as all appurtenances and equipment related thereto.

"Commerce facility or development" means any structure or facility adapted for public use or any development for a public purpose within each of the states party hereto in connection with recreational and commercial fishery development, recreational marina development, aquaculture (marine farming), shoreline preservation and development (including wetlands and open-lands acquisition, active recreational and park development, beach restoration and development, dredge spoil disposal, and port-oriented development), foreign trade zone site development, manufacturing and industrial facilities, and any other facility or activity designed, directly or indirectly, to promote business or commerce which, in the judgment of the authority, is required for the sound economic development of the area.

"Appurtenances" and "equipment" mean all works, buildings, structures, devices, appliances and supplies, as well as every kind of mechanism, arrangement, object or substance related to and necessary or convenient for the proper construction, equipment, maintenance, improvement and operation of any crossing, transportation facility or terminal facility, or commerce facility or development.

"Project" means any undertaking or program for the acquisition or creation of any crossing, transportation facility or terminal facility, or commerce facility or development, or any part thereof, as well as for the operation, maintenance and improvement thereof.

"Major project" means any project, other than a crossing, having or likely to have significant environmental impacts on the Delaware River and Bay, its shorelines or estuaries, or any other area in the State of Delaware or the New Jersey counties of Cape May, Cumberland, Gloucester and Salem, as determined in accordance with state law by the environmental agency of the state in which the major project is to be located.

"Tunnel" means a tunnel of one or more tubes.

"Governor" means any person authorized by the Constitution and law of each state to exercise the functions, powers and duties of that office.

"Authority" means the authority created by this compact or any agency successor thereto.

The singular whenever used in this compact shall include the plural, and the plural shall include the singular.

ARTICLE III
FAITHFUL COOPERATION

They agree to and pledge, each to the other, faithful cooperation in the effectuation of this compact and any future amendment or supplement thereto, and of any legislation expressly in implementation thereof hereafter enacted, and in the planning, development, financing, construction, operation, maintenance and improvement of all projects entrusted to the authority created by this compact.

ARTICLE IV
ESTABLISHMENT OF AGENCY; PURPOSES

The two states agree that there shall be created and they do hereby create a body politic, to be known as "The Delaware River and Bay Authority" (for brevity hereinafter referred to as the "authority"), which shall constitute an agency of government of the State of Delaware and the State of New Jersey for the following general public purposes, and which shall be deemed to be exercising essential government functions in effectuating such purposes, to wit:

(a) The planning, financing, development, construction, purchase, lease, maintenance, improvement and operation of crossings between the states of Delaware and New Jersey across the Delaware River or Bay at any location south of the boundary line between the State of Delaware and the Commonwealth of Pennsylvania as extended across the Delaware River to the New Jersey shore of said river, together with such approaches or connections thereto as in the judgment of the authority are required to make adequate and efficient connections between such crossings and any public highway, or other routes in the State of Delaware or in the State of New Jersey; and

(b) The planning, financing, development, construction, purchase, lease, maintenance, improvement and operation of any transportation or terminal facility within the State of Delaware or the New Jersey counties of Cape May, Cumberland, Gloucester and Salem, which facility, in the judgment of the authority, is required for the sound economic development of the area; and

(c) The planning, financing, development, construction, purchase, lease, maintenance, improvement and operation of any commerce facility or development within the State of Delaware or the New Jersey counties of Cape May, Cumberland, Gloucester and Salem, which in the judgment of the authority is required for the sound economic development of the area; and

(d) The performance of such other functions as may be hereafter entrusted to the authority by concurrent legislation expressly in implementation hereof.

The authority shall not undertake any major project or part thereof without having first secured such approvals as may be required by legislation of the state in which the project is to be located.

The authority shall not undertake any major project, or part thereof, to be located in the Delaware River or Bay, including, without limitation, any deep-water port or superport, without having first secured approval thereof by concurrent legislation of the two states expressly in implementation thereof.

The authority shall not undertake any major project or part thereof without first giving public notice and holding a public hearing, if requested, on any proposed major project, in accordance with the law of the state in which the major project is to be located. Each state shall provide by law for the time and manner for the giving of such public notice, the requesting of a public hearing and the holding of such public hearings.

ARTICLE V COMMISSIONERS

The authority shall consist of 12 commissioners, six of whom shall be residents of and qualified to vote in, and shall be appointed from, the State of Delaware, and six of whom shall be residents of and qualified to vote in, and shall be appointed from, the State of New Jersey; not more than three of the commissioners of each state shall be of the same political party; the commissioners for each state shall be appointed in the manner fixed and determined from time to time by the law of each state respectively. Each commissioner shall hold office for a term of five years, and until his successor shall have been appointed and qualified, but the terms of the first commissioners shall be so designated that the term of at least one commissioner from each state shall expire each year. All terms shall run to the first day of July. Any vacancy, however created, shall be filled for the unexpired term only. Any commissioner may be suspended or removed from office as provided by law of the state from which he shall be appointed.

Commissioners shall be entitled to reimbursement for necessary expenses to be paid only from revenues of the authority and may not receive any other compensation for services to the authority except such as may from time to time be authorized from such revenues by concurrent legislation.

ARTICLE VI
BOARD ACTION

The commissioners shall have charge of the authority's property and affairs and shall, for the purpose of doing business, constitute a board; but no action of the commissioners shall be binding or effective unless taken at a meeting at which at least four commissioners from each state are present, and unless at least four commissioners from each state shall vote in favor thereof. The vote of any one or more of the commissioners from each state shall be subject to cancellation by the Governor of such state at any time within 10 days (Saturdays, Sundays and public holidays in the particular state excepted) after receipt at the Governor's office of a certified copy of the minutes of the meeting at which such vote was taken. Each state may provide by law for the manner of delivery of such minutes, and for notification of the action thereon.

ARTICLE VII
GENERAL POWERS

For the effectuation of its authorized purposes, the authority is hereby granted the following powers:

- a. To have perpetual succession.
- b. To adopt and use an official seal.
- c. To elect a chairman and a vice-chairman from among the commissioners. The chairman and vice-chairman shall be elected from different states, and shall each hold office for two years. The chairmanship and vice-chairmanship shall be alternated between the two states.
- d. To adopt bylaws to govern the conduct of its affairs by the board of commissioners, and it may adopt rules and regulations and may make appropriate orders to carry out and discharge its powers, duties and functions, but no bylaw, or rule, regulation or order shall take effect until it has been filed with the Secretary of State of each state or in such other manner in each state as may be provided by the law thereof. In the establishment of rules, regulations and orders respecting the use of any crossing, transportation or terminal facility or commerce facility or development owned or operated by the authority, including approach roads, it shall consult with appropriate officials of both states in order to insure, as far as possible, uniformity of such rules, regulations and orders with the law of both states.
- e. To appoint, or employ, such other officers, agents, attorneys, engineers and employees as it may require for the performance of its duties and to fix and determine their qualifications, duties, compensation, pensions, terms of office and all other conditions and terms of employment and retention.
- f. To enter into contracts and agreements with either state or with the United States, or with any public body, department, or other agency of either state or of the United States or with any individual, firm or corporation, deemed necessary or advisable for the exercise of its purposes and powers.
- g. To accept from any government or governmental department, agency or other public or private body, or from any other source, grants or contributions of money or property as well as loans, advances, guarantees, or other forms of financial assistance which it may use for or in aid of any of its purposes.
- h. To acquire (by gift, purchase or condemnation), own, hire, lease, use, operate and dispose of property, whether real, personal or mixed, or of any interest therein, including any rights, franchise and property for any crossing, facility or other project owned by another, and which the authority is authorized to own and operate.
- i. To designate as express highways, and control public and private access thereto, all or any approaches to any crossing or other facility of the authority for the purpose of connecting the same with any highway or other route in either state.
- j. To borrow money and to evidence such loans by bonds, notes or other obligations, either secured or unsecured, and either in registered or unregistered form, and to fund or refund such evidences of indebtedness, which may be executed with facsimile signatures of such persons as may be designated by the authority and by a facsimile of its corporate seal.

k. To procure and keep in force adequate insurance or otherwise provide for the adequate protection of its property, as well as to indemnify it or its officers, agents or employees against loss or liability with respect to any risk to which it or they may be exposed in carrying out any function hereunder.

l. To grant the use of, by franchise, lease or otherwise, and to make charges for the use of, any crossing, facility or other project or property owned or controlled by it.

m. To exercise the right of eminent domain to acquire any property or interest therein.

n. To determine the exact location, system and character of and all other matters in connection with any and all crossings, transportation or terminal facilities, commerce facilities or developments or other projects which it may be authorized to own, construct, establish, effectuate, operate or control.

o. To exercise all other powers not inconsistent with the Constitutions of the two states 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 foregoing powers, except the power to levy taxes or assessments, and generally to exercise in connection with its property and affairs, and in connection with property within 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.

ARTICLE VIII ADDITIONAL POWERS

For the purpose of effectuating the authorized purposes of the authority, additional powers may be granted to the authority by legislation of either state without the concurrence of the other, and may be exercised within such state, or may be granted to the authority by Congress and exercised by it; but no additional duties or obligations shall be undertaken by the authority under the law of either state or of Congress without authorization by the law of both states.

ARTICLE IX EMINENT DOMAIN

If the authority shall find and determine that any property or interest therein is required for a public use in furtherance of the purposes of the authority, said determination shall not be affected by the fact that such property has theretofore been taken over or is then devoted to a public use, but the public use in the hands or under the control of the authority, shall be deemed superior to the public use for which it has theretofore been taken or to which it is then devoted. The authority shall not exercise the power of eminent domain granted herein to acquire any property, other than a crossing, devoted to a public use, of either state, or of any municipality, local government, agency, public authority or commission, or of two or more of them, for any purpose other than a crossing, without having first secured the authorization of the holder of the title to the land in question and such other approvals as may be required by legislation of the state in which the project is to be located. The authority shall not exercise the power of eminent domain in connection with any commerce facility or development.

In any condemnation proceeding in connection with the acquisition by the authority of property or property rights of any character in either state and the right of inspection and immediate entry thereon, through the exercise by it of its power of eminent domain, any existing or future law or rule of court of the state in which such property is located with respect to the condemnation of property for the construction, reconstruction and maintenance of highways therein, shall control. The authority shall have the same power and authority with respect thereto as the state agency named in any such law; provided that nothing herein contained shall be construed as requiring joint or concurrent action by the two states with respect to the enactment, repeal or amendment of any law or rule of court on the subject of condemnation under which the authority may proceed by virtue of this article.

If the established grade of any street, avenue, highway or other route shall be changed by reason of the construction by the authority of any work so as to cause loss or injury to any property abutting on such street, avenue, highway or other route, the authority may enter into

voluntary agreements with such abutting property owners and pay reasonable compensation for any loss or injury so sustained, whether or not it be compensable as damages under the condemnation law of the state.

The power of the authority to acquire property by condemnation shall be a continuing power, and no exercise thereof shall be deemed to exhaust it.

ARTICLE X REVENUES AND APPLICATION

The authority is hereby authorized to establish, levy and collect such tolls and other charges as it may deem necessary, proper or desirable, in connection with any crossing, transportation or terminal facility, commerce facility or development, or other project which it is or may be authorized at any time to construct, own, operate or control, and the aggregate of said tolls and charges shall be at least sufficient (1) to meet the combined expenses of operation, maintenance and improvement thereof, (2) to pay the cost of acquisition or construction, including the payment, amortization and retirement of bonds or other securities or obligations assumed, issued or incurred by the authority, together with interest thereon and (3) to provide reserves for such purposes; and the authority is hereby authorized and empowered, subject to prior pledges, if any, to pledge such tolls and other revenues or any part thereof as security for the repayment with interest of any moneys borrowed by it or advanced to it for its authorized purposes and as security for the satisfaction of any other obligations assumed by it in connection with such loans or advances. There shall be allocated to the cost of the acquisition, construction, operation, maintenance and improvement of such facilities and projects, such proportion of the general expenses of the authority as it shall deem properly chargeable thereto.

ARTICLE XI COVENANT WITH BONDHOLDERS

The two said states covenant and agree with each other and with the holders of any bonds or other securities or obligations of the authority, assumed, issued or incurred by it and as security for which there may be pledged the tolls and revenues or any part thereof of any crossing, transportation or terminal facility, commerce facility or development, or other project, that the two said states will not, so long as any of such bonds or other obligations remain outstanding and unpaid, diminish or impair the power of the authority to establish, levy and collect tolls and other charges in connection therewith, and that neither of the two said states will, so long as any of such bonds or other obligations remain outstanding and unpaid, authorize any crossing of the Delaware River or Delaware Bay south of the line mentioned in Article IV (a) of this compact, by any person or body other than the authority; unless, in either case, adequate provision shall be made by law for the protection of those advancing money upon such obligations.

ARTICLE XII SECURITIES LAWFUL INVESTMENTS

The bonds or other securities or obligations which may be issued by the authority pursuant to this compact, or any amendments hereof or supplements hereto, are hereby declared to be negotiable instruments, and are hereby made securities in which all state and municipal officers and bodies of each state, all banks, bankers, trust companies, savings banks, building and loan associations, savings and loan associations, investment companies and other persons carrying on a banking business, all insurance companies, insurance associations and other persons carrying on an insurance business, and all administrators, executors, guardians, trustees and other fiduciaries and all other persons whatsoever who are now or may hereafter be authorized to invest in bonds or other obligations of either state, may properly and legally invest any funds, including capital, belonging to them or within their control; and said obligations are hereby made securities which may properly and legally be deposited with and shall be received by any state or municipal officer or agency of either state for any purpose for which the deposit of bonds or

other obligations of such state is now or may hereafter be authorized.

ARTICLE XIII
TAX STATUS

The powers and functions exercised by the authority under this compact and any amendments hereof or supplements hereto are and will be in all respects for the benefit of the people of the states of Delaware and New Jersey, the region and nation, for the increase of their commerce and prosperity and for the enhancement of their general welfare. To this end, the authority shall be regarded as performing essential governmental functions in exercising such powers and functions and in carrying out the provisions of this compact and of any law relating thereto, and shall not be required to pay any taxes or assessments of any character, levied by either state or political subdivision thereof, upon any of the property used by it for such purposes, or any income or revenue therefrom, including any profit from a sale or exchange. The bonds or other securities or obligations issued by the authority, their transfer and the interest paid thereon or income therefrom, including any profit from a sale or exchange, shall at all times be free from taxation by either state or any subdivision thereof.

ARTICLE XIV
JURISDICTION; USE OF LANDS

Each of the two states hereby consents to the use and occupancy by the authority of any lands and property of the authority in such state for the construction, operation, maintenance or improvement of any crossing, transportation or terminal facility, commerce facility or development, or other project which it is or may be authorized at any time to construct, own or operate, including lands lying under water.

ARTICLE XV
REVIEW AND ENFORCEMENT OF RULES

Judicial proceedings to review any bylaw, rule, regulation, order or other action of the authority or to determine the meaning or effect thereof, may be brought in such court of each state, and pursuant to such law or rules thereof, as a similar proceeding with respect to any agency of such state might be brought.

Each state may provide by law what penalty or penalties shall be imposed for violation of any lawful rule, regulation or order of the authority, and, by law or rule of court, for the manner of enforcing the same.

ARTICLE XVI
NO PLEDGE OF CREDIT

The authority shall have no power to pledge the credit or to create any debt or liability of the State of Delaware, of the State of New Jersey, or of any other agency or of any political subdivision of said states.

ARTICLE XVII
LOCAL COOPERATION AND AGREEMENTS

a. All municipalities, political subdivisions and every department, agency or public body of each of the states are hereby authorized and empowered to cooperate with, aid and assist the authority in effectuating the provisions of this compact and of any amendment hereof or supplement hereto.

b. The authority is authorized and empowered to cooperate with each of the states, or any political subdivision thereof, and with any municipality, local government, agency, public authority or commission of the foregoing, in connection with the acquisition, planning,

rehabilitation, construction or development of any project, other than a crossing, and to enter into an agreement or agreements, subject to compliance with the laws of the state in which the project is to be located, with each of the states, or with any political subdivision thereof, and with any municipality, county, local government, agency, public authority or commission or with two or more of them, for or relating to such purposes.

c. The authority and the city, town, municipality or other political subdivision in which any project, other than a crossing, is to be located are hereby authorized and empowered, subject to compliance with the laws of the state in which the project is to be located, to enter into an agreement or agreements to provide which local laws, resolutions, ordinances, rules and regulations, if any, of the city, town, municipality or other political subdivision affected by such project shall apply to such project. All other existing local laws, resolutions, ordinances or rules and regulations not provided for in the agreement shall be applicable to the project, other than a crossing. All local laws, resolutions, ordinances or rules and regulations enacted after the date of the agreement shall not be applicable to such projects unless made applicable by the agreement or any modification thereto.

ARTICLE XVIII DEPOSITARIES

All banks, bankers, trust companies, savings banks and other persons carrying on a banking business under the laws of either state are authorized to give security for the safekeeping and prompt payment of moneys of the authority deposited by it with them, in such manner and form as may be required by and may be approved by the authority, which security may consist of a good and sufficient undertaking with such sureties as may be approved by the authority, or may consist of the deposit with the authority or other depository approved by the authority as collateral of such securities as the authority may approve.

ARTICLE XIX AGENCY POLICE

Members of the police force established by the authority, regardless of their residence, shall have in each state, on the crossings, transportation or terminal facilities, commerce facilities or developments and other projects and the approaches thereto, owned, operated or controlled by the authority, and at such other places and under such circumstances as the law of each state may provide, all the powers of investigation, detention and arrest conferred by law on peace officers, sheriffs or constables in such state or usually exercised by such officers in each state.

ARTICLE XX REPORTS AND AUDITS

The authority shall make annual reports to the Governors and Legislatures of the State of Delaware 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 desirable.

It shall, at least annually, cause an independent audit of its fiscal affairs to be made and shall furnish a copy of such audit report together with such additional information or data with respect to its affairs as it may deem desirable to the Governors and Legislatures of each state.

It shall furnish such information or data with respect to its affairs as may be requested by the Governor or Legislature of each state.

ARTICLE XXI BOUNDARIES UNAFFECTED

The existing territorial or boundary lines of the states, or the jurisdiction of the two states established by said boundary lines, shall not be changed hereby.

ARTICLE XXII
ENVIRONMENTAL PROTECTION

a. The planning, development, construction and operation of any project, other than a crossing, shall comply with all environmental protection laws, regulations, directives and orders, including, without limitation, any coastal zone laws, wetlands laws, or subaqueous land laws or natural resource laws, now or hereinafter enacted, or promulgated by the state in which the project, or any part thereof, is located.

b. The planning, development, construction and operation of any project, other than a crossing, to be located in the Delaware River and Bay shall comply with all environmental protection laws, regulations, directives and orders, including, without limitation, any coastal zone laws, wetlands laws, subaqueous land laws or natural resource laws, now or hereafter enacted or promulgated by either state.

c. The planning, development, construction and operation of any project, other than a crossing, located in the coastal zone of Delaware (as defined in Chapter 70 of Title 7 of the Delaware Code, as in effect on January 1, 1989), shall be subject to the same limitations, requirements, procedures and appeals as apply to any other person under the Delaware Coastal Zone Act, Chapter 70 of Title 7 of the Delaware Code, as in effect on January 1, 1989. Nothing in this compact shall be deemed to preempt, modify or supersede any provision of the Delaware Coastal Zone Act, Chapter 70 of Title 7 of the Delaware Code, as in effect on January 1, 1989. The interpretation and application of this paragraph shall be governed by the laws of the State of Delaware and be determined by the courts of the State of Delaware.

d. The planning, development, construction and operation of any project, other than a crossing, located in New Jersey, shall be subject to the provisions of New Jersey law, when applicable, including, but not limited to, "The Wetlands Act of 1970," P.L.1970, c.272 (C.13:9A-1 et seq.) and the "Coastal Area Facility Review Act," P.L.1973, c.185 (C.13:19-1 et seq.).

2. This act shall take effect upon enactment into law by the State of Delaware of legislation of substantially similar substance and effect, but if the State of Delaware shall have already enacted such legislation, this act shall take effect immediately.

Approved January 8, 2002.