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Delaware River Joint
Commission of Pennsylvania

Report of the Delaware River
Joint Commission of

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REPORT
OF
THE DELAWARE RIVER JOINT
COMMISSION
OF
PENNSYLVANIA AND NEW JERSEY

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PROGRAM FOR DEVELOPMENT
OF
THE DELAWARE RIVER PORT
JANUARY, 1949

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REPORT
—
of
The Delaware River Joint Commission
of
Pennsylvania and New Jersey
to the
Governors and Legislatures
of the
Commonwealth of Pennsylvania
and the
State of New Jersey
on a

Program for the development of the navigable section of the Delaware River and its ports, in order to increase its commerce; as well as recommendations as to the need for and advisability of constructing additional tunnels or bridges across the Delaware River from Trenton, New Jersey and Morrisville, Pennsylvania to the Delaware Bay.

JAMES H. DUFF, *Chairman*
BERNARD SAMUEL
G. HAROLD WAGNER
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EDWIN R. COX
ALVIN A. SWENSON
CLARENCE TOLAN, JR.
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ALLEN S. HATCHER

JOSEPH K. COSTELLO, *Secretary-General Manager*

HORACE J. STRADLEY, *Treasurer*

HARRY B. VAUGHAN, JR., *Port Survey Engineer*

COUNSEL

AUGUSTUS F. DAIX, 3RD

BRUCE A. WALLACE

TO THE HONORABLE: THE GOVERNORS AND THE LEGISLATURES OF THE COMMONWEALTH OF PENNSYLVANIA AND THE STATE OF NEW JERSEY.

The purpose of this report is to fulfill the requirements of the directives received June, 1947, from the Legislatures of the Commonwealth of Pennsylvania and the State of New Jersey.

The instructions contained in the directives of said Acts allot two missions to the Commission: that of formulating a specific action program for the promotion of the Delaware River Port; and that of reporting upon the need for and advisability of constructing additional tunnels or bridges across the Delaware River from Trenton, New Jersey and Morrisville, Pennsylvania to the Delaware Bay.

To obtain all available data relative to the problems of the Port, the Commission retained The Knappen-Tippetts-Abbett Engineering Company of New York, to make preliminary and final surveys, at a cost to the Commission of \$179,500. A copy of the final Knappen Report is appended.

PROGRAM

The Commission is of the opinion that any formula for a specific action program for the Delaware River Port should contain the following elements:

- (1) A plan for the administration of State regulations affecting the Port and its activities; as well as a plan for the promotion of the Delaware River Port to further the improvement of commerce and prosperity of the Port District area.
- (2) The designation of a bi-state agency as a Port Authority to provide stable and efficient management.
- (3) A grant of the powers by the Legislatures of Pennsylvania and New Jersey which are necessary to carry out the plan.
- (4) Financing Port Authority Activities.
- (5) Operations of the Port Authority.
- (6) Promotion of commerce.

PLAN

That the Commonwealth of Pennsylvania and the State of New Jersey modify the Interstate Compact of July 1, 1931, approved by the 72nd Congress June 14, 1932, appointing The Delaware River Joint Commission so as: (1) to change the name of the Commission to that of The Delaware River Joint Commission Port Authority; (2) to create a Port District to embrace the territorial limits of the five Pennsylvania Counties of Bucks, Philadelphia, Montgomery, Delaware and Chester; and the nine New Jersey Counties of Mercer, Burlington, Camden, Gloucester, Salem, Cumberland, Cape May, Ocean and Atlantic; (3) to give The Delaware River Joint Commission Port Authority jurisdiction over the district and to endow it with the powers to administer and coordinate its Port District activities; (4) to bestow on the Authority broad and extensive powers to engage in activities directly or indirectly connected with the Port which further the interests of the States.

LEGISLATION

The proposed legislation modifying the Acts of 1931 should be broad in scope so as to give the Authority sufficient power to engage in all activities in the Port District which are either directly or indirectly connected with the Delaware River Port.

Since the Authority will be entering into a field of larger and more diversified operations than the Commission has been engaged in during its existence, it therefore must be sure that the recommended legislation provides all the powers needed to carry out its new responsibilities.

One of the important provisions of the required legislation is to transfer jurisdiction now exercised by many state agencies to the Authority, and give the Authority the right to negotiate with County and Municipal Governments for the releasing of their duties to the Authority when it is considered advantageous to all concerned.

For the reasons cited above, a proposed bill is made a part of this report. The bill, if passed, will provide the additional powers which are required to establish the Delaware River Joint Commission as a Port Authority and allow it to carry out a comprehensive plan for the development and promotion of the Port and obviate the necessity of returning to the Legislatures for approval for each individual part of the program.

The Delaware River Joint Commission is the only existing bi-state public agency in the proposed Port District, which is self-financing, and for this reason, and on account of its experience, it is considered the logical control agency to administer the Port and its activities.

No change in the number of members on the Commission from each State, nor the length of term of five years of each is considered necessary. It is recommended that the members be appointed by the Governors under the law of the respective States and that the appointment of ex-officio members be discontinued.

The Commission is of the opinion that the State of Delaware should be invited to participate in the Authority after organization.

ADMINISTRATION AND OPERATIONS

There are three Port activities in which the Port Authority will be engaged from the beginning, namely: (1) the administration of regulations now supervised by other agencies; (2) promotion of the Delaware River Port; (3) continuance of the operation of the Delaware River Bridge.

The Commission has studied many Port and Port-related activities in connection with the preparation of this report. Their need and whether they are economically sound projects for the Authority to undertake will be finally determined as time and circumstances permit.

However, under no circumstances will the Authority undertake any new enterprises other than those named above until its own organization has made further investigations to determine which activities are most needed.

The more important activities which have been investigated are listed below, but not in order of priority, nor is the Commission recommending them as self-liquidating and desirable ventures for the Authority to engage in without further investigation:

VEHICULAR CROSSINGS OF THE DELAWARE RIVER

The Commission has made investigations and studies to determine the need for additional crossings of the Delaware River. Based on an 'origin and destination' survey made in 1947 by the Highway Departments of the States of Pennsylvania and New Jersey, in conjunction with the United States Public Roads Administration, and the assistance of the Cities of Philadelphia and Camden, there is sufficient indication that an additional crossing of the Delaware River below the Delaware River Bridge would be desirable now and become imperative within the next decade.

The Engineers retained by the Commission to make a detailed survey report that the origin and destination demands of the public point to the greatest need for a bridge joining South Philadelphia with Gloucester City, at an estimated cost of \$43,000,000.

The Commission is now expending \$3,000,000 for the widening of the Delaware River Bridge roadway from six to eight lanes. This will increase the capacity of the bridge to 28,000,000 vehicles annually. In 1948, vehicles totalled 19,227,246. Assuming the present growth of bridge traffic continues, the 28,000,000 volume most likely will be attained seven or eight years hence. The approaches now under construction in Philadelphia will be adequate for the increased traffic. The approaches in Camden, however, will present a problem, as they are inadequate.

Particular consideration was given that part of the Knappen report wherein it was stated that a new bridge and certain other projects could not be financed and operated with less than a twenty-five cent toll. The Commission charges a twenty-cent toll and a fifteen-cent commuter's ticket on the Delaware River Bridge.

The Commission concludes and recommends as follows:

That the Governor and the Legislature of the State of New Jersey advance the program of the north-south highway and start work on the Camden end so that the approaches to the Delaware River Bridge can accommodate the increased traffic when the bridge widening has been completed.

That the Authority be authorized and empowered to build a bridge to be owned jointly by the Commonwealth of Pennsylvania and the State of New Jersey, across the Delaware River between South Philadelphia and Gloucester City, including its approaches and additions, at such time as the Authority, in its judgment, may deem it advisable and economically feasible, without regard to any limitation of time as to the building of said bridge; that the said bridge shall be operated and maintained by this Authority after its construction is completed.

BELT LINE RAILROAD

The Commission records its appreciation of the need of developing the Belt Line Railroad as a means of promoting commerce of the Port and recommends that this project be included in the list of prospective improvements to be undertaken by the Commission.

RAPID TRANSIT LINES IN NEW JERSEY

While this Commission fully recognizes the desirability of extending high-speed rail transportation facilities between Philadelphia and communities in South Jersey, it must be noted that it does not have the financial resources required to construct and operate this improvement. Three out of four engineering reports on the subject have shown that substantial deficits will be incurred over a period of years. The Commission favors extending the high-speed line but is convinced, after careful examination of the project, that it must be subsidized by the State of New Jersey or some other agency.

MODIFICATION OF EXISTING PIERS

The Commission recommends that the Authority be empowered to lease piers owned by the City of Philadelphia and South Jersey Port Commission upon terms to be agreed upon by the Authority and the owners, to make improvements thereon and to operate the piers in the interests of promoting commerce of the Port.

MARINE TERMINAL

A modern terminal with mechanical means of loading, unloading and storing of cargo, backed up by adequate warehouse space and supported by good communications, both rail and highway, would be a most valuable asset for the Port. The estimated cost of this project is \$35,200,000.

The Commission recommends further investigation after the Authority is created if satisfactory arrangements for the leasing of piers owned by the City of Philadelphia and South Jersey Port Commission are not consummated.

MOTOR TRUCK TERMINALS

The Motor Truck Terminal operation provides many advantages to the community which it would be difficult to value on a monetary basis.

One terminal would reduce materially the traffic on streets. If three were built,—one each in Camden, Northeast and Southwest Philadelphia,—the resulting reduction in traffic congestion would speed-up the movement of vehicles over the streets.

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This project, which is discussed in detail in the Knappen report, is included in the list of prospective improvements to be undertaken by the Authority.

ACQUISITION OF BRIDGES

In developing a plan for the improvement of the Port, our Engineers had included the earnings of the Tacony-Palmyra and the Burlington-Bristol Bridges to be acquired by the State of New Jersey and placed under operation of this Commission. Legal action is now pending to restore to the State its right to assume the ownership of these structures. This Commission recommends that every effort be made to carry out this plan, and that no agency other than the Authority be permitted to exercise any regulatory power over the construction of additional crossings of the Delaware River within the Port area.

ELIMINATION OF POLLUTION

The Commission recognizes that the pollution of the Delaware and Schuylkill Rivers is a detriment to the growth of the Port and pledges itself to aid and encourage the present program of elimination and to resist actively any attempt to hinder or retard the progress of this improvement and this Commission urges the Legislatures to carry on the campaign without delays or postponements.

FINANCING

The Commission will undertake financing of needed activities in the Port District from time to time. The financing must depend on the treasury position of the Commission and its credit, as a means of obtaining money through the sale of bonds. As of January 1, 1949, the Commission's outstanding indebtedness was \$25,750,000. The present bond indenture prevents the Commission placing any additional lien upon the revenues of the Bridge.

No increase in tolls is contemplated for use of the Delaware River Bridge.

When created, the Authority will be engaged in the administration of the regulations of the Port; promotion of commerce; operation of the Delaware River Bridge and of such other projects as may be initiated. Expenditures will be made for these purposes.

PROMOTION

A Development Department of the Authority should assume the leadership in promotion of the Port to increase its commerce. Investigation and planning should be prosecuted thoroughly and diligently to provide the proper service.

The Commission, acting under the authority contained in the Interstate Compact of 1931, has appropriated the amount of \$100,000 for expenditure in 1949 to promote increased commerce on the Delaware River by publicity and such other means as may be deemed appropriate.

The Commission recognizes the importance of furthering the interests of the Delaware River Port as an essential contribution to the welfare of the people of Pennsylvania and New Jersey.

THE DELAWARE RIVER JOINT COMMISSION

By ARTHUR C. KING.
Vice-Chairman.

JOSEPH K. COSTELLO,
Secretary.
January 26, 1949.

Appendix A

PROPOSED PENNSYLVANIA ACT CREATING PORT AUTHORITY

An Act authorizing the Governor on behalf of the Commonwealth of Pennsylvania to enter into a supplemental compact or agreement with the State of New Jersey, amending, revising, adding and repealing certain sections of Articles I, II, IV, XII and adding XIII, to the compact and agreement between the Commonwealth of Pennsylvania and the State of New Jersey authorized by and made pursuant to an act entitled "An act providing for joint action by Pennsylvania and New Jersey in the development of the ports on the lower Delaware River, and the improvement of the facilities for transportation across the river; authorizing the Governor, for these purposes, to enter into an agreement with New Jersey; creating The Delaware River Joint Commission and specifying the powers and duties thereof; including the power to finance projects by the issuance of revenue bonds; transferring to the new commission all the powers of The Delaware River Bridge Joint Commission; and making an appropriation," approved June twelfth, one thousand nine hundred and thirty-one (Pamphlet Laws 200), by changing the name of The Delaware River Joint Commission to The Delaware River Joint Commission Port Authority, by having all members appointed by the Governors of Pennsylvania and New Jersey, by extending the jurisdiction, powers and duties of the said The Delaware River Joint Commission Port Authority and defining such additional jurisdiction, powers and duties; to take effect upon the enactment of substantially similar legislation by the State of New Jersey embodying the supplemental agreement between the two States in this act set forth, and authorizing the Governor to apply, on behalf of the Commonwealth of Pennsylvania, to the Congress of the United States for its consent thereto.

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

1. The Governor is hereby authorized to enter into a supplemental compact or agreement, on behalf of the Commonwealth of Pennsylvania, with the State of New Jersey, amending and supplementing the compact or agreement between the Commonwealth of Pennsylvania and the State of New Jersey and repealing certain sections thereof entitled "Agreement between the State of New Jersey and the Commonwealth of Pennsylvania creating The Delaware River Joint Commission as a body corporate and politic and defining the powers and duties," which was executed on behalf of the Commonwealth of Pennsylvania by its Governor on July first, one thousand nine hundred and thirty-one, and on behalf of the State of New Jersey by the New Jersey Interstate Bridge Commission by its members on July first, one thousand nine hundred and thirty-one, and which was consented to by the Congress of the United States by Public Resolution No. 26, being Chapter 258 of the Public Laws, 72nd Congress, approved June fourteenth, one thousand nine hundred and thirty-two which supplemental compact and agreement shall be in substantially the following form:

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

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

(1) Article I of the said agreement between the Commonwealth of Pennsylvania and the State of New Jersey creating The Delaware River Joint Commission as a body corporate and politic and defining its powers and duties, which was executed on behalf of the Commonwealth of Pennsylvania by the Governor on July first, one thousand nine hundred and thirty-one, and on behalf of the State of New Jersey by the New Jersey Interstate Bridge Commission by its members on July first, one thousand nine hundred and thirty-one, and which was consented to by the Congress of the United States by Public Resolution No. 26, being Chapter 258 of the Public Laws, 72nd Congress, approved June fourteenth, one thousand nine hundred and thirty-two, is amended to read as follows:

Article I

The body corporate and politic, heretofore known as The Delaware River Joint Commission hereby is continued under the name of The Delaware River Joint Commission Port Authority (hereinafter in this agreement called the "commission"), which shall constitute the public corporate instrumentality of the Commonwealth of Pennsylvania and the State of New Jersey when exercising any of the following public pur-

poses and which shall be deemed to be exercising an essential governmental function in effectuating such purposes, to wit:

a. The operation and maintenance of the bridge, owned jointly by the two States across the Delaware River between the City of Philadelphia in the Commonwealth of Pennsylvania and the City of Camden in the State of New Jersey, including its approaches, and the making of additions and improvements thereto.

b. The effectuation, establishment, construction, operation and maintenance of railroad or other facilities for the transportation of passengers across the said bridge, including extensions thereof, to the vicinity of Race Street, and Eighth Street in the City of Philadelphia and to the vicinity of Carman Street and Haddon Avenue in the City of Camden.

c. The improvement and development of the Port District by or through the acquisition, construction, maintenance, operation, in whole or in part, of any and all projects for the improvement and development of the Port District or incidental thereto, either directly by purchase, lease or contract, or by lease or agreement with any other public or private body or corporation.

d. Co-operation with all other bodies interested or concerned with, or affected by, the promotion, development or use of the Delaware River and the Port District.

e. The procurement from the government of the United States of any consents which may be requisite to enable any project within its powers to be carried forward.

f. The promotion as a highway of commerce of the Delaware River.

g. The promotion of increased passenger and freight commerce on the Delaware River and for such purpose the publication of literature and the adoption of any other means as may be deemed appropriate.

h. The petitioning of any interstate commerce commission, public service commission, public utilities commission, or any similar body, or any other federal, municipal, state or local authority, administrative, judicial, or legislative, having jurisdiction in the premises, for the adoption and execution of any physical improvement, change in method, rate of transportation, system of handling freight, warehousing, docking, lightering or transfer of freight, which, in the opinion of the commission, may be designed to improve or better the handling of commerce in and through the Port District, or to improve terminal and transportation facilities therein. The commission may apply to intervene in any legal or other proceeding affecting the commerce of the Port District. In any such case, the commission may be represented by its counsel or such other counsel as it shall designate.

i. The regulation subject to the paramount jurisdiction of the Federal government of the navigable waters of that part of the Delaware River which is within the Port District, including the right to establish anchorages, harbor lines, pier head lines and bulkhead lines, together with any and all necessary and incidental powers to such regulation. The commission shall have power to make and promulgate such regulation and provide for the issuance of permits and the fees therefor and for the enforcement of said regulation. The commission shall also act as and perform the functions and duties of harbor master in respect to scheduling the use of wharves, piers and anchorages by ships and generally controlling the movements of ships in the Delaware river in the said Port District.

j. The performance of such other functions which may be of mutual benefit to the Commonwealth of Pennsylvania and the State of New Jersey in so far as concerns the promotion and development of the Port District and the use of its facilities by commercial vessels.

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

Article II

The commission shall consist of sixteen commissioners, eight resident voters of the Commonwealth of Pennsylvania and eight resident voters of the State of New Jersey.

The present members of the commission shall continue to serve, respectively, as commissioners until the expiration of their terms and until their successors shall be appointed and qualify.

The commissioners for the State of New Jersey shall be appointed by the Governor, with the advice and consent of the Senate, for terms of five years; and in case of a vacancy occurring in the office of commissioner during a recess of the Legislature, it may be filled by the Governor by an ad interim appointment which shall expire at the end of the next regular session of the Senate unless a successor shall be sooner appointed and

qualify and, after the end of the session, no ad interim appointment to the same vacancy shall be made unless the Governor shall have submitted to the Senate a nomination to the office during the session and the Senate shall have adjourned without confirming or rejecting it and no person nominated for any such vacancy shall be eligible for an ad interim appointment to such office if the nomination shall have failed of confirmation by the Senate.

The eight commissioners for the Commonwealth of Pennsylvania shall be appointed by the Governor for terms of five years.

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

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

Article IV

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

- a. To have perpetual succession.
- b. To sue and be sued.
- c. To adopt and use an official seal.
- d. To elect a chairman, vice chairman, secretary and treasurer, and to adopt suitable by-laws for the management of its affairs. The Secretary and Treasurer need not be members of the commission.
- e. To appoint such other officers and such agents and employees as it may require for the performance of its duties and fix and determine their qualifications, duties and compensation.
- f. To enter into contracts.
- g. To acquire, own, hire, use, operate and dispose of personal property.
- h. To acquire, own, use, lease, operate, mortgage and dispose of real property and interests in real property, and to make improvements thereon.
- i. To grant by franchise, lease or otherwise, the use of any property or facility owned or controlled by the commission and to make charges therefor.
- j. To borrow money upon its bonds or other obligations either with or without security.
- k. To exercise the right of eminent domain within the Port District.
- l. To determine the exact location, system and character of and all other matters in connection with any and all improvements or facilities which it may be authorized to own, construct, establish, effectuate, operate or control.
- m. In addition to the foregoing, to exercise the powers, duties, authority and jurisdiction heretofore conferred and imposed upon the aforesaid The Delaware River Joint Commission by the Commonwealth of Pennsylvania or the State of New Jersey, or both of the said two States; and
- n. To exercise all other powers not inconsistent with the constitutions of the two States or of the United States, which may be reasonably necessary or incidental to the effectuation of its authorized purposes or to the exercise of any of the foregoing powers, except the power to levy taxes or assessments, and generally to exercise in connection with its property and affairs, and in connection with property within its control, any and all powers which might be exercised by a natural person or a private corporation in connection with similar property and affairs.

The commission shall have full power and authority to acquire, purchase, construct, lease, operate, maintain and undertake any project, including terminal, terminal facility, transportation facility, or any other facility of commerce and to make charges for the use thereof. The commission is authorized to make expenditures anywhere in the United States and foreign countries, to pay commissions, and hire or contract with experts and consultants, and otherwise to do indirectly anything which the commission may do directly.

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

(4) Article XII of said Agreement is amended to read as follows:

Article XII

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

(5) Add to said Agreement a new Article to be entitled, and to read, as follows:

Article XIII

The following words as herein used shall have the following meanings:

1. "Port District" shall include the counties of Bucks, Chester, Delaware, Montgomery and Philadelphia in Pennsylvania and the counties of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Ocean and Salem in New Jersey, excluding however, therefrom the area north of the stone arch bridge of the Pennsylvania Railroad from Trenton to Morrisville, Pennsylvania.

"Terminals" shall include marine, motor truck, railroad, air and bus terminals, also coal, grain and lumber terminals and union freight and all terminals used in connection with the transportation of passengers and freight.

"Transportation facility" shall include railroads operated by steam, electricity or other power, rapid transit lines, motor trucks, buses, or other street or highway vehicles, tunnels, bridges, airports, boats, ferries, carfloats, lighters, tugs, floating elevators, barges, scows or harbor craft of any kind, aircraft, and every kind of transportation facility now in use or hereafter designed for use for the transportation of passenger and freight.

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

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

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

"Real property" shall include land under water, as well as uplands, and all property either now commonly, or legally, defined as real property, or which may hereafter be so defined.

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

"To lease" shall include to rent or to hire.

"Rule or regulation," until and unless otherwise determined by the Legislatures of both States, shall mean any rule or regulation not inconsistent with the Constitution of the United States or of either State, and subject to the exercise of the power of Congress, for the improvement of the conduct of navigation and commerce within the Port District and shall include charges, rates, rentals or tolls fixed or established by the commission.

"Plural or singular." The singular wherever used herein shall include the plural.

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

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

3. The Governor is hereby authorized to apply on behalf of the Commonwealth of Pennsylvania to the Congress of the United States for its consent and approval of such supplemental compact or agreement.

4. Nothing contained in this act, nor in the said supplemental compact or agreement, shall be deemed to affect any contract, agreement or obligation heretofore entered into or created by the commission, and any and all agreements, contracts or obligations of the commission shall be assumed and performed by The Delaware River Joint Commission Port Authority, as fully and to the same extent as required by the terms thereof to be performed by the commission.

5. Any and all statutes or parts of statutes inconsistent with the provisions of this act and of the said supplemental compact or agreement are repealed.

6. Except where specifically amended or repealed by this Act the provisions of the Agreement authorized by Act No. 200 of the Legislature of Pennsylvania approved June 12, 1931 are maintained in full force and effect.

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

8. This act shall become effective immediately upon its approval by the Governor and the passage by the State of New Jersey of a substantially similar act embodying the supplemental compact or agreement between the two states hereinabove set forth.

Appendix B

PROPOSED NEW JERSEY ACT CREATING PORT AUTHORITY

An Act authorizing the Governor on behalf of the State of New Jersey to enter into a supplemental compact or agreement with the Commonwealth of Pennsylvania, amending Article I, II, IV and XII of, and adding a new Article to be known as Article XIII, to the compact and agreement between the State of New Jersey and the Commonwealth of Pennsylvania authorized by and made pursuant to an act entitled "An act providing for joint action by Pennsylvania and New Jersey in the development of the ports on the lower Delaware River and the improvement of the facilities for transportation across the said river; authorizing the New Jersey Interstate Bridge Commission on behalf of the State of New Jersey for these purposes to enter into an agreement with the Commonwealth of Pennsylvania creating The Delaware River Joint Commission and specifying the powers and duties thereof, including the power to finance projects by the issuance of revenue bonds; transferring to the new commission all the powers of The Delaware River Bridge Joint Commission and making an appropriation," approved June thirtieth, one thousand nine hundred and thirty-one (P. L. 1931, c. 391), by changing the name of The Delaware River Joint Commission to The Delaware River Joint Commission Port Authority, by changing the method of appointment of the commissioners for the State of New Jersey, by extending the jurisdiction, powers and duties of said The Delaware River Joint Commission Port Authority and defining such additional jurisdiction, powers and duties; to take effect upon the enactment of substantially similar legislation by the Commonwealth of Pennsylvania embodying the supplemental agreement between the two States in this act set forth, and authorizing the Governor to apply, on behalf of the State of New Jersey, to the Congress of the United States for its consent thereto, and repealing Chapter four hundred forty-three of the Laws of one thousand nine hundred and forty-eight, approved October twentieth, one thousand nine hundred and forty-eight (P. L. 1948, c. 443).

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

1. The Governor is hereby authorized to enter into a supplemental compact or agreement, on behalf of the State of New Jersey, with the Commonwealth of Pennsylvania, amending and supplementing the compact or agreement between the Commonwealth of Pennsylvania and the State of New Jersey entitled "Agreement between the Commonwealth of Pennsylvania and the State of New Jersey creating The Delaware River Joint Commission as a body corporate and politic and defining its powers and duties," which was executed on behalf of the Commonwealth of Pennsylvania by its Governor on July first, one thousand nine hundred and thirty-one, and on behalf of the State of New Jersey by the New Jersey Interstate Bridge Commission by its members on July first, one thousand nine hundred and thirty-one, and which was consented to by the Congress of the United States by Public Resolution No. 26, being Chapter 258 of the Public Laws, 72nd Congress, approved June fourteenth, one thousand nine hundred and thirty-two which supplemental compact and agreement shall be in substantially the following form:

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

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

(1) Article I of the said agreement between the Commonwealth of Pennsylvania and the State of New Jersey creating The Delaware River Joint Commission as a body corporate and politic and defining its powers and duties, which was executed on behalf of the Commonwealth of Pennsylvania by the Governor on July first, one thousand nine hundred and thirty-one, and on behalf of the State of New Jersey by the New Jersey Interstate Bridge Commission by its members on July first, one thousand nine hundred and thirty-one, and which was consented to by the Congress of the United States by Public Resolution No. 26, being Chapter 258 of the Public Laws, 72nd Congress, approved June fourteenth, one thousand nine hundred and thirty-two, is amended to read as follows:

Article I

The body corporate and politic, heretofore known as The Delaware River Joint Commission hereby is continued under the name of The Delaware River Joint Commission Port Authority (hereinafter in this agreement called the "commission"), which shall constitute the public corporate instrumentality of the Commonwealth of Pennsylvania and the State of New Jersey when exercising any of the following public purposes and which shall be deemed to be exercising an essential governmental function in effectuating such purposes, to wit:

a. The operation and maintenance of the bridge, owned jointly by the two States across the Delaware River between the City of Philadelphia in the Commonwealth of Pennsylvania and the City of Camden in the State of New Jersey, including its approaches, and the making of additions and improvements thereto.

b. The effectuation, establishment, construction, operation and maintenance of railroad or other facilities for the transportation of passengers across the said bridge, including extensions thereof, to the vicinity of Race Street, and Eighth Street in the City of Philadelphia and to the vicinity of Carman Street and Haddon Avenue in the City of Camden.

c. The improvement and development of the Port District by or through the acquisition, construction, maintenance, operation, in whole or in part, of any and all projects for the improvement and development of the Port District or incidental thereto, either directly by purchase, lease or contract, or by lease or agreement with any other public or private body or corporation.

d. Co-operation with all other bodies interested or concerned with, or affected by, the promotion, development or use of the Delaware River and the Port District.

e. The procurement from the government of the United States of any consents which may be requisite to enable any project within its powers to be carried forward.

f. The promotion as a highway of commerce of the Delaware River.

g. The promotion of increased passenger and freight commerce on the Delaware River and for such purpose the publication of literature and the adoption of any other means as may be deemed appropriate.

h. The petitioning of any interstate commerce commission, public service commission, public utilities commission, or any similar body, or any other federal, municipal, state or local authority, administrative, judicial, or legislative, having jurisdiction in the premises, for the adoption and execution of any physical improvement, change in method, rate of transportation, system of handling freight, warehousing, docking, lightering or transfer of freight, which, in the opinion of the commission, may be designed to improve or better the handling of commerce in and through the Port District, or to improve terminal and transportation facilities therein. The commission may apply to intervene in any legal or other proceeding affecting the commerce of the Port District. In any such case, the commission may be represented by its counsel or such other counsel as it shall designate.

i. The regulation subject to the paramount jurisdiction of the Federal government of the navigable waters of that part of the Delaware River which is within the Port District, including the right to establish anchorages, harbor lines, pier head lines and bulkhead lines, together with any and all necessary and incidental powers to such regulation. The commission shall have power to make and promulgate such regulation and provide for the issuance of permits and the fees therefor and for the enforcement of said regulation. The commission shall also act as and perform the functions and duties of harbor master in respect to scheduling the use of wharves, piers and anchorages by ships and generally controlling the movements of ships in the Delaware River in the said Port District.

j. The performance of such other functions which may be of mutual benefit to the Commonwealth of Pennsylvania and the State of New Jersey in so far as concerns the promotion and development of the Port District and the use of its facilities by commercial vessels.

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

Article II

The commission shall consist of sixteen commissioners, eight resident voters of the Commonwealth of Pennsylvania and eight resident voters of the State of New Jersey.

The present members of the commission shall continue to serve, respectively, as commissioners until the expiration of their terms and until their successors shall be appointed and qualify.

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

The eight commissioners for the Commonwealth of Pennsylvania shall be appointed by the Governor for terms of five years.

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

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

Article IV

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

- a. To have perpetual succession.
- b. To sue and be sued.
- c. To adopt and use an official seal.
- d. To elect a chairman, vice chairman, secretary and treasurer, and to adopt suitable by-laws for the management of its affairs. The Secretary and Treasurer need not be members of the commission.
- e. To appoint such other officers and such agents and employees as it may require for the performance of its duties and fix and determine their qualifications, duties and compensation.
- f. To enter into contracts.
- g. To acquire, own, hire, use, operate and dispose of personal property.
- h. To acquire, own, use, lease, operate, mortgage and dispose of real property and interests in real property, and to make improvements thereon.
- i. To grant by franchise, lease or otherwise, the use of any property or facility owned or controlled by the commission and to make charges therefor.
- j. To borrow money upon its bonds or other obligations either with or without security.
- k. To exercise the right of eminent domain within the Port District.
- l. To determine the exact location, system and character of and all other matters in connection with any and all improvements or facilities which it may be authorized to own, construct, establish, effectuate, operate or control.
- m. In addition to the foregoing, to exercise the powers, duties, authority and jurisdiction heretofore conferred and imposed upon the aforesaid The Delaware River Joint Commission by the Commonwealth of Pennsylvania or the State of New Jersey, or both of the said two States; and
- n. To exercise all other powers not inconsistent with the constitutions of the two States or of the United States, which may be reasonably necessary or incidental to the effectuation of its authorized purposes or to the exercise of any of the foregoing powers, except the power to levy taxes or assessments, and generally to exercise in connection with its property and affairs, and in connection with property within its control, any and all powers which might be exercised by a natural person or a private corporation in connection with similar property and affairs.

The commission shall have full power and authority to acquire, purchase, construct, lease, operate, maintain and undertake any project, including terminal, terminal facility, transportation facility, or any other facility of commerce and to make charges for the use thereof. The commission is authorized to make expenditures anywhere in the United States and foreign countries, to pay commissions, and hire or contract with experts and consultants, and otherwise to do indirectly anything which the commission may do directly. The commission shall have such additional powers and duties as may hereafter be delegated to or imposed upon it from time to time by the action of either State concurred in by legislation of the other.

(4) Article XII of said Agreement is amended to read as follows:

Article XII

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

(5) Add to said Agreement a new Article to be entitled, and to read, as follows:

Article XIII

The following words as herein used shall have the following meanings:

1. "Port District" shall include the counties of Bucks, Chester, Delaware, Montgomery and Philadelphia in Pennsylvania and the counties of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Ocean and Salem in New Jersey, excluding however, therefrom the area north of the stone arch bridge of the Pennsylvania Railroad from Trenton to Morrisville, Pennsylvania.

"Terminals" shall include marine, motor truck, railroad, air and bus terminals, also coal, grain and lumber terminals and union freight and all terminals used in connection with the transportation of passengers and freight.

"Transportation facility" shall include railroads operated by steam, electricity or other power, rapid transit lines, motor trucks, buses, or other street or highway vehicles, tunnels, bridges, airports, boats, ferries, carfloats, lighters, tugs, floating elevators, barges, scows or harbor craft of any kind, aircraft, and every kind of transportation facility now in use or hereafter designed for use for the transportation of passenger and freight.

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

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

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

"Real property" shall include land under water, as well as uplands, and all property either now commonly, or legally, defined as real property, or which may hereafter be so defined.

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

"To lease" shall include to rent or to hire.

"Rule or regulation," until and unless otherwise determined by the Legislatures of both States, shall mean any rule or regulation not inconsistent with the Constitution of the United States or of either State, and subject to the exercise of the power of Congress, for the improvement of the conduct of navigation and

commerce within the Port District and shall include charges, rates, rentals or tolls fixed or established by the commission.

"Plural or singular." The singular wherever used herein shall include the plural.

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

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

3. The Governor is hereby authorized to apply on behalf of the State of New Jersey, to the Congress of the United States for its consent and approval of such supplemental compact or agreement.

4. Nothing contained in this act, nor in the said supplemental compact or agreement, shall be deemed to affect any contract, agreement or obligation heretofore entered into or created by the commission, and any and all agreements, contracts or obligations of the commission shall be assumed and performed by The Delaware River Joint Commission Port Authority, as fully and to the same extent as required by the terms thereof to be performed by the commission.

5. Any and all statutes or parts of statutes inconsistent with the provisions of this act and of the said supplemental compact or agreement are repealed.

6. Chapter 443 of the Laws of one thousand nine hundred and forty-eight is repealed.

7. Except where specifically amended or repealed by this Act the provisions of the Agreement authorized by Chapter 391 of the Laws of New Jersey approved June 30, 1931 are maintained in full force and effect.

8. This act shall become effective immediately upon its approval by the Governor and the passage by the Commonwealth of Pennsylvania of a substantially similar act embodying the supplemental compact or agreement between the two states hereinabove set forth.