

service or continuous night service for a longer consecutive period than two weeks, nor be kept on duty continuously longer than ten hours in the day shifts, bodies or platoons or fourteen hours in the night shifts, bodies or platoons, excepting as may be necessary to equalize the hours of duty and service, and also excepting in cases of emergency, as above provided.

Act effective
January 1, 1952.

Section 2. The provisions of this act shall become effective the first day of January, one thousand nine hundred fifty-two.

APPROVED—The 17th day of July, A. D. 1951.

JOHN S. FINE

No. 214

AN ACT

A SUPPLEMENT

To the act, approved the twelfth day of June, one thousand nine hundred thirty-one (Pamphlet Laws 575), entitled "An act providing for joint action by Pennsylvania and New Jersey in the development of the ports on the lower Delaware River, and the improvement of the facilities for transportation across the river; authorizing the Governor, for these purposes, to enter into an agreement with New Jersey; creating The Delaware River Joint Commission and specifying the powers and duties thereof, including the power to finance projects by the issuance of revenue bonds; transferring to the new commission all the powers of the Delaware River Bridge Joint Commission; and making an appropriation," authorizing the Governor, on behalf of the Commonwealth of Pennsylvania, to enter into a supplemental compact or agreement with the State of New Jersey, amending Articles I, II, IV, XI and XII of, and adding a new article to, the compact and agreement between the Commonwealth of Pennsylvania and the State of New Jersey authorized and made pursuant to the act herein supplemented, by changing the name of The Delaware River Joint Commission to The Delaware River Port Authority, and the method of appointment of commissioners, removing the present Pennsylvania members of the commission, extending the jurisdiction, powers and duties of The Delaware River Port Authority and defining such additional jurisdiction, powers and duties, to take effect upon the enactment of substantially similar legislation by the State of New Jersey embodying the supplemental agreement between the two States in this act set forth; and authorizing the Governor to apply, on behalf of the Commonwealth, to the Congress of the United States for its consent thereto.

Delaware River.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Governor authorized to enter into supplemental pact with State of New Jersey for development of ports of lower Delaware River.

Section 1. The Governor is hereby authorized to enter into a supplemental compact or agreement, on behalf of the Commonwealth of Pennsylvania, with the State of New Jersey, amending and supplementing the compact or agreement between the Commonwealth of Pennsylvania and the State of New Jersey entitled "Agreement between the Commonwealth of Pennsylvania and the State of New Jersey creating The Dela-

ware River Joint Commission as a body corporate and politic and defining its powers and duties," which was executed on behalf of the Commonwealth of Pennsylvania by its Governor on July first, one thousand nine hundred and thirty-one, and on behalf of the State of New Jersey by the New Jersey Interstate Bridge Commission by its members on July first, one thousand nine hundred and thirty-one, and which was consented to by the Congress of the United States by Public Resolution Number twenty-six, being chapter two hundred fifty-eight of the Public Laws, Seventy-second Congress, approved June fourteenth, one thousand nine hundred and thirty-two, which supplemental compact and agreement shall be in substantially the following form:

"Supplemental agreement between the Commonwealth of Pennsylvania and the State of New Jersey amending and supplementing the agreement entitled 'Agreement between the Commonwealth of Pennsylvania and the State of New Jersey creating The Delaware River Joint Commission as a body corporate and politic and defining its powers and duties,' changing the name of The Delaware River Joint Commission to The Delaware River Port Authority, changing the method of appointment of the commissioners, extending the jurisdiction, powers and duties of said The Delaware River Port Authority, and defining such additional jurisdiction, powers and duties. Form.

The Commonwealth of Pennsylvania and the State of New Jersey do hereby solemnly covenant and agree each with the other, as follows:

(1) Article I of the "Agreement between the Commonwealth of Pennsylvania and the State of New Jersey creating The Delaware River Joint Commission as a body corporate and politic and defining its powers and duties," which was executed on behalf of the Commonwealth of Pennsylvania by its Governor on the first day of July, one thousand nine hundred and thirty-one, and on behalf of the State of New Jersey by the New Jersey Interstate Bridge Commission by its members on the first day of July, one thousand nine hundred and thirty-one, and which was consented to by the Congress of the United States by Public Resolution Number twenty-six, being chapter two hundred fifty-eight of the Public Laws, Seventy-second Congress, approved the fourteenth day of June, one thousand nine hundred and thirty-two, is amended to read as follows:

Article I

[There is hereby created a] *The* body corporate and politic, [to be] *heretofore created and* known as The Delaware River Joint Commission, *hereby is continued under the name of The Delaware River Port Authority*

Name of The Delaware River Joint Commission changed to The Delaware River Port Authority.

(hereinafter in this agreement called the "commission"), which shall constitute the public corporate instrumentality of the Commonwealth of Pennsylvania and the State of New Jersey for the following public purposes, and which shall be deemed to be exercising an essential governmental function in effectuating such *purposes, to wit:

Purposes of
commission.

(a) The operation and maintenance of the bridge, owned jointly by the two States [and the City of Philadelphia, as its interests may appear], across the Delaware River between the City of Philadelphia in the Commonwealth of Pennsylvania and the City of Camden in the State of New Jersey, including its approaches, and the making of additions and improvements thereto;

(b) The effectuation, establishment, construction, operation and maintenance of railroad or other facilities for the transportation of passengers across [the said] *any bridge or tunnel owned or controlled by the commission, including extensions [thereof to the vicinity of Race Street and Eighth Street in the City of Philadelphia and to the vicinity of Carman Street and Haddon Avenue in the City of Camden] of such railroad or other facilities within the City of Camden and the City of Philadelphia necessary for efficient operation in the Port District;*

(c) [The investigation of the necessity for additional means of communication between the Commonwealth of Pennsylvania in the vicinity of Philadelphia and the State of New Jersey opposite thereto, and between the ports of Philadelphia and Camden and the sea, and making of such studies, surveys and estimates as may be necessary to determine the feasibility and cost of any such additional means of communication, whether the same be by bridge, tunnel, canal, or otherwise; and] *The improvement and development of the Port District for port purposes by or through the acquisition, construction, maintenance or operation of any and all projects for the improvement and development of the Port District for port purposes, or directly related thereto, either directly by purchase, lease or contract, or by lease or agreement with any other public or private body or corporation, or in any other manner.*

(d) Cooperation with all other bodies interested or concerned with or affected by the promotion, development or use of the Delaware River *and the Port District;*

(e) The procurement from the Government of the United States of any consents which may be requisite to enable any project within its powers to be carried forward;

(f) *The construction, acquisition, operation and maintenance of other bridges and tunnels across or*

* "purposes" in original.

under the Delaware River, between the City of Philadelphia and the State of New Jersey, including approaches, and the making of additions and improvements thereto;

[(f)] (g) The promotion [of the Delaware River] as a highway of commerce [between Philadelphia and Camden and the sea] *of the Delaware River, and the* [(g) The] promotion of increased *passenger and freight* commerce on the Delaware River [both freight and passenger,] and, for [this] *such* purpose, the publication of [such] literature and the adoption of [such] *any other* means as may be deemed appropriate;

(h) To study and make recommendations to the proper authorities for the improvement of terminal, lighthouse, wharfage, warehouse, and other facilities necessary for the promotion of commerce on the Delaware River;

(i) Institution, through [the Attorneys General of Pennsylvania and New Jersey, of] *its counsel, or such other counsel as it shall designate*, or intervention in any litigation involving rates, preferences, rebates, or other matters vital to the [interests of the ports of the Delaware River.

(j) Any other functions which may be of mutual benefit to the Commonwealth of Pennsylvania and the State of New Jersey, insofar as concerns the promotion and development of the ports of Philadelphia and of Camden, and the use by commercial vessels of their facilities] *interest of the Port District: Provided, That notice of any such institution of or intervention in litigation shall be given promptly to the Attorney General of the Commonwealth of Pennsylvania and to the Attorney General of the State of New Jersey, and provision for such notices shall be made in a resolution authorizing any such intervention or litigation and shall be incorporated in the minutes of the commission;*

(j) *The establishment, maintenance, rehabilitation, construction and operation of a rapid transit system for the transportation of passengers, express, mail and baggage between points in New Jersey communities within the Port District and within a thirty-five (35) mile radius of the City of Camden, New Jersey, and points within the City of Philadelphia, Pennsylvania, and intermediate points. Such system may be established by either utilizing existing rapid transit systems, railroad facilities, highways and bridges within the territory involved or by the construction or provision of new facilities where deemed necessary;*

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

(2) Article II of said agreement is amended to read as follows:

Article II

How constituted.

The commission shall consist of sixteen commissioners, eight resident voters of the Commonwealth of Pennsylvania, and eight resident voters of the State of New Jersey, who shall serve without compensation.

[The first eight Commissioners for the Commonwealth of Pennsylvania shall be the Governor of the Commonwealth, the Auditor General, the State Treasurer, the Mayor of the City of Philadelphia, and the four additional persons now serving as members of the Pennsylvania Commission, existing by virtue of Act Number Three hundred thirty-eight of the Commonwealth of Pennsylvania, approved July ninth, one thousand nine hundred and nineteen (Pamphlet Laws, eight hundred fourteen), and acts amendatory thereof and supplementary thereto.

The first eight commissioners for the State of New Jersey shall be the eight individuals now holding office as members of the New Jersey Interstate Bridge Commission, existing by virtue of Chapter Two hundred seventy-one of the Laws of said State of one thousand nine hundred and twenty-nine, approved May sixth, one thousand nine hundred twenty-nine and acts amendatory thereof and supplementary thereto, which said eight individuals are hereby appointed by said State as such commissioners, who shall serve for their unexpired terms as members of the New Jersey Interstate Bridge Commission. Succeeding commissioners shall be elected by the Legislature to serve for terms of five years.

For the Commonwealth of Pennsylvania, the Governor, the Auditor General, the State Treasurer, and the executive head of the City of Philadelphia, in office at the time, shall always be members of the commission, and, in addition thereto, there shall be four members appointed by the Governor, who shall be known as appointive members. Whenever a vacancy occurs in the appointive membership of the commission, the Governor shall appoint a member to serve for a term of five years from the date of his appointment.

For the State of New Jersey, whenever a vacancy in the office of commissioner shall occur, such vacancy shall be filled for the unexpired term by the Legislature. If the Legislature shall not be in session when the vacancy occurs, such vacancy shall be filled by the Governor, and such appointee shall hold office until the Legislature convenes.]

Terms of office of present members of commission.

The present members of the commission, including ex-officio members, shall continue to serve, respectively, as commissioners, until the expiration of their terms or the terms of office by virtue of the holding of which they

are members of the commission and until succeeding commissioners shall be appointed and qualify, except that the terms of the present members of the commission for the Commonwealth of Pennsylvania shall expire as of the date of the coming into force of the supplemental compact or agreement authorized by the Act of the 1951 General Assembly of said Commonwealth providing for amendment of this Article.

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

New Jersey
commissioners.

Six of the eight commissioners for the Commonwealth of Pennsylvania shall be appointed by the Governor of Pennsylvania for terms of five years. The Auditor General and the State Treasurer of said Commonwealth shall, ex-officio, be commissioners for said Commonwealth, each having the privilege of appointing a representative to serve in his place at any meeting of the commission which he does not attend personally.

Pennsylvania
commissioners.

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

Holding over.

(3) Article IV of said agreement is amended to read as follows:

Article IV

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

Powers of
commission.

- (a) To have perpetual succession;
- (b) To sue and be sued;
- (c) To adopt and use an official seal;
- (d) To elect a chairman, vice-chairman, secretary and treasurer, and to adopt suitable by-laws for the management of its affairs. The secretary and treasurer need not be members of the commission.

(e) To appoint, *hire or employ counsel and* such other officers, and such agents and employes, as it may require for the performance of its duties, *by contract or otherwise*, and fix and determine their qualifications, duties and compensation;

(f) To enter into contracts;

(g) To acquire, own, hire, use, operate and dispose of personal property;

(h) To acquire, own, use, lease, operate, *mortgage* and dispose of real property and interests in real property, and to make improvements thereon;

(i) To grant [the use of,] by franchise, lease or otherwise, [and to make charges for the use of, any property or facility owned or controlled by it] *the use of any property or facility owned or controlled by the commission and to make charges therefor*;

(j) To borrow money upon its bonds or other obligations, either with or without security, *and to make, enter into and perform any and all such covenants and agreements with the holders of such bonds or other obligations as the commission may determine to be necessary or desirable for the security and payment thereof, including, without limitation of the foregoing, covenants and agreements as to the management and operation of any property or facility owned or controlled by it, the tolls, rents, rates or other charges to be established, levied, made and collected for any use of any such property or facility, or the application, use and disposition of the proceeds of any bonds or other obligations of the commission, or the proceeds of any such tolls, rents, rates or other charges or any other revenues or moneys of the commission*;

(k) To exercise the right of eminent domain *within the Port District*;

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

(m) In addition to the foregoing, to exercise the powers, duties, authority and jurisdiction heretofore conferred and imposed upon the aforesaid [Pennsylvania Commission and upon the aforesaid New Jersey Interstate Bridge Commission, severally, or upon both of said commissions jointly, by the Commonwealth of Pennsylvania or the State of New Jersey] *The Delaware River Joint Commission by the Commonwealth of Pennsylvania or the State of New Jersey*, or both of the said two States; [and]

(n) 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;

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

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

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

It is the policy and intent of the Legislatures of the Commonwealth of Pennsylvania and the State of New Jersey that the powers granted by this Article shall be so exercised that the American system of free competitive private enterprise is given full consideration and is maintained and furthered. In making its reports and recommendations to the Legislatures of the Commonwealth of Pennsylvania and the State of New Jersey on the need for any facility or project which the commission believes should be undertaken for the promotion and development of the Port District, the commission shall include therein its findings which fully set forth that the facility or facilities operated by private enterprise within the Port District and which it is intended shall be supplanted or added to are not adequate.

Policy and intent.

(4) Article XI of said agreement is amended to read as follows:

Article XI

The effectuation of its authorized purposes by the commission is and will be in all respects for the benefit of the people of the Commonwealth of Pennsylvania and the State of New Jersey, for the increase of their commerce and prosperity and for the improvement of their health and living conditions, and since the commission will be performing essential governmental functions in effectuating said purposes, the commission shall not be required to pay any taxes or assessments upon any property acquired or used by it for such purposes; and the bonds or other securities or obligations issued by the commission, their transfer and the income therefrom

Property of commission exempt from taxation.

(including any profits made on the sale thereof), shall, at all times, be free from taxation within the Commonwealth of Pennsylvania and the State of New Jersey.

Commission authorized to enter into agreements with municipalities compensating them for undue loss of tax revenue.

To the end that municipalities may not suffer undue loss of tax revenue by reason of the acquisition and ownership of property therein by the commission, the commission is hereby authorized and empowered, in its discretion, to enter into a voluntary agreement or agreements with any municipality, whereby it will undertake to pay a fair and reasonable sum or sums to compensate the said municipality for any loss of tax revenue in connection with any property acquired by the commission after 1950, other than property acquired for bridge, tunnel or passenger transportation purposes. Any such payment or payments which the commission is hereby authorized and empowered to make may be made on an annual basis, in which case the payment or payments shall not be in excess of the amount of the taxes upon the property when last assessed prior to the time of its acquisition by the commission, or such payment or payments may be made in a lump sum or sums, or over a stated period of years, as shall be agreed upon by and between the commission and such municipality. Every municipality wherein the property shall be acquired by the commission is authorized and empowered to enter into such agreement or agreements with the commission to accept the payment or payments which the commission is herein authorized and empowered to make.

(5) Article XII of said agreement is amended to read as follows:

Article XII

Annual reports.

The commission shall make annual reports to the Governors and Legislatures of the Commonwealth of Pennsylvania 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. *Copies thereof shall be available for public information and use.*

Detailed report of new project.

Whenever the commission, after investigation and study, shall have concluded plans, with estimates of cost, and means of financing for any new project, for a purpose other than any [those] described in Article [One] I, [subdivision (b)] subdivisions (b) or (j) hereof, for transportation across or under the Delaware River within the [area hereinbefore described,] Port District, [any new project for the] or improvement of the Delaware River's port facilities, [or any other project for the mutual advantage of Pennsylvania and New Jersey and coming within the purposes for which it is created,] the commission shall make to the Legislatures of each State a detailed report, dealing only with the contemplated project, and shall request of said

Legislatures authority to proceed with the project described; and it shall not be within the power of the commission to construct, erect or otherwise acquire any new *facility or project, for a purpose other than any [except those] described in Article [One] I, [sub-division (b)] subdivisions (b) or (j) hereof, unless and until the Legislatures of both States shall have authorized the commission to proceed with the project outlined in its special report thereon.

*In addition to other powers conferred upon it, and not in limitation thereof, the commission may **acquire all right, title and interest in and to the Tacony-Palmyra Bridge, across the Delaware River at Palmyra, New Jersey, together with any approaches and interests in real property necessary thereto. The acquisition of such bridge, approaches and interests by the commission shall be by purchase or by condemnation in accordance with the provisions of the Federal law consenting to or authorizing the construction of such bridge and approaches, or the acquisition of such bridge, approaches or interests by the commission shall be pursuant to and in accordance with the provisions of sections 48:5-22 and 48:5-23 of the Revised Statutes of New Jersey, and for all the purposes of said provisions and sections the commission is hereby appointed as the agency of the State of New Jersey and the Commonwealth of Pennsylvania exercising the rights and powers granted or reserved by said Federal law or sections to the State of New Jersey and Commonwealth of Pennsylvania jointly or to the State of New Jersey acting in conjunction with the Commonwealth of Pennsylvania. The commission shall have authority to so acquire such bridge, approaches and interests, whether the same be owned, held, operated or maintained by any private person, firm, partnership, company, association or corporation or by any instrumentality, public body, commission, public agency or political subdivision (including any county or municipality) of, or created by or in, the State of New Jersey or the Commonwealth of Pennsylvania, or by any instrumentality, public body, commission or public agency of, or created by or in, a political subdivision (including any county or municipality) of the State of New Jersey or the Commonwealth of Pennsylvania. None of the provisions of the preceding paragraph shall be applicable with respect to the acquisition by the commission, pursuant to this paragraph, of said Tacony-Palmyra Bridge, approaches and interests. The power and authority herein granted to the commission to acquire said Tacony-Palmyra Bridge, approaches and interests shall not be exercised unless and until the Governor of the State of New*

**Additional
powers of
commission.**

* "facility" in original.
** "acquire" in original.

Jersey and the Governor of the Commonwealth of Pennsylvania have filed with the commission their written consents to such acquisition.

Limitations on powers of commission.

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

Notwithstanding any provision of this agreement, nothing herein contained shall be construed to limit or impair any right or power granted or to be granted to the Pennsylvania Turnpike Commission or the New Jersey Turnpike Authority, to finance, construct, operate and maintain the Pennsylvania Turnpike System or any turnpike project of the New Jersey Turnpike Authority, respectively, throughout the Port District, including the right and power, acting alone or in conjunction with each other, to provide for the financing, construction, operation and maintenance of one bridge across the Delaware River south of the City of Trenton in the State of New Jersey: Provided, That such bridge shall not be constructed within a distance of ten miles, measured along the boundary line between the Commonwealth of Pennsylvania and the State of New Jersey, from the existing bridge, operated and maintained by the commission, across the Delaware River between the City of Philadelphia in the Commonwealth of Pennsylvania and the City of Camden in the State of New Jersey, so long as there are any outstanding bonds or other securities or obligations of the commission for which the tolls, rents, rates, or other revenues, or any part thereof, of said existing bridge shall have been pledged. Nothing contained in this agreement shall be construed to authorize the commission to condemn any such bridge.

Anything herein contained to the contrary notwithstanding, no bridge or tunnel shall be constructed, acquired, operated or maintained by the commission across or under the Delaware River north of the boundary line between Bucks County and Philadelphia County in the Commonwealth of Pennsylvania as extended across the Delaware River to the New Jersey shore of said river, and any new bridge or tunnel authorized by or pursuant to this compact or agreement to be constructed or erected by the commission may be constructed or erected at any location south of said boundary line

notwithstanding the terms and provisions of any other agreement between the Commonwealth of Pennsylvania and the State of New Jersey. Except as may hereafter be otherwise provided in conformity with Article IX hereof with respect to specific properties designated by action of the Legislatures of both of the signatory States, no property or facility owned or controlled by the commission shall be acquired from it by any exercise of powers of condemnation or eminent domain.

(6) Said agreement is further amended by adding thereto, following the last article thereof, a new article reading as follows:

Article XIII

As used herein, unless a different meaning clearly appears from the context: Definitions.

“Port District” shall mean all the territory within the counties of Delaware and Philadelphia in Pennsylvania, and all the territory within the counties of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean and Salem in New Jersey.

“Commission” shall mean The Delaware River Port Authority and, when required by the context, the board constituting the governing body thereof in charge of its property and affairs.

“Commissioner” shall mean a member of the governing body of The Delaware River Port Authority.

“Terminal” shall include any marine, motor truck, railroad and air terminal, also any coal, grain and lumber terminal and any union freight and other terminals used or to be used in connection with the transportation of passengers and freight, and equipment, materials and supplies therefor.

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

“Terminal facility” shall include wharves, piers, slips, ferries, docks, drydocks, ship repair yards, bulkheads, dock walls, basins, carfloats, floatbridges, dredging equipment, radio receiving and sending stations, grain or other storage elevators, warehouses, cold storage, tracks, yards, sheds, switches, connections, overhead appliances, bunker coal, oil and fresh water stations, markets, and every kind of terminal, storage or supply facility now in use, or hereafter designed for use to facilitate passenger transportation and for the handling, storage, loading or unloading of freight at terminals, and equipment, materials and supplies therefor.

“Transportation of passengers” and “passenger

transportation" shall mean the transportation of passengers by railroad or other facilities.

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

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

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

"Bridge" and *"tunnel"* shall include such approach highways and interests in real property necessary therefor in the Commonwealth of Pennsylvania or the State of New Jersey as may be determined by the commission to be necessary to facilitate the flow of traffic in the vicinity of a bridge or tunnel or to connect a bridge or tunnel with the highway system or other traffic facilities in said Commonwealth or said State: Provided, however, That the power and authority herein granted to the commission to construct new or additional approach highways shall not be exercised unless and until the Department of Highways of the Commonwealth of Pennsylvania shall have filed with the commission its written approval as to approach highways to be located in said Commonwealth and the State Highway Department of the State of New Jersey shall have filed with the commission its written approval as to approach highways to be located in said State.

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

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

"Lease" shall include rent or hire.

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

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

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

Section 2. Upon its signature on behalf of the State of New Jersey and the Commonwealth of Pennsylvania, such supplemental compact or agreement and the compact or agreement so amended and supplemented shall become binding and shall have the force and effect of a statute of the Commonwealth of Pennsylvania; and The Delaware River Port Authority shall thereupon become vested with all the powers, rights and privileges and be subject to the duties and obligations contained therein, as though the same were specifically authorized and imposed by statute, and the Commonwealth of Pennsylvania shall be bound by all of the obligations assumed by it under such supplemental compact or agreement and under such compact or agreement so amended and supplemented; and the Governor shall transmit an original signed copy thereof to the Secretary of the Commonwealth for filing in his office.

Supplemental
compact to have
force and effect
of statute.

Section 3. The Governor is hereby authorized to apply, on behalf of the Commonwealth of Pennsylvania, to the Congress of the United States for its consent and approval of such supplemental compact or agreement; but in the absence of such consent and approval, the commission referred to in such supplemental compact or agreement shall have all of the powers which the Commonwealth of Pennsylvania and the State of New Jersey may confer upon it without the consent and approval of Congress.

Governor authorized to apply to Congress for consent and approval.

Section 4. Nothing contained in this act, or in the said supplemental compact or agreement, shall be deemed to affect any contract, agreement or obligation heretofore entered into or created, or any appointment heretofore made, by The Delaware River Joint Commission; and after the coming into force of said supplemental compact or agreement, any and all agreements, contracts or obligations, or appointments, of said commission, shall be assumed, performed and recognized by The Delaware River Port Authority, as fully and to the same extent as required by the terms thereof to be performed and recognized by said commission.

Saving clause.

Section 5. The powers vested in The Delaware River Port Authority by this act shall be construed as being in addition to and not in diminution of the powers heretofore vested by law in The Delaware River Joint Commission.

Construction of powers vested in Port Authority.

Section 6. As used herein, the term "Department of Highways of the Commonwealth of Pennsylvania" means the Secretary of Highways of the Commonwealth of Pennsylvania.

Meaning of term "Department of Highways of Commonwealth of Pennsylvania."

Except as otherwise provided, act of June 12, 1931, P. L. 575, to remain in full force and effect.

Act not to be construed to repeal act of June 25, 1931, P. L. 1352, as amended or supplemented.

Construction and severability.

Act effective immediately.

Governor not to enter into supplemental pact until passage by New Jersey of substantially similar act.

Section 7. Except where specifically amended or repealed by this act, the provisions of the agreement authorized by the act, approved the twelfth day of June, one thousand nine hundred thirty-one (Pamphlet Laws 575), and the supplements thereto, are maintained in full force and effect.

Section 8. The provisions of this act shall not be construed to repeal any of the provisions of the act, approved the twenty-fifth day of June, one thousand nine hundred thirty-one (Pamphlet Laws 1352), entitled "An act providing for joint action by the Commonwealth of Pennsylvania and the State of New Jersey in the administration, operation, and maintenance of bridges over the Delaware River, and for the construction of additional bridge facilities across said river; authorizing the Governor, for these purposes, to enter into an agreement with the State of New Jersey; creating a Delaware River Joint Toll Bridge Commission and specifying the powers and duties thereof, including the power to finance the construction of additional bridges by the issuance of revenue bonds to be redeemed from revenues derived from tolls collected at such bridges; transferring to said commission all powers now exercised by existing commission created to acquire toll bridges over the Delaware River; and making an appropriation," its amendments or supplements; or apply to or affect in any manner any agreement made between the Commonwealth of Pennsylvania and the State of New Jersey pursuant to the provisions of said acts, except to the extent provided in the last paragraph added by said supplemental compact or agreement to Article XII of said compact or agreement executed on the first day of July, one thousand nine hundred thirty-one.

Section 9. The provisions of this act shall be severable, and if any of the provisions thereof shall be held to be unconstitutional, such decision shall not affect the validity of any of the remaining provisions of this act. It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein.

Section 10. This act shall become effective immediately upon its final enactment; but the Governor shall not enter into the supplemental compact or agreement hereinabove set forth on behalf of the Commonwealth of Pennsylvania until the passage by the State of New Jersey of a substantially similar act embodying the supplemental compact or agreement between the two States.

APPROVED—The 18th day of July, A. D. 1951.

JOHN S. FINE