

DELAWARE AND NEW JERSEY CONFEREES.

Joint report... to the governors of
both states relating to the discussion of
problems involving the Delaware River and
Bay area.

1959

~~DEPOSITORY COPY~~

~~Do Not Remove From Shelf~~

974.90

D343

1959

copy 2



JOINT REPORT
OF DELAWARE AND NEW JERSEY CON-
FEREES, TO THE GOVERNORS OF BOTH
STATES RELATING TO THE DISCUSSION
OF PROBLEMS INVOLVING THE DELA-
WARE RIVER AND BAY AREA WITH A
RECOMMENDED DRAFT COMPACT AND
COLLATERAL ENABLING LEGISLATION.

PROPERTY OF
RECEIVED
NOV 19 1959
Division of State Library
Archives and History
TRENTON

974.90
J343 Copy
1959

October 29, 1959

TABLE OF CONTENTS

	PAGE
CONFEREES.....	1
REPORT.....	2
OUTLINE OF COMPACT.....	6
SUMMARY OF COLLATERAL LEGISLATION.....	10
DELAWARE-NEW JERSEY COMPACT.....	13
DELAWARE ACT AUTHORIZING COMPACT.....	27
DELAWARE ACT PROVIDING FOR APPOINTMENT OF COMMISSIONERS, ETC.....	29
NEW JERSEY ACT AUTHORIZING COMPACT, APPOINTING COMMISSIONERS, ETC.....	33
CONGRESSIONAL JOINT RESOLUTION APPROVING COMPACT.....	37
DELAWARE ACT PROVIDING FOR TRANSFER OF THE DELAWARE MEMORIAL BRIDGE.....	39
CONGRESSIONAL ACT AMENDING PRESENT FEDERAL LEGISLATION RESPECTING THE DELAWARE MEMORIAL BRIDGE.....	43

Delaware Conferees

Garrett E. Lyons, Director, Interstate Highway Division,
Chairman

Senator Reynolds du Pont

Representative Joseph B. Walls

Clair J. Killoran, Esquire

James L. Latchum, Attorney for Division and Secretary for
Delaware Conferees

New Jersey Conferees

Senator John A. Waddington, Salem County, Chairman

Senator Charles W. Sandman, Cape May County

Assemblyman John W. Davis, Salem County

State Highway Commissioner Dwight R. G. Palmer

Vincent P. Biunno, Counsel to the Governor and Secretary for
New Jersey Conferees

REPORT.

To: Their Excellencies

J. CALEB BOGGS,
Governor of the State
of Delaware

and

ROBERT B. MEYNER,
Governor of the State
of New Jersey

The Conferees of the States of Delaware and New Jersey, whom each of you respectively appointed to discuss the pressing problems relating to the Delaware River and Bay area, have continued to meet from time to time during the past year and after extensive and careful study have concluded that certain recommended steps be taken by the two States to provide a means whereby the planning of essential development within the area may be carried on jointly by them in amicable cooperation.

Although the Conferees of both States were fully conscious of what appeared to be conflicting aims and desires of the two States, they were able in all instances to reconcile their apparent differences in the interest of the paramount need for closer bi-state cooperation in order to advance the economic development and to improve the transportation facilities within this vital area. Thus, it became evident from the very beginning that the most suitable mechanism would be an agency of the two States created by a formal compact between them. Accordingly, the effort has been to prepare a draft compact, together with collateral legislation, for consideration by the Legislatures of the two States. The complete text of the draft compact, the collateral legislation of both States and of the Congress is presented as a part of this report.

It is considered important that these materials be read for what they are, namely recommended or suggested drafts arrived at after long and extensive research and discussion. It is not to be understood that the Conferees have attempted in any way to bind the States by their discussions and agreement. Only the States themselves, acting through their established legislative processes, can reach a valid and binding agreement. What the Conferees have done is to explore the subject thoroughly and to establish a pattern which they believe to be a fair, reasonable and workable basis for legislative agreement and action.

It is hoped that this report will provide a full opportunity for review of the drafts so that the two Legislatures may decide the final course of agreement and action. For this reason, a sufficient number of copies is supplied to permit their distribution to all members of both Legislatures. In addition, it is recommended that copies be transmitted to all existing agencies whose functions may in any way touch upon the subject so that these agencies may provide the Legislatures with the benefit of their views if they so desire.

The text of the draft compact speaks for itself, of course, but it is believed that a brief summary of the background and of the contents of the material prepared in joint conference will be helpful to a more complete understanding.

Delaware and New Jersey share a common boundary along the Delaware River and Bay. In earlier times those waters afforded the major means of transportation between the States; but with the overshadowing importance of the train, motor vehicle and airplane, the same waters have tended to become a barrier or obstacle to modern interstate transportation. Neither State can hope, by itself, to provide bridges, tunnels, crossings or other facilities adequate to serve this increasingly important area without the full participation and agreement of the other; every such facility of necessity requires a terminus or installation in the other State. The Conferees are convinced, too, that bi-state efforts to deal with such matters should have a base broad enough to permit planning and operation for many years in the future. Transportation, by all forms and methods, must be dealt with in an integrated manner, and transportation is but a part of the larger task of dealing with common problems affecting the economic development and progress of the adjacent areas on both sides of the Delaware River and Bay.

Consequently, the Conferees have envisioned a single agency whose underlying objects would encompass the full breadth and scope of these inter-related aspects. It is their thought that this agency should be the *only* bi-state authority of the States of Delaware and New Jersey which will serve as the conduit or medium through which the two States may at all times act with respect to all matters of common interest to them.

No matter how far-seeing the Conferees may be, it is folly to think that they have anticipated all problems for all times. New

facets of problems, now not imaginable, are bound to arise in the future. For these, as they come to light, the Conferees urge that appropriate changes be made in the fundamental compact or collateral statutes to enable this same agency to deal with them. The Conferees are of the view that the two States should avoid endless multiplication of separate agencies to deal with single problems as they arise. That approach tends to develop agencies with a major interest in the special problems of each without any effective means of coordination of major policy questions and decisions.

A single agency, however, acting through divisions, can easily organize its work so that it may have the benefits which come from long acquaintance with specific problems, while subordinating the divisions at all times to a single, consistent, coordinated policy and plan agreeable to both States.

At the present time, the two States are connected by the Delaware Memorial Bridge, constructed by the State of Delaware and financed with revenue bonds. The legal basis for this bridge consists of separate enabling legislation in the two States and a Congressional enactment. This legislation is sufficient only to support the present bridge and the revenue financing in connection therewith.

Traffic studies and estimates indicate that within the immediate future it will be necessary to enlarge this crossing. The finances available at construction were insufficient to permit a design which would provide for physical enlargement of the present structure, either by the addition of lanes or double-decking. Accordingly, enlargement will be needed in the form of an adjacent bridge, perhaps to carry one-way traffic in conjunction with the present bridge.

This is the immediately foreseeable project with which the proposed agency will undoubtedly be concerned. Also envisioned as foreseeable, as traffic patterns establish the extent of the need and the financial success of the project, is the provision for a suitable connecting service, probably in the form of a ferry, across that part of the Delaware Bay which is too wide to permit the economic construction of a bridge.

However, because the Conferees were charged with the responsibility for proposing a long-term working arrangement between the States as well as proposing a plan for projects which are immediately

foreseeable, they included in the draft compact authority in the bi-state agency (1) to operate the present bridge, (2) to construct a second or additional crossings as needed, (3) to provide for a ferry as mentioned, and (4) to plan, develop and operate related transportation facilities and projects within those areas of both States which border on or are adjacent to the Delaware River and Bay south of the boundry line between Delaware and Pennsylvania as extended across the Delaware River to the New Jersey shore. Whether such new projects are ever undertaken at all will, of course, depend on the conclusions and actions of the bi-state agency after complete studies have been made and the ability to secure financing by revenue bonds has been determined.

Furthermore, in placing the responsibility for the selection of projects authorized by the compact in the bi-state agency, the Conferees recognized that its authority will be limited and regulated, of necessity, by (1) the financial feasibility of the project and hence its ability to borrow on its revenue bonds, (2) the requirement that all agency action be by a majority vote of the commissioners voting by States, (3) the subjection of the vote of the commissioners of each State to the veto by the Governor of their State, and (4) the need to secure approval of Federal officials for any project crossing the River or Bay. In addition, the compact prohibits the bi-state agency from undertaking any project, other than crossings, without first securing concurrent legislation.

Another feature should be mentioned. The Conferees deliberately avoided any attempt to establish hard and fast geographical limits to the bi-state activities within each State. The inclusion of entire counties, particularly in New Jersey, seemed to embrace a greater territory than presently foreseeable projects could involve. Moreover, the level of development in the area has not yet displayed patterns of activity with sufficient clarity to permit the fixing of a district boundary in terms of some specified distance above high water mark along the shores of the River and Bay, and any such attempt would likely prove, with time, to be wholly artificial.

Instead, the Conferees were of the view that the physical facts relative to each project would of themselves tend to regulate the geographical area within which the activities of the bi-state agency

would be conducted. The engineering requirements to be met by a bridge of some given height, taken together with accepted limits for gradient, for example, will of necessity decide how far inland the project installations need to go. Therefore, no need was seen for an attempt to deal with the more rigid geographical district technique, since that problem must be dealt with in the planning and designing of each project and will be controlled in large measure by the physical features in any event. Additionally, since the agency will be dealing only in matters of interest common to the two States, the area of actual activity will naturally be confined to those areas within both States which border on and are immediately adjacent to the Delaware River and Bay.

OUTLINE OF THE COMPACT:

In summary form the draft compact contains the following provisions:

PREAMBLE:

This recites the general considerations leading to the decision to create a bi-state agency.

ARTICLE I. Short title.

ARTICLE II. Defines terms used in compact.

ARTICLE III.

A pledge of faithful cooperation by the States in carrying out the objects of the compact.

ARTICLE IV.

Creates the agency and expresses its general purposes:

- (a) crossings over the Delaware River and Bay area between the two States and the necessary connections to highways;
- (b) transportation and terminal facilities within the areas of both States which border on or are adjacent to the River and Bay;

- (c) such other functions as are hereinafter entrusted to the agency by concurrent legislation of the States. Prohibits undertaking of any projects other than crossings without first securing concurrent legislative approval.

ARTICLE V.

Structure of the agency. This provides for 5 commissioners from each State, of whom not more than 3 shall be of the same political party. The method of appointment is left to the law of each State, but their terms to be for 5 years, with the first commissioners so appointed that the term of one will expire each year.

ARTICLE VI.

Agency action is to be taken by the commissioners acting as a board; but there must be a quorum of 3 from each State, and the affirmative vote of 3 commissioners from each State is required for action. The vote of any commissioner from a State is made subject to a veto by the Governor of that State.

ARTICLE VII.

General powers. These include:

1. Election of officers; the chairman and vice chairman are to be from different States, are to hold office for 2 years and the offices are to be alternated between the States;
2. Appointment or employment of its staff and employees;
3. Making of contracts;
4. Receipt and acquisition of property, including by eminent domain;
5. Borrowing money on revenue bonds or other obligations;

6. Making rules and regulations for the use of its facilities; coordinating these with the law of the two States;
7. Fixing the exact location, system and character of improvements or facilities which it may be authorized to deal with;
8. Exercising of powers reasonably necessary or incidental to its functions, not inconsistent with the Constitutions of the two States or of the United States, but expressly forbidding it any power to levy taxes or assessments.

ARTICLE VIII.

Provision for granting additional powers by subsequent legislation.

ARTICLE IX.

Exercise of the power of eminent domain, including the superior use to any previous public use and providing that the condemnation law pertaining to highway construction in each State shall control.

ARTICLE X.

Authorization to establish and collect tolls or other charges in connection with its facilities and projects; the amount to be at least sufficient to make the agency wholly self-supporting for operations, maintenance, debt service and retirement.

ARTICLE XI.

Covenant by the States with bondholders not to impair the power of the agency to fix and collect tolls so long as bonds are outstanding; and not to authorize construction of competing crossings over the River and Bay by other agencies.

ARTICLE XII.

Bonds and securities of the agency are made negotiable, lawful investments for banks, insurance companies, fiduciaries and others, and qualified for deposit.

ARTICLE XIII.

Agency and its bonds classified as tax exempt.

ARTICLE XIV.

Provision consenting to the jurisdictional use of land in the two States.

ARTICLE XV.

Provision for judicial review of agency's by-laws, rules and regulations and for the enforcement of its rules and regulations according to the law of each State.

ARTICLE XVI.

Express prohibition against pledging the credit or creating any debts of either State or its political subdivisions.

ARTICLE XVII.

Empowering the agency and other agencies, departments, political subdivisions and municipalities to cooperate in effecting the provisions of the compact.

ARTICLE XVIII.

Authorization for depositories as approved by the agency.

ARTICLE XIX.

Authorizes agency's police force.

ARTICLE XX.

Provides for reports and audits to the Governors and Legislatures of both States.

ARTICLE XXI.

Declares that the compact does not alter the existing State boundaries.

SUMMARY OF COLLATERAL LEGISLATION :

1. Delaware Act authorizing the compact and appointing agents to execute it and secure Congressional approval.
2. Delaware Act providing for (a) the appointment of the first Delaware commissioners, (b) the method of appointment of their successors, (c) the method of their removal, (d) the authorization for reimbursement of the commissioners' necessary expenses from revenues, (e) the continuing authority to secure Congressional approval of the compact, and (f) the procedure for the exercise of the Governor's veto power.
3. New Jersey Act providing for (a) the adoption of the compact, (b) the Governor's appointment of the New Jersey commissioners with Senate approval, (c) the execution of the compact and securing Congressional approval, (d) the determination of the effective date of the compact, (e) the procedure for the exercise of the Governor's power of veto, (f) the method of removal of New Jersey's commissioners, and (g) authorization for the reimbursement of commissioners' necessary expenses from revenues but prohibiting compensation for services to the agency, (h) authorizing the bi-state agency to accept transfer and operate The Delaware Memorial Bridge.
4. Congressional Joint Resolution approving the compact.
5. Delaware Act providing for the transfer of control of the present Delaware Memorial Bridge to the bi-state agency.
6. Congressional Act amending the present federal act governing tolls on the Delaware Memorial Bridge, to permit financing and construction of a new bridge and other projects commenced within 12 years and completed within 16 years of Congressional enactment.

In concluding, the Conferees wish to point out that during the past four years or more various representatives and officials of both

States, working together and separately, have attempted to establish a workable method for solving the several pressing problems involving the Delaware River and Bay area without avail. This joint report and its recommended compact and legislation represents the first time that groups from both States have been able to concur in a coordinated arrangement for solving these problems. No inference is intended that this task has been easy, yet it is sincerely believed that the plan represents the best and most reasonable pattern for a basis of agreement in putting to rest those problems immediately faced by the States and those anticipated in the more distant future. The Conferees are convinced that the individual aims and desires of each State have been fully recognized in the authority granted to the proposed bi-state agency to carry into execution those essential activities and projects which could not otherwise be accomplished by either State acting alone, and at the same time the operating procedure for bi-state cooperation under the compact and collateral legislation has been carefully drawn so as to fully preserve the independence, integrity and sovereignty of both States.

Respectfully submitted,

October 29, 1959

DELAWARE CONFEREES

Garrett E. Lyons, *Chairman*
Reynolds du Pont
Joseph B. Walls
Clair J. Killoran
James L. Latchum, *Secretary*

NEW JERSEY CONFEREES

John A. Waddington, *Chairman*
Charles W. Sandman
John W. Davis
Dwight R. G. Palmer
Vincent P. Biunno, *Secretary*

DELAWARE-NEW JERSEY COMPACT.

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

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

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

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

ARTICLE I.

SHORT TITLE.

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

ARTICLE II.

DEFINITIONS.

"Crossing" means any structure or facility adapted for public use in crossing the Delaware River or Bay between the States, whether by bridge, tunnel, ferry or other device, and by any vehicle

or means of transportation of persons or property, as well as all approaches thereto and connecting and service routes and all appurtenances and equipment relating thereto.

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

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

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

“Tunnel” means a tunnel of one or more tubes.

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

“Authority” means the Authority created by this Compact or any agency successor thereto.

The singular whenever used herein shall include the plural, and the plural shall include the singular.

ARTICLE III.

FAITHFUL COOPERATION.

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

ARTICLE IV.

ESTABLISHMENT OF AGENCY; PURPOSES.

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

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

(b) The planning, financing, development, construction, purchase, lease, maintenance, improvement and operation of any transportation or terminal facility within those areas of both States which border on or are adjacent to the Delaware River or Bay south of the aforesaid line and which in the judgment of the States is required for the sound economic development of the area; and

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

The Authority shall not undertake any project or part thereof, other than a crossing, without having first secured approval thereof by concurrent legislation of the two States expressly in implementation hereof.

ARTICLE V.

COMMISSIONERS.

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

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

ARTICLE VI.

BOARD ACTION.

The Commissioners shall have charge of the Authority's property and affairs and shall, for the purpose of doing business, constitute

a Board; but no action of the Commissioners shall be binding or effective unless taken at a meeting at which at least three Commissioners from each State are present, and unless at least three Commissioners from each State shall vote in favor thereof. The vote of any one or more of the Commissioners from each State shall be subject to cancellation by the Governor of such State at any time within 10 days (Saturdays, Sundays and public holidays in the particular State excepted) after receipt at the Governor's Office of a certified copy of the minutes of the meeting at which such vote was taken. Each State may provide by law for the manner of delivery of such minutes, and for notification of the action thereon.

ARTICLE VII.

GENERAL POWERS.

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

- a. To have perpetual succession.
- b. To adopt and use an official seal.
- c. To elect a chairman and a vice-chairman from among the commissioners. The chairman and vice-chairman shall be elected from different States, and shall each hold office for two years. The chairmanship and vice-chairmanship shall be alternated between the two States.
- d. To adopt by-laws to govern the conduct of its affairs by the Board of Commissioners, and it may adopt rules and regulations and may make appropriate orders to carry out and discharge its powers, duties and functions, but no by-law, or rule, regulation or order shall take effect until it has been filed with the Secretary of State of each State or in such other manner in each State as may be provided by the law thereof. In the establishment of rules, regulations and orders respecting the use of any crossing, transportation or terminal facility owned or operated by the Authority, including approach roads, it shall consult with appropriate officials of both States in order to insure, as far as possible, uniformity of such rules, regulations and orders with the law of both States.

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

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

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

h. To acquire (by gift, purchase or condemnation), own, hire, lease, use, operate and dispose of property, whether real, personal or mixed, or of any interest therein, including any rights, franchise and property for any crossing, facility or other project owned by another, and which the Authority is authorized to own and operate.

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

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

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

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

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

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

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

ARTICLE VIII.

ADDITIONAL POWERS.

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

ARTICLE IX.

EMINENT DOMAIN.

If the Authority shall find and determine that any property or interest therein is required for a public use because in furtherance of the purposes of the Authority, said determination shall not be

affected by the fact that such property has theretofore been taken over or is then devoted to a public use, but the public use in the hands or under the control of the Authority, shall be deemed superior to the public use for which it has theretofore been taken or to which it is then devoted.

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

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

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

ARTICLE X.

REVENUES AND APPLICATION.

The Authority is hereby authorized to establish, levy and collect such tolls and other charges as it may deem necessary, proper or desirable, in connection with any crossing, transportation or terminal

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

ARTICLE XI.

COVENANT WITH BONDHOLDERS.

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

ARTICLE XII.

SECURITIES LAWFUL INVESTMENTS.

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

ARTICLE XIII.

TAX STATUS.

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

obligations issued by the Authority, their transfer and the interest paid thereon or income therefrom, including any profit from a sale or exchange, shall at all times be free from taxation by either State or any subdivision thereof.

ARTICLE XIV.

JURISDICTION; USE OF LANDS.

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

ARTICLE XV.

REVIEW AND ENFORCEMENT OF RULES.

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

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

ARTICLE XVI.

NO PLEDGE OF CREDIT.

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

ARTICLE XVII.

LOCAL COOPERATION.

All municipalities, political subdivisions and every department, agency or public body of each of the States are hereby authorized

and empowered to cooperate with, aid and assist the Authority in effectuating the provisions of this Compact and of any amendment hereof or supplement hereto.

ARTICLE XVIII.

DEPOSITARIES.

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

ARTICLE XIX.

AGENCY POLICE.

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

ARTICLE XX.

REPORTS AND AUDITS.

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

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

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

ARTICLE XXI.

BOUNDARIES UNAFFECTED.

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

DELAWARE ACT AUTHORIZING COMPACT.

AN ACT AUTHORIZING DESIGNATED AGENTS ON BEHALF OF THE STATE OF DELAWARE TO EXECUTE A COMPACT WITH THE STATE OF NEW JERSEY FOR THE ESTABLISHMENT OF A BODY POLITIC TO BE KNOWN AS "THE DELAWARE RIVER AND BAY AUTHORITY", APPOINTING AGENTS TO EXECUTE SAID COMPACT ON BEHALF OF THE STATE OF DELAWARE AND DEFINING THE PURPOSES, POWERS AND DUTIES OF SUCH AUTHORITY.

BE IT ENACTED by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. Reynolds du Pont, Clair J. Killoran, Garrett E. Lyons and Joseph B. Walls, or any two of them, are hereby appointed agents for and on the part of the State of Delaware, with full power and authority of the State of Delaware, to enter into, execute, sign, seal and deliver, with the State of New Jersey, by and through the appropriate authorities designated by the Legislature of the State of New Jersey, a compact, known as the "Delaware-New Jersey Compact", in the form following, that is to say:

[Here include Compact]

SECTION 2. The said agents are hereby directed to execute, sign, seal and deliver the aforesaid compact as soon as possible after the effective date of this Act.

SECTION 3. The said compact, if signed, sealed and delivered by the designated agents of each State as herein provided and if consented to and approved by the Congress of the United States on or before July 1, 1960, shall take effect and become binding upon the State of Delaware on July 1, 1960; but if such Congressional consent shall not be given until after July 1, 1960, then the said Compact shall take effect on the date of such consent. Upon taking effect the

said Compact shall have the same force and effect of a statute within the State of Delaware and shall be filed in the office of the Secretary of State of the State of Delaware.

SECTION 4. If, by reason of death, resignation, failure to accept appointment or otherwise, a vacancy shall occur among the aforesaid agents herein appointed to enter into said Compact on behalf of the State of Delaware, the Governor shall have the power to fill any such vacancy.

SECTION 5. The Governor or the aforesaid agents or any of them shall have the power on behalf of the State of Delaware to apply to Congress of the United States for its consent to and approval of the aforesaid compact prior to or after the signing, sealing and delivery thereof.

SECTION 6. This Act shall take effect immediately.

**DELAWARE ACT PROVIDING FOR APPOINTMENT
OF COMMISSIONERS, etc.**

AN ACT APPOINTING COMMISSIONERS FROM THE STATE OF DELAWARE TO "THE DELAWARE RIVER AND BAY AUTHORITY" ESTABLISHED BY COMPACT BETWEEN THE STATES OF DELAWARE AND NEW JERSEY; PROVIDING FOR THE POWERS, TERMS, REMOVAL AND REIMBURSEMENT OF EXPENSES OF SAID COMMISSIONERS; PROVIDING FOR A VETO POWER BY THE GOVERNOR OVER THE COMMISSIONER'S ACTIONS; AND GRANTING SAID COMMISSIONERS POWER TO SECURE CONGRESSIONAL APPROVAL OF SAID COMPACT.

Be It Enacted by the Senate and House of Representatives of the State of Delaware In General Assembly Met:

SECTION 1. _____, _____,
_____, _____ and _____
are hereby appointed commissioners from the State of Delaware to "The Delaware River and Bay Authority" established by compact between the States of Delaware and New Jersey, entered into or about to be entered into, under the laws passed by the States of Delaware and New Jersey, authorizing such compact.

SECTION 2. Said Commissioners, herein appointed, shall hold office for the following terms:

- _____ until July 1, 1961
- _____ until July 1, 1962
- _____ until July 1, 1963
- _____ until July 1, 1964
- _____ until July 1, 1965.

Each commissioner from the State of Delaware shall continue to hold office after the expiration of the terms for which they are ap-

pointed and until their respective successors are appointed and qualified; but no period during which any such commissioner shall hold over shall be deemed to be an extension of his term of office for the purpose of computing the date on which his successor's term expires.

SECTION 3. After the expiration of the term of each commissioner and each succeeding commissioner, the Governor shall, by and with the advice and consent of the Senate, appoint a successor, who shall hold office for a term of five (5) years, or until his successor has been appointed and qualified.

SECTION 4. In the event a vacancy occurs in the office of a commissioner by death, resignation, removal or otherwise, the Governor shall, by and with the advice and consent of the Senate, appoint his successor, who shall hold office for the unexpired term.

SECTION 5. Any commissioner from the State of Delaware may be suspended or removed from office upon charges and after hearing by the Senate.

SECTION 6. No more than three (3) of the five (5) commissioners from the State of Delaware shall be of the same political party at any one time.

SECTION 7. For the period during which any commissioner shall hold office, he shall be entitled to reimbursement for any necessary expenses incurred on business of The Delaware River and Bay Authority, which shall be paid only from revenues received by the Authority and available for administrative expenses.

SECTION 8. The commissioners appointed pursuant to this Act shall have the authority, powers and duties and be subject to the limitations provided for herein and in the said compact between the two States, and together with the five (5) commissioners appointed from the State of New Jersey shall form and constitute "The Delaware River and Bay Authority" pursuant to said compact.

SECTION 9. Except as herein provided by this Act, no action taken at any meeting of The Delaware River and Bay Authority by a com-

missioner appointed from the State of Delaware shall have any force or effect until the Governor of the State of Delaware shall have an opportunity to approve or veto the same under the provisions of Article VI of the said Delaware-New Jersey Compact.

(a) For the purpose of procuring such approval or veto, the secretary or other officer of The Delaware River and Bay Authority in charge of the minutes of the proceedings of that body shall transmit to the Governor at the Governor's office in Dover a certified copy of the minutes of every meeting of The Delaware River and Bay Authority as soon after the holding of such meeting as such minutes can be written out. The Governor shall within ten (10) days (Saturdays, Sundays and public holidays of this State excepted) after such minutes shall have been received at the Governor's office aforesaid, cause the same to be returned to The Delaware River and Bay Authority either with his approval or his veto of any action therein recited as having been taken by any commissioner appointed from the State of Delaware, provided, however, that if the Governor shall not return the said minutes within the said period then at the expiration thereof any action therein recited will have full force and effect according to the wording thereof.

(b) If the Governor within the said period returns the said minutes with a veto against the action of any commissioner from Delaware as recited therein, then such action of said commissioner shall be null and void.

(c) The Governor may by order filed with the secretary of The Delaware River and Bay Authority relieve the commissioners from the duty of procuring his approval of their action upon any particular matter or class of matters, and thereupon the secretary or other officer in charge of the minutes of the proceedings of that body shall be relieved of reporting the same to him.

SECTION 10. If for any reason any provision of this Act shall be held by any court of competent jurisdiction to be unconstitutional or invalid, the same shall not be held to affect any other provision of this Act.

SECTION 11. The commissioners, herein named and appointed in Section 1 hereof, or any of them (notwithstanding that said Compact

may not have yet taken effect) shall have the power on behalf of the State of Delaware to apply to the Congress of the United States for its consent to and approval of the aforesaid compact and for an amendment of 60 Stat. 553 having the effect of eliminating the requirement that The Delaware Memorial Bridge shall become toll free upon payment of the outstanding revenue bonds. The power conferred by this section shall take effect immediately.

SECTION 12. Except as provided in Section 11 hereof, the other sections and provisions of this Act shall take effect (1) when the aforesaid Delaware-New Jersey Compact takes effect and becomes binding on the State of Delaware and (2) the State of New Jersey has enacted legislation having substantially indential effect with this Act, but if the Compact has already taken effect and the State of New Jersey has enacted substantially similar legislation as this Act, then all the provisions and sections of this Act shall take effect immediately.

**NEW JERSEY ACT AUTHORIZING COMPACT,
APPOINTING COMMISSIONERS, etc.**

AN ACT TO PROVIDE FOR AN INTERSTATE COMPACT WITH THE STATE OF DELAWARE TO ESTABLISH "THE DELAWARE RIVER AND BAY AUTHORITY," DEFINING THE PURPOSES, POWERS AND DUTIES THEREOF, EXERCISING CERTAIN POWERS THEREIN RESERVED TO THE STATE OF NEW JERSEY FOR THE ESTABLISHMENT AND OPERATION OF SAID AUTHORITY, AND PROVIDING FOR THE OPERATION OF THE DELAWARE MEMORIAL BRIDGE.

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

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

[Insert compact text here.].

2. The Commissioners for the State of New Jersey, provided for in Article V of the Compact set out in section 1 hereof, shall be appointed by the Governor with the advice and consent of the Senate. Immediately upon enactment of the act, the Governor may so appoint the first Commissioners for the State of New Jersey, notwithstanding that the said Compact may not have yet taken effect. The persons nominated by him to serve as the first Commissioners shall be authorized to sign duplicate originals of said Compact on the part of the State of New Jersey and to apply to Congress for such consent thereto as may be required by law, although they may not then have been confirmed or have taken their oath of office.

3. If the consent of Congress to the making of said Compact shall be given on or before July 1, 1960, the said Compact shall take effect on July 1, 1960; but if such consent shall be given after July 1, 1960 then the said Compact shall take effect on the date of such consent. The first Commissioners for New Jersey may take office on or after

the date on which the said Compact takes effect, but the designation of their terms so that the term of one such Commissioner shall expire each year shall be computed from July 1, 1960, notwithstanding that the Compact may not become effective until a later date.

4. Each Commissioner for the State of New Jersey shall be deemed a State officer and subject to investigation, inquiry and removal upon the same grounds and procedures as may be provided by the law of this State in the case of an officer or employee who receives his compensation from the State of New Jersey.

5. No Commissioner for the State of New Jersey shall receive any compensation for his services to the Authority, either from the revenues of the Authority or otherwise, but shall be entitled to reimbursement of necessary expenses out of revenues, as provided in said Compact.

6. As soon as possible after the taking of any action by the Commissioners of the Authority, they shall cause the minutes thereof to be prepared in writing and shall cause 3 copies thereof, duly certified as true copies by the Secretary, to be delivered to the Governor, either by handing the same personally to him or to some person in charge of his offices, or by mailing the same to him at his offices by certified mail, return receipt requested. They shall also cause 1 copy thereof to be similarly delivered to the Secretary of State. In the event that the Governor shall act to cancel the vote of any one or more of the Commissioners for the State of New Jersey, he shall sign a statement of cancellation, identifying the vote so cancelled by reference to the minutes where said vote appears, on or before the termination of the time provided for such action by Article VI of said Compact, and the said vote shall thereupon be deemed to be cancelled. At any time prior to the expiration of the time provided by said Compact for such cancellation, the Governor may sign a statement of approval of any such vote, in which case the vote so approved shall not thereafter be cancelled. Upon the signing of a statement of cancellation or approval, the Governor shall cause a true copy thereof to be delivered to the Secretary of the Authority by having the same handed to him personally or by mailing the same to him by certified mail, return receipt requested, and shall also cause a true copy thereof to be affixed to the copies of said minutes in his possession and to the copy in the possession of the Secretary of State.

Except as provided in this act, no action taken at any meeting of The Delaware River and Bay Authority by any Commissioner appointed from the State of New Jersey shall have any force or effect until the expiration of the period herein provided without cancellation by the Governor, or until his approval, whichever first occurs.

7. The Authority shall furnish for each year an independent audit of its fiscal affairs, in which items of current and capital nature shall be separately set forth, and shall cause 1 copy of the report on such audit to be delivered to the State Auditor and 3 copies to be delivered to the Governor.

8. The Authority shall, from and after the effective date of this act be the agent of the States of Delaware and New Jersey in connection with the construction, operation, maintenance, improvement and control of the said bridge which was constructed pursuant to legislation enacted in said States, being 45 Laws of Delaware, Chapters 274, 275 and 334, and P. L. 1946, Ch. 18 of the Laws of New Jersey, and commonly known as "The Delaware Memorial Bridge".

9. Subject to the rights of the holders of bonds heretofore or hereafter issued, as set forth in any applicable statute, resolution, indenture or other instrument, said Authority, as agent for said bridge, shall be deemed the successor, for all purposes touching the said bridge, of the Delaware Interstate Highway Division (successor to the Delaware State Highway Department), and shall thereafter deal with said bridge as a crossing as the same is defined in said Compact.

10. Upon first organizing, and to provide for an orderly transition, the Authority shall promptly arrange with the Delaware Interstate Highway Division for the preparation of an independent audit and accounting of its assets, liabilities and operations, and for the fixing of a date upon which the books and records of said Division shall be closed and from and after which the Authority shall undertake operation and control of the said bridge; and it shall at the same time provide for the assumption by it of all outstanding obligations of the said Delaware Interstate Highway Division for the con-

struction, maintenance, improvement and operation of the said bridge and for the acceptance by it of all personnel, maps, books, records, revenues, funds and other assets relating thereto.

11. If any term or provision of this act shall be determined to be in conflict with paramount law, such term or provision shall be enforced and effectuated to the extent that it is not so determined, and shall, in any event, be deemed severable from the remaining terms or provisions hereof.

12. Sections 2 and 11 of this act shall take effect immediately; and the remaining sections shall take effect upon the enactment by the State of Delaware of legislation for the entering into of the said Compact, for the transfer of the operation of the said bridge to the Authority, and upon the granting of the consent of Congress thereto and the enactment by the Congress of an amendment of 60 Stat. 533 to eliminate the present requirement for the cessation of tolls for the use of said bridge upon the payment of bonds presently outstanding; and if such legislation has already been enacted and such consent already given, then this act shall take effect immediately.

**CONGRESSIONAL JOINT RESOLUTION
APPROVING COMPACT.**

JOINT RESOLUTION GRANTING CONSENT OF CONGRESS TO A COMPACT ENTERED INTO BETWEEN THE STATE OF DELAWARE AND THE STATE OF NEW JERSEY FOR THE ESTABLISHMENT OF THE DELAWARE RIVER AND BAY AUTHORITY FOR THE DEVELOPMENT OF THE AREA IN BOTH STATES BORDERING THE DELAWARE RIVER AND BAY.

WHEREAS, the State of Delaware and the State of New Jersey, pursuant to legislative authority adopted by each State, have entered into a compact, known as the Delaware-New Jersey Compact, establishing "The Delaware River and Bay Authority" for the development of the area in both States bordering the said Delaware River and Bay; and

WHEREAS, the said compact provides:

(Here set forth Compact)

THEREFORE be it

RESOLVED by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent and approval of Congress is hereby given to the said compact, and to each and every part and article thereof: Provided, That nothing therein contained shall be construed as impairing or in any manner affecting any right or the jurisdiction of the United States in and over the area which forms the subject of said compact.

SECTION 2. That the right to alter, amend, or repeal this resolution is hereby expressly reserved.

**DELAWARE ACT PROVIDING FOR TRANSFER
OF THE DELAWARE MEMORIAL BRIDGE.**

AN ACT MAKING "THE DELAWARE RIVER AND BAY AUTHORITY" THE AGENT OF THE STATES OF DELAWARE AND NEW JERSEY WITH RESPECT TO THE CONTROL, OPERATION, MAINTENANCE AND REVENUES OF THE DELAWARE MEMORIAL BRIDGE AND PROVIDING FOR THE TRANSFER OF CONTROL OF SAID AGENT.

BE IT ENACTED by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. As used in this Act:

(a) "Authority" means "The Delaware River and Bay Authority", established by compact between the States of Delaware and New Jersey.

(b) "Bridge" means the "Delaware Memorial Bridge", its approaches, appurtenances, property, equipment, revenues and funds.

(c) "Compact" means the Delaware-New Jersey Compact.

SECTION 2. The Authority shall upon the effective date of this Act be the agent of the States of Delaware and New Jersey in connection with the construction, operation, maintenance, improvement and control of the said bridge which was constructed pursuant to legislation enacted by the States of Delaware and New Jersey and found in 45 Laws of Delaware, Chapters 274, 275, 334 and New Jersey Laws of 1946, Chapter 18.

SECTION 3. Except as herein provided, the Authority, as agent for said bridge, shall exercise, succeed to, perform and be bound by all the rights, powers, authority, duties and obligations, heretofore exercised by, performed by, or binding upon The Delaware Interstate Highway Division as successor to the Delaware State Highway Department in so far as they pertain to the said bridge.

SECTION 4. Such agent's control of the said bridge shall be subject to the rights of the holders of the outstanding Delaware Memorial Bridge Revenue Bonds of the State of Delaware, issued, or in the process of issue, prior to the effective date of this Act, under the authority of 45 Laws of Delaware, Chapter 275, as amended, and the State of Delaware covenants that the said bridge shall remain in the said agent's control so long as any of the said bonds shall remain outstanding or unpaid or until all said revenue bonds issued or in the process of issue under the authority of 45 Laws of Delaware, Chapter 275, as amended, have been paid in full or provision shall have been made for the payment thereof in the manner provided in the Indenture between the State Highway Department of the State of Delaware and Equitable Trust Company, dated June 1, 1948 and the Supplement Indentures thereto, dated June 1, 1951, January 2, 1952 and June 1, 1956.

SECTION 5. At such time as all the Delaware Memorial Bridge Revenue Bonds issued pursuant to 45 Laws of Delaware, Chapter 275, as amended, have been paid in full or provision has been made for payment thereof as provided in the Indenture securing said bonds, the Authority, as agent, shall continue to hold, control, operate, maintain and improve the said bridge as a crossing, transportation facility or project in accordance with the provisions of the Compact entered

into between the two States, establishing the said Authority, and the Authority as such agent shall deal with the bridge, its tolls and revenues as it is authorized, empowered and obligated to do by said Compact with respect to crossings, transportation facilities and projects as therein defined.

SECTION 6. In order to provide for an orderly transition of bridge operations, upon the effective date of this Act, the Authority shall promptly arrange with The Delaware Interstate Highway Division for the preparation of an independent audit and accounting of its assets, liabilities and operations, and for fixing a date upon which the books and records of the said Division shall be closed and from after which the Authority shall undertake operation and control of the said bridge; and it shall at the same time provide for the assumption of all outstanding obligations of The Delaware Interstate Highway Division for the construction, maintenance, improvement and operation of the said bridge and take over all personnel, maps, books, records, revenues, funds and other assets relating thereto.

SECTION 7. If any term or provision of this Act shall be declared unconstitutional or invalid in whole or in part by a court of competent jurisdiction, then to the extent that it is not unconstitutional or invalid, such term or provision shall be enforced and effectuated; and no such determination shall be deemed to invalidate the remaining terms or provisions hereof.

SECTION 8. This Act shall take effect upon the enactment into law by the State of New Jersey of legislation having an identical effect with this Act and upon the enactment by the Congress of the United States of an amendment of 60 Stat. 533 having the effect of eliminating the requirement that the bridge shall become toll free upon payment of the outstanding bonds; if the State of New Jersey and the Congress has enacted such legislation, this Act shall take effect immediately.

**CONGRESSIONAL ACT AMENDING PRESENT
FEDERAL LEGISLATION.**

A BILL

TO AMEND THE ACT ENTITLED "AN ACT AUTHORIZING THE STATE OF DELAWARE BY AND THROUGH ITS STATE HIGHWAY DEPARTMENT TO CONSTRUCT, MAINTAIN, AND OPERATE A TOLL BRIDGE ACROSS THE DELAWARE RIVER NEAR WILMINGTON, DELAWARE," APPROVED JULY 13, 1946.

BE IT ENACTED by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Act of July 13, 1946 (ch. 575; 60 Stat. 533), is hereby amended to read as follows:

"SEC. 3. The Delaware River And Bay Authority or its successor is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of the Army under the authority contained in the Act of March 23, 1906."

SEC. 2. Section 4 of the Act of July 13, 1946 (ch. 575; 60 Stat. 533) is hereby amended to read as follows:

"SEC. 4. The Delaware River And Bay Authority or its successor in fixing the rates of toll to be charged for the use of such bridge, shall from time to time adjust them, together with the rates of tolls and other charges made for the use of any other toll crossings, transportation or terminal facility, facilities or projects under, over, along or across the Delaware River and Bay between the States of Delaware and New Jersey, which it may be operating so as to provide a fund sufficient—

(a) to pay the reasonable cost of maintaining, repairing, improving and operating said bridge and such other toll crossings, terminal or transportation facility, facilities and projects and the approaches thereto under economical management;

(b) to pay the cost of constructing, reconstructing or improving all toll crossings, terminal or transportation facility, facilities and projects operated by The Delaware River and Bay Authority;

(c) to pay the principal of and the interest upon bonds issued for the cost of said bridge, toll crossings, terminal or transportation facility, facilities and projects, including bonds issued to refund such bonds at or prior to maturity and financing costs; and

(d) to provide operating and debt service reserve funds of such character and amount as The Delaware River and Bay Authority or its successors shall determine to be necessary to insure the proper maintenance of the bridge and other toll crossings, terminal or transportation facility, facilities and projects and to protect the holders of bonds issued to finance the cost of said bridge, toll crossings, terminal or transportation facility, facilities and projects.”

SEC. 3. Section 5 of the Act of July 13, 1946 (ch. 575, 60 Stat. 533) is hereby amended to read as follows:

“SEC. 5. The Delaware River And Bay Authority, or its successor, is hereby authorized to construct, maintain and operate additional toll crossings, terminal or transportation facility, facilities and projects under, over, along or across the Delaware River and Bay between the States of Delaware and New Jersey in accordance with the provisions of an Act entitled ‘An Act to regulate the construction of bridges over navigable waters’, approved March 23, 1906, and subject to the approval of the location, navigational clearances, and other design features of such bridges, crossings, transportation or terminal facility, facilities and projects by the Secretary of the Navy concurrently with the Secretary of Army and Chief of Engineers. In addition to the powers granted to The Delaware River and Bay Authority by the laws of the States of Delaware and New Jersey there is hereby conferred upon said Authority, or its successor all such rights and powers to enter upon land and acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, improvement, maintenance and operation of such additional crossings, terminal or transportation facility, facilities and projects over, under, along or across the Delaware River and Bay as are possessed by railroad corporations for railroad pur-

poses in the State in which such real estate or other property is situate, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes of such State.”

SEC. 4. The authority herein granted for the construction of additional crossings, terminal or transportation facility, facilities and projects under, over, along and across the Delaware River and Bay between the States of Delaware and New Jersey shall cease and be null and void unless the actual construction of such crossings, terminal and transportation facility, facilities and projects shall be commenced within twelve years and completed within sixteen years from the date of passage of this Act.

SEC. 5. The right to alter, amend or repeal this Act is hereby expressly reserved.