

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 58 Session of 2023

INTRODUCED BY EMRICK, CIRESI, FREEMAN, GILLEN, HEFFLEY, JAMES, R. MACKENZIE, B. MILLER AND ZIMMERMAN, MARCH 7, 2023

REFERRED TO COMMITTEE ON TRANSPORTATION, MARCH 7, 2023

AN ACT

1 Amending the act of June 25, 1931 (P.L.1352, No.332), entitled
 2 "An act providing for joint action by the Commonwealth of
 3 Pennsylvania and the State of New Jersey in the
 4 administration, operation, and maintenance of bridges over
 5 the Delaware River, and for the construction of additional
 6 bridge facilities across said river; authorizing the
 7 Governor, for these purposes, to enter into an agreement with
 8 the State of New Jersey; creating a Delaware River Joint Toll
 9 Bridge Commission and specifying the powers and duties
 10 thereof, including the power to finance the construction of
 11 additional bridges by the issuance of revenue bonds to be
 12 redeemed from revenues derived from tolls collected at such
 13 bridges; transferring to said commission all powers now
 14 exercised by existing commission created to acquire toll
 15 bridges over the Delaware River; and making an
 16 appropriation," providing for veto power by the Governor over
 17 certain actions; further providing for audits; and providing
 18 the Governor of each state with power to ratify or veto
 19 certain actions taken by commissioners.

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

22 Section 1. Articles II(t) and IX of section 1 of the act of
 23 June 25, 1931 (P.L.1352, No.332), referred to as the Delaware
 24 River Joint Toll Bridge Compact, are amended to read:

ARTICLE II.

26 For the effectuation of its authorized purposes, the

1 commission is hereby granted the following powers as limited and
2 supplemented by the act of July 1, 1996 (P.L.457, No.70),
3 entitled "A supplement to the act of June 25, 1931 (P.L.1352,
4 No.332), entitled 'An act providing for joint action by the
5 Commonwealth of Pennsylvania and the State of New Jersey in the
6 administration, operation, and maintenance of bridges over the
7 Delaware River, and for the construction of additional bridge
8 facilities across said river; authorizing the Governor, for
9 these purposes, to enter into an agreement with the State of New
10 Jersey; creating a Delaware River Joint Toll Bridge Commission
11 and specifying the powers and duties thereof, including the
12 power to finance the construction of additional bridges by the
13 issuance of revenue bonds to be redeemed from revenues derived
14 from tolls collected at such bridges; transferring to said
15 commission all powers now exercised by existing commission
16 created to acquire toll bridges over the Delaware River; and
17 making an appropriation,' requiring the commission to adopt
18 competitive purchasing, equal opportunity employment and
19 competitive hiring practices":

20 * * *

21 (t) To petition the Interstate Commerce Commission, any
22 public service or public utilities commission, or any other
23 federal, state or local authority, whether administrative,
24 judicial or legislative, for the adoption and execution of any
25 physical improvement, change in method, rate of transportation,
26 system of handling freight, warehousing, docking, lightering or
27 transfer of freight, which, in the opinion of the commission,
28 may be designed to improve or facilitate the movement or
29 handling of commerce within the district or improve the terminal
30 or transportation facilities therein.

1 As used in this agreement, the term 'port and terminal
2 facilities' shall mean and shall include, without intending
3 thereby to limit the definition of such term, any one or more of
4 the following or any combination thereof:

5 (1) Every kind of terminal or storage structure or facility
6 now in use or hereafter designed for use in the handling,
7 storage, loading or unloading of freight or passengers at
8 steamship, railroad or motor terminals or airports, and every
9 kind of transportation facility now in use or hereafter designed
10 for use in connection therewith; and

11 (2) All real and personal property and all works, buildings,
12 structures, equipment, machinery, appliances and appurtenances
13 necessary or convenient for the proper construction, equipment,
14 maintenance and operation of such facility or facilities or any
15 one or more of them.

16 Notwithstanding any other provision of this agreement or any
17 provision of law, state or federal, to the contrary, the
18 commission shall not combine for financing purposes any port and
19 terminal facility or facilities constructed or acquired by it
20 under the provisions of this agreement with any bridge or
21 bridges heretofore or hereafter constructed or acquired by the
22 commission.

23 The powers herein granted to the commission with reference to
24 port and terminal facilities shall supersede the right to
25 exercise any such powers within the district, as defined in
26 paragraph (e) of Article I of this agreement, by any other body
27 which has been heretofore created by compact or agreement
28 between the Commonwealth of Pennsylvania and the State of New
29 Jersey.

30 Nothing contained in any other of the provisions of this

1 compact or agreement shall be deemed or construed to amend,
2 modify or repeal any of the powers, rights or duties conferred
3 by, or limitations or restrictions expressed in, Article X of
4 this compact or agreement, or any of the provisions of said
5 Article X relating to a bridge to be constructed, operated and
6 maintained by the Pennsylvania Turnpike Commission or the New
7 Jersey Turnpike Authority acting alone or in conjunction with
8 each other.

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

18 ARTICLE IX.

19 The commission shall make annual reports to the Governors and
20 Legislatures of the Commonwealth of Pennsylvania and the State
21 of New Jersey setting forth in detail its operations and
22 transactions, and may make such additional reports from time to
23 time to the Governors and Legislatures, as it may deem
24 advisable.

25 [The commission shall submit biennially to a performance
26 audit jointly conducted by the Auditor General of Pennsylvania
27 and the State Auditor of New Jersey, which shall include
28 expenditures and operations of the commission. These auditors
29 shall complete the performance audit and prepare a joint report
30 by December 31 of every odd-numbered year, with the first audit

1 and report to be completed by December 31, 1997. A report of
2 those audits shall be submitted to the Governors and
3 Legislatures of the Commonwealth of Pennsylvania and the State
4 of New Jersey and to the Delaware River Joint Toll Bridge
5 Commission.

6 An annual financial audit shall be conducted at the expense
7 of the commission by an independent accounting firm in
8 accordance with generally accepted accounting principles. A
9 written report of each audit shall be submitted to the
10 commission and shall be retained by the commission for at least
11 five years.]

12 The Auditor General of Pennsylvania and the State Auditor of
13 New Jersey shall jointly conduct annual financial and management
14 audits of expenditures and operations of the commission and
15 shall submit a report of those audits to the Governors and
16 Legislatures of the Commonwealth of Pennsylvania and the State
17 of New Jersey.

18 Section 2. (a) The minutes of every meeting of the Delaware
19 River Joint Toll Bridge Commission shall, as soon as possible
20 after the meeting, be delivered by, and under the certification
21 of, the secretary of the commission to the Governor.

22 (b) No action taken by a Pennsylvania commissioner at the
23 meeting may have force or effect for a period of 10 days, except
24 Saturdays, Sundays and Commonwealth public holidays, after the
25 minutes have been delivered to the Governor under this
26 subsection, unless the Governor approves the minutes or any part
27 of the minutes, in writing by reciting the action approved,
28 within the 10-day period. This veto power may not be construed
29 to affect the covenants contained in the bonds of the
30 commission.

1 (c) (1) The Governor shall return the minutes to the
2 Delaware River Joint Toll Bridge Commission, not later than
3 the 10-day period prescribed in subsection (b), either with
4 or without a veto of any action recited in the minutes to
5 have been taken by a commissioner appointed from
6 Pennsylvania.

7 (2) If the Governor does not return the minutes within
8 the 10-day period, the action taken by the Pennsylvania
9 commissioners shall have the force and effect as recited in
10 the minutes, according to the wording of the minutes. If the
11 Governor, within the 10-day period prescribed in subsection
12 (b), returns the minutes of the Delaware River Joint Toll
13 Bridge Commission with a veto against the action of that
14 commissioner from Pennsylvania, the action of that
15 commissioner shall be null and void and of no effect.

16 (d) The commission shall designate an individual who shall
17 be responsible for responding to requests from the public and
18 the news media for information concerning the scheduling,
19 attendance and minutes of commission meetings.

20 Section 3. The Governor may not enter into a supplemental
21 compact or agreement on behalf of the Commonwealth of
22 Pennsylvania until passage by the State of New Jersey of a
23 substantially similar act embodying a supplemental compact or
24 agreement between the two states.

25 Section 4. The Governor shall transmit the date of execution
26 of any supplemental compact or agreement referenced in section 3
27 to the Legislative Reference Bureau for publication as a notice
28 in the Pennsylvania Bulletin.

29 Section 5. This act shall take effect immediately.