

SENATE, No. 2013

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED MAY 5, 2014

Sponsored by:

Senator JOSEPH PENNACCHIO

District 26 (Essex, Morris and Passaic)

Senator SANDRA B. CUNNINGHAM

District 31 (Hudson)

Co-Sponsored by:

**Senators Ruiz, Bateman, A.R.Bucco, Cardinale, Doherty, Holzapfel,
T.Kean, Oroho, Singer, Rice, Beck, Thompson and Turner**

SYNOPSIS

Eliminates power of DRPA to finance economic development; changes composition of board; imposes restrictions regarding financing, contract procedures, conflicts of interest, and review audits; creates commuter's council.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/6/2015)

1 AN ACT concerning the Delaware River Port Authority, authorizing
2 the Governor, on behalf of the State of New Jersey, to enter into
3 a supplemental compact or agreement with the Commonwealth
4 of Pennsylvania amending the compact or agreement between the
5 State of New Jersey and the Commonwealth of Pennsylvania
6 entitled "Agreement Between The Commonwealth of
7 Pennsylvania and The State of New Jersey creating the Delaware
8 River Joint Commission as a body corporate and politic and
9 defining its powers and duties," as amended and supplemented,
10 and authorizing the Governor to apply, on behalf of the State of
11 New Jersey, to the Congress of the United States for its consent
12 to such supplemental compact or agreement.

13
14 **BE IT ENACTED** by the Senate and General Assembly of the State
15 of New Jersey:

16
17 1. The Governor is authorized to enter into a supplemental
18 compact or agreement, on behalf of the State of New Jersey, with
19 the Commonwealth of Pennsylvania amending and supplementing
20 the compact or agreement between the Commonwealth of
21 Pennsylvania and the State of New Jersey entitled "Agreement
22 Between The Commonwealth of Pennsylvania and The State of
23 New Jersey creating the Delaware River Joint Commission as a
24 body corporate and politic and defining its powers and duties," as
25 set forth in this act.

26
27 2. Article I of the "Agreement Between the Commonwealth of
28 Pennsylvania and the State of New Jersey creating the Delaware
29 River Joint Commission as a body corporate and politic and
30 defining its powers and duties," as amended and supplemented
31 (R.S.32:3-2) is amended to read as follows:

32 R.S.32:3-2. The body corporate and politic, heretofore created
33 and known as the Delaware River Joint Commission hereby is
34 continued under the name of the Delaware River Port Authority
35 (hereinafter in this agreement called the "commission"), which
36 shall constitute the public corporate instrumentality of the
37 Commonwealth of Pennsylvania and the State of New Jersey for the
38 following public purposes, and which shall be deemed to be
39 exercising an essential governmental function in effectuating such
40 purposes, to wit:

41 (a) The operation and maintenance of the bridge, owned jointly
42 by the two States, across the Delaware river between the city of
43 Philadelphia in the Commonwealth of Pennsylvania and the city of
44 Camden in the State of New Jersey, including its approaches, and
45 the making of additions and improvements thereto.

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 (b) The effectuation, establishment, construction, acquisition,
2 operation, and maintenance of railroad or other facilities for the
3 transportation of passengers across any bridge or tunnel owned or
4 controlled by the commission, including extensions of such railroad
5 or other facilities necessary for efficient operation in the Port
6 District.

7 (c) The improvement and development of the Port District for
8 port purposes by or through the acquisition, construction,
9 maintenance, or operation of any and all projects for the
10 improvement and development of the Port District for port
11 purposes, or directly related thereto, either directly by purchase,
12 lease or contract, or by lease or agreement with any other public or
13 private body or corporation or in any other manner.

14 (d) Co-operation with all other bodies interested or concerned
15 with, or affected by the promotion, development, or use of the
16 Delaware river and the Port District.

17 (e) The procurement from the Government of the United States
18 of any consents which may be requisite to enable any project within
19 its powers to be carried forward.

20 (f) The construction, acquisition, operation, and maintenance of
21 other bridges and tunnels across or under the Delaware river,
22 between the city of Philadelphia or the county of Delaware in the
23 Commonwealth of Pennsylvania and the State of New Jersey,
24 including approaches and the making of additions and
25 improvements thereto.

26 (g) The promotion as a highway of commerce of the Delaware
27 river, and the promotion of increased passenger and freight
28 commerce on the Delaware river and for such purpose the
29 publication of literature and the adoption of any other means as may
30 be deemed appropriate.

31 (h) To study and make recommendations to the proper
32 authorities for the improvement of terminal, lighterage, wharfage,
33 warehouse, and other facilities necessary for the promotion of
34 commerce on the Delaware river.

35 (i) Institution through its counsel, or such other counsel as it
36 shall designate, or intervention in, any litigation involving rates,
37 preferences, rebates, or other matters vital to the interest of the Port
38 District; provided, that notice of any such institution of or
39 intervention in litigation shall be given promptly to the Attorney
40 General of the Commonwealth of Pennsylvania and to the Attorney
41 General of the State of New Jersey, and provision for such notices
42 shall be made in a resolution authorizing any such intervention or
43 litigation and shall be incorporated in the minutes of the
44 commission.

45 (j) The establishment, maintenance, rehabilitation, construction,
46 and operation of a rapid transit system for the transportation of
47 passengers, express, mail, and baggage, or any of them, between
48 points in New Jersey within the Port District and points in

1 Pennsylvania within the Port District, and intermediate points.
2 Such system may be established either by utilizing existing rapid
3 transit systems, railroad facilities, highways, and bridges within the
4 territory involved or by the construction or provision of new rail
5 facilities where deemed necessary, and may be established either
6 directly by purchase, lease, or contract, or by lease or agreement
7 with any other public or private body or corporation, or in any other
8 manner.

9 (k) The performance of such other functions which may be of
10 mutual benefit to the Commonwealth of Pennsylvania and the State
11 of New Jersey insofar as concerns the promotion and development
12 of the Port District for port purposes and the use of its facilities by
13 commercial vessels.

14 (l) The performance or effectuation of such additional bridge,
15 tunnel, railroad, rapid transit, transportation, transportation facility,
16 terminal, terminal facility, and port improvement and development
17 purposes within the Port District as may hereafter be delegated to or
18 imposed upon it by the action of either State concurred in by
19 legislation of the other.

20 (m) The unification of the ports of the Delaware river through
21 (i) the acquisition or taking control of any terminal, terminal
22 facility, transportation facility, or marine terminal or port facility or
23 associated property within the Port District through purchase, lease,
24 or otherwise, or by the acquisition, merger, becoming the successor
25 to or entering into contracts, agreements, or partnerships with any
26 other port corporation, port authority, or port related entity which is
27 located within the Port District, all in accordance with the
28 applicable laws of the State in which the facility, corporation, or
29 authority is located; (ii) the exercise of the other powers granted by
30 this compact; or (iii) the establishment **[(whether] whether** solely
31 or jointly with any other entity or **[entities)] entities**, of such
32 subsidiary corporation or corporations or maritime or port advisory
33 committees as may be necessary or desirable to effectuate this
34 purpose.

35 (n) The planning, financing, development, acquisition,
36 construction, purchase, lease, maintenance, marketing,
37 improvement, and operation of any project directly relating to the
38 operation of the Delaware River Port Authority, including but not
39 limited to any terminal, terminal facility, transportation facility, or
40 any other facility of commerce **[or economic development**
41 **activity]**; from funds available after appropriate allocation for
42 maintenance of bridge and other capital facilities.

43 (cf: P.L.1991, c.515, s.2)

44

45 3. Article II of the "Agreement Between the Commonwealth of
46 Pennsylvania and the State of New Jersey creating the Delaware
47 River Joint Commission as a body corporate and politic and

1 defining its powers and duties," as amended and supplemented
2 (R.S.32:3-3) is amended to read as follows:

3 R.S.32:3-3. The commission shall consist of **【sixteen】** 16
4 commissioners, eight resident voters of the Commonwealth of
5 Pennsylvania, and eight resident voters of the State of New Jersey,
6 who shall serve without compensation.

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

22 Six of the eight commissioners for the Commonwealth of
23 Pennsylvania shall be appointed by the Governor of Pennsylvania
24 for terms of five years. The Auditor General and the State
25 Treasurer of said Commonwealth shall ex-officio be commissioners
26 for said Commonwealth, each having the privilege of appointing a
27 representative to serve in **【his】** the Auditor or Treasurer's place at
28 any meeting of the commission which **【he】** the Auditor or
29 Treasurer does not attend personally. Any commissioner who is an
30 elected public official shall have the privilege of appointing a
31 representative to serve and act in **【his】** the commissioner's place at
32 any meeting of the commission which **【he】** the commissioner does
33 not attend personally. Pennsylvania commissioners who are not ex-
34 officio members of the commission shall be confirmed by a
35 majority of the members elected to the Pennsylvania Senate.

36 All commissioners shall continue to hold office after the
37 expiration of the terms for which they are appointed or elected until
38 their respective successors are appointed and qualify, but no period
39 during which any commissioner shall hold over shall be deemed to
40 be an extension of **【his】** the commissioner's term of office for the
41 purpose of computing the date on which **【his】** the commissioner's
42 successor's term expires.

43 (cf: P.L.1991, c.515, s.3)

44

45 4. Article IV of the "Agreement Between the Commonwealth
46 of Pennsylvania and the State of New Jersey creating the Delaware
47 River Joint Commission as a body corporate and politic and

1 defining its powers and duties," as amended and supplemented
2 (R.S.32:3-5) is amended to read as follows:

3 R.S.32:3-5. For the effectuation of its authorized purposes the
4 commission is hereby granted the following powers:

5 (a) To have perpetual succession.

6 (b) To sue and be sued.

7 (c) To adopt and use an official seal.

8 (d) To elect a chairman, vice-chairman, secretary, and treasurer,
9 and to adopt suitable bylaws for the management of its affairs. The
10 secretary and treasurer need not be members of the commission.

11 (e) To appoint, hire, or employ counsel and such other officers
12 and such agents and employees as it may require for the
13 performance of its duties, by contract or otherwise, and fix and
14 determine their qualifications, duties and compensation, provided
15 that the employees of the Delaware River Port Authority who are
16 residents of New Jersey shall be subject to the "New Jersey
17 Employer-Employee Relations Act," P.L.1941, c.100 (C.34:13A-1
18 et seq.); employees of the Delaware River Port Authority who are
19 residents of Pennsylvania shall be subject to the act of July 23, 1970
20 (P.L.563, No.195), known as "The Public Employee Relations Act";
21 and shall have all of the rights provided to employees by **[that act]**
22 those respective acts, including but not limited to, the right to form,
23 join or assist an employee organization, and the right to have that
24 employee organization engage in collective bargaining on behalf of
25 the employees.

26 (f) To enter into contracts.

27 (g) To acquire, own, hire, use, operate, and dispose of personal
28 property.

29 (h) To acquire, own, use, lease, operate, mortgage, and dispose
30 of real property and interests in real property, and to make
31 improvements thereon.

32 At its option, to authorize the Department of General Services to
33 prescribe standards and specifications and make contracts and
34 purchases of various materials and services for the commission,
35 pursuant to the provisions of sections 2403, 2403.1 and 2409 of the
36 act of April 9, 1929 (P.L.177, No.175), know as "The
37 Administrative Code of 1929."

38 (i) To grant by franchise, lease, or otherwise, the use of any
39 property or facility owned or controlled by the commission and to
40 make charges therefor.

41 (j) To borrow money upon its bonds or other obligations for the
42 purpose of financing any project authorized by or pursuant to this
43 compact or agreement, either with or without security, and to make,
44 enter into, and perform any and all such covenants and agreements
45 with the holders of such bonds or other obligations as the
46 commission may determine to be necessary or desirable for the
47 security and payment thereof, including without limitation of the
48 foregoing, covenants and agreements as to the management and

1 operation of any property or facility owned or controlled by it, the
2 tolls, rents, rates, or other charges to be established, levied, made,
3 and collected for any use of any such property or facility, or the
4 application, use and disposition of the proceeds of any bonds or
5 other obligations of the commission or the proceeds of any such
6 tolls, rents, rates, or other charges or any other revenues or moneys
7 of the commission.

8 (k) To exercise the right of eminent domain within the Port
9 District.

10 (l) To determine the exact location, system, and character of
11 and all other matters in connection with any and all improvements
12 or facilities which it may be authorized to own, construct, establish,
13 effectuate, operate, or control.

14 (m) In addition to the foregoing, to exercise the powers, duties,
15 authority, and jurisdiction heretofore conferred and imposed upon
16 the aforesaid Delaware River Joint Commission by the
17 Commonwealth of Pennsylvania or the State of New Jersey, or both
18 of the said two States.

19 (n) To exercise all other powers not inconsistent with the
20 constitutions of the two States or of the United States, which may
21 be reasonably necessary or incidental to the effectuation of its
22 authorized purposes or to the exercise of any of the foregoing
23 powers, except the power to levy taxes or assessments, and
24 generally to exercise in connection with its property and affairs, and
25 in connection with property within its control, any and all powers
26 which might be exercised by a natural person or a private
27 corporation in connection with similar property and affairs.

28 (o) To acquire, purchase, construct, lease, operate, maintain, and
29 undertake any project directly relating to the operation of the
30 Delaware River Port Authority, including any terminal, terminal
31 facility, transportation facility, or any other facility of commerce
32 and to make charges for the use thereof.

33 (p) To make expenditures anywhere in the United States and
34 foreign countries, to pay commissions, and hire or contract with
35 experts or consultants, and otherwise to do indirectly anything
36 which the commission may do directly.

37 (q) To establish one or more operating divisions as deemed
38 necessary to exercise the power and effectuate the purposes of this
39 agreement.

40 **【**The commission shall also have such additional powers as may
41 hereafter be delegated to or imposed upon it from time to time by
42 the action of either State concurred in by legislation of the other.

43 It is the policy and intent of the Legislature of the
44 Commonwealth of Pennsylvania and the State of New Jersey that
45 the powers granted by this article shall be so exercised that the
46 American system of free competitive private enterprise is given full
47 consideration and is maintained and furthered. In making its reports
48 and recommendations to the Legislatures of the Commonwealth of

1 Pennsylvania and the State of New Jersey on the need for any
2 facility or project which the commission believes should be
3 undertaken for the promotion and development of the Port District,
4 the commission shall include therein its findings which fully set
5 forth that the facility or facilities operated by private enterprise
6 within the Port District and which it is intended shall be supplanted
7 or added to are not adequate.】

8 (r) To hold executive sessions consisting of the majority of the
9 members of the commission for the Commonwealth of
10 Pennsylvania and a majority of the members of the commission for
11 the State of New Jersey to address confidential matters, including
12 matters concerning litigation, personnel, contractual negotiations,
13 and contract review. Neither the commissioners for the
14 Commonwealth of Pennsylvania nor the commissioners for the
15 State of New Jersey may meet in caucus separately from the
16 members of the other state.

17 (cf: P.L.2009, c.210, s.2)

18

19 5. Article XII of the "Agreement Between the Commonwealth
20 of Pennsylvania and the State of New Jersey creating the Delaware
21 River Joint Commission as a body corporate and politic and
22 defining its powers and duties," as amended and supplemented
23 (R.S.32:3-13) is amended to read as follows:

24 R.S.32:3-13. The commission shall, within 90 days after the end
25 of each fiscal year, submit to the Governors and Legislatures of the
26 Commonwealth of Pennsylvania and the State of New Jersey a
27 complete and detailed report of the following:

28 (1) its operations and accomplishments during the completed
29 fiscal year;

30 (2) its receipts and disbursements or revenues and expenses
31 during that year in accordance with the categories and
32 classifications established by the commission for its own operating
33 and capital outlay purposes;

34 (3) its assets and liabilities at the end of the fiscal year,
35 including the status of reserve, depreciation, special or other funds
36 including debits and credits of these funds;

37 (4) a schedule of bonds and notes outstanding at the end of the
38 fiscal year;

39 (5) a list of all contracts exceeding \$100,000 entered into during
40 the fiscal year;

41 (6) a business or strategic plan for the commission and for each
42 of its operating divisions; and

43 (7) a five year capital plan.

44 【Not less than once every five years the commission shall cause
45 a management audit of its operational effectiveness and efficiency
46 to be conducted by an independent consulting firm selected by the
47 commission. The first management audit to be conducted shall
48 commence within three years of the date of coming into force of the

1 supplemental compact or agreement authorized by this 1991
2 amendatory act. This audit is in addition to any other audit which
3 the commission determines to conduct from time to time.

4 The commission shall, not later than two years after the date of
5 the coming into force of the supplemental compact or agreement
6 authorized by this 1991 amendatory act, prepare a comprehensive
7 master plan for the development of the Port District. The plan shall
8 include, but not be limited to, plans for the construction, financing,
9 development, reconstruction, purchase, lease, improvement and
10 operation of any terminal, terminal facility, transportation facility or
11 any other facility of commerce or economic development activity.
12 The master plan shall include the general location of such projects
13 and facilities as may be included in the master plan and shall to the
14 maximum extent practicable include, but not be limited to, a general
15 description of each such projects and facilities, the land use
16 requirements necessary therefor, and estimates of project costs and
17 of a schedule for commencement of each such project. Prior to
18 adopting such master plan, the commission shall give written notice
19 to, afford a reasonable opportunity for comment, consult with and
20 consider any recommendations from State, county and municipal
21 government, as well as commissions, public corporations and
22 authorities, and the private sector. The commission may modify or
23 change any part of the plan in the same form and manner as
24 provided for the adoption of the original plan. At the time the
25 commission authorizes any project or facility, the commission shall
26 promptly provide to the Governor and Legislature of each state a
27 detailed report on the project including its status within the master
28 plan. The commission shall include within the authorization a status
29 of the project or facility in the master plan and any amendment
30 thereof, and no project shall be authorized if not included in the
31 master plan or amendment thereof. Any project which has been
32 commenced and approved by the commission prior to the adoption
33 of the master plan shall be included, for informational purposes
34 only, in the master plan. The commission shall provide notice of
35 such on-going projects to those State, county, and municipal
36 governments, as well as entities in the private sector who would be
37 entitled to such notice had the project not been commenced in
38 anticipation of adopting the master plan, but there shall be no
39 requirement that the project be delayed or deferred due to these
40 provisions.

41 In addition to other powers conferred upon it, and not in
42 limitation thereof, the commission may acquire all right, title and
43 interest in and to the Tacony-Palmyra bridge, across the Delaware
44 river at Palmyra, New Jersey, together with any approaches and
45 interests in real property necessary thereto. The acquisition of such
46 bridge, approaches and interests by the commission shall be by
47 purchase or by condemnation in accordance with the provisions of
48 the Federal law consenting to or authorizing the construction of

1 such bridge or approaches, or the acquisition of such bridge,
2 approaches or interests by the commission shall be pursuant to and
3 in accordance with the provisions of section 48:5-22 and 48:5-23 of
4 the Revised Statutes of New Jersey, and for all the purposes of said
5 provisions and sections the commission is hereby appointed as the
6 agency of the State of New Jersey and the Commonwealth of
7 Pennsylvania exercising the rights and powers granted or reserved
8 by said Federal law or sections to the State of New Jersey and
9 Commonwealth of Pennsylvania jointly or to the State of New
10 Jersey acting in conjunction with the Commonwealth of
11 Pennsylvania. The commission shall have authority to so acquire
12 such bridge, approaches and interests, whether the same be owned,
13 held, operated or maintained by any private person, firm,
14 partnership, company, association or corporation or by any
15 instrumentality, public body, commission, public agency or political
16 subdivision (including any county or municipality) of, or created by
17 or in, the State of New Jersey or the Commonwealth of
18 Pennsylvania, or by any instrumentality, public body, commission,
19 or public agency of, or created by or in, a political subdivision
20 (including any county or municipality) of the State of New Jersey or
21 the Commonwealth of Pennsylvania. None of the provisions of the
22 preceding paragraph shall be applicable with respect to the
23 acquisition by the commission, pursuant to this paragraph, of said
24 Tacony-Palmyra bridge, approaches and interests. The power and
25 authority herein granted to the commission to acquire said Tacony-
26 Palmyra bridge, approaches and interests shall not be exercised
27 unless and until the Governor of the State of New Jersey and the
28 Governor of the Commonwealth of Pennsylvania have filed with the
29 commission their written consents to such acquisition.

30 Notwithstanding any provision of this agreement, nothing herein
31 contained shall be construed to limit or impair any right or power
32 granted or to be granted to the Pennsylvania Turnpike Commission
33 or the New Jersey Turnpike Authority, to finance, construct,
34 operate, and maintain the Pennsylvania Turnpike System or any
35 turnpike project of the New Jersey Turnpike Authority,
36 respectively, throughout the Port District, including the right and
37 power, acting alone or in conjunction with each other, to provide
38 for the financing, construction, operation, and maintenance of one
39 bridge across the Delaware river south of the city of Trenton in the
40 State of New Jersey; provided that such bridge shall not be
41 constructed within a distance of ten miles, measured along the
42 boundary line between the Commonwealth of Pennsylvania and the
43 State of New Jersey, from the existing bridge, operated and
44 maintained by the commission, across the Delaware river between
45 the city of Philadelphia in the Commonwealth of Pennsylvania and
46 the city of Camden in the State of New Jersey, so long as there are
47 any outstanding bonds or other securities or obligations of the
48 commission for which the tolls, rents, rates, or other revenues, or

1 any part thereof, of said existing bridge shall have been pledged.
2 Nothing contained in this agreement shall be construed to authorize
3 the commission to condemn any such bridge.

4 Anything herein contained to the contrary notwithstanding, no
5 bridge or tunnel shall be constructed, acquired, operated, or
6 maintained by the commission across or under the Delaware river
7 north of the boundary line between Bucks county and Philadelphia
8 county in the Commonwealth of Pennsylvania as extended across
9 the Delaware river to the New Jersey shore of said river, and any
10 new bridge or tunnel authorized by or pursuant to this compact or
11 agreement to be constructed or erected by the commission may be
12 constructed or erected at any location south of said boundary line
13 notwithstanding the terms and provisions of any other agreement
14 between the Commonwealth of Pennsylvania and the State of New
15 Jersey. Except as may hereafter be otherwise provided in
16 conformity with Article IX hereof with respect to specific
17 properties designated by action of the Legislatures of both of the
18 signatory States, no property or facility owned or controlled by the
19 commission shall be acquired from it by any exercise of powers of
20 condemnation or eminent domain].

21 The commission shall submit biennially to an audit of its budget
22 conducted by an independent auditor selected by the New Jersey
23 Comptroller and the Auditor General of Pennsylvania and approved
24 by the Governors of New Jersey and Pennsylvania. The audit shall
25 be provided to the Governors and Legislatures of the State of New
26 Jersey and the Commonwealth of Pennsylvania no later than
27 December 31 of every even-numbered year and shall include all
28 expenditures, revenues, and financial operations of the commission.
29 Failure to submit to this audit shall result in the forfeiture of the
30 salary of every officer of the commission or employee employed by
31 the commission at a level at or exceeding the level of director, or
32 acting director until the audit is complete.

33 The commission shall submit biennially to a performance review
34 audit conducted by an independent auditor selected by the New
35 Jersey Comptroller and the Auditor General of Pennsylvania and
36 approved by the Governors of New Jersey and Pennsylvania. The
37 audit shall include an evaluation of whether the commission is
38 achieving efficiency and effectiveness in the employment of its
39 financial and operational resources and shall be provided to the
40 Governors and Legislatures of the State of New Jersey and the
41 Commonwealth of Pennsylvania no later than December 31 of
42 every odd-numbered year. Failure to submit to this audit shall result
43 in the forfeiture of the salary of every officer of the commission or
44 employee employed by the commission at a level at or exceeding
45 the level of director, or acting director until the audit is complete.

46 Every two years the commission shall conduct a review of the
47 compensation of commission employees and officers for the
48 purpose of ensuring that compensation is commensurate with duties

1 performed. The commission shall provide a report on the
2 compensation of its employees and officers to the Governors and
3 Legislatures of the State of New Jersey and the Commonwealth of
4 Pennsylvania by June 30 of every even-numbered year. The report
5 shall provide the salary range of each job title and shall include the
6 following information concerning each commission employee and
7 officer:

- 8 (a) name;
- 9 (b) annual salary;
- 10 (c) job title;
- 11 (d) hiring date; and
- 12 (e) job description.

13 Failure to conduct this review shall result in the forfeiture of the
14 salary of every officer of the commission or employee employed by
15 the commission at a level at or exceeding the level of director, or
16 acting director until the review is complete.

17 (cf: P.L.1991, c.515, s.6)

18

19 6. (New section) The commission shall not negotiate, extend,
20 amend, or otherwise alter the terms of a contract, or enter into any
21 contract, unless the action is voted on and approved by the board in
22 a public session and notice of the session is provided to the public
23 pursuant to subsection c. of section 3 of P.L.1991, c.400 (C.32:3-
24 4.7).

25 The commission shall use best practices in the procurement of
26 necessary items and services, which shall include the requirement
27 that the commission procure all supplies, services and construction
28 pursuant to the provisions of 62 Pa.C.S. Pt. I (relating to
29 Commonwealth Procurement Code) and all pertinent laws of the
30 State of New Jersey.

31 The commission shall establish, on its official Internet website, a
32 secure online process to allow prospective qualified vendors to
33 complete online any documents the commission requires concerning
34 requests for proposals.

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

38 It is the policy and intent of the Legislatures of the
39 Commonwealth of Pennsylvania and the State of New Jersey that
40 the powers granted by this section, shall be so exercised that the
41 American system of free competitive private enterprise is given full
42 consideration and is maintained and furthered whenever possible
43 and legally permissible. In making its reports and recommendations
44 to the Legislatures of the Commonwealth of Pennsylvania and the
45 State of New Jersey on the need for any facility or project which the
46 commission believes should be undertaken for the promotion and
47 development of the Port District, the commission shall include
48 therein its findings which fully set forth that the facility or facilities

1 operated by private enterprise within the Port District and which it
2 is intended shall be supplanted or added to are not adequate.

3

4 7. (New section) a. (1) All commissioners, directors, officers,
5 and employees of the commission shall practice due diligence to
6 avoid situations in which their personal interest, activities, or
7 financial affairs are, or are reasonably perceived as being, in
8 conflict with the interests of the commission. Prior to each board
9 meeting conducted pursuant to section 3 of P.L.1991, c.400
10 (C.32:3-4.7), the commission shall circulate a list of entities that
11 will be the subject of board action. Board members shall identify in
12 writing any conflicts in advance of board meetings.

13 (2) It shall be a conflict of interest for commissioners, directors,
14 officers, or employees to engage in political activity or
15 electioneering using commission resources or equipment, or during
16 work hours, commission meetings, or other activities primarily
17 related to employment with the commission.

18 (3) No commissioner, director, officer, or employee of the
19 commission shall have an interest in a business organization or
20 engage in any business, transaction, or professional activity, which
21 is in substantial conflict with the proper discharge of the duties of
22 the commissioners, directors, officers, or employees in the public
23 interest. No commissioner, director, officer, or employee shall use
24 or attempt to use an official position to secure unwarranted
25 privileges, exemptions, advantages, or employment.

26 (4) No commissioner, director, officer, or employee may
27 directly or indirectly solicit, request, suggest, or recommend to any
28 contractor, vendor, or grant recipient, holding company, affiliate,
29 intermediary, or subsidiary thereof, doing business with the
30 commission for the appointment or employment of any person in
31 any capacity.

32 (5) No commissioner, director, officer, or employee of the
33 commission or any immediate family member of a commissioner,
34 director, officer, or employee of the commission shall solicit or
35 accept any gift or item of value for personal benefit under any
36 circumstance which could be reasonably expected to influence, or
37 which may be perceived as being reasonably expected to influence,
38 the manner in which a commissioner, director, officer, or employee
39 conducts the public business of the commission.

40 (6) No commissioner, director, officer, or employee of the
41 commission or any immediate family member of a commissioner,
42 director, officer, or employee of the commission shall exert any
43 undue influence with respect to any act of the commission,
44 including the selection of contractors, the hiring of or dismissal of
45 employees, or the making of any other decision where the influence
46 of the commissioner, director, officer, or employee is, or is likely to
47 be perceived as, an interference with the independent and objective
48 decisions of the commission.

1 (7) No employee employed as an officer, director, or acting
2 director, or employed at a level exceeding that of an officer,
3 director, or acting director, shall accept or engage in employment
4 with any professional service provider, vendor, or independent
5 contractor of the commission for a period of two years from the
6 date of the termination of their employment with the commission.

7 (8) The commission shall not enter into a contract with a person,
8 corporation, or other legal entity that:

9 (a) is owned wholly or in part by a commissioner, director,
10 officer, or employee or the commissioner, director, officer, or
11 employee's relative; or

12 (b) a commissioner, director, officer, or employee or the
13 commissioner, director, officer, or employee's relative has entered
14 into a contractual or business relationship with or has received a
15 personal pecuniary benefit therefrom.

16 (9) No person employed as a director or acting director, or
17 employed at a level exceeding that of an officer, director, or acting
18 director, shall hold outside employment.

19 (10) No commissioner, director, or officer of the commission
20 shall make a charitable contribution, including a donation or gift of
21 money or anything of value, on behalf of the commission.

22 (11) The commission shall not make monetary contributions to
23 charitable and civic organizations. A request for in-kind support to
24 a charitable or civic organization shall be approved by the
25 commission at a public meeting.

26 (12) Each commissioner shall file financial statements in
27 compliance with the law of the state from which the commissioner
28 was appointed.

29 b. (1) No commissioner, director, officer, or employee of the
30 commission shall be paid compensation higher than the lesser salary
31 of either the Governor of the State of New Jersey or the Governor
32 of the Commonwealth of Pennsylvania.

33 (2) The commission shall not compensate any commissioner,
34 director, officer, or employee for expenses related to the use of a
35 vehicle that is procured by or for the commissioner, director,
36 officer, or employee primarily for personal use or for the purpose of
37 commuting between home and work.

38 (3) The commission shall not extend to any commissioner,
39 director, officer, or employee a personal line of credit or any other
40 form of credit agreement or compensation for any purpose.

41 (4) The commission is prohibited from entering into a contract
42 containing, or contingent upon, a written agreement or
43 understanding which requires a party to make a payment of a
44 portion of any consideration, commission, premium, or fee received
45 under or attributable to the contract, with a person or entity not a
46 party to the contract. The commission is required to include a
47 provision in its contracts providing that no party to the contract
48 shall be required to make a payment of a portion of any

1 consideration, commission, premium, or fee received under or
2 attributable to the contract, with a person or entity not a party to the
3 contract. A person or entity, which is a party to a contract with the
4 commission, is prohibited from offering to make or making a
5 payment to another person or entity having a separate contractual
6 relationship with the commission in order to obtain contracts or
7 agreements with the commission. A person or entity, which is a
8 party to a contract with the commission, is prohibited from
9 receiving or soliciting payment of a portion of any consideration,
10 commission, premium, or fee received under or attributable to a
11 separate contractual relationship between the commission and
12 another person or entity.

13 (5) No commissioner, director, officer, or employee shall
14 receive any lump sum expense allowance or contingent fund for
15 personal or official expenses except where the allowance or fund is
16 expressly provided for by statute or legislative appropriation.

17 (6) No commissioner, director, officer, or employee shall be
18 exempt from payment of any toll relating to the use of a
19 commission toll bridge or toll road and the commission shall not
20 compensate any commissioner, director, officer, or employee for
21 payment of the toll.

22 (7) The commission shall require any current or prospective
23 vendor, including any director, officer, principal, or partner thereof,
24 with which the commission conducts business for any purpose or is
25 in the process of establishing a business relationship for any
26 purpose to annually disclose a list of current political campaign
27 contributions made by the vendor, and any contributions made
28 within four years prior to the vendor's involvement with the
29 commission.

30 c. The commission shall be subject to the provisions of the
31 Pennsylvania act of February 14, 2008 (P.L.6, No.3), known as the
32 Right-to-Know Law, or to the provisions of P.L.1963, c.73
33 (C.47:1A-1 et seq.), commonly known as the open public records
34 act, as selected by the person or entity requesting the records.

35 d. The commission shall adopt, within six months of the
36 effective date of this section, appropriate rules and regulations
37 concerning proper notice to the public and the news media of its
38 meetings and the right of the public and the news media to be
39 present at its meetings. The rules and regulations adopted pursuant
40 to this section shall provide for the same notice and right of the
41 public and news media to be present as well as any other rights and
42 duties provided in the "Senator Byron M. Baer Open Public
43 Meetings Act," P.L. 1975, c.231 (C.10:4-6 et seq.) and the
44 Pennsylvania act of October 15, 1998 (P.L.729, No.93), known as
45 "The Sunshine Act." To the extent these laws conflict, the
46 commission shall incorporate into the rules and regulations the
47 provisions of that law which provide for the greatest rights to the
48 public and the news media.

1 e. The commission shall not vote on any matter concerning a
2 commission contract unless notice is provided to the public at least
3 30 days prior to the scheduled action by the commission.

4 f. The Attorney General of the Commonwealth of
5 Pennsylvania and the Attorney General of the State of New Jersey
6 are hereby authorized to take action under the laws of the
7 Commonwealth of Pennsylvania and the State of New Jersey to
8 enforce the provisions of the compact or agreement.

9
10 8. (New section) The commission shall, not later than two
11 years after the date of the coming into force of the supplemental
12 compact or agreement authorized by this 1991 amendatory act,
13 prepare a comprehensive master plan for the development of the
14 Port District. The plan shall include, but not be limited to, plans for
15 the construction, financing, development, reconstruction, purchase,
16 lease, improvement, and operation of any terminal, terminal facility,
17 transportation facility, or any other facility of commerce or
18 economic development activity. The master plan shall include the
19 general location of such projects and facilities as may be included
20 in the master plan and shall to the maximum extent practicable
21 include, but not be limited to, a general description of each such
22 projects and facilities, the land use requirements necessary therefor,
23 and estimates of project costs and of a schedule for commencement
24 of each such project. Prior to adopting such master plan, the
25 commission shall give written notice to, afford a reasonable
26 opportunity for comment, consult with and consider any
27 recommendations from State, county and, municipal government, as
28 well as commissions, public corporations, and authorities, and the
29 private sector. The commission may modify or change any part of
30 the plan in the same form and manner as provided for the adoption
31 of the original plan. At the time the commission authorizes any
32 project or facility, the commission shall promptly provide to the
33 Governor and Legislature of each state a detailed report on the
34 project including its status within the master plan. The commission
35 shall include within the authorization a status of the project or
36 facility in the master plan and any amendment thereof, and no
37 project shall be authorized if not included in the master plan or
38 amendment thereof. Any project which has been commenced and
39 approved by the commission prior to the adoption of the master
40 plan shall be included, for informational purposes only, in the
41 master plan. The commission shall provide notice of such on-going
42 projects to those State, county, and municipal governments, as well
43 as entities in the private sector who would be entitled to such notice
44 had the project not been commenced in anticipation of adopting the
45 master plan, but there shall be no requirement that the project be
46 delayed or deferred due to these provisions.

47 In addition to other powers conferred upon it, and not in
48 limitation thereof, the commission may acquire all right, title and

1 interest in and to the Tacony-Palmyra bridge, across the Delaware
2 river at Palmyra, New Jersey, together with any approaches and
3 interests in real property necessary thereto. The acquisition of such
4 bridge, approaches, and interests by the commission shall be by
5 purchase or by condemnation in accordance with the provisions of
6 the Federal law consenting to or authorizing the construction of
7 such bridge or approaches, or the acquisition of such bridge,
8 approaches or interests by the commission shall be pursuant to and
9 in accordance with the provisions of R.S.48:5-22 and R.S.48:5-23,
10 and for all the purposes of said provisions and sections the
11 commission is hereby appointed as the agency of the State of New
12 Jersey and the Commonwealth of Pennsylvania exercising the rights
13 and powers granted or reserved by said Federal law or sections to
14 the State of New Jersey and Commonwealth of Pennsylvania jointly
15 or to the State of New Jersey acting in conjunction with the
16 Commonwealth of Pennsylvania. The commission shall have
17 authority to so acquire such bridge, approaches, and interests,
18 whether the same be owned, held, operated, or maintained by any
19 private person, firm, partnership, company, association, or
20 corporation or by any instrumentality, public body, commission,
21 public agency, or political subdivision, including any county or
22 municipality, of, or created by or in, the State of New Jersey or the
23 Commonwealth of Pennsylvania, or by any instrumentality, public
24 body, commission, or public agency of, or created by or in, a
25 political subdivision, including any county or municipality, of the
26 State of New Jersey or the Commonwealth of Pennsylvania. None
27 of the provisions of the preceding paragraph shall be applicable
28 with respect to the acquisition by the commission, pursuant to this
29 paragraph, of said Tacony-Palmyra bridge, approaches, and
30 interests. The power and authority herein granted to the
31 commission to acquire said Tacony-Palmyra bridge, approaches and
32 interests shall not be exercised unless and until the Governor of the
33 State of New Jersey and the Governor of the Commonwealth of
34 Pennsylvania have filed with the commission their written consents
35 to such acquisition.

36 Notwithstanding any provision of this agreement, nothing herein
37 contained shall be construed to limit or impair any right or power
38 granted or to be granted to the Pennsylvania Turnpike Commission
39 or the New Jersey Turnpike Authority, to finance, construct,
40 operate, and maintain the Pennsylvania Turnpike System or any
41 turnpike project of the New Jersey Turnpike Authority,
42 respectively, throughout the Port District, including the right and
43 power, acting alone or in conjunction with each other, to provide
44 for the financing, construction, operation, and maintenance of one
45 bridge across the Delaware River south of the city of Trenton in the
46 State of New Jersey; provided that such bridge shall not be
47 constructed within a distance of 10 miles, measured along the
48 boundary line between the Commonwealth of Pennsylvania and the

1 State of New Jersey, from the existing bridge, operated and
2 maintained by the commission, across the Delaware River between
3 the city of Philadelphia in the Commonwealth of Pennsylvania and
4 the city of Camden in the State of New Jersey, so long as there are
5 any outstanding bonds or other securities or obligations of the
6 commission for which the tolls, rents, rates, or other revenues, or
7 any part thereof, of said existing bridge shall have been pledged.
8 Nothing contained in this agreement shall be construed to authorize
9 the commission to condemn any such bridge.

10 Anything herein contained to the contrary notwithstanding, no
11 bridge or tunnel shall be constructed, acquired, operated, or
12 maintained by the commission across or under the Delaware River
13 north of the boundary line between Bucks County and Philadelphia
14 County in the Commonwealth of Pennsylvania as extended across
15 the Delaware River to the New Jersey shore of said river, and any
16 new bridge or tunnel authorized by or pursuant to this compact or
17 agreement to be constructed or erected by the commission may be
18 constructed or erected at any location south of said boundary line
19 notwithstanding the terms and provisions of any other agreement
20 between the Commonwealth of Pennsylvania and the State of New
21 Jersey. Except as may hereafter be otherwise provided in
22 conformity with Article IX hereof with respect to specific
23 properties designated by action of the Legislatures of both of the
24 signatory States, no property or facility owned or controlled by the
25 commission shall be acquired from it by any exercise of powers of
26 condemnation or eminent domain.

27
28 9. (New section) a. There is created under the commission the
29 Port Authority Transit Corporation Commuter's Council, to study,
30 investigate, monitor, and make recommendations with respect to the
31 maintenance and operation of the Port Authority Transit
32 Corporation's facilities for the transportation of passengers. The
33 council shall study and investigate all aspects of the day-to-day
34 operations of the Port Authority Transit Corporation, monitor its
35 performance and recommend changes to improve the efficiency of
36 the operation of Port Authority Transit Corporation service.

37 b. The council shall consist of four resident voters of the
38 Commonwealth of Pennsylvania and four resident voters of the
39 State of New Jersey, who shall be commuters regularly using the
40 transportation services of the Port Authority Transit Corporation.
41 The members from the Commonwealth of Pennsylvania shall be
42 appointed by the Governor of Pennsylvania, subject to confirmation
43 by a majority of members of the Pennsylvania Senate, and the
44 members from the State of New Jersey shall be appointed by the
45 Governor of New Jersey. Each of the members shall serve for a
46 term of three years. Vacancies occurring in the membership of the
47 council shall be filled in the same manner as the original
48 appointment.

1 c. Members of the council shall serve without compensation
2 but may be reimbursed, subject to the limits of funds appropriated
3 or otherwise made available for those purposes, for expenses
4 actually incurred in attending meetings of the council and in
5 performance of their duties as members of the council.

6 d. The commission shall provide the council with assistance
7 and information as may be necessary for the purposes of this
8 section.

9
10 10. Section 1(6) of P.L.1951, c.288 (C.32:3-13.23) is amended
11 to read as follows:

12 1(6). As used herein, unless a different meaning clearly appears
13 from the context:

14 "Port District" shall mean all the territory within the counties of
15 Bucks, Chester, Delaware, Montgomery, and Philadelphia in
16 Pennsylvania, and all the territory within the counties of Atlantic,
17 Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean,
18 and Salem in New Jersey.

19 "Commission" shall mean the Delaware River Port Authority
20 and, when required by the context, the board constituting the
21 governing body thereof in charge of its property and affairs.

22 "Commissioner" shall mean a member of the governing body of
23 the Delaware River Port Authority.

24 **["Economic development activity" or "economic development"**
25 **means any structure or facility or any development within the Port**
26 **District in connection with manufacturing, port-oriented**
27 **development, foreign trade zone site development or research,**
28 **commercial, industrial, or recreational purposes, or for purposes of**
29 **warehousing or consumer and supporting services directly relating**
30 **to any of the foregoing or to any authority project or facility which**
31 **are required for the sound economic development of the Port**
32 **District.】**

33 "Commission resources" shall mean commission-owned or
34 commission-leased equipment, including telephones, computer
35 hardware or software, copiers, scanners, fax machines, file cabinets
36 or other office furniture, cell phones, person digital assistant
37 devices, or similar electronic devices and offices supplies.

38 "Director" shall include the engineering director, bridge
39 directors, director of the Port of Philadelphia and Camden, director
40 of risk management and safety, director of human resource services,
41 director of information services, finance director of Port Authority
42 Transit Corporation, director of revenue, director of finance,
43 director of emergency management and homeland security, or any
44 similar position created by the commission.

45 "Doing business with the commission" shall include the
46 following:

47 (1) Matters concerning the commission's acquisition, disposal,
48 or improvement of real property.

1 (2) The making of the commission's contracts or the settlement
2 of claims related to commission's contracts.

3 (3) The procurement of commission supplies, equipment,
4 services or professional services, including without limitation,
5 legal, accounting, and investment services.

6 (4) The initiation or settlement of litigation to which the
7 commission is a party.

8 (5) The grant by the commission of a subsidy or privilege.

9 (6) The issuance and placement of commission debt obligations.

10 (7) The deposit of commission funds.

11 (8) Other transactions in which the commission has a financial
12 interest.

13 "Employee" shall include all persons employed by the
14 commission other than officers and directors.

15 "Immediate family member" shall include the spouse, parent,
16 stepparent, parent-in-law, grandparent, child, stepchild, grandchild,
17 brother, sister, stepbrother, stepsister, half-brother, half-sister, aunt,
18 uncle, niece, or nephew of any current commissioner, officer, or
19 employee, whether related by blood, marriage, or adoption.

20 "Officer" shall include the chief executive officer, deputy chief
21 executive officer, corporate secretary, treasurer, chief public safety
22 officer or police chief, chief financial officer, chief administrative
23 officer, chief operating officer, the Port Authority Transit
24 Corporation general manager and assistant general manager, general
25 counsel, or any similar position created by the commission.

26 "Political activity" shall mean an activity on behalf of a political
27 party, candidate, political committee, or campaign, which is
28 intended to advance the interests of a specific party, candidate,
29 political committee, or campaign for elective office.

30 (1) The term shall include:

31 (a) Organizing a campaign meeting, campaign rally, or other
32 campaign event, including a fundraiser where campaign
33 contributions are solicited or received.

34 (b) Preparing or completing responses to candidate
35 questionnaires that are intended solely for campaign use.

36 (c) Preparing a campaign finance report.

37 (d) Conducting background research on a candidate.

38 (e) Preparing or conducting a campaign poll.

39 (f) Preparing, circulating or filing a candidate nominating
40 petition or papers.

41 (g) Participating in, preparing, reviewing, or filing a legal
42 challenge to a nominating petition.

43 (h) Preparing, distributing, or mailing campaign literature,
44 campaign signs, or other campaign material, including television
45 and radio advertisements, website construction, e-mails, facsimiles,
46 and robocalls, on behalf of any candidate for elective office.

47 (i) Managing a campaign for elective office.

- 1 (j) Participating in, preparing, reviewing, or filing a document
2 in a recount, challenge, or contest of an election.
- 3 (k) Posting campaign-related information on a website,
4 including social media websites.
- 5 (l) Soliciting or receiving campaign contributions in a
6 commission office, on commission property, or with commission
7 resources.
- 8 (m) Using commission resources to create, store, or maintain a
9 mailing list that identifies the listed individuals as campaign
10 volunteers or contributors to a candidate, political party, political
11 committee, campaign, or campaign committee.
- 12 (n) Developing a list for the purpose of monitoring or tracking
13 campaign activity or campaign contributions of any commission
14 employee.
- 15 (2) The term shall not include:
- 16 (a) Registering and voting in an election.
- 17 (b) Expressing an opinion as an individual privately or publicly
18 on political subjects and candidates.
- 19 (c) Displaying a political picture, sticker, badge, or button when
20 not on duty and at locations other than the workplace and
21 commission property.
- 22 (d) Participating in the nonpartisan activities of a civic,
23 community, social, labor, or professional organization, or of a
24 similar organization.
- 25 (e) Being a member of a political party or other political
26 organization or club and participating in its activities to the extent
27 consistent with this compact.
- 28 (f) Attending a political convention, rally, fundraising function,
29 or other political gathering.
- 30 (g) Signing a political petition as an individual.
- 31 (h) Making a financial contribution to a political party or
32 organization.
- 33 (i) Being politically active in connection with a question which
34 is not specifically identified with a political party, such as any
35 constitutional amendment, referendum, approval of a municipal
36 ordinance, or other question or issue of a similar character.
- 37 (j) Otherwise participating fully in public affairs, except as
38 prohibited by law, in a manner which does not materially
39 compromise efficiency or integrity as an employee or the efficiency
40 or integrity of the commission.
- 41 "Relative" shall mean any:
- 42 (1) spouse, parent, stepparent, parent-in-law, grandparent, child,
43 stepchild, grandchild, brother, sister, stepbrother, stepsister, half-
44 brother, half-sister, aunt, uncle, niece, or nephew of any current
45 commissioner, officer, or employee, whether related by blood,
46 marriage, or adoption.
- 47 (2) Significant other of a commissioner, officer, director, or
48 employee.

1 (3) Individual residing in the same household as a
2 commissioner, officer, director, or employee.

3 "Terminal" shall include any marine, motor truck, motorbus,
4 railroad, and air terminal or garage, also any coal, grain, and lumber
5 terminal and any union freight and other terminals used or to be
6 used in connection with the transportation of passengers and freight,
7 and equipment, materials, and supplies therefor.

8 "Transportation facility" and "facilities for transportation of
9 passengers" shall include railroads operated by steam, electricity, or
10 other power, rapid transit lines, motor trucks, motorbuses, tunnels,
11 bridges, airports, boats, ferries, carfloats, lighters, tugs, floating
12 elevators, barges, scows, or harbor craft of any kind, and aircraft,
13 and equipment, materials, and supplies therefor.

14 "Terminal facility" shall include wharves, piers, slips, berths,
15 ferries, docks, dry-docks, ship repair yards, bulkheads, dock walls,
16 basins, carfloats, floatbridges, dredging equipment, radio receiving
17 and sending stations, grain or other storage elevators, warehouses,
18 cold storage, tracks, yards, sheds, switches, connections, overhead
19 appliances, bunker coal, oil and fresh water stations, markets, and
20 every kind of terminal, storage, or supply facility now in use, or
21 hereafter designed for use to facilitate passenger transportation and
22 for the handling, storage, loading, or unloading of freight at
23 terminals, and equipment, materials, and supplies therefor.

24 "Transportation of passengers" and "passenger transportation"
25 shall mean the transportation of passengers by railroad or other
26 facilities.

27 "Rapid transit system" shall mean a transit system for the
28 transportation of passengers, express, mail, and baggage by railroad
29 or other facilities, and equipment, materials, and supplies therefor.

30 "Project" shall mean any improvement, betterment, facility, or
31 structure authorized by or pursuant to this compact or agreement to
32 be constructed, erected, acquired, owned, or controlled or otherwise
33 undertaken by the commission. "Project" shall not include
34 undertakings for purposes described in Article I, subdivisions (d),
35 (e), (g), (h) and (i).

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

41 "Bridge" and "tunnel" shall include such approach highways and
42 interests in real property necessary therefor in the Commonwealth
43 of Pennsylvania or the State of New Jersey as may be determined
44 by the commission to be necessary to facilitate the flow of traffic in
45 the vicinity of a bridge or tunnel or to connect a bridge or tunnel
46 with the highway system or other traffic facilities in said
47 Commonwealth or said State; provided, however, that the power
48 and authority herein granted to the commission to construct new or

1 additional approach highways shall not be exercised unless and
2 until the Department of Transportation of the Commonwealth of
3 Pennsylvania shall have filed with the commission its written
4 approval as to approach highways to be located in said
5 Commonwealth and the State Highway Department of the State of
6 New Jersey shall have filed with the commission its written
7 approval as to approach highways to be located in said State.

8 "Facility" shall include all works, buildings, structures, property,
9 appliances, and equipment, together with appurtenances necessary
10 and convenient for the proper construction, equipment,
11 maintenance, and operation of a facility or facilities or any one or
12 more of them.

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

16 "Lease" shall include rent or hire.

17 "Municipality" shall include a county, city, borough, village,
18 township, town, public agency, public authority, or political
19 subdivision.

20 Words importing the singular number include the plural number
21 and vice versa.

22 Wherever legislation or action by the Legislature of either
23 signatory State is herein referred to it shall mean an act of the
24 Legislature duly adopted in accordance with the provisions of the
25 Constitution of such State.

26 (cf: P.L.1991, c.515, s.7)

27

28 11. The Governor is authorized to apply, on behalf of the State
29 of New Jersey, to the Congress of the United States for its consent
30 and approval to the amendments to this compact or agreement
31 provided in P.L. , c. (C.) (pending before the Legislature as
32 this bill).

33

34 12. This act shall take effect immediately, but shall remain
35 inoperative until the enactment into law of legislation substantially
36 similar to P.L. , c. (C.) (pending before the Legislature as
37 this bill) by the Commonwealth of Pennsylvania, but if such
38 legislation shall have been enacted prior to the enactment of this
39 act, this act shall take effect immediately.

40

41

42

STATEMENT

43

44 This bill amends and supplements the compact between the
45 Commonwealth of Pennsylvania and the State of New Jersey
46 creating the Delaware River Port Authority (DRPA). The bill
47 eliminates the power of DRPA to plan, finance, develop, acquire,
48 construct, lease, maintain, market, improve, and operate economic

1 development activities. The bill also limits DRPA to projects
2 directly related to the operation of the authority. The bill further
3 provides that DRPA's power to issue bonds is limited to the
4 financing of authorized projects and eliminates the authority's
5 power to issue bonds for purposes of financing economic
6 development activities.

7 The bill requires that the six commission members appointed by
8 the Pennsylvania Governor be confirmed by a majority of the
9 members elected to the Pennsylvania Senate. The Auditor General
10 and the State Treasurer of Pennsylvania would continue to serve as
11 ex-officio commissioners.

12 The bill authorizes DRPA to hold executive sessions consisting
13 of a majority of the commissioners from each state to address
14 confidential matters. The commissioners from only one state are
15 not permitted to meet in caucus separately from the members of the
16 other state.

17 The bill imposes various requirements and restrictions upon
18 DRPA and its commissioners, officers, employees, and their
19 immediate families.

20 The bill requires DRPA to:

- 21 • submit every two years to two separate audits conducted by
22 an independent auditor selected by the New Jersey
23 Comptroller and Auditor General of Pennsylvania and
24 approved by the Governors of both states: (1) in even-
25 numbered years, an audit of its budget, and (2) in odd-
26 numbered years, a performance review audit, including an
27 evaluation of whether DRPA is achieving efficiency and
28 effectiveness in the employment of its financial and
29 operational resources. Failure to submit to either audit will
30 result in the forfeiture of the salary of every officer, director,
31 or acting director of the authority until such time as the audit
32 is complete;
- 33 • conduct a review of the compensation of DRPA employees
34 and officers for the purpose of ensuring that compensation is
35 commensurate with duties performed; Failure to conduct the
36 review will result in the forfeiture of the salary of every
37 officer, director, or acting director of the authority until such
38 time as the review is complete;
- 39 • use best practices in procurement of necessary items and
40 services, including the procurement of supplies, services, and
41 construction pursuant to procurement laws in Pennsylvania
42 and New Jersey;
- 43 • establish a secure online process to allow prospective
44 qualified vendors to complete online any documents the
45 authority requires concerning requests for proposals;
- 46 • require vendors to annually disclose political campaign
47 contributions;

- 1 • respond to requests for records pursuant to either
2 Pennsylvania's Right-to-Know Law or New Jersey's open
3 public records act, as selected by the person or entity
4 requesting the records; and
5 • adopt rules and regulations concerning proper notice to the
6 public and news media of its meetings.

7 The bill prohibits DRPA from:

- 8 • negotiating, extending, amending, or altering the terms of a
9 contract unless such action is voted on and approved by the
10 board in a public session and notice of that session is
11 properly provided;
12 • entering into a contract with a person, corporation or other
13 legal entity that (1) is owned wholly or in part by a
14 commissioner, director, officer, or employee, or (2) a
15 commissioner, director, officer, or employee, or that person's
16 relative, has entered into a contractual or business
17 relationship with or has received a personal pecuniary benefit
18 therefrom;
19 • donating money to charitable or civic organizations;
20 • compensating any commissioner, director, officer, or
21 employee for expenses related to the use of a vehicle
22 primarily used for personal use or for the purpose of
23 commuting between home and work;
24 • extending a personal line of credit or any other form of credit
25 agreement or compensation to any commissioner, director,
26 officer, or employee;
27 • entering into a contract containing, or contingent upon, a
28 written agreement or understanding which requires a party to
29 make a payment of a portion of any consideration,
30 commission, premium, or fee received under the contract,
31 with a person or entity not a party to the contract; and
32 • voting on any matter concerning an authority contract unless
33 notice is provided to the public at least 30 days prior to the
34 scheduled vote.

35 The bill prohibits DRPA commissioners, directors, officers, and
36 employees from:

- 37 • engaging in political activity or electioneering using
38 authority resources or equipment, or during work hours,
39 authority meetings, or other activities primarily related to
40 employment with the authority;
41 • having an interest in a business or engaging in any activity
42 which is in substantial conflict with the proper discharge of
43 their duties;
44 • soliciting or recommending that a contractor, vendor, or
45 grant recipient appoint or employ any person;

- 1 • exerting any undue influence with respect to any act of the
2 authority. Members of the immediate family are also barred
3 from such action;
- 4 • if employed at the level of officer, director, or above,
5 accepting or engaging in employment with any professional
6 service provider, vendor, or independent contractor of the
7 authority for a period of two years from the date of
8 termination of employment with the authority;
- 9 • if a commissioner, director, or officer, making a charitable
10 contribution on behalf of the authority;
- 11 • receiving a lump sum expense allowance or contingent fund
12 unless expressly provided for by statute or legislative
13 appropriation; and
- 14 • being exempt from or reimbursed for payment of any toll.

15 The Attorneys General from both Pennsylvania and New Jersey
16 are authorized, under the bill, to take action under the laws of each
17 state to enforce the provisions of the compact.

18 DRPA commissioners, directors, officers, and employees are
19 required to use due diligence to avoid situations in which their
20 personal interest, activities, or financial affairs are, or are
21 reasonably perceived as being, in conflict with the interests of the
22 authority.

23 The bill also creates the Port Authority Transit Corporation
24 Commuter's Council to study, investigate, monitor, and make
25 recommendations with respect to the maintenance and operation of
26 the Port Authority Transit Corporation's facilities for the
27 transportation of passengers. The council will study and investigate
28 all aspects of the day-to-day operations of the transit corporation,
29 monitor its performance, and recommend changes to improve the
30 efficiency of its operations.