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ASSEMBLY TRANSPORTATION AUTHORITIES,
TELECOMMUNICATIONS AND TECHNOLOGY COMMITTEE

Report and Recommendations on the Burlington
County Bridge Commission pursuant to
Assembly Resolution No. 69 (1R)

November 1, 1990

New Jersey State Library

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Chairman

Assemblyman Bernard F. Kenny, Jr.
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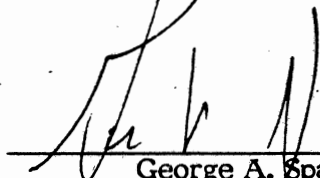
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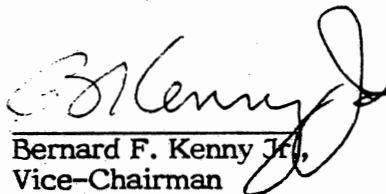
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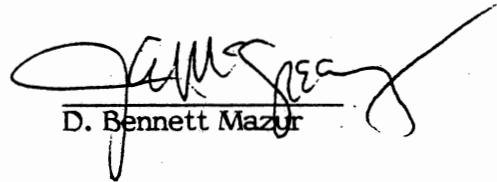
Honorable Joseph V. Doria, Jr., Speaker
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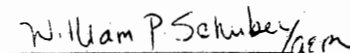
Dear Mr. Speaker:

The Assembly Transportation Authorities, Telecommunications and Technology Committee herewith respectfully submits its report and recommendations on the Burlington County Bridge Commission pursuant to Assembly Resolution No. 69 (JR).


George A. Spadoro,
Chairman


Bernard F. Kenny Jr.,
Vice-Chairman


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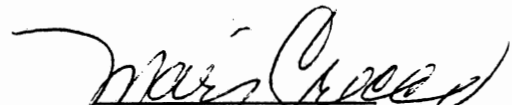

Marion Crecco

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INTRODUCTION

Assembly Resolution 69

On April 23, 1990 the General Assembly adopted Assembly Resolution No. 69 (1R) (Appendix 1) which directs the Assembly Transportation Authorities, Telecommunications, and Technology to investigate the Burlington County Bridge Commission.

The committee is charged with undertaking a thorough inquiry into three areas of the commission's operations: 1) alleged unethical practices with regard to travel expenditures; 2) the commission's recent decision to increase tolls on the Tacony-Palmyra and Burlington-Bristol Bridges; and 3) the commission's decision to replace the Burlington-Bristol Bridge. Assembly Resolution No. 69 (1R) gave the committee the legislative investigation powers set forth in chapter 13 of Title 52 of the Revised Statutes, including the power to issue subpoenas and compel testimony.

The committee is required to submit this report of its findings and recommendations to the General Assembly.

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THE BURLINGTON COUNTY BRIDGE COMMISSION

History and Powers

The Burlington County Bridge Commission was created by the Burlington County Board of Freeholders on October 22, 1948 pursuant to article 2 of chapter 19 of Title 27 of the Revised Statutes. The commission immediately acquired the Tacony-Palmyra Bridge and the Burlington-Bristol Bridge and assumed responsibility for their operation and maintenance. Subsequently, by order of the Board of Freeholders, the commission assumed jurisdiction over six non-toll bridges in the county, certain approaches to each of the bridges, and has continued to operate and maintain these bridges and approaches.

The commission is composed of three commissioners appointed by the Board of Freeholders for three year, staggered terms. Under the provisions of law, the commission's powers include the right to contract as a public body; to sue and be sued; to maintain, improve and replace any bridge under its jurisdiction and fix all boundaries and approaches; to borrow money and incur indebtedness, and issue negotiable bonds or notes; to acquire, hold and dispose of any real and personal property, enter onto and condemn lands necessary for its purposes pursuant to the laws of eminent domain; adopt rules and regulations necessary for its proper government; and to determine and receive tolls for the use of its

bridges and approaches at a rate set by the commission. The law also provides for the dissolution of the commission upon repayment of all debt, at the discretion of the Board of Freeholders.

Recent Events

Over the course of the last two years the commission's activities have been a continuing source of controversy. The efficacy and efficiency of the commission's operating procedures have come into question after the indictment of the commission's Executive Director and several other employees in a purchasing kickback scam. It was revealed that commissioners and employees had received in excess of \$45,000 in ineligible travel expenses. It has also been reported that the employees of the commission ran a gourmet lunch club on commission property and time. The commission also ran a travel bureau, at annual cost of approximately \$78,000, aiding anyone who requested assistance to plan their vacation, to any destination. As misappropriation of public monies was exposed, the commission raised the tolls on the Tacony-Palmyra and Burlington-Bristol Bridges, increased commissioners' salaries, adopted a policy to provide lifetime health benefits for retired commissioners, undertook a questionable financing scheme which was rejected by the State Local Finance Board, and continued its quest to replace the Burlington-Bristol Bridge, spending millions of dollars far in advance of the project's certainty.

THE INVESTIGATORY PROCESS

After the adoption of Assembly Resolution, No. 69 (1R), the committee sought to obtain the information it needed in order to carry out its charge on a voluntary basis. On May 11, 1990 the committee requested numerous documents from the commission. The commission responded in part on May 17th and on June 5th assuring the committee it would continue in its efforts to supply the documents requested. When the commission had not forwarded any additional documents by June 28th, once again the committee requested document production. The commission produced only some of the documents requested on July 15th. On September 14, 1990 the committee issued a subpoena for the documents the commission failed to produce under the committee's initial request. The commission, asserting attorney-client privilege, has refused to provide the committee legal opinions on the replacement bridge project.

The committee held two public hearings on the activities of the commission. The first hearing was held in Burlington City on September 27, 1990. The hearing process was continued in Trenton on October 1, 1990.¹ The committee heard testimony from legislative representatives of the district, members of the public, representatives of Burlington

¹ Due to technical difficulties, verbatim transcripts of the hearings were not available at the time this report was prepared.

City, commission consultants, current and former commission employees, and current and former commissioners. (Appendix 2).

The documents submitted to the committee by the commission and the hearing process serve as the basis for the following findings and recommendations.

FINDINGS

1. Internal operating procedures and controls of the commission are deficient or non-existent resulting in the mismanagement of public monies. The commission lacks formal written policies and guidelines in virtually all areas of operation. In fact, the only written policy submitted to the committee upon request for "all internal procedure manuals or documents" was a personnel manual dated 1972. Without formal written policies and procedures commission employees are able to operate without commissioner supervision and commissioners are unable to determine when employee mismanagement and malfeasance occurs. The indictment of the former executive director and several other employees for a purchasing kickback scheme is a testament to the fact that the commission is being run by its employees and not the commissioners.

2. The previous unwritten travel policy of the commission was an institutionally sanctioned misuse of public monies. Testimony from several witnesses revealed that the travel policy of the commission prior to October 19, 1989, determined solely by the previous executive director of the commission, sanctioned the use of public monies to send the spouses of commissioners and employees on trips and paid for expenditures beyond the time necessary for attending conferences. While this use of public monies is without question inappropriate, commissioners not only did not halt this practice, but also willfully and repeatedly took advantage of it. The fact that commissioners perceived the expenses as inappropriate, but continued to take advantage of the policy is illustrated by the comments of Commissioner Eva Weiss who was quoted in the press as saying "Hey, if everybody around you steals, join the party." Burlington County Times, January 12, 1990.

The extent of the travel abuses is shocking. An audit report found that in a six year period the commission paid over \$45,000 for excessive travel expenditures. The worst offenders were the former executive director of the commission, Francis J. Ott, who determined the travel policy, with close to \$17,000 in excessive expenses; the former chairman of commission, James Logan, Jr., with excess

expenses of almost \$10,000; Commissioner Eva Weiss with over \$7,500 in overpayments; and Timothy P. Murphy, the former secretary-treasurer of the commission; who received approximately \$5,000 in excessive travel benefits. (Appendix 3).

It is equally shocking that the commission has taken feeble steps to recover these monies. The commission has only requested that the monies be repaid. Although some commissioners and employees have repaid the excessive expenses, testimony before the committee suggests that the commission may only recoup enough money to cover the cost of the audit report. In fact, Mr. Murphy testified that it is unlikely that he will repay the monies owed to the commission. The chairman of the commission could not tell the committee what further steps the commission will take to recover these monies. This disregard of the importance of collecting misspent funds exemplifies the commission's cavalier attitude concerning proper expenditures of public monies and is fiscally irresponsible.

3. Recent reforms by the commission are insufficient to ensure that public monies are spent for public purposes. Recent efforts by the commission fail to provide commission employees with any real guidance or this committee with any real confidence that abuses will not continue.

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The commission is quite proud of its recently adopted travel policy as its statement submitted to the committee on October 1, 1990 indicates: "Moreover, and more importantly, on October 19, 1989, the Bridge Commission adopted a strict, formal travel policy wherein no travel would be permitted by a Commissioner or member of the administrative staff except upon approval by the Bridge Commission at a public meeting, and that only certain authorized expenses would be paid for by the Commission." (Appendix 4). However, what the statement does not indicate is that this is the extent of the travel policy. (Appendix 5). It does not provide parameters for appropriate expenses such as a meal allowance, whether only a single rate hotel charge is appropriate, the necessity for receipts in order to be reimbursed, etc. The commission's statement goes on to assert that "the Bridge Commission now has one of the most comprehensive travel policies of any public agency or authority, local or state." It is incredible to this committee that the commission believes this to be the case knowing the commission has received copies of the detailed written travel policies of the Delaware River Port Authority and the State of New Jersey since it adopted its travel policy.

Another area of "reform" which is discomfoting to the committee is the commission's purchasing policy. The

chairman of the commission testified that the commission now has a strict purchasing policy and that any purchase over \$50 must be approved by the executive director of the commission. There is no written policy. When questioned on the details of the policy, the chairman of the commission said he had to defer to the executive director. The commission continues its prior policy-making procedure of leaving virtually all policy and operational decisions to the discretion of the executive director. Given the commission's recent history, in which the former executive director abused this position of trust with the help of inattentive commissioners, it is inconceivable to this committee that the commissioners, as fiduciaries for the public, have chosen to continue to manage commission operations in this manner.

These so-called reforms suggest that the commission wishes to continue in its tradition of operating under informal policies and procedures under which no one is held accountable and misdeeds are acceptable because a policy prohibiting them doesn't exist.

4. The commission has violated the provisions of the "Open Public Meetings Act" by failing to keep minutes of its

executive sessions. A public body is required to keep minutes of its executive sessions. The "Open Public Meetings Act" requires each public body to keep "reasonably comprehensible minutes of all its meetings." N.J.S.A. 10:4-14 (emphasis added). The act defines meeting so broadly as to include executive sessions. Meeting is defined as "any gathering . . . which is attended by, or open to, all of the members of a public body, held with the intent, on the part of the members of the body present to discuss or act as a unit upon the specific public business of that body." N.J.S.A. 10:4-8. The commission does not prepare separate minutes for executive sessions. The commission informed the committee that the summaries of executive sessions contained in the minutes of public meetings are the minutes of the executive sessions. The committee reviewed four years of minutes of the commission. The summaries of executive sessions are vague and do not provide a record of what happened at the closed meeting. Until recently, when there appears to be a greater effort for the minutes to reflect what happened in executive session, the summaries have been so vague it is impossible to determine what was discussed or voted upon in the executive session. The secretary-treasurer of the commission testified that executive sessions are not recorded nor are notes taken on the actions of the commission.

This disregard of the provisions of the "Open Public Meetings Act" is part of an overall pattern in which the commission relies on oral folklore in the operation and memorialization of commission activities. The minutes of commission meetings do not indicate that the former executive director was indicted because of activities related to the commission; they do not indicate that the former executive director resigned. The committee heard testimony that the toll increase on the bridges was discussed for almost a year, yet the minutes of commission meetings do not mention a toll increase until November 14, 1989. None of the commission policies are memorialized in writing. As a stranger to the operations of the commission, the committee had difficulty in discerning the activities of the commission based on its written records. It is inappropriate for a public entity to rely on an oral tradition, subject to the vagaries of memory, to determine policies and procedures. It is a serious breach of the public trust that the commission is operated on this basis.

5. The commission's enabling law does not provide sufficient accountability to the county, the State and the public. Neither the county or the State can prevent the commission

from exercising its powers even, when as recent events indicate, the commission appears to be operating in a surreal environment of its own creation. Even with the recent public outcry over the commission's practices, the commission continues in its fashion. The recent issuance of bonds by the commission is a case in point. The commission submitted its bond proposal to the Local Finance Board for consideration. The board rejected the commission's application stating that the financing plan was "unreasonable and impracticable and would impose an undue and unnecessary financial burden on those residents of the County and other individuals who will utilize the facilities which are owned, operated and maintained by the Bridge Commission." (Appendix 6). The commission proceeded to issue the bonds despite this strong conclusion by the State.

6. The January 1, 1990 toll increase on the Tacony-Palmyra and Burlington-Bristol Bridges was legally sufficient, but did not give adequate notice of the toll increase or provide for adequate public discussion. The commission's enabling law does not provide guidelines for the commission to follow when changing the rate of tolls. The commission is subject to the "Open Public Meetings Act" and the documents submitted to

the committee indicate that the commission met the notice requirements of that law with regard to notice of the meetings. However, despite that technical legal sufficiency, the commission's action to vote the toll increase on Friday, December 29, a holiday weekend, upon three days public notice, exposes the commission's arrogant disregard of its patrons and the public.

7. It is inappropriate for a county entity to determine State transportation policy without State oversight. The commission's decision to replace the Burlington-Bristol Bridge is a major transportation policy decision for the State. Under the current regulatory framework, this decision is solely within the discretion of the commission. Since the need for a cohesive Statewide transportation policy recently led the Legislature to include the Commissioner of Transportation as a member of the three toll road authorities, it is inconsistent that a county agency operate a key transportation facility independent of State oversight. The Governor's recently created Transportation Executive Council further recognizes the need for a coordinated Statewide approach to transportation decision-making. It is ironic that while the commission serves on the Transportation Executive Council,

the State currently lacks the authority to reign in the commission when it undertakes renegade projects.

8. Given Pennsylvania's refusal to consider the commission's plans for the replacement of the Burlington-Bristol Bridge, the commission has invested an excessive amount of public money in the project. Testimony indicates that the commission has spent approximately \$3 million to date on the replacement bridge project. The commission first notified the Commonwealth of Pennsylvania of its intention to replace the Burlington-Bristol Bridge on May 30, 1989. The commission had begun work on the project in April of 1987. In an exchange of correspondence, it is obvious that the Commonwealth of Pennsylvania not only opposes the project, but also will raise every barrier possible to its completion. An excerpt from the October 11, 1989 letter of Howard Yerusalim, Secretary of the Pennsylvania Department of Transportation, to the commission illustrates Pennsylvania's strong objection to the project:

In summary, I wish to inform you that the Commonwealth considers any activities of the Commission relating to the extension of a new Burlington-Bristol Bridge into the Commonwealth to be an invasion of the sovereign powers of the Commonwealth with respect to its ownership and control of the public highways. In furtherance thereof, I wish to inform you that this department will not issue the

required highway occupancy permits in order to connect the Commission's proposed bridge to state highways in Pennsylvania. Furthermore, as soon as the Commission engages in any overt act within Pennsylvania's boundaries in furtherance of this project, this department will take appropriate legal action, including requesting an injunction in federal court, in order to halt such unauthorized activities. (emphasis added) (Appendix 7)

It is incomprehensible that the commission spent \$3 million in public monies, and plans to continue spending public monies on a project whose viability is so uncertain. That the commission has proceeded to the extent it has, first without consulting Pennsylvania and now without coming to an agreement with the Commonwealth, is evidence of a public entity which has lost touch with reality.

It is equally disturbing that the commission is in receipt of a letter from the United States Coast Guard, which would be the lead regulatory agency if the bridge is to be built, dated November 30, 1989, raising concerns that the commission's feasibility study may not meet federal bridge permit standards: "The report, however, makes many 'conclusions,' assertions and evaluations that are not substantiated therein and appear to be slanted toward a preferred alternative. Such actions would be contrary to federal bridge permit guidelines and procedures." (Appendix 8). If the feasibility study is unacceptable, not only has the

commission proceeded with a questionable project, but the manner in which it has managed the project is deficient, and has been an even greater waste of public monies.

9. The commission's refusal to provide the committee with legal opinions concerning the replacement bridge project has obstructed the committee's investigation of the commission.

The commission, asserting the attorney-client privilege, has refused to supply the committee with copies of legal opinions concerning the replacement bridge project. Without being able to review these opinions the committee is unable to determine the rationality of the commission's decision to go forward with the bridge replacement project. The minutes of the February 20, 1990 commission meeting indicate that the commission has a legal opinion stating that the commission has legal authority to build the replacement bridge and condemn property in Pennsylvania therefor. Since the proposition that a political subdivision of a county may enter and condemn land in another sovereign state flies in the face of common sense and generally understood principles of constitutional law, committee review of the opinion would have enabled the committee to determine whether

the commission was acting responsibly in relying on this advice and spending millions of dollars on the project.

10. Of the monies spent on the replacement bridge project, the commission has spent a disproportionate amount on public relations. Brian Tierney, the commission's communications consultant for the replacement bridge project, testified that his firm, the Tierney Group, has billed the commission for approximately \$300,000 to date. He also stated that the firm he was previously associated with has billed the commission approximately \$180,000. Vouchers submitted to the committee confirm that the commission has been billed approximately \$487,000 over the last two years for public relations services. Mr. Tierney also testified that public response to the replacement bridge is overwhelmingly favorable. When the dollar amount for public relations work is considered in light of other expenses, such as the feasibility study for the bridge which cost approximately \$1.5 million, it is obvious that the commission has spent a disproportionate amount for public relation services. It is unclear to this committee why the commission is spending so much to sell something the commission contends the public is already willing to buy. In August of this year the commission

distributed a brochure to bridge patrons to supposedly solicit opinions on the new bridge project. However, the brochure is clearly a political document and goes so far as to accuse legislators of "playing politics with your bridge." Given the testimony that public response to the new bridge is favorable and the political brochure the commission distributed in August, the committee can only deduce that the commission has a separate political agenda which it is funding with toll payer dollars.

RECOMMENDATIONS

1. The commission's enabling law should be amended to require the commission to operate under written policies. In the meantime, the commission should work with the State Departments of Personnel and Treasury and other State agencies to develop written policies and procedures for commission operations. The commission must begin to develop a written record of its activities as well as standardizing its operating procedures so that employees are given clear guidelines to ensure proper accountability, management and ethical behavior. The commission's recent attempts to improve its operating procedures and policies show that the commissioners are acting in good faith.

However, the inadequacy of these efforts to reform indicate that the commissioners require the assistance of professional experts. The commission should call on the State Departments of Personnel and Treasury and other State agencies for guidance in developing written policies and procedures.

2. The commission must immediately begin to comply with the provisions of the "Open Public Meetings Act" by preparing minutes of its executive sessions and more detailed minutes of its public meetings. In addition, the Attorney General should review the commission's violations of the "Open Public Meetings Act" to determine whether further action is necessary.
3. The commission's enabling law should be amended to provide for State oversight of the commission's activities. The commission's minutes should be subject to the Governor's review as the minutes of other State transportation authorities are reviewed. In addition, the commission should be required to submit its budget to the Division of Local Government Services in the Department of Community Affairs for review and approval. Also, the commission should be required to submit any proposed toll increases to the Division for review and approval. The commission should not

be able to proceed with a toll increase without the approval of the Division. Assembly Bill No. 2883 (Appendix 7) provides for these changes in the commission's enabling law with the exception that the bill would require the commission to submit its minutes to the Commissioner of Transportation for review rather than to the Governor. The committee recommends that the Governor review the minutes of the commission as the Governor does with the New Jersey Highway Authority, the New Jersey Turnpike Authority and the New Jersey Expressway Authority.

4. The membership of the commission should be expanded to provide the commission with a broader perspective and increase commissioner accountability. The commission currently comprises three members appointed by the Board of Freeholders. The current commissioners determination to go forth with the replacement bridge project despite the enormous odds against it ever being completed indicates the need for the membership of the commission to be broadened to increase diversity of opinion and analysis. The potential for diversity would be increased by having the minority party provide the freeholders with a list of suitable candidates for minority commissioners. In addition, the membership of the commission should be expanded to include the Commissioner

of Transportation, or the Commissioner's designee, as a non-voting ex officio member. The addition of a Department of Transportation representative as a member of the commission would provide the commission with the expertise of a transportation professional and would permit greater coordination of State transportation policy.

Assembly Bill No. 2883 would expand the membership of the commission to five members and would require the governing body of the county to select commissioners from a list of candidates submitted by the county committees of the two major political parties. Assembly Bill No. 2883 further provides that commissioners shall not receive annual compensation in excess of \$6,000 annually. The committee believes this limitation in compensation is warranted as it would permit the expansion of the number of bridge commissioners without greatly increasing the cost to the toll payers. As the position of county bridge commissioner is one of few positions on a transportation authority for which an individual receives monetary compensation for public service, it is unlikely that individuals will refuse to serve on the commission because of this lower compensation.

The committee further recommends that Assembly Bill No. 2883 be amended to prohibit the commission from

providing lifetime health benefits to commissioners as of January 1, 1990. The committee believes that lifetime health benefits for part-time commissioners is an inappropriate expense for the toll payers to bear. Although the commission has adopted the lifetime health benefit policy, no one has yet benefitted from it; no one ever should. As commissioners are entitled by law to compensation the committee believes the commission may continue to offer health benefits to current commissioners. However, the commission's enabling law should be amended to ensure that part-time commissioners do not receive benefits greater than those provided to full-time employees.

5. The commission's enabling law should be supplemented to require the commission to follow a procedure for increasing tolls which provides for public input and adequate public notice. Although the procedure the commission followed to effect the recent toll increase was legally sufficient, the public outcry surrounding the increase indicates that the procedure did not provide for adequate public notice. After the uproar over the toll increase, the Burlington County Board of Chosen Freeholders adopted an advisory resolution requesting the commission to hold two public hearings prior to increasing tolls and further providing that the second of the

hearings shall be at least ten days prior to the effective date of the toll increase. (Appendix 8). Assembly Bill No. 2883 would supplement the commission's enabling law to require the commission to first, submit a proposed toll increase to the Division of Local Government Services for approval and then, to hold a series of four public hearings, at least two of which to be held during the evening hours, and requires that at least two of the public hearings to be held in municipalities in which the bridge or bridges extend. The bill provides that at least 90 days must elapse between the proposal for a toll increase and the adoption of the toll increase. The bill also makes provision for notice of the public hearings. The committee recommends that the provisions of Assembly Bill No. 2883 be enacted.

6. The commission's enabling law should be amended to prohibit the commission from proceeding with an interstate bridge replacement or reconstruction project or the issuing of bonds therefor without statutory approval from the State. In order to ensure that the State has a coordinated transportation policy and that an interstate bridge replacement or reconstruction project is viable, statutory approval of the project must be obtained. In addition, the law should provide

that any work on any current replacement bridge project, including design work, construction and valuation and condemnation proceedings, should be suspended until statutory approval for the project has been given.

7. The law establishing the attorney-client privilege should be amended to prohibit public entities from asserting the privilege when being investigated by the Legislature, the Attorney General or the State Commission of Investigation. The commission's assertion of the attorney-client privilege has prevented the committee from fully understanding the commission's rationale for the actions it has taken with respect to the replacement bridge project. The privilege allows for the anomalous situation where public monies are used to obtain a legal opinion, the public entity uses the opinion as the basis for spending millions of public dollars and then the public entity refuses to divulge the opinion when being investigated concerning those very same expenditures. In order to provide the opportunity for an authorized investigation by the Legislature, the Attorney General or the State Commission of Investigation to be complete, the law establishing the attorney-client privilege should provide for the waiver of the privilege when a public entity is being investigated.

OTHER POLICY ISSUES

During the course of its investigation of the Burlington County Bridge Commission the committee encountered several issues which, while beyond the scope of the investigation, warrant further consideration by the Legislature.

Jurisdiction of the interstate bridges owned and operated by the commission. One of the questions raised throughout the investigatory process was whether it is appropriate for a county entity to own and operate interstate bridges. At other interstate crossings a bi-state authority or commission owns and operates the crossing. The anomalous situation in Burlington County was not a State policy decision. The ignominious creation of the Burlington County Bridge Commission prevented the State from acquiring the Tacony-Palmyra and the Burlington-Bristol Bridges even though Governor Driscoll sued to rescind the transaction and have the State acquire the bridges. See Driscoll v. Burlington-Bristol Bridge Co., 8 N.J. 433 (1952). Even if State oversight of the commission is instituted, it may be time to reexamine the commission's value to the State today.

The use of public monies for public relations consultants. The testimony that the commission has spent the extraordinary sum of \$500,000 on public relations consultants for the replacement bridge

project in the last two years suggests that the Legislature would be well advised to look into the use of public relations consultants by other authorities and agencies of State government. Currently, there is no limit to the scope of services a public relations firm may provide a public entity. It appears that the commission has been receiving political advice from its public relations consultants. The commission's brochure on the new bridge is an example of the use of a public relations consultant for purposes beyond the bounds of the public entity's responsibilities. It is an example of public dollars being spent in the political arena to cast aspersions on legislators, who coincidentally are not of the same party controlling the county and the commission. While public relations and communications consultants may provide valuable assistance to a public entity, after a certain point, continued expenditures for these consultants can become a misappropriation and/or waste of public monies. The commission has spent an unconscionable amount of public money to enhance the public perception of a project the commission claims already has significant public support. After a thorough investigation of the use of these consultants by public entities, the Legislature may wish to explore guidelines limiting the use of public relations consultants.

The award of major contracts to consultants with an existing relationship with a public entity. One area of testimony dealt

with the relationship between the commission and its engineering consultant, Steinman, Boynton, Gronquist and Birdsall. Members of the committee elicited testimony that the feasibility study and preliminary design work for the replacement bridge project were awarded to Steinman without bid. Although engineering work falls within an exception to the bidding requirements of the "Local Public Contracts Law," N.J.S.A. 40A:11-1 et seq., it is troubling that a project of such magnitude is awarded without some sort of competition. The habitual awarding of contracts to the commission's general consultants creates the impression that other consultants will not be awarded contracts. This practice also creates skepticism among the public that the commission is receiving objective recommendations from its general consultants. It is impossible to avoid the appearance of a conflict of interest when a general contractor determines the necessity for a major capital project and is then awarded the million dollar contract for designing the project. Certainly, the commission is not alone in this practice. The Senate Special New Jersey Highway Authority Investigation Committee raised these same concerns with respect to the operations of the New Jersey Highway Authority. This committee believes it is time for the Legislature to reexamine the relationship between public entities and their use of professional consultants. The Legislature may find it appropriate to require that the firm used to determine the need for a major capital project be prohibited from receiving contracts for work on that project.

ASSEMBLY TRANSPORTATION AUTHORITIES,
TELECOMMUNICATIONS AND TECHNOLOGY COMMITTEE

Minority Report on the Burlington
County Bridge Commission pursuant to
Assembly Resolution No. 69 (1R)

November 1, 1990

Presented by
Assemblywoman Marion Crecco
Assemblyman William P. Schuber

INTRODUCTION

On February 8, 1990, the Assembly Transportation Authorities, Telecommunications and Technology Committee released Assembly Resolution No. 69 (1R) by a 3-2 vote. The dissenting votes were cast by the minority members of the committee after questions were raised regarding the scope of, and necessity for, the committee's investigation into the operations of the Burlington County Bridge Commission, and the use of subpoena power by the committee in the conduct of this investigation. It was evident from testimony given before the committee that the commission itself had identified, and had acted to rectify, administrative and operating problems within the agency. The need for a legislative investigation into these matters was at best redundant, at worst a thinly-disguised political attempt to discredit the commission. The need for subpoena power, a serious and infrequently authorized legislative power, was questioned since the committee had no indication of the bridge commission's unwillingness to cooperate in the investigation. In fact, commission members and employees voluntarily appeared during subsequent hearings, and the commission supplied the committee with thousands of pages of documentation, even employing parttime help to meet the committee's demands.

During the committee's two hearings held on September 27 and October 1, 1990, the actions taken by the board of the Burlington County Bridge Commission in an effort to "clean its own house" were

again outlined for the committee. It was the commission itself that uncovered purchasing irregularities that led to the board's dismissal of, and subsequent indictment of, the agency's former executive director; it was the commission which called upon the Burlington County Prosecutor to conduct an investigation into suspected improprieties; it was the commission which initiated a self-examination of its travel policy, determined that policy to be lacking, and sought repayment of previously reimbursed expenses; and it was the commission which instituted a new purchasing policy. While the minority members would not take the position that there is never room for improvement with regard to the accountability of any public agency to its constituency, to paint the bridge commission as a body which deliberately continues to operate under informal procedures which encourage abuses is unfair.

RECOMMENDATIONS

As we have seen with so many of the State's independent agencies, the testimony brought before the committee, unfortunately, supports the opinion that the Burlington County Bridge Commission has been lax in certain aspects of the administration of its duties. Several of the recommendations outlined in the committee's report address these inadequacies and have merit, and similar recommendations have been made for all of the State's independent, public authorities and commissions. Compliance with the provisions of the "Open Public Meetings Act" (N.J.S.A. 10:4-1 et seq.), definitive purchasing

and travel policies, a formula for the changing of toll rates which includes public hearings, and review of the annual budget of the commission by the Division of Local Government Services in the Department of Community Affairs are among the recommendations which are valid in their purpose and suggest true areas of reform. Similarly, a limitation on health benefits provided to commissioners to ensure fair and adequate coverage within the limits of reasonable benefits afforded to other employees is commendable, and has long been supported by the minority members on this committee.

Certain of the majority's other recommendations, such as the expansion of the membership of the commission from three to five members, and a rollback of commissioners' salaries, while not objectionable, would have a negligible effect on the efficiency of the commission. Likewise, the inclusion of the Commissioner of Transportation as an ex officio, non-voting member of the commission may be of minimal benefit. The addition of the commissioner as a voting member on the boards of the State's three major toll road authorities was a substantive legislative action to promote coordinated transportation planning throughout the State. However, it is unnecessary and excessive to name the commissioner to the board of every transportation agency within the State. The commissioner, by law, is authorized to coordinate the transportation activities of the department with those of other public agencies and authorities

(N.J.S.A. 27:1A-5), and through his oversight, as provided by law, and through the efforts of the Governor's Transportation Executive Council, which is chaired by the commissioner and of which the Burlington County Bridge Commission is a member, the Department of Transportation is in a position of more influence over the bridge commission than any commissioner's designee sitting in a non-voting capacity. Likewise, the intrusion of the executive branch of State government into the operation of a county bridge commission deserves further study. While some further oversight of the bridge commission's actions is warranted, and a mechanism to provide checks and balances should be in place, gubernatorial review may not be the appropriate measure in this instance.

Additionally, we would reserve judgment on certain of the majority's other proposals. The use of the Division of Local Government Services as a rate setting agency for the approval of toll increases is unprecedented and deserves further thought. Mandating statutory approval from the State for the replacement bridge project involves the Legislature in the business of siting capital projects, one of the very purposes for which the Legislature has seen fit historically to create bridge commissions, port authorities, and other independent agencies. And most serious, the proposal to amend the law establishing attorney-client privilege to provide for the waiver of the privilege during the investigation of a public agency by the Legislature, the Attorney General or the State Commission of Investigation is grave.

Further consideration must be given to the legal ramifications of the proposal for other state agencies, and the opinions of the State Bar Association, the Attorney General, and Legislative Counsel, as well as those of the agencies affected by the recommendation, should be solicited. In addition, serious questions regarding the rights of employees of public agencies with regard to attorney-client privilege are raised, and are unaddressed in the majority recommendation.

CONCLUSION

While the majority committee report makes certain recommendations which we can and do support, we cannot support its overall findings and recommendations based upon the following objections:

We question the basis upon which the reforms are sought by the majority members of the committee. If the committee, as stated in the majority report, views the commission as an "arrogant" body committed to "renegade projects," reliant on "oral folklore" rather than written policy, a "public entity which has lost touch with reality," why do the recommendations stop short of a reorganization proposal for the commission, absolute veto power by an executive agency or board over the actions of the commission, or abolition of the agency and a takeover of its interstate facilities by the Delaware River Port Authority as has been recommended by the Transportation Executive Council?

We object to the language of the report which reflects its political bias. The majority report is peppered with remarks which do nothing to further the legislative purpose of the report, but amount only to an attack on the commission. For the committee to conclude that the commission has "a separate political agenda which is being funded with toll payer dollars" is an unsubstantiated and patently political statement. To base that conclusion, and to level that accusation, on the distribution of a pamphlet stating that politicians are "playing politics" with the proposed bridge project is uncorroborated and inconclusive. No statutory remedy is offered, and these gratuitous remarks go far beyond the committee's purpose to further legislative responsibility with regard to the commission.

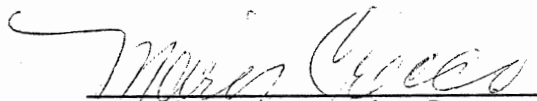
These remarks are particularly offensive due to the timing of the release of this report. This report is being issued five days prior to a county election in which the commission has been the target of one political party's attacks. The release of the report is alarmingly coincidental with the referendum before the people of Burlington County regarding the proposed replacement bridge, and the election of county candidates, and is an arbitrary interference by the state in a local election.

Finally, we believe the majority report oversteps its legal authority and moral responsibility when it makes broad allegations of

misuse of public monies. A legislative committee has neither the skills and training, nor the responsibility, to make these charges. This committee's authority is limited to an investigation which furthers its constitutional mandate (i.e., public policy making).

If the majority report could not bow to the wisdom of staying within its constitutional role, it should consider the effect of these allegations on bridge commissioners and employees. The preferable course would have been for the majority report to omit such allegations entirely, and to transmit any evidence of wrongdoing to the appropriate law enforcement agencies for them to evaluate.

Respectfully submitted,


Assemblywoman Marion Crecco


Assemblyman William P. Schuber

APPENDIX

1. Assembly Resolution No. 69 (1R)
2. Witness List
 - a. Public Hearing September 27, 1990
 - b. Public Hearing October 1, 1990
3. Summary of Travel Expenditures by Individual
4. Burlington Bristol Bridge Commission Statement to Assembly Transportation Authorities, Telecommunications and Technology Committee.
5. October 19, 1989 Travel Policy
6. Local Finance Board Decision
7. October 11, 1989 Secretary Howard Yerusolim letter
8. November 30, 1989 US Coast Guard letter
9. A-2883
10. Freeholder Resolution #141

1. ASSEMBLY RESOLUTION NO. 69 (1R)

[FIRST REPRINT]
ASSEMBLY RESOLUTION No. 69

STATE OF NEW JERSEY

INTRODUCED JANUARY 25, 1990

By Assemblywoman KALIK and Assemblyman FOY

1 AN ASSEMBLY RESOLUTION directing the Assembly
2 Transportation Authorities, Telecommunications and
3 Technology Committee to investigate the Burlington County
4 Bridge Commission, and prescribing powers and duties therefor.

5
6 WHEREAS, A 1926 act of Congress authorized a private
7 corporation to build bridges across the Delaware River, which
8 ultimately resulted in the 1931 completion of the
9 Burlington-Bristol and Tacony-Palmyra bridges, which in turn
10 were sold to the ¹[County of Burlington] Burlington County
11 Bridge Commission¹ on the same day that the ¹[Burlington
12 County Bridge Commission was formed] commission was
13 established by the County of Burlington¹; and

14 WHEREAS, The Burlington County Bridge Commission has
15 recently proposed to replace the Burlington-Bristol Bridge with
16 a new structure, thus not only renewing the bridge itself, but
17 also the debate concerning the appropriateness of a county
18 bridge commission operating an interstate bridge; and

19 WHEREAS, Increases approved by the Commissioners of the
20 Burlington County Bridge Commission in their own salaries was
21 undertaken without debate or discussion, as were increases in
22 travel expenses for these same three commissioners--all of
23 which increases occurred at a time when the commission
24 sought to increase tolls on its bridges; and

25 WHEREAS, These actions of the commission represent a serious
26 matter to this House, as well as the automobile traveling public
27 that must use these bridges on a daily basis; and

28 WHEREAS, The Burlington County Bridge Commission has, with
29 the apparent approval of the Board of Chosen Freeholders,
30 raised tolls on the Burlington-Bristol Bridge during the recent
31 holiday season in preparation for such a replacement, in a
32 manner that did not provide for sufficient public discussion and
33 debate, and is employing a questionable notion that it may
34 condemn and take property in the Commonwealth of
35 Pennsylvania, without that ¹[sovereign] sovereign¹ state's
36 approval, in order to further this replacement; and

37 WHEREAS, The replacement bridge for the existing
38 Burlington-Bristol Bridge will be located approximately 100
39 yards downstream of the existing span, and will entail the

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.

Matter enclosed in superscript numerals has been adopted as follows:
Assembly ATT committee amendments adopted February 8, 1990.

1 demolition of at least 17 businesses and 16 homes on the New
2 Jersey side of the Delaware River, displacing many long-time
3 residents of Burlington City, which number could increase if
4 future expansion to surrounding roadways is considered; and

5 WHEREAS, It is altogether fitting and proper that the
6 appropriate committee of the General Assembly investigate
7 the actions of the Burlington County Bridge Commission, in
8 order to assure that the replacement of the Burlington-Bristol
9 Bridge is justified and that the manner in which the decision to
10 replace the existing bridge and increase the tolls thereon was
11 arrived at in a fair and impartial manner and was consistent
12 with the laws of this State; now, therefore,

13
14 BE IT RESOLVED *by the General Assembly of the State of*
15 *New Jersey:*

16 1. The General Assembly of the State of New Jersey, on behalf
17 of the citizens of this State, for the public policy purposes cited
18 in the preamble hereto, directs the Assembly Transportation
19 Authorities, Telecommunications and Technology Committee to
20 investigate the Burlington County Bridge Commission.

21 2. It shall be the duty of the committee to undertake a
22 thorough inquiry into alleged unethical practices employed by the
23 Burlington County Bridge Commission, the decision to replace the
24 existing Burlington-Bristol Bridge and the decision to raise tolls
25 thereon. The inquiry shall include a review of the nature and
26 timetable of events and actions leading to these decisions, an
27 examination of the commission's management, budgetary
28 expenditures and decision-making structures and any other
29 matters related to Burlington County Bridge Commission that the
30 committee determines to be necessary for its purposes and shall
31 determine whether circumstances dictate legislative action of
32 any kind. For the purposes of carrying out its charge under this
33 resolution, the committee shall have all the powers provided
34 pursuant to chapter 13 of Title 52 of the Revised Statutes.

35 ¹[4.] 3.1 The committee shall issue a report ¹of its findings¹
36 and make such recommendations to the General Assembly as it
37 shall determine to be appropriate based upon an analysis of the
38 facts resulting from the inquiry.
39
40

41 TRANSPORTATION AUTHORITIES

42
43 Directs Assembly Transportation Authorities, Telecommunications
44 and Technology Committee to investigate the Burlington County
45 Bridge Commission.

2. WITNESS LIST

- a. Public Hearing September 27, 1990
- b. Public Hearing October 1, 1990

WITNESS LIST

September 27, 1990

Assemblywoman Barbara F. Kalik

Assemblyman Thomas P. Foy

Nando Avila
Aide to Senator Catherine A. Costa

Herman Costello, Mayor
Burlington City

Frank VanGelder

Stanley Chmielewski

Robert Haines

Robert Ghaul

Brian Tierney
The Tierney Group

Stacy L. Moore, Jr., Esq.
Parker, McCay & Criscuolo

Commissioner John Heimmer

Timothy P. Murphy

James Logan, Jr., Esq.

Francis J. Walsh

WITNESS LIST

October 1, 1990

Mark Coyle

Ralph Heyman

Grace Schultz

Anthony J. Brady

Adel Gawdat
Steinman, Boynton, Gronquist and Birdsall

Commissioner J. Garfield DeMarco
Chairman, Burlington County Bridge Commission

3. SUMMARY OF TRAVEL EXPENDITURES BY INDIVIDUAL

BURLINGTON COUNTY BRIDGE COMMISSION
SUMMARY OF TRAVEL EXPENDITURES BY INDIVIDUAL
FOR THE PERIOD FROM OCTOBER 1, 1983 TO OCTOBER 31, 1989

	Number of			E x c e s s i v e		
	<u>Trips</u>	<u>Total</u>	<u>Nonexcessive</u>	<u>Total</u>	<u>Spouse</u>	<u>Individual</u>
Bracken, J.	12	\$9,796.31	\$9,796.31			
Davis, M.J.	3	3,910.70	3,910.70			
Greenwald, E.J.	1	300.20	230.20	\$70.00	\$70.00	
Kart, E.H.	12	11,577.29	9,499.61	2,077.68	1,304.00	\$773.68
Logan, J.	10	25,529.31	15,791.04	9,738.27	4,749.15	4,989.12
Murphy, T.P.	6	14,190.65	9,179.59	5,011.06	2,214.74	2,796.32
Ott, F.J.	30	49,768.30	32,787.81	16,980.49	4,650.62	12,329.87
Parker, B.T.	1	2,326.46	1,463.17	863.29	429.43	433.86
Walsh, F.J.	9	11,808.51	9,084.56	2,741.95	1,889.14	852.81
Weiss, E.	17	27,269.63	19,444.99	7,824.64	1,252.00	6,572.64
	101	\$156,475.36	\$111,167.98	\$45,307.38	\$16,559.06	\$28,748.30

Source: Burlington County Bridge Commission Report for Commissioners on Total Travel Expenditures for the period October 1, 1983 to October 31, 1989

**4. BURLINGTON BRISTOL BRIDGE COMMISSION STATEMENT TO
ASSEMBLY TRANSPORTATION AUTHORITIES,
TELECOMMUNICATIONS AND TECHNOLOGY COMMITTEE**

STATEMENT OF THE BURLINGTON COUNTY BRIDGE COMMISSION
TO THE
ASSEMBLY TRANSPORTATION AUTHORITIES,
TELECOMMUNICATIONS AND TECHNOLOGY COMMITTEE

SEPTEMBER 27, 1990

The Commission was created by the Burlington County Board of Chosen Freeholders on October 22, 1948, pursuant to State law. Upon its creation, the Commission acquired the Tacony-Palmyra Bridge (completed in 1929) and the Burlington-Bristol Bridge (completed in 1931) and assumed responsibility for their operation and maintenance. Subsequently, by order of the Board of Freeholders, the Commission assumed jurisdiction over six non-toll bridges in the County, certain approaches to each of the bridges, and has continued to operate and maintain these bridges and approaches to the present.

The Commission is composed of three Commissioners appointed by the Board of Freeholders for three year, staggered terms. The Commission's powers under the law include the right to contract as a public body; to sue and be sued; to maintain, improve and replace any bridge under its jurisdiction and fix all boundaries and approaches; to borrow money and incur indebtedness, and issue negotiable bonds or notes for any such purposes; to acquire, hold and dispose of any real and personal property, enter onto and condemn lands necessary for its purposes pursuant to Eminent Domain; adopt rules and regulations deemed necessary for its proper government; and to determine and receive tolls for the use of its bridges and approaches at a rate set by the Commission. The Bridge Commission has been exercising these powers on behalf of the residents of the County of Burlington, and on behalf of

the traveling public in need of safe passage across its bridges, for the last 42 years.

By Resolution of the General Assembly of the State of New Jersey adopted on April 23, 1990, this Committee was authorized to undertake an inquiry into alleged "unethical practices" of the Bridge Commission related to unauthorized travel expenses by certain Bridge Commissioners and administrative staff, the decision of the Bridge Commission to raise passenger vehicle tolls on the Tacony-Palmyra and Burlington-Bristol Bridges from .25¢ to .50¢ and the decision of the Bridge Commission to replace the Burlington-Bristol Bridge. In regard to those three areas of inquiry, it is the position of the Bridge Commission that: (1) the matter of the travel policy has been resolved by the Bridge Commission itself; (2) the decision to increase the tolls and the time frame therefore was both lawful and proper; and, (3) the decision of the Commission to replace the Burlington-Bristol Bridge was a sound exercise of its authority.

I. TRAVEL POLICY

Prior to October 19, 1989, Bridge Commission policy in regard to travel by Commissioners and administrative staff was not formally set forth. The long-established procedure was that the decision to travel to International Bridge Tunnel and Turnpike Association conventions, seminars and other bridge related events was left to the discretion of the individual Commissioner, who chose to attend or not attend, and it was left to the discretion of the former Executive Director of the Bridge

Commission in regard to which members of the administrative staff would attend. In October 1989, it was brought to the attention of the Bridge Commission, by way of a newspaper article, that certain travel expenses which may have been excessive were submitted to the Bridge Commission for reimbursement. Upon being advised that a problem may exist in regard to certain travel expenses being paid by the Commission, the Commission requested that its auditor, Bowman and Company, perform a comprehensive review and audit of travel vouchers submitted by Bridge Commissioners and administrative staff over the last 6 year period. The result was the report of February 1, 1990, a copy of which has been presented to the Committee. Upon review of the audit, the Bridge Commission has sought reimbursement of those excess travel expenses from the individuals involved. Moreover, and more importantly, on October 19, 1989, the Bridge Commission adopted a strict, formal travel policy wherein no travel would be permitted by a Commissioner or member of the administrative staff except upon approval by the Bridge Commission at a public meeting, and that only certain authorized expenses would be paid by the Commission. It is submitted that the Bridge Commission now has one of the most comprehensive travel policies of any public agency or authority, local or state.

II. TOLL INCREASE

The Bridge Commission increased the tolls for all vehicles using its toll bridges effective January 1, 1990. It is the position of the Bridge Commission that the increase was

absolutely necessary and that the procedure employed by the Commission increasing the toll was lawful in every respect.

By way of historical background it should be noted that the toll of the Tacony-Palmyra Bridge upon its completion in 1929 was .35¢. When the Bridge Commission acquired the bridges on October 22, 1948 the then .30¢ toll for passenger vehicles was lowered to .25¢. In August of 1955, when the bonds for the acquisition of the bridges were paid off, the toll was reduced to .5¢ for passenger car crossings. In July of 1975 that toll was increased from .5¢ to .10¢ and in March of 1982, because of the increasing costs of operation and maintenance of the bridges, the toll was increased from .10¢ to .25¢. There was no further increase for nearly eight years.

Early in 1989 Bowman & Company, auditors for the Bridge Commission, cautioned the Commission that the existing tolls were insufficient to meet the ever-increasing operation and maintenance costs of the aging Burlington-Bristol and Tacony-Palmyra Bridges, and advised the Commission to consider a toll increase to meet those costs. The Bridge Commission determined to continue the existing toll structure, and to use accumulated reserves. However, in the Fall of 1989 the Commission authorized a study of the financial condition and future revenue requirements under the existing toll structure, and on December 22, 1989, received the report of its auditor. That report made it clear that an immediate toll increase was absolutely necessary.

Although not required by law the Bridge Commission determined at its meeting of December 22, 1989 to provide a hearing for the public to attend in regard to the proposed toll increase which was to be effective on January 1, 1990. That hearing was held on December 29, 1989 and was attended by interested public officials, by the members of the press and the public. Upon completion of the public hearing the Bridge Commission determined to adopt the new toll structure recommended by the auditor effective January 1, 1990, in order to ensure the continued flow of sufficient revenues to pay the operational costs and the increasing maintenance costs for the bridges within the Commission's jurisdiction.

III. BRIDGE REPLACEMENT PROJECT

Finally, in regard to the replacement of the Burlington-Bristol Bridge, it is the Bridge Commission's position that this project is hardly a new concept, nor can it be considered a project conceived by the present Commission. In fact the Burlington-Bristol Bridge replacement project has been under consideration by the Bridge Commission for over 20 years. Interest in the project crystalized in 1975, when, in an effort to offer an alternative to a proposed new bridge between Burlington Township, New Jersey and Croydon, Pennsylvania as part of the Interstate Route 895 project, the State of New Jersey enacted L.1975 c.266. Pursuant to that State law the Burlington County Bridge Commission, upon the consent of the Board of Chosen Freeholders, was given the authority to replace the Burlington-

Bristol Bridge with a new bridge, "including any such bridge or bridges and approaches thereto extending within the limits of any state other than the State of New Jersey." This legislation was introduced by Assemblyman Charles B. Yates (D., Burl.), passed by the Legislature and signed into law by Governor Brendan Byrne on December 22, 1975.

Thus, fifteen years ago the Bridge Commission was authorized by law to proceed with the replacement of the Burlington-Bristol Bridge, which was, even then, in need of replacement by a new, modern span. Governor Byrne signed this legislation into law in a formal ceremony at the Burlington-Bristol Bridge to celebrate the event, at which time he was pelleted by snowballs by Burlington City residents as unhappy about this project as some of its current leaders and residents. The vocal, local opposition at that time caused the project to be placed on hold, while the need for a new, modern facility became more apparent and acute.

Accordingly, the Bridge Commission is charged by the Legislature with the general responsibility to operate and maintain the bridges under its jurisdiction and has been specifically authorized to replace the Burlington-Bristol Bridge if, in its judgment, it is necessary. In April 1987, the Bridge Commission directed its consulting engineers, Steinman, Boynton, Gronquist and Birdsall, to conduct a study in regard to the necessity and economic feasibility of the Bridge Commission's replacing the Bridge. On June 8, 1989, the consulting engineers recommended replacement of the Bridge. Finally, the Board of Chosen

Freeholders have consented to and thus authorized the Bridge Commission to proceed with replacement of the Burlington-Bristol Bridge.

Pursuant to the above statutory and local ^{consent} ~~authorization~~ the Bridge Commission has proceeded with the ground work for replacement of the Burlington-Bristol Bridge. It is the strong belief of the Commission that a satisfactory agreement will be reached with various governmental authorities in Pennsylvania in regard to proceeding with the project, as has occurred with several other Bridge Commission projects in Pennsylvania, and that this project will then continue to its completion. It is not a question of whether the present Burlington-Bristol Bridge will be replaced, but simply how long it will take for the previously anticipated details to be resolved and approvals to be obtained in New Jersey and in Pennsylvania. When that preliminary work is completed, construction will commence on the replacement Bridge. Accordingly, all decisions and expenditures directed towards that end were both necessary and warranted. No one who has crossed the Delaware River on the present Burlington-Bristol Bridge and has any knowledge of the projected growth of Burlington County and Bucks County can deny the soundness of the Bridge Commission's decision in regard to replacement of that antiquated structure.

CONCLUSION

Accordingly, the Bridge Commission submits to this Committee that the Committee's report to the Legislature should reflect the

fact that whatever the situation may have been in regard to the travel policy of the Bridge Commission in the past, the Bridge Commission on October 19, 1989 adopted a travel policy that would serve as an example to other public agencies and authorities in the State of New Jersey, and that the decisions to increase the toll on the bridges and to replace the aging Burlington-Bristol Bridge were made in accordance with the existing law by the agency legislatively charged with the responsibility to consider and render such decisions. The Bridge Commission submits that no legislative changes are necessary in regard to its conduct in these matters.

5. OCTOBER 19, 1989 TRAVEL POLICY

benefit to the Commission and its operations, it would be approved. Also, the Commissioners would certainly not approve any expenditures for spouses of employees or of Commissioners. The particular expenditure would only be for the duration of the particular event. These particular approvals would be granted most sparingly, Commissioner DeMarco added. These particular expenditures would be for registration, transportation, lodging, and food only. The particular conference or meeting for which permission is granted and the parameters of all expenditures would be fully discussed in an open public meeting. Permission will be sparingly granted both to Commissioners and employees.

Commissioner DeMarco stated, "I place this in motion form." Commissioner Weiss seconded.

Roll Call: Yeas - Weiss
DeMarco

Commissioner DeMarco placed another motion on the floor asking that our auditors, Bowman and Company (due to the fact that financial officials of the Commission are possibly involved in excessive travel expenditures) completely review, in detail, all travel expenditures over the last three (3) years and report back to the Commissioners any excessive expenditures. By excessive expenditures are meant any expenditures for spouses or any expenditures for any time beyond that necessary for attending the Bridge related part of the function. These over expenditures are to be itemized by Commissioner and by employee, so that the Commission may request reimbursement and reimbursement will definitely be requested. If the auditors find abuses, Commissioner DeMarco added, they are to go back even further than three years. This report is to be completed as quickly as possible. Commissioner DeMarco moved that the Auditors so proceed. Commissioner Weiss seconded the motion.

Roll Call: Yeas - Weiss
DeMarco

Commissioner DeMarco thanked members of the press for being so vigilant in regard to these matters. This is a perfect example of how the press contributes to the overall effectiveness of governing bodies. It is the duty of the press to point out problems where they see problems and it certainly helps the Commissioners provide the citizens of our area with better administration and better government. He thanked the press, again, for their helpful participation.

Commissioner DeMarco thanked Commissioner Weiss for her support in adopting a more rigid Travel Policy and for her enthusiastic support for the reimbursement program. It is a great tribute to Commissioner Weiss that she has taken that particular position, he stated. Commissioner DeMarco also stated that while he would not speak for Commissioner Logan, he fully expects Commissioner Logan to enthusiastically endorse the positions that were taken today.

Commissioner DeMarco addressed questions from the press.

6. LOCAL FINANCE BOARD DECISION



State of New Jersey

DEPARTMENT OF COMMUNITY AFFAIRS
DIVISION OF LOCAL GOVERNMENT SERVICESJIM FLORIO
GOVERNORMELVIN R. PRIMAS, JR.
COMMISSIONERLOCATION:WILLIAM ASHBY COMMUNITY AFFAIRS BUILDING
131 SOUTH BROAD STREET
TRENTON, NEW JERSEYMAILING ADDRESS:CN 803
TRENTON, N. J. 08625-0803

April 14, 1990

Judith Seiss
Secretary
Burlington County Bridge Commision
Administration Building
Palmyra, NJ 08065

Dear Judith Seiss:

We are enclosing a Local Finance Board Resolution reflecting the Local Finance Board Action of the meeting held on Tuesday, April 4, 1990.

If you have any questions in regards to this resolution please feel free to contact me at (609) 292-5610.

Sincerely,

Fred M. Begelman
Acting Executive Secretary
Local Finance BoardEnc.
cc:Constance Borman
Gary Walsh and Rafael Perez, Esqs.
Nicholas A. Rudi
Adel Gawdat
Steve Ryan

NEW JERSEY IS AN EQUAL OPPORTUNITY EMPLOYER



State of New Jersey

JIM FLORIO
GOVERNORDEPARTMENT OF COMMUNITY AFFAIRS
DIVISION OF LOCAL GOVERNMENT SERVICESMELVIN R. PRIMAS, JR.
COMMISSIONERLOCATION:WILLIAM ASHEY COMMUNITY AFFAIRS BUILDING
101 SOUTH BROAD STREET
TRENTON, NEW JERSEYMAILING ADDRESS:CN 803
TRENTON, N. J. 08625-0803RESOLUTION

WHEREAS, the Burlington County Bridge Commission has submitted an application regarding a proposed project financing to the Local Finance Board for review pursuant to N.J.S.A. 40A:5A-6, 7 and 8 of the Local Authorities Fiscal Control Law, N.J.S.A. 40A:5A-1 et seq., and

WHEREAS, the application submitted by the Burlington County Bridge Commission to the Local Finance Board indicated that the Commission proposed to issue revenue bonds in an amount not to exceed \$9.5 million for the purpose of financing certain improvements to bridges owned, operated and maintained by the Bridge Commission, and

WHEREAS, following the submission of its application to the Local Finance Board, representatives of the Burlington County Bridge Commission advised the Board that the Bridge Commission intended to reduce the amount of bonds it proposed to issue to an amount of approximately \$7.8 million to finance certain improvements to bridges owned, operated and maintained by the Bridge Commission, and

WHEREAS, in conjunction with the application submitted by the Burlington County Bridge Commission to the Local Finance Board for review of the Bridge Commission's proposed project financing, the Bridge Commission and the County of Burlington have also submitted an application to the Local Finance Board for review pursuant to N.J.S.A. 40A:5A-6, 7 and 8 of the Local Authorities Fiscal Control Law, N.J.S.A. 40A:5A-1 et seq., regarding a service contract, in the form of a guaranty by the County of the Bridge Commission's bonds, which the Bridge Commission proposes to execute with the County of Burlington to secure the repayment of the Bridge Commission's bonds, and

WHEREAS, the Local Finance Board has, pursuant to N.J.S.A. 40A:5A-7, conducted a hearing concerning both the application submitted by the Burlington County Bridge Commission with regard to its proposed project financing and the application submitted by the Burlington County Bridge Commission and the County of Burlington with regard to the County's proposed guaranty of the Bridge Commission's bonds, and



WHEREAS, in considering these applications, the Local Finance Board has examined both applications, including the estimates, computations and calculations made by the Burlington County Bridge Commission and the County of Burlington in connection therewith, and has further required the production of such papers, documents, witnesses and information and has taken such other action as the Board has deemed necessary for its review of the applications submitted by the Bridge Commission and the County of Burlington, and

WHEREAS, upon consideration of the application submitted by the Burlington County Bridge Commission with regard to its proposed project financing, the Local Finance Board has determined that it cannot make certain of the findings regarding the proposed project financing contemplated by N.J.S.A. 40A:5A-7 of the Local Authorities Fiscal Control Law, and

WHEREAS, more specifically, the Local Finance Board has noted (1) that certain types of costs which the Bridge Commission now proposes to finance through the issuance of bonds have been financed by the Bridge Commission through regular operating appropriations in the past; (2) that, of the costs which the Bridge Commission now seeks to fund through the issuance of debt, at least \$4 million has already been expended by the Bridge Commission from other available funds; (3) that, to the extent that the Bridge Commission has indicated its proposed project financing is to be undertaken to address cash flow problems, the Bridge Commission may address these problems through temporary borrowing of much smaller amounts than the amounts it has proposed to raise through the project financing described in its application; and (4) that the Bridge Commission has recently effected an increase in the tolls it charges for the use of certain of the bridges which it operates and maintains in such a manner as to generate additional revenues which the Bridge Commission may utilize to pay for the expenses which it proposes to finance through the issuance of bonds under its proposed project financing, and

WHEREAS, in light of these circumstances, the Local Finance Board has concluded that, while the project costs described in the application have been determined by reasonable and accepted methods, the method proposed for the funding of such costs and the proposed or maximum terms and provisions of the proposed project financing, and of the proposed service contract to be executed in conjunction therewith, are unreasonable and impracticable and would impose an undue and unnecessary financial burden on those residents of the County and other individuals who will utilize the facilities which are owned, operated and maintained by the Bridge Commission, and

WHEREAS, the resolution which the Board of Chosen Freeholders of the County of Burlington proposes to adopt to authorize the County's guaranty of the bonds to be issued by the Burlington County Bridge Commission indicates that the willingness of the County to authorize such a guaranty is dependent upon the rendering of positive findings by the Local Finance Board with regard to the Bridge Commission's proposed project financing, and

WHEREAS, in light of this provision in the resolution which the Board of Chosen Freeholders of the County of Burlington proposes to adopt to guarantee the Bridge Commission's bonds, the Local Finance Board has further determined, in light of current market conditions for obligations of similar quality, that the proposed or maximum terms and conditions of the sale of the bonds which the Bridge Commission proposes to issue would be unreasonable since such bonds will not be able to be offered upon terms and conditions as favorable as would be the case with such a guaranty by the County,

NOW, THEREFORE, BE IT RESOLVED that the Local Finance Board does hereby make the following findings:

a) that the project costs described in the application submitted by the Burlington County Bridge Commission with regard to its proposed project financing have been determined by reasonable and accepted methods;

b) that the method proposed for the funding of such costs and the proposed or maximum terms and provisions of the proposed project financing, and of the proposed service contract to be executed in conjunction therewith, are unreasonable and impracticable and would impose an undue and unnecessary financial burden on those residents of the County and other individuals who will utilize the facilities which are owned, operated and maintained by the Bridge Commission;

c) that the proposed or maximum terms and conditions of sale for the bonds which the Bridge Commission proposes to sell are, in light of current market conditions for obligations of similar quality, unreasonable; and

BE IT FURTHER RESOLVED that, in finding that the method proposed for the funding of the costs described in the application is unreasonable under N.J.S.A. 40A:5A-7(b), the Local Finance Board has based its finding in this regard on the following circumstances:

(1) that certain types of costs which the Bridge Commission now proposes to finance through the issuance of bonds have been financed by the Bridge Commission through regular operating appropriations in the past; (2) that, of the costs which the Bridge Commission now seeks to fund through the issuance of debt, at least \$4 million has already been expended by the Bridge Commission from other available funds; (3) that, to the extent that the Bridge Commission has indicated its proposed project financing is to be undertaken to address cash flow problems, the Bridge Commission may address these problems through temporary borrowing of much smaller amounts than the amounts it has proposed to raise through the project financing described in its application; and (4) that the Bridge Commission has recently effected an increase in the tolls it charges for the use of certain of the bridges which it operates and maintains in such a manner as to generate additional revenues which the Bridge Commission may utilize to pay for the expenses which it proposes to finance through the issuance of bonds under its proposed project financing, and

BE IT FURTHER RESOLVED that, in finding that the proposed or maximum terms and conditions of sale are, in light of current market conditions for obligations of similar quality, unreasonable, the Local Finance Board has based its finding in this regard on the provision in the resolution which the Board of Chosen Freeholders of the County of Burlington proposes to adopt to authorize the County's guaranty of the Bridge Commission's bonds that, absent positive findings from the Local Finance Board with regard to the proposed project financing, the County would not be willing to enter into such a guaranty with the Bridge Commission and that, absent such a guaranty, the Bridge Commission's bonds will not be able to be offered upon terms and conditions as favorable as would be the case were the County to provide such a guaranty, and

BE IT FURTHER RESOLVED that the Local Finance Board deems it appropriate to recommend that, rather than financing the costs described in the application submitted by the Burlington County Bridge Commission with regard to its proposed project financing through the issuance of bonds, the Bridge Commission finance such costs through regular operating appropriations in its annual budget and utilize the increased revenues to be generated from the recent toll increases implemented by the Bridge Commission to pay for such costs, and

BE IT FURTHER RESOLVED that, should the Burlington County Bridge Commission determine to proceed with its proposed project financing notwithstanding the aforementioned negative findings which have been rendered by the Local Finance Board with regard to same, that the Bridge Commission furnish the Board with the details of the issuance of any permanent bonds associated with this financing as described in the term sheet or closing statement for such bond issue and that this term sheet or closing statement be provided to the Executive Secretary of the Local Finance Board within fifteen days following the closing of any such bond sale; and

BE IT FURTHER RESOLVED that the Executive Secretary of the Local Finance Board is hereby authorized and directed to certify or endorse such documents or instruments as may be necessary, convenient or desirable in order to carry out the purpose and provisions of the Local Authorities Fiscal Control Law and this resolution; and

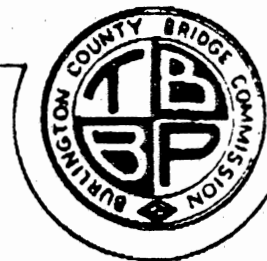
BE IT FURTHER RESOLVED that pursuant to N.J.S.A. 40A:5A 7, the governing body of the Burlington County Bridge Commission shall provide to the Executive Secretary within 45 days of the receipt of this resolution the resolution and affidavit required under N.J.S.A. 40A:5A-7; and

BE IT FURTHER RESOLVED that this resolution shall take effect immediately.

APPROVED BY THE LOCAL FINANCE BOARD


ACTING EXECUTIVE SECRETARY

DATE: April 14, 1990



BURLINGTON COUNTY BRIDGE COMMISSION

FACSIMILE COVER SHEETDATE: May 29, 1990TO: NAME: Stacy L. Moore, Jr.COMPANY: Parker, McCay & CriscuoloFROM: NAME: Constance BormanCOMPANY: B.C.B.C.NUMBER OF PAGES (INCLUDING COVER SHEET): Six (6)

ADDITIONAL COMMENTS:

Local Finance Board Resolution

7. OCTOBER 11, 1989 SECRETARY HOWARD YERUSALIM LETTER



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
HARRISBURG, PENNSYLVANIA 17120

OFFICE OF
SECRETARY OF TRANSPORTATION

October 11, 1989

James Logan, Jr., Esquire, Chairman
J. Garfield DeMarco, Esquire, Vice Chairman
Eva Weiss, Commissioner
Burlington County Bridge Commission
Bridge Plaza, Route 73
Palmyra, New Jersey 08065

Dear Commissioners:

This will acknowledge and respond to the correspondence and other materials the Burlington County Bridge Commission ("Commission") has sent me to inform me of the progress to date with its project to replace the Burlington-Bristol Bridge, connecting Burlington County, New Jersey with Bucks County, Pennsylvania.

In light of the substantial resources the Commission has obviously expended on this project already and its continuing commitment --- I recently learned that the Commission has begun the right-of-way acquisition process --- I feel constrained to make the position of the Commonwealth of Pennsylvania and this department ("Commonwealth") absolutely clear to the Commission before this project progresses any further and before the Commission expends any more of its resources.

After carefully reviewing this matter both from a legal and policy perspective, it is the position of the Commonwealth that the Commission does not have valid authorization to construct a new bridge in the vicinity of the existing Burlington-Bristol Bridge. Even if it was concluded, however, that bridge building authorization across the Delaware River in this area was legally delegated to the Commission, the construction of such a bridge could not be carried out under any circumstances without the consent of the Commonwealth. It is the position of the Commonwealth that it is not in its best interest to consent to construction of such a bridge by the Commission and you are hereby advised that it will not do so.

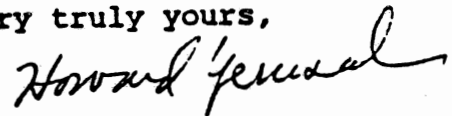
Burlington County Bridge Commission
Page 2
October 11, 1989

Further, it is the position of the Commonwealth that the only entity possessing authorization to construct a new bridge across the Delaware River to replace the Burlington-Bristol Bridge is the Delaware River Joint Toll Bridge Commission ("DRJTBC"). Significantly, DRJTBC already possesses the powers with respect to establishment of highways and eminent domain within the Commonwealth that the Commission lacks. Articles III and X of the Compact creating DRJTBC, as supplemented (36 P.S. §3401). These provisions serve as further evidence that a political subdivision of the state of New Jersey cannot extend a bridge crossing into Pennsylvania without the consent and participation of Pennsylvania and that the Commission, lacking such authorization, cannot extend a bridge and approaches to the territorial limits of the Commonwealth.

In summary, I wish to inform you that the Commonwealth considers any activities of the Commission relating to the extension of a new Burlington-Bristol Bridge into the Commonwealth to be an invasion of the sovereign powers of the Commonwealth with respect to its ownership and control of the public highways. In furtherance thereof, I wish to inform you that this department will not issue the required highway occupancy permits in order to connect the Commission's proposed bridge to state highways in Pennsylvania. Furthermore, as soon as the Commission engages in any overt act within Pennsylvania's boundaries in furtherance of this project, this department will take appropriate legal action, including requesting an injunction in federal court, in order to halt such unauthorized activities.

If you have any questions about the Commonwealth's position or if you wish to discuss this matter further please do not hesitate to contact me.

Very truly yours,



Howard Yerusalim, P.E.
Secretary of Transportation

Burlington County Bridge Commission
Page 3
October 11, 1989

220/HY/JLH/11g

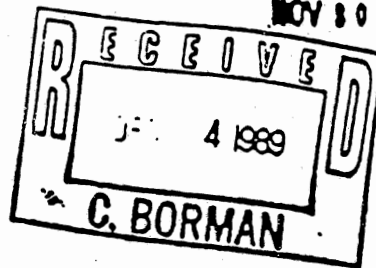
cc: Secretary's Reading File
Honorable Robert P. Casey, Governor
Honorable James J. Haggerty, General Counsel
Delaware River Joint Toll Bridge Commission
Delaware River Port Authority
John L. Heaton, Chief Counsel
Joseph Catania, DRJTBC
James Sutton, Esquire
John Hanosek, District 5.

8. NOVEMBER 30, 1989 US COAST GUARD LETTER

Sent to J. F. Borman on 12/15/89

16591/117.8H/Delaware
RIV/PA

Mr. Francis J. Ott
Executive Director
Burlington County Bridge Commission
Bridge Plaza, Route 73
Palmyra, NJ 08065



NOV 30 1989

Dear Mr. Ott:

We have reviewed your draft feasibility study for proposed replacement of the Burlington-Bristol Bridge and the format and general content appears to be satisfactory. The report, however, makes many "conclusions", assertions and evaluations that are not substantiated therein and appear to be slanted toward a preferred alternative. Such actions would be contrary to federal bridge permit guidelines and procedures.

The Coast Guard as lead federal agency in this proposed action is responsible for ensuring that applicable provisions of the National Environmental Policy Act (NEPA) are complied with. These provisions are listed in Parts 1500-1508 of Title 40 of the Code of Federal Regulations. Major features of the NEPA process, as adapted to your proposal, include the following:

a. The Coast Guard must conduct scoping meetings as necessary with appropriate federal, state, local and private parties to determine the scope of issues to be addressed and to identify significant issues of the proposed action.

b. A draft and final environmental impact statement (EIS) and any revisions and supplements as may be warranted must be prepared. These documents are detailed and must be based on scientific conclusions. For those reasons, these documents must be prepared by environmental consultants, chosen by the Coast Guard.

c. Once the proposal is finalized, a public notice will be distributed (by the Coast Guard) to persons affected by or interested in the project as well as the general public. This notice will solicit written comments on the proposal. A public hearing(s), conducted by the Coast Guard, would shortly follow in the project area. Preparation of the draft environmental impact statement (DEIS) would have been completed by this time. The hearing(s) will afford the public an opportunity to be fully apprised of the scope and impact of the project, and will allow the public the opportunity to comment orally on the DEIS.

The Coast Guard bridge permit process must be completely objective and all alternatives evaluated (including those not selected) must be reasonable, viable and capable of being fully implemented. Additionally, tolls and profitability will be considered in environmental documents but such considerations will not singly be a deciding factor in environmental matters.

After you have familiarized yourself with the NEPA regulations, and perused our application guide for bridge permits (copy enclosed), please contact me at your earliest convenience to arrange a meeting to discuss this matter. You may telephone me at the number above. In the interim, it is suggested that no actions be taken which are related to actual replacement of the bridge. Also, no aspect of the feasibility report should be construed as being acceptable or authorized by the Coast Guard until we have fully evaluated this matter.

Sincerely,

Ernest J. Teemster
for Gary Kassof
Acting Bridge Administrator
First Coast Guard District
In Lieu of the District Commander

Encl: Bridge Permit Application Guide

9. A-2883

ASSEMBLY, No. 2883

STATE OF NEW JERSEY

INTRODUCED JANUARY 25, 1990

By Assemblyman FOY and Assemblywoman KALIK

1 AN ACT concerning county bridge commissions heretofore
2 created by the counties of this State, amending R.S.27:19-33,
3 R.S.27:19-34, and supplementing article 2 of chapter 19 of
4 Title 27 of the Revised Statutes.

5
6 BE IT ENACTED by the Senate and General Assembly of the
7 State of New Jersey:

8 1. R.S.27:19-33 is amended to read as follows:

9 27:19-33. When it has been determined by the governing body
10 of any such county, by resolution in the exercise of its discretion
11 that in the exercise of the powers conferred by this article it is
12 expedient to create a bridge commission, the board of chosen
13 freeholders of such county shall pass a resolution creating such
14 commission and appointing [three] five persons who shall be
15 chosen by the governing body from a list of candidates submitted
16 by the county committees of the two major political parties and
17 who shall constitute a bridge commission, which shall be a public
18 body corporate and politic of the State, under the name of (insert
19 name of county) bridge commission, and shall have perpetual
20 succession and power to contract, to sue and be sued and to adopt
21 a seal and alter same at pleasure, but shall not have power to
22 pledge the credit or taxing power of the county. No officer or
23 employee of the county, whether holding a paid or unpaid office,
24 shall be eligible for membership on the commission. Such
25 appointees shall be originally appointed for terms of one year,
26 two years, three years, respectively. Of the two additional
27 members first appointed under P.L....., c..... (C.....)(now pending
28 before the Legislature as this bill), one shall be for a term of two
29 years, and the other for a term of three years. Upon the
30 expiration of such terms appointments shall be made in like
31 manner except that the terms of the [three] five appointees shall
32 be for three years. Not more than [two] three of such appointees
33 shall be members of the same political party. Vacancies shall be
34 filled for any unexpired term in the same manner as the original
35 appointment.

36 Each bridge and all approaches and other property of any
37 commission are hereby declared to be public property of a public
38 body corporate and politic and political subdivision of the State
39 and devoted to an essential public and governmental purpose and
40 shall be exempt from all taxes and special assessments by the

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 State or any subdivision thereof and exempt from any lien, levy,
2 sale or other charge by virtue of any judgment, execution or
3 other process except in favor of the holder or holders of any
4 bonds, notes or other evidences of indebtedness outstanding
5 pursuant to a resolution adopted by the commission under
6 authority of section 27:19-32 of this article. All such bonds,
7 notes or other evidences of indebtedness of such commission are
8 hereby declared to be issued by a public body corporate and
9 politic and political subdivision of the State, and for an essential
10 public and governmental purpose and to be public
11 instrumentalities and, together with the interest thereon and any
12 income therefrom, shall be exempt from taxes.
13 (cf: P.L.1946, c.318, s.6.)

14 2. R.S.27:19-34 is amended to read as follows:

15 27:19-34. The commission shall elect a chairman and
16 vice-chairman from its members, and a secretary and treasurer
17 who need not be a member. The members of the commission
18 shall receive such annual compensation from the commission [as
19 may be determined by the commission not exceeding, however,
20 such maximum amounts as may be fixed from time to time by the
21 governing body of the county] in an amount not to exceed \$6,000
22 per year, and such members shall give such bond as may be
23 required from time to time by the governing body of the county.
24 The commission shall fix the compensation of the secretary and
25 treasurer in its discretion. The commission shall have power to
26 establish by-laws, rules and regulations for its own government
27 and to make and enter into all contracts or agreements necessary
28 or incidental to the performance of its duties and the execution
29 of its powers. The commission may employ engineering,
30 architectural, and construction experts and inspectors and
31 attorneys, and such other employees as may be necessary in its
32 opinion, and fix their compensation, all of whom shall do such
33 work as the commission shall direct. All salaries and
34 compensation shall be obligations against and be paid solely from
35 funds provided under the authority of this article. The office,
36 records, books and accounts of the bridge commission shall
37 always be maintained in the county which the commission
38 represents.

39 (cf: P.L.1946, c.318, s.7)

40 3. (New section) a. Any law, rule or regulation to the
41 contrary notwithstanding, a county bridge commission which
42 owns, or has control over an interstate bridge or bridges and
43 approaches thereto extending within the limits of any state other
44 than the State of New Jersey shall, on the first day of each
45 calendar year, submit the capital and operating budgets of the
46 commission to the Division of Local Government Services in the
47 Department of Community Affairs for review and approval. The
48 Division of Local Government Services shall, within 90 days of
49 the receipt of the capital and operating budgets, and

1 in writing, approve, approve with conditions, or disapprove the
2 provisions of the submitted budgets.

3 b. If the Division of Local Government Services approves the
4 capital or operating budgets of the commission with conditions,
5 the commission shall modify the budget or budgets in accordance
6 with those conditions.

7 c. If the Division of Local Government Services disapproves
8 the capital or operating budgets of the commission, the
9 commission shall modify the budget or budgets, and resubmit
10 them to the Division of Local Government Services.

11 4. (New section) Any law, rule or regulation to the contrary
12 notwithstanding, a county bridge commission which owns, or has
13 control over an interstate bridge or bridges and approaches
14 thereto extending within the limits of any state other than the
15 State of New Jersey, which proposes to increase tolls charged on
16 an interstate bridge shall:

17 a. Provide for a period of not less than 90 days between the
18 proposal for an increase in tolls charged, and the adoption of the
19 toll increase.

20 b. Submit a statement outlining the need for the proposed toll
21 increase along with any supporting documentation for approval by
22 the Division of Local Government Services in the Department of
23 Community Affairs. The Division of Local Government Services
24 shall, within 90 days following the completion of the public
25 meetings required pursuant to section 5 of this amendatory and
26 supplementary act and in writing approve, approve with
27 conditions, or disapprove the provisions of the proposed toll
28 increase.

29 (1) If the Division of Local Government Services approves
30 the statement outlining the need for a toll increase with
31 conditions, the commission shall modify the proposed toll
32 increase in accordance with those conditions.

33 (2) If the Division of Local Government Services disapproves
34 the statement outlining the need for a toll increase, the proposed
35 toll increase shall not take effect.

36 5. (New section) Any law, rule or regulation to the contrary
37 notwithstanding, a county bridge commission which owns, or has
38 control over an interstate bridge or bridges and approaches
39 thereto extending within the limits of any state other than the
40 State of New Jersey, which proposes to increase tolls on an
41 interstate bridge shall consider that proposal at four public
42 meetings, at least two of which shall be held during evening
43 hours, where the commission shall inform the public of the
44 proposed toll increase and elicit public discussion thereon.

45 a. One of the public meetings required pursuant to this section
46 shall be held within the geographic confines of the municipality
47 of this State wherein an interstate bridge, or approach thereto
48 may extend, and another shall be held within a municipality of
49 the other state wherein an interstate bridge, or approach thereto

1 may extend.

2 b. The commission shall provide adequate notice for the public
3 meetings to consider the proposed toll increase. Adequate notice
4 shall mean written advance notice of at least 10 days, giving the
5 time, date, location of the public meeting, which shall be
6 prominently posted in at least one public place reserved for such
7 or similar announcements, or hand delivered to at least two
8 newspapers located within this State and one located in the state
9 wherein an interstate bridge or bridges may extend, which
10 newspapers shall serve the geographic region appertaining to the
11 interstate bridge or bridges to be affected by the proposed toll
12 increase and shall be designated to receive notice because they
13 have the greatest likelihood of informing the public of the
14 proposed toll increase.

15 6. (New section) A county bridge commission owning or having
16 control of an interstate bridge or bridges, or approaches thereto
17 extending within the limits of any state other than the State of
18 New Jersey shall prepare a true copy of the minutes of each
19 meeting of the commission, which copy shall be delivered
20 forthwith to the Commissioner of Transportation. No action of
21 the commission shall take effect for 10 days, exclusive of
22 Saturdays, Sundays and State holidays, after such copy of the
23 minutes shall have been delivered. If, during the 10-day period,
24 the Commissioner of Transportation returns the copy of the
25 minutes with a veto of any action taken by the commission at a
26 meeting, the action shall be rendered null and void.

27 7. Nothing in this amendatory and supplementary act shall be
28 construed to affect any powers, duties and functions heretofore
29 granted to the Cape May County Bridge Commission on the
30 effective date of this amendatory and supplementary act.

31 8. This act shall take effect immediately.

32
33

34 STATEMENT

35

36 This bill make sundry changes to procedures used by county
37 bridge commissions owning or controlling interstate bridges. The
38 bill provides for review of capital and operating budgets of a
39 county bridge commission by the Division of Local Government
40 Services in the Department of Community Affairs (DCA). The
41 bill also provides new procedures for the adoption of a toll
42 increase at an interstate bridge that is owned or operated by a
43 county bridge commission, and also subjects any proposed toll
44 increase to DCA approval. The bill also makes changes to the
45 organization of certain county bridge commissions by increasing
46 the membership from three to five members who shall be chosen
47 from list provided by the county committees of the major
48 political parties and capping commission member salaries at
49 \$6,000 per year. Finally, the bill requires that a true copy of the

1 minutes of commission meetings by transmitted to the
2 Commissioner of Transportation, who may veto such minutes
3 within 10 business days of their receipt.
4

5

6

7

8

TRANSPORTATION AUTHORITIES

Revises procedures for certain county bridge commissions.

10. FREEHOLDER RESOLUTION #141

#141

RESOLUTION

WHEREAS, over the past several months the Board of Chosen Freeholders of Burlington County has continued to observe the various activities of the Burlington County Bridge Commission; and

WHEREAS, while this Board has no specific jurisdiction over the Burlington County Bridge Commission, it does have a fundamental authority to represent the public interest as it relates to those Boards and Commissions over which it has the power to appoint members; and

WHEREAS, it has been the policy of this Board not to interfere with the day to day affairs of the autonomous Boards and Commissions of this County; and

WHEREAS, over these past months, this Board has grown increasingly concerned by the negative reports and comments surrounding the activities of the Burlington County Bridge Commission; and

WHEREAS, reported circumstances appear to provide sufficient cause for this Board to carefully alter its policy of non-interference in the affairs of autonomous bodies in Burlington County; and

WHEREAS, the Board of Chosen Freeholders have consented to guarantee a \$9,500,000 bond issue of the Burlington County Bridge Commission for the maintenance and repair of various facilities identified in the engineers report of the bond issue; now, therefore, be it

RESOLVED by the Board of Chosen Freeholders of Burlington County that it directs the Burlington County Bridge Commission to provide this Board with the following information:

1. A copy of the most recent adopted budget of the Bridge Commission and each subsequent annual budget shall immediately be forwarded to the Board of Chosen Freeholders and the County Treasurer within ten (10) days of its adoption by the Bridge Commission.

2. All interim financial statements and annual audit reports shall be submitted to the Board of Chosen Freeholders and

ADOPTED _____, 19 _____

CLERK

RESOLUTION

-2-

the County Treasurer within five (5) days of the receipt by the Commission.

3. A certified true copy of the minutes of all meetings of the Bridge Commission shall be filed with the Clerk of the Board within five (5) days of their adoption; and, be it

FURTHER RESOLVED that the Bridge Commission is directed to take the following actions:

1. The proposed annual budgets of the Bridge Commission shall be submitted to the New Jersey Department of Community Affairs and the the New Jersey Department of Transportation for their review and comment.

2. All future proposals for increases in tolls shall not be implemented until the Bridge Commission has held at least two (2) public hearings at a time and place generally convenient to the public. The second of such hearings shall be at least ten (10) days prior to the proposed effective date of the toll increase; and, be it

FURTHER RESOLVED unless otherwise modified by law, it shall be the policy of this Board, that prior to making appointments to the Burlington County Bridge Commission, that it shall invite the County Committee of the minority political party on this Board, or the party not represented as the case may be, to submit a list of five (5) qualified candidates for the position of Commissioner to the Burlington County Bridge Commission. The Board shall select one such qualified candidate from the list and appoint said person to the Commission. In the event no candidates' names are submitted in a timely manner, thirty (30) calendar days prior to the expiration of the term of the minority representative, this policy shall be waived and said appointment shall be made by the Board of Chosen Freeholders as otherwise provided below; and, be it

FURTHER RESOLVED that it is the policy of this Board to bring about confidence in the governmental institutions that are responsible for the public interest in Burlington County; and, be it

ADOPTED _____, 19 _____

CLERK

RESOLUTION

-3-

FURTHER RESOLVED that the Board acknowledges that this resolution is not binding as a matter of law upon the Bridge Commission, but the Board seeks the full cooperation of the Burlington County Bridge Commission in these efforts. This resolution shall be effective immediately.

Martha W. Bark
MARTHA W. BARK

ADOPTED

March 14

1990

Frederick F. Galdo
FREDERICK F. GALDO,

CLERK