

No. 1984-206

AN ACT

SB 1046

Concerning a supplement to the compact of the Delaware River Joint Toll Bridge Commission, authorizing the Commonwealth of Pennsylvania and State of New Jersey to construct a new bridge in the vicinity of Easton, Pennsylvania, and Phillipsburg, New Jersey.

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

Section 1. Authority to enter into supplemental agreement.

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, supplementing the compact or agreement entitled "Agreement between the Commonwealth of Pennsylvania and the State of New Jersey creating the Delaware River Joint Toll Bridge Commission as a body corporate and politic and defining its powers and duties," which was executed on behalf of the State of New Jersey by its Governor on December 18, 1934, and on behalf of the Commonwealth of Pennsylvania by its Governor on December 19, 1934, and which compact or agreement was thereafter amended and supplemented by compacts or agreements executed by the respective states in July 1945, July 1951 and July 1953, such supplemental compact or agreement to be in substantially the following form:

"Supplemental Agreement between the Commonwealth of Pennsylvania and the State of New Jersey supplementing the compact or agreement entitled 'Agreement between the Commonwealth of Pennsylvania and the State of New Jersey creating the Delaware River Joint Toll Bridge Commission as a body corporate and politic and defining its powers and duties,' as heretofore amended and supplemented in July 1945, July 1951 and July 1953, to establish the purposes for which the commission may fix, charge and collect tolls, rates, rents and other charges for the use of commission facilities and properties."

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

(1) (i) Notwithstanding any other provision of the compact or agreement hereby supplemented, or any provision of law, State or Federal, to the contrary, as soon as the existing outstanding bonded indebtedness of the commission shall be refunded, defeased, retired or otherwise satisfied and thereafter, the commission may fix, charge and collect tolls, rates, rents and other charges for the use of any commission facility or property and, in addition to any purpose now or heretofore or hereafter authorized for which the revenues from such tolls, rates, rents or other charges may be applied, the commission is hereby authorized to apply or expend any such revenue for the management, operation, maintenance, betterment, reconstruction or

replacement (1) of the existing non-toll bridges (formerly toll or otherwise) over the Delaware River between the State of New Jersey and the Commonwealth of Pennsylvania heretofore acquired by the commission pursuant to the provisions of the act of the State of New Jersey approved the first day of April, 1912 (Chapter 297), and all supplements and amendments thereto, and the act of the Commonwealth of Pennsylvania approved the eighth day of May, 1919 (P.L.148, No.102), and all supplements and amendments thereto and (2) of all other bridges within the commission's jurisdiction and control. Betterment shall include, but not be limited to, parking areas for public transportation services and all facilities appurtenant to approved projects.

(ii) The commission may borrow money or otherwise incur indebtedness and provide, from time to time, for the issuance of its bonds or other obligations for one or more of the purposes authorized in this supplemental agreement. The commission is hereby authorized and empowered to pledge its tolls, rates, rents 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 any of its authorized purposes and as security for the satisfaction of any other obligation assumed by it in connection with such loan or advances.

(iii) The authority of the commission to fix, charge and collect fees, rentals, tolls or any other charges on the bridges within its jurisdiction, including the bridge at the Delaware Water Gap, is hereby confirmed.

(iv) The covenants of the State of New Jersey and the Commonwealth of Pennsylvania as set forth in Article VI of the compact to which this is a supplemental agreement shall be fully applicable to any bonds or other obligations issued or undertaken by the commission. Notwithstanding Article VI or any other provision of the compact, the State of New Jersey and the Commonwealth of Pennsylvania may construct a bridge across the Delaware River in the vicinity of Easton, Pennsylvania, and Phillipsburg, New Jersey, within ten miles of the existing toll bridge at that location. All the rest and remainder of the compact, as amended or supplemented, shall be in full force and effect except to the extent it is inconsistent with this supplemental agreement.

(2) The commission is hereby authorized and empowered to fix, charge or collect fees, rentals, tolls or any other charges on the proposed bridge to be constructed in the vicinity of Easton, Pennsylvania, and Phillipsburg, New Jersey, in the same manner and to the same extent that it can do so for all other toll bridges under its jurisdiction and control provided that the United States Government has approved the bridge to be a part of the National System of Interstate and Defense Highways, with 90% of the cost of construction to be contributed by the United States Government, and provided further that the non-Federal share of such bridge project is contributed by the commission. The commission is further authorized and empowered in the same manner and to the same extent that it can do so for all other toll bridges under its jurisdiction and control to fix, charge and collect fees, rentals, tolls or any other charges on any other bridge within its jurisdiction and control if such bridge has been constructed in part with Federal funds.

(3) The consent of Congress to this compact shall constitute Federal approval of the powers herein vested in the commission and shall also constitute authority to the United States Department of Transportation or any successor agency and the intent of Congress to grant any Federal approvals required hereunder to permit the commission to fix, charge and collect fees, rentals, tolls or any other charges on the bridges within its jurisdiction to the extent provided in paragraphs (1), (2) and (3) hereof and the compact.

(4) Notwithstanding the above provisions, the commission shall not fix, charge or collect fees, rentals, tolls or any other charges on any of the various bridges formerly toll or otherwise over the Delaware River between the State of New Jersey and the Commonwealth of Pennsylvania heretofore acquired by the commission pursuant to the provisions of the act of the State of New Jersey approved the first day of April 1912 (Chapter 297), and all supplements and amendments thereto, and the act of the Commonwealth of Pennsylvania approved the eighth day of May 1919 (P.L.148, No.102), and all supplements and amendments thereto.

(5) At any time that the commission shall be free of all outstanding indebtedness, the State of New Jersey and the Commonwealth of Pennsylvania may, by the enactment of substantially similar acts, require the elimination of all tolls, rates, rents and other charges on all bridges within the commission's jurisdiction and control and, thereafter, all costs and charges in connection with the construction, management, operation, maintenance and betterment of bridges within the jurisdiction and control of the commission shall be the financial responsibility of the states as provided by law.

Section 2. Effect upon signature.

Upon its signature on behalf of the State of New Jersey and the Commonwealth of Pennsylvania, the supplemental compact or agreement set forth in section 1 of this act shall become binding and shall have the force and effect of a statute of the Commonwealth of Pennsylvania, and the Delaware River Joint Toll Bridge Commission shall thereupon become vested with all the powers, rights and privileges, and be subject to the duties, obligations, conditions and limitations 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 the Governor shall transmit an original signed copy thereof to the Secretary of the Commonwealth for filing in his office.

Section 3. Consent and approval of Congress.

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 to such supplemental compact or agreement.

Section 4. Authority to construct bridge.

Notwithstanding the authority granted to the Delaware River Joint Toll Bridge Commission in its compact to construct bridges across the Delaware River, the Secretary of Transportation, in cooperation with the Department of Transportation of the State of New Jersey and the United States Department of Transportation, is hereby authorized to construct, as part of the

National System of Interstate and Defense Highways, a bridge across the Delaware River in the vicinity of Easton, Pennsylvania, and Phillipsburg, New Jersey, within ten miles of the existing toll bridge owned and operated by the commission.

Section 5. Authority to enter into agreement for construction, operation and maintenance.

The Secretary of Transportation is further authorized to enter into an agreement with the Department of Transportation of New Jersey, the United States Department of Transportation and the Delaware River Joint Toll Bridge Commission providing for the operation and maintenance or the construction, operation and maintenance of the proposed Easton-Phillipsburg bridge by the commission. The provisions of the compact and all amendments and supplements thereto shall be applicable to the construction, operation and maintenance of the bridge facility except as otherwise provided for by Federal law or in the agreement between the parties.

Section 6. Authority to provide funds.

The Commonwealth, at its discretion, shall have authority to provide funds to the Delaware River Joint Toll Bridge Commission for major capital improvements to or the replacement of the commission's non-toll bridges or for such other financial assistance as may be requested.

Section 7. Authority of commission to take property.

For the purposes of the location, construction, management, operation, maintenance, betterment or replacement of any bridges now existing or to be constructed within its jurisdiction and control, the commission is granted the power and authority to enter upon, use, overpass, occupy, enlarge, construct, improve or close any easement, street, road or highway located within the limits of, or to use, occupy or take property, now or hereafter vested in or held by any municipality in accordance with the provisions and procedures of the laws of the Commonwealth governing such takings.

Section 8. Limitation on Governor.

The Governor of the Commonwealth of Pennsylvania shall not enter into the supplemental compact or agreement set forth in section 1 on behalf of the Commonwealth of Pennsylvania until passage by the State of New Jersey of a substantially similar act, including a substantially similar supplemental compact or agreement between the two states.

Section 9. Repeals.

The following acts and parts of acts are repealed:

Section 8 of the act of May 8, 1919 (P.L.148, No.102), entitled "An act providing for the joint acquisition and maintenance by the Commonwealth of Pennsylvania and the State of New Jersey of certain toll-bridges over the Delaware River."

Act of June 28, 1968 (P.L.281, No.136), entitled "An act concerning highways and bridges over the Delaware River, and responsibilities of the Delaware River Joint Toll Bridge Commission and the Department of Highways of the Commonwealth of Pennsylvania with regard to the construction of additional crossings."

Section 10. Effective date.

(a) Except as provided in subsection (b), this act shall take effect immediately.

(b) As much of section 9 as relates to the repeal of section 8 of the act of May 8, 1919 (P.L.148, No.102), entitled "An act providing for a joint acquisition and maintenance by the Commonwealth of Pennsylvania and the State of New Jersey of certain toll-bridges over the Delaware River," shall take effect July 1, 1986, provided that on or before such date the Secretary of Transportation publishes in the Pennsylvania Bulletin a notice indicating ratification of the compact by the Congress of the United States.

APPROVED—The 18th day of December, A. D. 1984.

DICK THORNBURGH