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# DELAWARE RIVER JOINT TOLL BRIDGE COMMISSION

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## HEARING BEFORE A SUBCOMMITTEE OF THE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH CONGRESS  
FIRST SESSION  
ON

**H.R. 5347 AND H.R. 6199**

BILLS GRANTING THE CONSENT OF CONGRESS TO A SUPPLEMENTAL COMPACT OR AGREEMENT BETWEEN THE COMMONWEALTH OF PENNSYLVANIA AND THE STATE OF NEW JERSEY CONCERNING THE DELAWARE RIVER JOINT TOLL BRIDGE COMMISSION, AND FOR OTHER PURPOSES

AUGUST 7, 1963

Printed for the use of the  
Committee on Interstate and Foreign Commerce



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## CONTENTS

---

Text of—	Page
H.R. 5347 .....	1
H.R. 6199 .....	6
Report of—	
Army Department .....	10
Bureau of the Budget .....	11
Commerce Department .....	11
Interstate Commerce Commission .....	13
Justice Department .....	14
Statement of—	
Curtin, Hon. Willard S., a Representative in Congress from the Commonwealth of Pennsylvania .....	15
Goldberg, David J., Commissioner, Delaware River Joint Toll Bridge Commission .....	31
Henwood, William, vice president, Meenan Oil Co .....	40
Holland, Hon. Arthur J., mayor, Trenton, N.J. ....	41
Meara, Edward F., executive vice president, Greater Trenton Council .....	43
Nevius, John H., president, Greater Trenton Chamber of Commerce .....	42
Swope, Guy J., Commissioner, Delaware River Joint Toll Bridge Commission .....	29
Thompson, Hon. Frank, Jr., a Representative in Congress from the State of New Jersey .....	23
Additional information submitted for the record by—	
Delaware River Joint Toll Bridge Commission:	
Letter from William R. Johnson .....	45
Map showing affected area .....	34
Lower Bucks County Chamber of Commerce, letter from A. Marly .....	40
Moyer, Jr., president .....	40
Scranton, Hon. William W., Governor of Pennsylvania, telegram from .....	18

45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61

# DELAWARE RIVER JOINT TOLL BRIDGE COMMISSION

WEDNESDAY, AUGUST 7, 1963

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON TRANSPORTATION AND AERONAUTICS  
OF THE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,  
Washington, D.C.

The subcommittee met, pursuant to call, at 1:30 p.m. in room 1334, New House Office Building, Hon. Samuel N. Friedel presiding.

Mr. FRIEDEL. This afternoon the Subcommittee on Transportation and Aeronautics is holding hearings on two bills, H.R. 5347, introduced by Mr. Thompson of New Jersey, and H.R. 6199, by our colleague on this committee, Mr. Curtin, from Pennsylvania.

The two bills are substantially identical. It is my understanding that an explanation will be made later in the course of the hearings with regard to the difference between the two bills.

The purpose of the two bills is to grant the consent of Congress to a supplemental interstate compact between the Commonwealth of Pennsylvania and the State of New Jersey concerning the Delaware River Joint Toll Bridge Commission. I trust the witnesses will explain in detail the purposes of the supplemental compact.

(H.R. 5347, H.R. 6199, and department reports on H.R. 5347 are as follows:)

[H.R. 5347, 88th Cong., 1st sess.]

A BILL Granting the consent of Congress to a supplemental compact or agreement between the Commonwealth of Pennsylvania and the State of New Jersey concerning the Delaware River Joint Toll Bridge Commission, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the consent of Congress is hereby given to the supplemental compact or agreement set forth below, and to each and every term and provision thereof: *Provided,* That nothing therein contained shall be construed to affect, impair, or diminish any right, power, or jurisdiction of the United States or of any court, department, board, bureau, officer, or official of the United States, over or in regard to any navigable waters, or any commerce between the States or with foreign countries, or any bridge, railroad, highway, pier, wharf, or other facility or improvement, or any other person, matter, or thing, forming the subject matter of the aforesaid compact or agreement or otherwise affected by the terms thereof: *Provided further,* That with respect to any port and terminal facilities, as defined in said supplemental compact or agreement, the power to exercise the right of eminent domain granted to the Delaware River Joint Toll Bridge Commission shall not be exercised to condemn property devoted to public use by any person or corporation, public or private, having the right of eminent domain or to condemn property of any person or corporation abutting on the Delaware River for the same use as that to which the property is being devoted or to condemn a dock or other facility abutting on the Delaware River when the dock or other facility is used as an integral part of a manufacturing plant or operation.

## SUPPLEMENTAL AGREEMENT BETWEEN THE COMMONWEALTH OF PENNSYLVANIA AND THE STATE OF NEW JERSEY

AMENDING AND SUPPLEMENTING THE COMPACT OR AGREEMENT ENTITLED "AGREEMENT BETWEEN THE COMMONWEALTH OF PENNSYLVANIA AND THE STATE OF NEW JERSEY CREATING THE DELAWARE RIVER JOINT TOLL BRIDGE COMMISSION AS A BODY CORPORATE AND POLITIC AND DEFINING ITS POWERS AND DUTIES," AS HERETOFORE AMENDED AND SUPPLEMENTED, BY EXTENDING THE POWERS OF THE COMMISSION TO INCLUDE CERTAIN PORT AND TERMINAL FACILITIES

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 compact or agreement entitled "Agreement between the Commonwealth of Pennsylvania and the State of New Jersey creating the Delaware River Joint Toll Bridge Commission as a body corporate and politic and defining its powers and duties," executed on behalf of the Commonwealth of Pennsylvania by its Governor on the nineteenth day of December, one thousand nine hundred and thirty-four, pursuant to an act of its General Assembly approved the twenty-fifth day of June, one thousand nine hundred and thirty-one (Pamphlet Laws 1352), as last amended by an act of said General Assembly approved the eighteenth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws 827), and executed on behalf of the State of New Jersey by its Governor on the eighteenth day of December, one thousand nine hundred and thirty-four, pursuant to an act of its Senate and General Assembly approved June eleventh, one thousand nine hundred and thirty-four (chapter 215, laws of 1934; R. S. (1937) 32: 8-1), to which compact or agreement the consent of the Congress of the United States was given by section 9 of an Act of the Congress approved August 30, 1935 (Public No. 411, 74th Congress, 49 Stat. 1051, 1058), as heretofore amended and supplemented, be and the same is hereby amended and supplemented to read as follows:

## ARTICLE I

There is hereby created a body corporate and politic, to be known as the "Delaware River Joint Toll Bridge Commission" (hereinafter in this agreement called the "commission"), which shall consist of the commissioners, on behalf of the Commonwealth of Pennsylvania, provided for by the act, approved the eighth day of May, one thousand nine hundred and nineteen (Pamphlet Laws, one hundred forty-eight), and its supplements and amendments, for the acquisition of toll bridges over the Delaware River, and of commissioners, on behalf of the State of New Jersey, provided for by the act, approved the first day of April, one thousand nine hundred and twelve (Chapter, two hundred ninety-seven), and its supplements and amendments, for the acquisition of toll bridges over the Delaware River, which said commissions have heretofore been acting as a joint commission by virtue of reciprocal legislation.

No action of the commission shall be binding unless a majority of the members of the commission from Pennsylvania and a majority of the members of the commission from New Jersey shall vote in favor thereof.

In the event that any ex-officio member of the commission from Pennsylvania shall for any reason be absent from a meeting of the commission, a deputy or other person in his department designated by him for such purpose shall be authorized to act at such meeting for and in behalf of such absent member and to vote in his place on all matters which may be presented for consideration at such meeting. Such designation shall be signed by such ex-officio member and filed with the secretary of the commission and shall continue in effect until the expiration of the term of office of such member or until another designation shall be made.

The commission shall constitute the public corporate instrumentality of the Commonwealth of Pennsylvania and the State of New Jersey for the following public purposes, and shall be deemed to be exercising an essential governmental function in effectuating such purposes, to wit:

(a) The administration, operation, and maintenance of the joint State-owned bridges across the Delaware River between the Commonwealth of Pennsylvania and the State of New Jersey, and located north of the present stone arch bridge of the Pennsylvania Railroad across the Delaware River from Morrisville to Trenton;

(b) The investigation of the necessity for additional bridge communications over the Delaware River, and the making of such studies, surveys and estimates as may be necessary to determine the feasibility and cost of such additional bridge communications;

(c) The preparation of plans and specifications for, and location, acquisition, construction, administration, operation and maintenance of, such additional bridge communications over the Delaware River at any location north of the boundary line between Bucks County and Philadelphia County in the Commonwealth of Pennsylvania as extended across the Delaware River to the New Jersey shore of said river, as the commission deems necessary to advance the interests of the two States and to facilitate public travel; and the issuance of bonds and obligations to provide moneys sufficient for the acquisition or construction of such bridges; and the collection of tolls, rentals, and charges for the redemption of such bonds and obligations, and the payment of interest thereon;

(d) The procurement from the Government of the United States of any consents which may be requisite to enable the commission to exercise any of its powers;

(e) The investigation of the necessity for additional port and terminal facilities within the area (hereinafter referred to as the "district") comprising all of the territory within the counties of Bucks, Northampton, Monroe and Pike in Pennsylvania, all of the territory within the counties of Sussex, Warren, Hunterdon and Mercer in New Jersey, and that part of the territory within the county of Burlington in New Jersey north of the northerly bank of Rancocas Creek as said creek and its north branch extend in a general easterly direction from the Delaware River and through Mount Holly, Pemberton and Browns Mills and other communities to the Burlington-Ocean County boundary line in New Jersey;

(f) The acquisition, construction, administration, operation and maintenance of such port and terminal facilities within the district as the commission may deem necessary to advance the interests of the two States; the issuance of bonds or other obligations of the commission to provide moneys sufficient for the acquisition or construction of such facilities; and the collection of fees, rentals, tolls and other charges for the payment of such bonds or obligations and the interest thereon, and for the administration, operation and maintenance of such facilities.

(2) Article II of said compact or agreement, as heretofore amended and supplemented, be and the same is hereby amended and supplemented to read as follows:

#### ARTICLE II

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 appoint an engineer. The secretary, treasurer, and engineer need not be members of the commission.

(e) To adopt suitable by-laws for the management of its affairs.

(f) To appoint such other officers, agents and employees as it may require for the performance of its duties.

(g) To determine the qualifications and duties of its appointees, and to fix their compensation.

(h) To enter into contracts.

(i) To acquire, own, hire, use, operate, and dispose of personal property.

(j) To acquire, own, use, lease, operate, and dispose of real property and interest in real property, and to make improvements thereon.

(k) To grant the use of, by franchise, lease, and otherwise, and to make and collect charges for the use of, any property or facility owned or controlled by it.

(l) To borrow money upon its bond or other obligations, either with or without security.

(m) To exercise the power of eminent domain.

(n) 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, maintain, operate or control.

(o) In addition to the foregoing powers, to exercise the powers, duties, authority and jurisdiction heretofore conferred and imposed upon the aforesaid commissions, hereby constituted a joint commission by reciprocal legislation of the Com-

monwealth of Pennsylvania and the State of New Jersey, with respect to the acquisition of toll bridges over the Delaware River, the management, operation and maintenance of such bridges, and the location, acquisition, construction, administration, operation and maintenance of additional bridge communications over the Delaware River at any location north of the boundary line between Bucks County and Philadelphia County in the Commonwealth of Pennsylvania as extended across the Delaware River to the New Jersey shore of said river. The powers granted in this paragraph shall be in addition to those powers granted by paragraph (a) of article X of this agreement.

(p) To exercise all other powers, not inconsistent with the Constitutions of the States of Pennsylvania and New Jersey 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 powers granted to the commission by this agreement or any amendment thereof or supplement thereto, except the power to levy taxes or assessments for benefits; and generally to exercise, in connection with its property and affairs and in connection with property under 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.

(q) To acquire, construct, rehabilitate, improve, maintain, lease as lessor or as lessee, repair and operate port and terminal facilities as hereinafter defined within the district, including the dredging of ship channels and turning basins and the filling and grading of land therefor.

(r) To provide from time to time for the issuance of its bonds or other obligations for any one or more of its corporate purposes; all bonds and other obligations hereafter issued by the commission shall have all the qualities and incidents of negotiable instruments.

(s) To fix, charge, and collect fees, rentals, tolls and other charges for the use of any of its port and terminal facilities so as to provide funds at least sufficient, with other funds available for such purposes (1) to pay the cost of maintaining, repairing and operating such port and terminal facilities, including the administrative expenses of the commission chargeable thereto, (2) to pay the bonds or other obligations issued on account of such facilities and the interest thereon as the same become due and payable, and (3) to provide reserves for such purposes, and to pledge such funds, over and above such costs of maintenance, repair and operation, to the payment of such bonds or other obligations and the interest thereon.

(t) To petition the Interstate Commerce Commission, any public service or public utilities commission, or any other federal, state or local authority, whether administrative, judicial or legislative, 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 facilitate the movement or handling of commerce within the district or improve the terminal or transportation facilities therein.

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

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

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

Notwithstanding any other provision of this agreement or any provision of law, state or federal, to the contrary, the commission may combine for financing purposes any port and terminal facility or facilities constructed or acquired by it under the provisions of this agreement with any bridge or bridges heretofore or hereafter constructed or acquired by the commission, subject to any limitations contained in any trust indenture securing bonds of the commission at the time outstanding.

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

Nothing contained in any other of the provisions of this compact or agreement shall be deemed or construed to amend, modify or repeal any of the powers, rights or duties conferred by, or limitations or restrictions expressed in, Article X of this compact or agreement, or any of the provisions of said Article X relating to a bridge to be constructed, operated and maintained by the Pennsylvania Turnpike Commission or the New Jersey Turnpike Authority, acting alone or in conjunction with each other.

IN WITNESS WHEREOF, this 16th day of July, 1953, ALFRED E. DRISCOLL has affixed his signature hereto as Governor of the State of New Jersey and caused the great seal of the State to be attached thereto.

(GREAT SEAL)

[s] ALFRED E. DRISCOLL  
Governor, State of New Jersey

Attest:

[s] LLOYD B. MARSH  
Secretary of State

And, on this 13th day of July, 1953, JOHN S. FINE has affixed his signature hereto as Governor of the Commonwealth of Pennsylvania and caused the great seal of the Commonwealth to be attached thereto.

(GREAT SEAL)

[s] JOHN S. FINE  
Governor, Commonwealth of Pennsylvania

Attest:

[s] GENE D. SMITH  
Secretary of the Commonwealth

SEC. 2. The Delaware River Joint Toll Bridge Commission is hereby authorized to combine for financing purposes any bridge or bridges heretofore or hereafter constructed or acquired by the Commission and any port and terminal facilities referred to in the supplemental compact or agreement between the Commonwealth of Pennsylvania and the State of New Jersey set forth above. Said Commission is hereby authorized to fix and charge tolls for the use of such bridge or bridges so combined and to pledge such tolls in accordance with the provisions of said supplemental compact or agreement: *Provided*, That in fixing the rates of toll to be charged for the use of any bridge hereafter constructed or acquired by said Commission or any bridge or bridges so combined, the same shall be so adjusted as to provide funds sufficient, with other funds available for such purposes, to pay the reasonable costs of maintaining, repairing and operating such bridge or bridges and their approach facilities and such port and terminal facilities under economical management, and to provide funds sufficient to amortize the costs of such bridge or bridges and their approach facilities and such port and terminal facilities, including reasonable interest and financing cost, as soon as possible, under reasonable charges, and said Commission may continue such tolls on all bridges heretofore or hereafter constructed or acquired by the Commission until all such costs shall have been amortized: *Provided, further*, That, as a specific exemption from the provisions of section 506 of the General Bridge Act of 1946, as amended, the collection of tolls for the use of any bridge hereafter constructed or acquired by the Commission, in excess of amounts reasonably required for the operation and maintenance thereof under economical management, shall cease at the expiration of fifty years from the date of the opening to traffic by the Commission of the bridge latest constructed or acquired by said Commission after the effective date of this Act, and the rate of such tolls shall be subject to the provisions of section 503 of the General Bridge Act of 1946, as amended. The powers hereinabove granted shall be regarded as supplemental and additional to powers heretofore granted to said Commission.

SEC. 3. The right is hereby reserved to the Congress or any of its standing committees to require of the Commission the disclosure and furnishing of such information and data as is deemed appropriate by the Congress or any committee thereof having jurisdiction of the subject matter of this Act.

SEC. 4. The right to alter, amend, or repeal this Act is hereby expressly reserved.

[H.R. 6199, 88th Cong., 1st sess.]

A BILL Granting the consent of Congress to a supplemental compact of agreement between the Commonwealth of Pennsylvania and the State of New Jersey concerning the Delaware River Joint Toll Bridge Commission, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the consent of Congress is hereby given to the supplemental compact or agreement set forth below, and to each and every term and provision thereof: *Provided,* That nothing therein contained shall be construed to affect, impair, or diminish any right, power, or jurisdiction of the United States or of any court, department, board, bureau, officer, or official of the United States, over or in regard to any navigable waters, or any commerce between the States or with foreign countries, or any bridge, railroad, highway, pier, wharf, or other facility or improvement, or any other person, matter, or thing, forming the subject matter of the aforesaid compact or agreement or otherwise affected by the terms thereof: *Provided further,* That with respect to any port and terminal facilities, as defined in said supplemental compact or agreement, the power to exercise the right of eminent domain granted to the Delaware River Joint Toll Bridge Commission shall not be exercised to condemn property devoted to public use by any person or corporation, public or private, having the right of eminent domain or to condemn property of any person or corporation abutting on the Delaware River for the same use as that to which the property is being devoted or to condemn a dock or other facility abutting on the Delaware River when the dock or other facility is used as an integral part of a manufacturing plant or operation.

#### SUPPLEMENTAL AGREEMENT BETWEEN THE COMMONWEALTH OF PENNSYLVANIA AND THE STATE OF NEW JERSEY

AMENDING AND SUPPLEMENTING THE COMPACT OR AGREEMENT ENTITLED "AGREEMENT BETWEEN THE COMMONWEALTH OF PENNSYLVANIA AND THE STATE OF NEW JERSEY CREATING THE DELAWARE RIVER JOINT TOLL BRIDGE COMMISSION AS A BODY CORPORATE AND POLITICAL AND DEFINING ITS POWERS AND DUTIES," AS HERETOFORE AMENDED AND SUPPLEMENTED, BY EXTENDING THE POWERS OF THE COMMISSION TO INCLUDE CERTAIN PORT AND TERMINAL FACILITIES

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#### ARTICLE I

There is hereby created a body corporate and politic, to be known as the "Delaware River Joint Toll Bridge Commission" (hereinafter in this agreement called the "commission"), which shall consist of the commissioners, on behalf of the Commonwealth of Pennsylvania, provided for by the act, approved the eighth day of May, one thousand nine hundred and nineteen (Pamphlet Laws, one hundred forty-eight), and its supplements and amendments, for the acquisition of toll bridges over the Delaware River, and of commissioners, on

behalf of the State of New Jersey, provided for by the act, approved the first day of April, one thousand nine hundred and twelve (Chapter, two hundred ninety-seven), and its supplements and amendments, for the acquisition of toll bridges over the Delaware River, which said commissions have heretofore been acting as a joint commission by virtue of reciprocal legislation.

No action of the commission shall be binding unless a majority of the members of the commission from Pennsylvania and a majority of the members of the commission from New Jersey shall vote in favor thereof.

In the event that any ex-officio member of the commission from Pennsylvania shall for any reason be absent from a meeting of the commission, a deputy or other person in his department designated by him for such purpose shall be authorized to act at such meeting for and in behalf of such absent member and to vote in his place on all matters which may be presented for consideration at such meeting. Such designation shall be signed by such ex-officio member and filed with the secretary of the Commission and shall continue in effect until the expiration of the term of office of such member or until another designation shall be made.

The commission shall constitute the public corporate instrumentality of the Commonwealth of Pennsylvania and the State of New Jersey for the following public purposes, and shall be deemed to be exercising an essential governmental function in effectuating such purposes, to wit:

(a) The administration, operation, and maintenance of the joint State-owned bridges across the Delaware River between the Commonwealth of Pennsylvania and the State of New Jersey, and located north of the present stone arch bridge of the Pennsylvania Railroad across the Delaware River from Morrisville to Trenton;

(b) The investigation of the necessity for additional bridge communications over the Delaware River, and the making of such studies, surveys and estimates as may be necessary to determine the feasibility and cost of such additional bridge communications;

(c) The preparation of plans and specifications for, and location, acquisition, construction, administration, operation and maintenance of, such additional bridge communications over the Delaware River at any location north of the boundary line between Bucks County and Philadelphia County in the Commonwealth of Pennsylvania as extended across the Delaware River to the New Jersey shore of said river, as the commission deems necessary to advance the interests of the two States and to facilitate public travel; and the issuance of bonds and obligations to provide moneys sufficient for the acquisition or construction of such bridges; and the collection of tolls, rentals, and charges for the redemption of such bonds and obligations, and the payment of interest thereon;

(d) The procurement from the Government of the United States of any consents which may be requisite to enable the commission to exercise any of its powers;

(e) The investigation of the necessity for additional port and terminal facilities within the area (hereinafter referred to as the "district") comprising all of the territory within the counties of Bucks, Northampton, Monroe and Pike in Pennsylvania, all of the territory within the counties of Sussex, Warren, Hunterdon and Mercer in New Jersey, and that part of the territory within the county of Burlington in New Jersey north of the northerly bank of Rancocas Creek as said creek and its north branch extend in a general easterly direction from the Delaware River and through Mount Holly, Pemberton and Browns Mills and other communities to the Burlington-Ocean County boundary line on New Jersey;

(f) The acquisition, construction, administration, operation and maintenance of such port and terminal facilities within the district as the commission may deem necessary to advance the interests of the two States; the issuance of bonds or other obligations of the commission to provide moneys sufficient for the acquisition or construction of such facilities; and the collection of fees, rentals, tolls, and other charges for the payment of such bonds or obligations and the interest thereon, and for the administration, operation and maintenance of such facilities.

(2) Article II of said compact or agreement, as heretofore amended and supplemented, be and the same is hereby amended and supplemented to read as follows:

## ARTICLE II

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 appoint an engineer. The secretary, treasurer, and engineer need not be members of the commission.
- (e) To adopt suitable by-laws for the management of its affairs.
- (f) To appoint such other officers, agents and employees as it may require for the performance of its duties.
- (g) To determine the qualifications and duties of its appointees, and to fix their compensation.
- (h) To enter into contracts.
- (i) To acquire, own, hire, use, operate, and dispose of personal property.
- (j) To acquire, own, use, lease, operate, and dispose of real property and interest in real property, and to make improvements thereon.
- (k) To grant the use of, by franchise, lease, and otherwise, and to make and collect charges for the use of, any property or facility owned or controlled by it.
- (l) To borrow money upon its bond or other obligations, either with or without security.
- (m) To exercise the power of eminent domain.
- (n) 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, maintain, operate or control.
- (o) In addition to the foregoing powers, to exercise the powers, duties, authority and jurisdiction heretofore conferred and imposed upon the aforesaid commissions, hereby constituted a joint commission by reciprocal legislation of the Commonwealth of Pennsylvania and the State of New Jersey, with respect to the acquisition of toll bridges over the Delaware River, the management, operation and maintenance of such bridges, and the location, acquisition, construction, administration, operation and maintenance of additional bridge communications over the Delaware River at any location north of the boundary line between Bucks County and Philadelphia County in the Commonwealth of Pennsylvania as extended across the Delaware River to the New Jersey shore of said river. The powers granted in this paragraph shall be in addition to those powers granted by paragraph (a) of article X of this agreement.
- (p) To exercise all other powers, not inconsistent with the Constitutions of the States of Pennsylvania and New Jersey 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 powers granted to the commission by this agreement or any amendment thereof or supplement thereto, except the power to levy taxes or assessments for benefits; and generally to exercise in connection with its property and affairs and in connection with property under 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.
- (q) To acquire, construct, rehabilitate, improve, maintain, lease as lessor or as lessee, repair and operate port and terminal facilities as hereinafter defined within the district, including the dredging of ship channels and turning basins and the filling and grading of land therefor.
- (r) To provide from time to time for the issuance of its bonds or other obligations for any one or more of its corporate purposes; all bonds and other obligations hereafter issued by the commission shall have all the qualities and incidents of negotiable instruments.
- (s) To fix, charge, and collect fees, rentals, tolls and other charges for the use of any of its port and terminal facilities so as to provide funds at least sufficient, with other funds available for such purposes (1) to pay the cost of maintaining, repairing and operating such port and terminal facilities, including the administrative expenses of the commission chargeable thereto, (2) to pay the bonds or other obligations issued on account of such facilities and the interest thereon as the same become due and payable, and (3) to provide reserves for such purposes, and to pledge such funds, over and above such costs of maintenance, repair and operation, to the payment of such bonds or other obligations and the interest thereon.

(t) To petition the Interstate Commerce Commission, any public service or public utilities commission, or any other federal, state or local authority, whether administrative, judicial or legislative, 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 facilitate the movement or handling of commerce within the district or improve the terminal or transportation facilities therein.

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

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

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

Notwithstanding any other provision of this agreement or any provision of law, state or federal, to the contrary, the commission may combine for financing purposes any port and terminal facility or facilities constructed or acquired by it under the provisions of this agreement with any bridge or bridges heretofore or hereafter constructed or acquired by the commission, subject to any limitations contained in any trust indenture securing bonds of the commission at the time outstanding.

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

Nothing contained in any other of the provisions of this compact or agreement shall be deemed or construed to amend, modify or repeal any of the powers, rights or duties conferred by, or limitations or restrictions expressed in, Article X of this compact or agreement, or any of the provisions of said Article X relating to a bridge to be constructed, operated and maintained by the Pennsylvania Turnpike Commission or the New Jersey Turnpike Authority, acting alone or in conjunction with each other.

IN WITNESS WHEREOF, this 16th day of July, 1953, ALFRED E. DRISCOLL has affixed his signature hereto as Governor of the State of New Jersey and caused the great seal of the State to be attached thereto.

(GREAT SEAL)

[s] ALFRED E. DRISCOLL  
Governor, State of New Jersey

Attest:

[s] LLOYD B. MARSH  
Secretary of State

And, on this 13th day of July, 1953, JOHN S. FINE has affixed his signature hereto as Governor of the Commonwealth of Pennsylvania and caused the great seal of the Commonwealth to be attached thereto.

(GREAT SEAL)

[s] JOHN S. FINE  
Governor, Commonwealth of Pennsylvania

Attest:

[s] GENE D. SMITH  
Secretary of the Commonwealth

Sec. 2. The Delaware River Joint Toll Bridge Commission is hereby authorized to combine for financing purposes any bridge or bridges heretofore or hereafter constructed or acquired by the Commission and any port and terminal facilities referred to in the supplemental compact or agreement between the Commonwealth of Pennsylvania and the State of New Jersey set forth above. Said Commission is hereby authorized to fix and charge tolls for the use of such bridge or bridges so combined and to pledge such tolls in accordance with the provisions of said supplemental compact or agreement: *Provided*, That in fixing the rates of toll to be charged for the use of any bridge heretofore or hereafter constructed or acquired by said Commission or any bridge or bridges so combined, the same shall be so adjusted as to provide funds sufficient, with other

funds available for such purposes, to pay the reasonable costs of maintaining, repairing and operating such bridge or bridges and their approach facilities and such port and terminal facilities under economical management, and to provide funds sufficient to amortize the costs of such bridge or bridges and their approach facilities and such port and terminal facilities, including reasonable interest and financing cost, as soon as possible, under reasonable charges, and said Commission may continue such tolls on all bridges heretofore or hereafter constructed or acquired by the Commission until all such costs shall have been amortized: *Provided, further*, That, the collection of tolls for the use of any bridge heretofore or hereafter constructed or acquired by the Commission, in excess of amounts reasonably required for the operation and maintenance thereof under economical management, shall cease at the expiration of fifty years from the date of the opening to traffic by the Commission of the bridge latest constructed or acquired by said Commission after the effective date of this Act, and the rate of such tolls shall be subject only to the provisions of section 503 of the General Bridge Act of 1946, as amended. The powers hereinabove granted shall be regarded as supplemental and additional to powers heretofore granted to said Commission.

SEC. 3. The right is hereby reserved to the Congress or any of its standing committees to require of the Commission the disclosure and furnishing of such information and data as is deemed appropriate by the Congress or any committee thereof having jurisdiction of the subject matter of this Act.

SEC. 4. The right to alter, amend, or repeal this Act is hereby expressly reserved.

DEPARTMENT OF THE ARMY,  
Washington, D.C., August 27, 1963.

HON. OREN HARRIS,  
*Chairman, Committee on Interstate and Foreign Commerce,*  
*House of Representatives.*

DEAR MR. CHAIRMAN: Reference is made to your request to the Secretary of Defense for the views of the Department of Defense with respect to H.R. 5347, 88th Congress, a bill granting the consent of Congress to a supplemental compact or agreement between the Commonwealth of Pennsylvania and the State of New Jersey concerning the Delaware River Joint Toll Bridge Commission, and for other purposes. The Department of the Army has been assigned responsibility for expressing the views of the Department of Defense on this bill.

An act approved August 30, 1935, gave the consent of Congress to a compact or agreement between the Commonwealth of Pennsylvania and the State of New Jersey, creating the Delaware River Joint Toll Bridge Commission and authorizing the Commission to administer State-owned bridges across the Delaware River north of the Pennsylvania Railroad bridge at Trenton, and to investigate the necessity of additional bridges. An act approved on August 4, 1947 (61 Stat. 752), gave the consent of Congress to a supplemental compact authorizing the Commission to acquire, construct, and operate bridges at any location north of the boundary line between Mercer County and Burlington County in the State of New Jersey (about 5 miles below Trenton), to issue revenue bonds, to charge and collect tolls for the use of bridges constructed or acquired by the Commission, such tolls to be fixed and adjusted by the Commission subject to applicable Federal laws. An act approved on March 31, 1952 (66 Stat. 28), gave the consent of Congress to a supplemental compact authorizing the Commission to acquire, construct, and operate bridges for vehicular traffic across the Delaware River between the Commonwealth of Pennsylvania and the State of New Jersey at any location north of the boundary line between Bucks County and Philadelphia County in the Commonwealth of Pennsylvania (northerly limit of city of Philadelphia), as well as the Tacony-Palmyra Bridge, and to combine for financing purposes any two or more bridges constructed or acquired by the Commission, the bridges to become toll free after amortization.

This bill would give the consent of Congress to a supplemental compact extending the powers of the Delaware River Joint Toll Bridge Commission to include investigation, construction, and acquisition of port and terminal facilities within an area referred to as the "district." The district is defined as comprising all of the territory within Bucks, Northampton, Monroe, and Pike Counties in Pennsylvania and Sussex, Warren, Hunterdon, Mercer Counties, and part of Burlington County in New Jersey. The Commission would be empowered to acquire, operate, and maintain such port and terminal facilities

as the Commission may deem necessary to advance the interests of the two States, issue bonds or other obligations to provide for the acquisition or construction of such facilities, collect fees, rentals, tolls, and other charges for the payment of such obligations, and for the administration, operation, and maintenance of such facilities.

Section 2 of the bill would authorize the Commission to combine for financing purposes any bridge or bridges heretofore or hereafter constructed or acquired by the Commission and any port and terminal facilities acquired or constructed, and to fix and charge tolls, and after amortization of the costs of all such bridge and port and terminal facilities such bridge or bridges shall thereafter be maintained and operated free of tolls. The bill further provides for exemption from section 506 of the General Bridge Act of 1946, as amended, insofar as the collection of bridge tolls is concerned, within limits established therein.

Conflicts which might arise by reason of the language contained in paragraph (g) of article II, which provides for dredging of ship channels and turning basins and the filling and grading of land therefor, would appear to be precluded by a statement on page 2 of the bill that nothing therein shall be construed to affect, impair, or diminish any right, power, or jurisdiction of the United States over or in regard to any navigable waters.

Insofar as the interests of the Department of the Army are concerned there is no objection to enactment of H.R. 5347. However, with respect to the relationship of the bill to Federal highway policy we defer to the Department of Commerce. The bill does not involve the expenditure of Federal funds.

The Bureau of the Budget advises that, from the standpoint of the administration's program, there is no objection to the presentation of this report for the consideration of the committee.

Sincerely yours,

CYRUS R. VANCE,  
*Secretary of the Army.*

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EXECUTIVE OFFICE OF THE PRESIDENT,  
BUREAU OF THE BUDGET,  
Washington, D.C., August 28, 1963.

HON. OREN HARRIS,  
*Chairman, Committee on Interstate and Foreign Commerce,  
House of Representatives,  
Washington, D.C.*

DEAR MR. CHAIRMAN: This is in reply to your request for the views of the Bureau of the Budget on H.R. 5347, a bill granting the consent of Congress to a supplemental compact or agreement between the Commonwealth of Pennsylvania and the State of New Jersey concerning the Delaware River Joint Toll Bridge Commission, and for other purposes.

In a separate report to you on this bill the Department of Commerce has expressed views in which this office concurs. Accordingly, the Bureau of the Budget is unable to recommend enactment of H.R. 5347.

Sincerely yours,

PHILLIP S. HUGHES,  
*Assistant Director for Legislative Reference.*

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GENERAL COUNSEL OF THE DEPARTMENT OF COMMERCE,  
Washington, D.C., August 27, 1963.

HON. OREN HARRIS,  
*Chairman, Committee on Interstate and Foreign Commerce,  
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: This is in further reply to your request for the views of the Department of Commerce concerning H.R. 5347, a bill granting the consent of Congress to a supplemental compact or agreement between the Commonwealth of Pennsylvania and the State of New Jersey concerning the Delaware River Joint Toll Bridge Commission, and for other purposes.

H.R. 5347 would grant the consent of Congress to a compact between the States of Pennsylvania and New Jersey, amending and supplementing a previous 1935 compact. The bill provides for the financing, acquiring, building, and

maintaining of certain toll bridges over the Delaware River between the Commonwealth of Pennsylvania and the State of New Jersey, and, in addition, provides for the financing, acquiring, building, maintaining, and operating of port and terminal facilities.

A related purpose of this bill is to authorize combination for financing purposes of any bridge or bridges under the control of the Delaware River Joint Toll Bridge Commission with any port or terminal facilities to be acquired or constructed by the commission, and to continue to collect tolls on all facilities until all indebtedness is paid. This, in effect, could perpetuate the charging of tolls on all bridges, and cause the highway user to pay for the construction and operation of port and terminal facilities utilized by water and railway transportation.

The Department of Commerce opposes enactment of H.R. 5347.

While the bill does not involve any expenditure of Federal funds, it does involve certain important considerations of direct concern to the Federal Government. Such considerations include the question as to whether Congress, in the exercise of its powers respecting interstate commerce and interstate bridge crossings, would wish interstate highway traffic to share in the burden of financing the cost of nonhighway facilities, some of which may be far distant and have little or no relation to the area served by the bridge. Another consideration is the exception that the bill would make to section 506 of the General Bridge Act, as amended. This section provides that any toll bridge constructed under that act shall be free of tolls within not to exceed 30 years from the date of its construction or acquisition. The 50-year-toll limitation as proposed by the pending bill would seemingly be of little, if any, effect since tolls could be continued indefinitely if additional bridges are constructed or acquired by the commission.

In commenting to the chairman of the Committee on Public Works on H.R. 9376 and to the chairman of the Committee on the Judiciary on House Joint Resolution 555 in the 87th Congress, the Department opposed provisions of these bills which would have permitted the use of tolls collected on the Delaware Memorial Bridge or other highway bridges for the financing of transportation or terminal facilities and recommended that the bills be amended so as to prevent such an occurrence. The Congress accepted the recommendations of the Department in this regard. The Department stated that the general situation relating to highway toll facilities and the applicable provisions of Federal law indicate the desirability of further study by the Congress and possible revisions of such provisions of law.

Our comments went on to say the General Bridge Act of 1946 (60 Stat. 847), as amended, contains in section 506 thereof a limitation on the imposition of tolls with respect to publicly owned interstate bridges constructed or acquired under that act. On these bridges rates of toll must be adjusted so as to provide a sinking fund sufficient to amortize bridge costs within a period not to exceed 30 years. Thereafter, these publicly owned interstate bridges are required to be maintained and operated free of tolls. These restrictions and limitations on tolls do not apply, however, to intrastate bridges. Therefore, the Federal law is not consistent in its application to toll bridges over navigable waters. Nor does the General Bridge Act apply in any way to tunnels under such navigable waters, thus creating another inconsistency in the Federal law. It is realized that, historically, Federal general bridge legislation has had one of its primary bases in the responsibility of the Secretary of the Army (formerly Secretary of War) with respect to navigation and the navigable waters of the United States. For decades, Federal responsibility and jurisdiction as to reasonableness of tolls on bridges constructed under the general bridge acts have been lodged in the Secretary of the Army or his predecessor. (See sec. 503 of the General Bridge Act of 1946.) The question arises whether the present-day interest of the Department of the Army in such bridges is sufficient to justify the continuation of this responsibility in that Department in the light of the overall transportation responsibilities of the Federal Government.

A related question raised by the inclusion of the Delaware Memorial Bridge in the Interstate System, concerns the Federal policy on the duration of tolls charged for the use of facilities included in the Federal-aid highway systems, particularly the Interstate System where Federal-State participation is on a 90-10 basis.

Under the Federal-Aid Highway Act of 1956, the Congress specifically authorized the inclusion of toll facilities as part of the Interstate System (23 U.S.C., sec. 129(b)) for purposes of system integration when such facilities meet the adopted design standards, with the express provision, however, that no Federal funds be expended thereof except to the extent permitted by law. No Federal restrictions are placed on the use of tolls from such facilities or the duration of the toll collection period, except that if a State applies for Federal aid for certain approaches to toll roads on the Interstate System under section 129(d) of title 23, United States Code, the State must agree that the section of the toll road involved will become free when specified costs are provided. It is possible under existing law, therefore, for individual States to maintain key segments of the Interstate System as toll facilities indefinitely.

The specific question is raised whether it is desirable to permit the continuation of tolls on a part of the Interstate System for indefinite periods for the support of other projects or purposes. Traffic generated by free portions of the system undoubtedly contributes materially to the financial success of these toll facilities, and 90 percent of the cost of these free highways is borne by the Federal Government out of funds collected from the highway user through taxes going to the highway trust fund.

Returning to the consideration of the merits of H.R. 5347, the Department recognizes the need, under certain conditions, for pooling the revenues of toll bridges in order to provide adequate financing arrangements for the construction of such facilities, but is of the view that such highway user bridge tolls should not be pooled or used to help support various and sundry types of port and terminal facilities of a nonhighway character. Attention is invited to the fact that the proposal in the pending bill, which involves a distance of over 100 miles along the Delaware River, is to be clearly distinguished from the New York and Philadelphia port districts, which areas present a dense transportation and port development problem. The pending bill, if enacted, would undoubtedly serve as a precedent for other States to seek similar legislation which would permit them to use tolls on interstate bridge crossings for nonhighway purposes.

The Bureau of the Budget advises that there would be no objection to the submission of this report from the standpoint of the administration's program.

Sincerely,

ROBERT E. GILES.

INTERSTATE COMMERCE COMMISSION,  
Washington, D.C., May 15, 1963.

HON. OREN HARRIS,  
*Chairman, Committee on Interstate and Foreign Commerce,  
House of Representatives,  
Washington, D.C.*

DEAR CHAIRMAN HARRIS: Your letter of April 9, 1963, addressed to the Chairman of the Commission requesting a report and comments on a bill, H.R. 5347, introduced by Congressman Thompson of New Jersey, granting the consent of Congress to a supplemental compact or agreement between the Commonwealth of Pennsylvania and the State of New Jersey concerning the Delaware River Joint Toll Bridge Commission, and for other purposes has been referred to our Committee on Legislation. After consideration by that Committee, I am authorized to make the following comments in its behalf:

H.R. 5347 has only incidental application to the Interstate Commerce Commission. Thus, except for empowering the Delaware River Joint Toll Bridge Commission to file appropriate "petitions" with the Commission (sec. (t), art. II, p. 11 of the bill) in the event the Bridge Commission establishes port and terminal facilities (as authorized by sec. (q), art. II, p. 10 of the bill) and undertakes functions which would be subject to part I of the Interstate Commerce Act, the provisions of this bill do not relate to the jurisdiction and functions of the Interstate Commerce Commission. Accordingly, we are not in a position to express a helpful opinion concerning its merits.

Respectfully submitted.

ABE MCGREGOR GOFF,  
RUPERT L. MURPHY,  
*Acting Chairman, Committee on Legislation.*

DEPARTMENT OF JUSTICE,  
OFFICE OF THE DEPUTY ATTORNEY GENERAL,  
Washington, D.C., August 6, 1963.

HON. OREN HARRIS,  
*Chairman, Committee on Interstate and Foreign Commerce,  
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice concerning H.R. 5347 and H.R. 6199, bills to grant the consent of Congress to a supplemental compact or agreement between the Commonwealth of Pennsylvania and the State of New Jersey concerning the Delaware River Joint Toll Bridge Commission.

By section 9 of the act of August 30, 1935, Congress gave its consent under the compact clause to a compact between the States of Pennsylvania and New Jersey, establishing the Delaware River Joint Toll Bridge Commission to administer certain existing bridges and to construct or acquire and to operate toll bridges over this river to connect the two States in a specified area (49 Stat. 1058). Congress has twice given like consent to supplemental agreements amending certain articles of the compact (61 Stat. 752 and 66 Stat. 28). In consenting to the second such agreement, Congress authorized the Commission, subject to the provisions of the compact as amended, to acquire any bridge heretofore constructed under the authority of Congress over the Delaware River, and to combine for financing purposes any two or more bridges heretofore or hereafter constructed or acquired by the Commission, to charge tolls for the use of bridges so combined, and to continue tolls on all bridges that the Commission heretofore or hereafter constructs or acquires until all such costs have been amortized. Congress also provided that thereafter such bridges shall be maintained and operated free of tolls (66 Stat. at 31).

These bills would give the consent of Congress under the compact clause to a supplemental agreement which was executed in 1953. The supplemental compact would authorize the commission to acquire or construct not only additional toll bridges over the Delaware River, but also such port and terminal facilities as the Commission deems necessary, to issue revenue bonds therefor, and to collect tolls and rentals to redeem such securities.

In enacting the General Bridge Act of 1946 (33 U.S.C. 525-533), and related legislation for Federal aid in the construction of publicly owned toll bridges (23 U.S.C. 129) under the commerce clause, Congress determined that bridges should be free of tolls as soon as the revenue bonds therefor are retired. (See S. Rept. 1113, 87th Cong., at p. 4 (1961)). These bills present to Congress the question of whether it should, as a departure from such a national policy, authorize a compact agency to combine highway and nonhighway facilities for financing purposes and to charge tolls for the use of its highway facilities until it has amortized the combined costs of both. As to this question, the Department of Justice defers to the Department of Commerce, the executive branch agency primarily concerned with such matters.

The committee may wish to consider the effect of differences in the provisos to section 2 of the bills. On page 15, line 5, of H.R. 5347, reference is made to "any bridge hereafter constructed"; in H.R. 6199 the corresponding reference, also on page 15, line 5, reads "any bridge heretofore or hereafter \* \* \*". In referring to section 503 of the General Bridge Act of 1946, H.R. 6199 provides on page 16, line 2, that the rate of tolls shall be subject "only" to that section. The quoted adverb is omitted from the corresponding provision in H.R. 5347.

The Bureau of the Budget has advised that there is no objection to the submission of this report from the standpoint of the administration's program.

Sincerely yours,

NICHOLAS DEB. KATZENBACH,  
*Deputy Attorney General.*

Mr. FRIEDEL. We shall now hear from our first witness, our colleague, Congressman Curtin.

## STATEMENT OF HON. WILLARD S. CURTIN, A REPRESENTATIVE IN CONGRESS FROM THE COMMONWEALTH OF PENNSYLVANIA

Mr. CURTIN. Thank you, Mr. Chairman.

Mr. Chairman and gentlemen, I very much appreciate this opportunity that you have afforded us to present to you the legislation proposed in the bill which I have sponsored, to wit, H.R. 6199, as well as the companion bill sponsored by our colleague, Frank Thompson of New Jersey, to wit, H.R. 5347.

The purpose of this legislation is to secure the consent of Congress to an amendment to the compact between the Commonwealth of Pennsylvania and the State of New Jersey creating the Delaware River Joint Toll Bridge Commission. The original compact of 1934 was approved by Congress on August 30, 1935. Amendments were approved by Congress in 1947 and 1951. H.R. 6199 would give consent to a supplemental agreement signed on behalf of the Commonwealth of Pennsylvania and the State of New Jersey in 1953.

The original compact of 1934 established the Delaware River Joint Toll Bridge Commission, which took over responsibility for the acquisition, maintenance, and operation of bridges across the Delaware River above the city of Philadelphia and the opposite point on the New Jersey side.

The subsequent amendments of 1947 and 1951 permitted grouping of the bridges into a single project for financing and pledging of tolls and extended the northerly limit of the district to the Pennsylvania-New York line.

The 1953 supplemental agreement, for which consent is sought in H.R. 6199, broadens the power of the commission to include the acquisition, construction, administration, and operation and maintenance of port and terminal facilities and the issuance of bonds for the financing thereof. The supplemental agreement is set forth in full starting on page 3 of H.R. 6199.

The powers granted are those usual in connection with public agencies authorized to develop terminal and transportation facilities in the public interest, and are set forth in article I, paragraphs (e) and (f), and in article II beginning with paragraph (s). These appear on pages 7 and 8, and pages 11 to 13 of H.R. 6199. The joint toll bridge commission port district extends north from the Philadelphia city line, on both sides of the river.

The powers granted to the commission with respect to port and terminal facilities within its port district supersede those heretofore exercised by the Delaware River Port Authority in the northern part of Burlington County in New Jersey, but do not affect the right of any other private or public agency to engage in port development.

Among the powers granted to the joint bridge commission is the power of eminent domain, but H.R. 6199 contains a proviso (p. 2) that it—

shall not be exercised to condemn property devoted to public use by any person or corporation, public or private, having the right of eminent domain, or to con-

demn property of any person or corporation abutting on the Delaware River for the same use as that to which the property is being devoted or to condemn a dock or other facility abutting on the Delaware River when the dock or other facility is used as an integral part of a manufacturing plant or operation.

This provision was written in to allay any worries that the joint toll bridge commission would seek to use its eminent domain powers to take over wharf properties already in productive public or private use.

In order that the operation of its port terminal facilities shall be self-supporting, the compact provides that it may collect charges on a usage basis sufficient to pay for all costs, including financial debt service, and provide reserves for such purpose (p. 11).

In order to permit the pooled financial strength of the commission to be placed behind the port and terminals during the development years, the agreement provides that:

The commission may combine for financing purposes any port and terminal facility or facilities constructed or acquired by it under this agreement with any bridge or bridges heretofore or hereafter constructed or acquired by the commission, subject to any limitations contained in any trust indenture securing bonds of the commission at the time outstanding (last paragraph, p. 12).

To implement this pooling of resources, section 2 of H.R. 6199 (p. 14) authorizes the joint toll bridge commission to combine the bridges and port and terminal facilities for financing purposes and to fix and charge tolls for the use of such bridges in accordance with the supplemental agreement, with two provisos (pp. 15 and 16).

The first of these provisos is that the tolls to be charged for the use of any bridges shall be so adjusted as to provide funds sufficient to provide for the maintenance, repair, operation, bond amortization, interest, and financing costs of the port and terminal facilities, as well as the bridges, until such costs shall have been amortized.

The second proviso is that the collection of tolls for the use of any bridge in excess of amounts reasonably required for the operation and maintenance thereof shall cease at the expiration of 50 years from the date of opening of the latest bridge after the effective date of the act. These two provisos do not affect the power of the Secretary of the Army to fix tolls.

At this point reference should be made to the fact that H.R. 6199 is identical with H.R. 5347, except for certain clarifying language to carry out the intent of Federal affirmation of the toll provisions, as far as they differ from previous enactments. Thus, such language in H.R. 6199 which differs from, or is additional to, the language in H.R. 5347 is found on pages 15 and 16 of H.R. 6199.

On page 15 of H.R. 6199, certain words are deleted from the language as it appears in a similar paragraph of H.R. 5347. The words so deleted are—

as a special exemption from the provisions of section 506 of the General Bridge Act of 1946, as amended.

These words appear on lines 19 to 21 of page 15 of H.R. 5347. The purpose of this deletion is that H.R. 6199, with this deletion, would supersede the act of June 30, 1948, and other prior acts, with respect to the Delaware River bridge tolls.

Also, in lines 5 and 20, on page 15, of H.R. 6199, I have added the words "heretofore or" immediately after the word "bridge." This is additional to the language of H.R. 5347. The purpose of the addition

of these words, in the two places mentioned, is to make the said wording conform to similar wording which appears on line 21 of page 14 and on line 17 of page 16 of H.R. 6199.

Also, on line 2, page 16, the word "only" is inserted before the phrase "to the provisions of section 503 of the General Bridge Act of 1946, as amended." Section 503, above referred to, provides that tolls must be fair and reasonable and authorizes the Secretary of the Army to fix them. The word "only" does not appear in the equivalent place in H.R. 5347.

It is felt that such deletions and additions clarify the intent of Congress and would prevent any questions being subsequently raised by bond counsel in future financing. In all other respects, H.R. 6199 is identical to H.R. 5347.

Although the Delaware River below the Bucks County-Philadelphia City line in Pennsylvania, and the corresponding area in New Jersey, now has a regional bridge and port development agency in the Delaware River Port Authority, there is no bistate authority covering the 30 miles of river from the Philadelphia City line to the head of navigation at Trenton-Morrisville, except the Delaware River Joint Toll Bridge Commission. The two States have amended their agreement to vest effective port development powers in this commission, and H.R. 6199 is necessary to the implementation.

Although the amendment to the State compact to provide for port and terminal development was enacted 10 years ago, circumstances have been such that the toll bridge commission has not deemed it wise to proceed until now. Strong representations in the past 2 or 3 years have been made by the civic and commercial interests that a broad regional program should be undertaken. Early this year the toll bridge commission formally requested Congressman Thompson of New Jersey and myself to introduce the necessary consent legislation.

The toll bridge commission has advised me that it has engaged a nationally known port consultant as well as engineering assistance to propose a realistic development scheme. These reports will be forthcoming shortly. In order to be in a position to act, the commission feels it vital that the consent legislation be approved in this Congress. I have canvassed my district very thoroughly on the subject, this district embracing all of the navigable section of the river on the Pennsylvania side above Philadelphia, and am convinced that now is the time for Congress to give its consent to H.R. 6199.

The Congress is undoubtedly familiar with the rapid growth of population and industry in this upper section of the Delaware River, but I would like to cite a few striking facts. In 1954 Congress authorized, and the Army Engineers have just about completed, a channel 40 feet deep as far as Newbold Island opposite the Fairless Works of the United States Steel Co.

The authorization covers a 35-foot channel above Newbold Island to the head of navigation with an enlarged turning basin at Trenton-Morrisville. Above Newbold Island the initiation of the new project depends upon a local cooperation clause that adequate terminals consistent with the improvement be created. The financing and construction of such terminals in my judgment can best be done by the joint toll bridge commission, which has been in existence for nearly three decades and has demonstrated its ability to

finance and operate public transportation facilities on a self-supporting basis.

The Delaware River, serving both States for a distance of 30 miles north of Philadelphia, has a navigation potential which has already been recognized in the authorization for the deeper channel. In the decade 1952 to 1961 the Corps of Engineers reports that the tonnage north of Philadelphia more than doubled and now amounts to approximately 13 million tons per annum. Much of this is fuel and industrial raw materials and bulk products related to the industrial development along the channel. However, there is need for transshipment terminals to serve business, industry, and consumers back of the waterfront. The representatives of the joint toll bridge commission will enlarge on the need for new terminals.

I shall confine my remarks to the growing needs of Bucks County, which is a part of my district. In the decade from 1950 to 1960 the Federal census figures showed that the population more than doubled. In 1960 the population stood at 2.13 times that of the earlier census year. The Bucks County Planning Commission estimates that in the next two decades rapid expansion will continue, and that the 1980 population will be 1.7 times that of 1960. The number of residential units in the county in 1980 are also projected as being 1.7 times those of 1960.

This means vast quantities of lumber, bulk cement, wallboard, and other materials will be needed for construction, as well as large annual increments of heating oils and other fuels each year. These are typically the products which find water transportation economical and require terminal transshipment to nearby territory.

In 1960 there was a registered motor vehicle for every 1.65 persons. Applying the same ratio to the projected 1980 population there will be 129,000 more motor vehicles to be fueled. Gasoline and diesel fuel will be brought in, in increasing quantities by water, requiring transshipment terminals. Many miles of highway are under construction and many more will be, creating another demand for building materials.

Finally, consumption of industrial raw materials and the shipment of products will continue to expand, and the handling of some of this will require public terminals served by wharves, transit sheds, and warehouses to make possible the establishment of regular shipping pickup and delivery. The coordinated planning, financing, and maintenance of such terminals is necessary to supplement private and local community initiative. This can be furnished by the Delaware River Toll Bridge Commission.

Gentlemen, I would also like at this time to read to you a telegram which I received from the Governor of Pennsylvania this morning. The telegram is dated August 6, 1963, and is directed to me at the House Office Building. The message is as follows:

Thanks so much for sending me a copy of H.R. 6199 which you introduced in the House of Representatives on May 9, 1963. After having gone over this bill, and having discussed it with a number of people, I would like to advise you at this time that I would certainly favor its passage by Congress. In my opinion, this proposed compact would greatly assist in the development of the economy of the Delaware Valley and would be of benefit to both Pennsylvania and New Jersey.

WILLIAM W. SCRANTON,  
*Governor of the Commonwealth of Pennsylvania.*

In addition, gentlemen, I would like to call attention to the fact that I know of no opposition to this bill. When a time was fixed for the hearing, I advertised this fact very extensively in the newspapers and on the radio in Bucks County. I have had no person come to me and say that they were in opposition to this. I requested in my release that any persons desiring to be heard should appear at the hearing, or, if they wanted to communicate with me, that I would be very happy to include in my statement any communications so received. No persons have appeared or made me aware of their opposition.

That completes my statement, gentlemen, and I thank you for your time.

Mr. FRIEDEL. Thank you, Mr. Curtin, for your fine statement. And I want to let your friends from Pennsylvania know that you are a very valuable member of this committee.

Mr. CURTIN. Thank you, sir.

Mr. FRIEDEL. Any questions?

Mr. Hemphill?

Mr. HEMPHILL. I want to join the chairman in commenting on excellence of your statement, in keeping with your service here. I certainly think it is a fine statement. I want to ask you a couple of questions.

On page 4 of your prepared statement, when you began to treat with the general topic of terminal development needs, at the end of the first paragraph of that topic you stated, "financing and construction of such terminals in my judgment can best be done"—and so on. I gather from what you say in other parts of your statement there is no conflict with any private effort in this field, in or near this location.

Mr. CURTIN. That is correct. When this project first received a lot of publicity, there was some talk of the county of Bucks being interested in creating a county authority for port development.

To that end the county commissioners established a port feasibility committee to look into the possibility of that. The chairman of that committee, a Mr. William Heuwood, is here today, and I think perhaps he could best give you the feeling of his committee and the county commissioners in reference to that study.

Mr. HEMPHILL. Well, I am just afraid somebody would ask us that, and the record might not reflect the fact that there has been no private effort of any consequence or any production so far.

Now, another thing I would like to ask you about is the question of toll rates. As I understand, it would be based on cost ascertainment, which would include the ascertainment of original cost of the bridge and all port facilities; is that correct?

Mr. CURTIN. That is correct.

Mr. HEMPHILL. At the end of 50 years they would cease insofar as the application of tolls by this authority is concerned, but the U.S. Army Corps of Engineers would have a right to set such tolls that in its judgment it considered fair?

Mr. CURTIN. That is right. Under the law the Secretary of the Army has a right to fix tolls at any time. And that right is in no way abridged by this legislation. As I see it, the bridge commission is a ready vehicle to carry on this work. Obviously, in all works of this

kind, there are going to be early years where it is not going to be a profitable venture, and therefore the bridge commission, with its history of handling this type of transportation, particularly in bridges, is available, ready, and well equipped to take on this job, more so than any other body, either a private industry, or even a municipality.

Mr. HEMPHILL. I might ask you this: You feel this legislation, the language in this legislation is broad enough to provide that in the event the traffic increased to your expectations, that the tolls would decrease accordingly?

Mr. CURTIN. That is what we hope. For example, as bridges are paid off, there is less interest, the bonds are retired, and then, of course, the tolls decrease proportionately. The same thing would happen if they had the added port expenses which, as they became self-supporting, would contribute to the retirement of any obligations of the commission.

Mr. HEMPHILL. My reason for asking that—the language on page 15, line 16, says:

Said Commission may continue such tolls on all bridges heretofore or hereafter constructed or acquired until all costs have been amortized.

That would not prevent the commission from a reduction at such time as the increase in traffic brought in a greater volume numerically of tolls.

Mr. CURTIN. That is quite true. For example, this commission has a very fine history of doing just that. There is a bridge connecting the town in which I live, Morrisville, with Trenton, N.J., where the tolls have been reduced from 20 to 2½ cents each.

So you see, they are reducing tolls wherever it is possible and feasible.

Mr. HEMPHILL. Thank you very much.

I again congratulate you on your statement.

Mr. CURTIN. Thank you.

Mr. HEMPHILL. Thank you, Mr. Chairman.

Mr. HARRIS. Mr. Curtin, as you know, the members of the committee have great confidence in you. The fact that you and our colleague, Mr. Thompson, have proposed this legislation will be given great weight by this committee.

Mr. CURTIN. Thank you, sir.

Mr. HARRIS. Naturally, being a member of this committee, you would introduce a bill of this kind.

We have had similar legislation before. No doubt, you know about this.

Mr. CURTIN. That is right.

Mr. HARRIS. Now, you have had a compact since 1934?

Mr. CURTIN. The original one was 1934, approved by the Congress, I believe, in 1935.

Mr. HARRIS. And that has been amended two or three times.

Mr. CURTIN. Twice previously. And this is the third time, in the nature of a supplemental compact.

Mr. HARRIS. And what you would do here is to expand the powers of the commission to include terminal and port facilities.

Mr. CURTIN. That's right. They do not have that in the original compact.

Mr. HARRIS. And that is all this does. It just expands this compact.

Mr. CURTIN. Yes. Although in the 1953 supplemental act, when the State of New Jersey and the Commonwealth of Pennsylvania passed the enabling legislation resulting in the supplemental compact, I believe there was reference to jurisdiction for airport and truck terminal facilities being given this commission, too. Now, in that connection I can only say that that was 10 years ago.

I understand that the commission has absolutely no present intention or desire to create any airport or truck terminals or to manage them. And they would have no objection, as I understand it—members of the commission are here and perhaps can enlarge upon this point—but so far as I understand they would have no objection to the elimination of that additional authority.

The only legal question that occurs is whether or not that, being a part of the original enabling legislation of the two States, could be deleted by the Congress without having to go back to the two States and have new compacts enacted.

Mr. HARRIS. Well—you are not adding that authority by this legislation.

Mr. CURTIN. That is already in; yes, sir.

Mr. HARRIS. We are talking about what this proposes.

Mr. CURTIN. The supplemental compact is the one that has these features in it, as I understand.

Mr. HEMPHILL. Will the gentleman yield to me at that point?

Mr. HARRIS. Yes.

Mr. HEMPHILL. But you also include the authority, as I understand it, to increase the tolls to such an extent that may be necessary to amortize whatever you spend in building the docks and terminals.

Mr. CURTIN. That is right. In other words, they can take bridge tolls to pay for the development of a port.

Mr. HEMPHILL. Until such time as your docking fees and loading fees and everything, terminal fees, will take up the slack.

Mr. CURTIN. That's right.

Mr. HEMPHILL. And then the bridge tolls would be reduced.

Mr. CURTIN. That is right.

Mr. HEMPHILL. Thank you, Mr. Chairman.

Mr. HARRIS. Well, now, that means the terminal and storage facilities now in use or hereafter designated for use—storage, loading, and unloading of freight and passenger, at steamship, railroad, or motor terminal. In other words, there, it is terminals we are talking about here.

Mr. CURTIN. Yes, sir; ports or terminals.

Mr. HARRIS. Yes—or airports. You say the fact that airports are included might create some problem.

Mr. CURTIN. No, sir.

You asked me whether or not the expansion of the jurisdiction was only to ports, and my answer to that was that in looking over the original compacts made 10 years ago, we do see reference to airports and other terminals. But that is not the present intention of the commission. And they haven't any ambitions in that direction at all.

Mr. HARRIS. May I ask this question, for my own information: Does this bill include the present agreements that are now in effect, together with what additional authority you are seeking?

Mr. CURTIN. The original compacts between the two States enacted in 1934 are not included in this bill. The compacts of 1953 are.

Mr. HARRIS. Well, I think probably it might be helpful, merely as a suggestion to our colleague, that we would ask the staff to get a committee print of this bill, showing what is in the present agreement under the law.

Mr. CURTIN. Yes, sir.

Mr. HARRIS. And what additional language you provide in this.

Mr. CURTIN. Anticipating that, sir, I have suggested to the other witnesses that they bring with them official copies of the original enabling legislation, which perhaps would give you the information that you desire.

Mr. HARRIS. Well, that would be very good, too.

But I still think—as you know, we have a procedure in this committee to make it very easy for the members to identify any new proposals in such a committee print. And I think Mr. Borchardt, it would be helpful to the committee to get such a committee print. And of course, with that we can determine what effect certain words or language might have on your existing compact.

Mr. CURTIN. Yes, sir; I will be very happy to cooperate in securing any material he may wish to get from either Pennsylvania or New Jersey, to do that.

Mr. HARRIS. Now, on page 2 you refer to the proviso that the tolls to be charged for the use of any bridges shall be sufficient to pay for port and terminal facilities.

In other words, I understand that you are going to charge tolls for use of the bridges to take care of the expense of these additional facilities that you want.

Mr. CURTIN. That is right. That is quite customary, I understand, in authorities such as this.

Mr. HARRIS. Now, what would be the authority of the Secretary of the Army in fixing bridge tolls?

Mr. CURTIN. Well, that is a result of an old law, sir, that says that nothing that the bridge commission does in these bridges over navigable waters can in any way abridge the right of the Secretary of the Army to fix the amount of tolls. And this legislation that we are talking about here today in no way seeks to eliminate that right. And that is the reason for the mention of it in my statement, sir—to say that nothing they are doing, or propose to do, with this bill would in any way involve or try to take away from the Secretary of the Army that right that he has by Federal act.

Mr. HARRIS. Well, carrying that one step further, and to develop the matter, the proviso here would have the effect, then, of causing the motorists who utilize the bridges to pay for facilities utilized in that area, which they do not use.

Mr. CURTIN. You mean the persons crossing the bridge and paying a toll are going to contribute to the development of the port.

Mr. HARRIS. Yes.

Mr. CURTIN. That's correct. And as I say, I understand that is quite customary in authorities of this kind. I understand it is done—I believe the Port of New York Authority is an example where this happens.

Mr. HARRIS. It just occurred to me that, say, the American Automobile Association, for example—if they were to decide that is discriminatory, and were to attack the procedure in court as such—

Mr. CURTIN. Well, I believe in previous years they have taken that position, but I have not heard much of it the last few years. Perhaps they have decided that it is progress, and they have made no strong objections to it. At least I know of no objection that they have to this particular piece of legislation.

Mr. HARRIS. Well, I am glad to know that.

Now, just one other thing. The definition of port and terminal facilities includes in addition to facilities use the handling of freight and passenger, steamship, this language:

Railroads or motor terminals or airports, every kind of transportation facility now in use or hereafter designed for use in connection therewith.

That is the language of the bill referred to a moment ago.

Mr. CURTIN. That's right.

Mr. HARRIS. This is, of course, quite broad in its language. I am wondering what are the plans, if any, with regard to railroad and motor terminals. You have already mentioned the airports. You don't have any intention for them.

Mr. CURTIN. Well, I would be glad to tell you what I know about them. So far as I know the only present intentions of the commission are for port development. But perhaps that could be enlarged upon by members of the Delaware River Joint Toll Bridge Commission who are here prepared to appear as witnesses. They could perhaps answer that question better than I can, because they have lived closer with it than I have.

Mr. HARRIS. From what you know, do you think it would be too limited to just include port facilities?

Mr. CURTIN. I see no harm in the language as it is in the bill—to provide for developments as things may develop in the next few years. But presently the commission is only interested in ports, as I understand it.

Mr. HARRIS. Thank you very much.

Mr. CURTIN. Thank you, Mr. Chairman.

Mr. FRIEDEL. Thank you, Mr. Curtin.

Our next witness is our colleague, Frank Thompson, who is not a member of this committee, but always welcome.

#### STATEMENT OF HON. FRANK THOMPSON, JR., A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY

Mr. THOMPSON. Thank you very much, Mr. Chairman, members of the committee.

We are all very grateful to you for the opportunity to explain these bills.

Mr. HARRIS. May I, Mr. Chairman, interrupt to say I do want to join in extending a welcome to our colleague, Mr. Thompson, who has joined with our colleague on the committee, Mr. Curtin, in dealing with this problem.

I think this would be just as good a time as any to explain that unfortunately we felt because of a very important bill that has been

ready for executive session in this committee for sometime, that we should proceed with that bill this morning.

Therefore the full committee was occupied with that problem. This necessitated an adjustment of these hearings. I promised our colleague, Mr. Curtin, that we would hold the hearings, if your witnesses should come down, and that we would sit this afternoon, and hear them.

I hope we have not inconvenienced anyone by holding these hearings this afternoon instead of this morning. This is a matter which I am sure our colleagues can well understand. We, as chairmen of committees, get into a bind with reference to these programs which we are called upon to consider.

Mr. THOMPSON. That is not a matter of inconvenience at all. As a matter of fact, it worked out very nicely, and we are all most appreciative, especially in view of the enormous responsibilities at all times, but particular at the moment, of this great committee, Mr. Chairman.

I might say, before reading the prepared statement, that I am enormously enthusiastic about this port development. I am somewhat like a former colleague of ours in this body from Montana who said to me recently that if a dam that he has been working for for 15 years is authorized, he doesn't know what he will do.

I don't know what I will do if the Delaware River deepening and development project is ever completed.

I am sure I will find something to do, but hardly anything as long and tedious as this has been.

In this connection, my friend and colleague, Mr. Curtin, mentioned that the deepening has been authorized. And I am pleased to advise that the American Dredging Co. of Philadelphia only yesterday began work on a \$1.8 million contract let by the Army Corps of Engineers to dredge the channel from Newbold Island to the head of navigation at Trenton. I am advised by the Corps Philadelphia office that the contract should be completed to a depth of 25 feet in approximately 8 months.

The overall authorized depth in this small northern portion is 35 feet, but that depth is contingent upon development of the terminal facilities which would be made possible under these two bills H.R. 5347, introduced by me on April 1 of this year, and H.R. 6199, introduced by our colleague, Mr. Curtin, on May 9.

The bills are nearly identical, but subsequent to introduction of the April 1 bill, there were developed modifications which are reflected in Mr. Curtin's bill. I fully subscribe to these modifications.

I think that the chairman's suggestion that we have a Ramseyer print is a valuable one. It will assist in the consideration here—so in the form of a Ramseyer print, the members of the full committee will know what has been added or deleted.

These bills were requested by the toll bridge commission. In the interim, the amendments were recommended because of studies on their part. And as I understand it, the modifications were prepared on the advice of bonding attorneys to insure that consents granted to the construction of the bridges do not have any inhibiting clauses on the future power to assess tolls and utilize revenues which would adversely affect the port program. I don't need to review the bills in detail, since the salient points have been covered by Congressman Curtin.

Mr. FRIEDEL. If you want your full statement inserted in the record it will be done. Perhaps you would want to cover the highlights.

Mr. THOMPSON. I would ask unanimous consent that that be done. You are quite familiar with the consent legislation covering bistate compacts—where a regional area bordering a great river lies in two States.

In recent years the joint toll bridge commission has demonstrated its ability to handle the interstate bridge program in the district north of Philadelphia by replacing inadequate and obsolete structures and maintaining them in an excellent fashion and operating them efficiently for the benefit of land transportation. In addition to meeting their financial obligations promptly, they have been able to reduce their tolls so that, since January 1, 1963, the regular passenger car users are paying only 2½ cents a trip to use any of their five toll facilities.

The Chair might be interested in the fact that at the two major bridge crossings—toll crossings—within approximately 100 yards of them are free bridges. I think that this is significant, because the traffic is divided—in what proportion I don't know. Obviously there is the opportunity, particularly at Trenton, which is the main artery of traffic, for those who don't want to pay tolls to use a free bridge, terminating several hundred yards from the toll bridge on a common highway. This alternative is, and has been and I understand will continue to be, available.

In attacking the problem of port and terminal development. I am satisfied the commission will exercise the same prudent judgment and efficient management as it has with its bridges.

I might point with some pride to the history of our State with respect to authorities of this nature.

Possibly only New York has had the experience in depth which we have had in New Jersey with such compacts as the compact between New York and New Jersey which established the Port of New York Authority.

We have the turnpike authority, the Delaware River Bridge Authority, and so on. So, we do have a great variety of constructive experience which has benefited not only New Jersey, a corridor State, and its citizens, but the travelers through that State.

I am sure all of you have been through there and recognize—with due respect, of course, to South Carolina, Arkansas, and Maryland—that ours is easily the most attractive State in the Union. I would ask consent that that be noted in the record.

Mr. HARRIS. The exceptions are noted in the record.

Mr. THOMPSON. I think it is altogether fitting that a public agency charged with improvement of land transportation between both banks of a great river should also pay attention to the furnishing of terminals along the river which would permit full use of its navigation potential.

The Federal Government has performed its part in authorizing channels and turning basins, but the gap between the channel and the respective shorefronts requires bistate initiative to supplement the individual enterprise of private industry and local civic efforts. I believe the joint toll bridge commission is in an excellent position to assume this task.

Congressman Curtain has already referred to the rapid growth in population, housing, and motor vehicles on the Pennsylvania side in Bucks County. On the New Jersey side two counties lie along the navigable portion of the upper Delaware which falls within the jurisdiction on the toll bridge commission. One is Mercer County, which contains the State capital city of Trenton, nearly 5 percent of the population of the State, and many important industries. The other is Burlington County, which according to census records had the second most rapid rate of population growth between 1950 and 1960 in the entire State.

The population in Burlington County in 1960 was 224,499, or 1.7 times that of the population of 135,910 in 1950. By 1950 the population projection for Burlington County is 408,889, or 1.82 times that of 1960. This means nearly 185,000 additional people, which will require housing, building materials for housing, and additional heating fuel. For Mercer County a 1980 population of 352,304 is projected, compared to the 1960 census figure of 266,392, a gain of about 86,000. Over 8 percent of all motor vehicles in the State of New Jersey are registered in these two counties, and this means 100,000 more motor vehicles in these counties by 1980.

Lumber, bulk cement, wallboard, heating oils, and gasoline are products which find water transportation economical if transshipment terminals are available to discharge, store, and distribute the products to the immediate hinterland.

Industrial development will also be facilitated by a coordinated regional program. Some plants, such as the huge Fairless Works of the United States Steel Co. at Morrisville, Pa., and the National Gypsum Co. at Burlington, N.J., supply their own plant terminals, but the opening up of large undeveloped areas on both sides of the river to smaller industry through open-door industrial access terminals, provided by public initiative and supported by usage charges to upland industries, offers great promise.

At the head of navigation at Trenton a municipal terminal has been in existence since 1933 for general cargo transshipped to and from an even wider hinterland than the three countries which lie along the river. It needs modernization and expansion and a vigorous effort to build up regular shipping services for general cargo.

Financing of modernization, adequate maintenance and vigorous promotion is beyond the capabilities of a single city, faced with pressing demands for schools, roads, water, sewerage, and other municipal services. It is my hope that this job would be undertaken by the toll bridge commission by agreement with the city of Trenton as a part of its port development program. The mayor of the city is here and will testify in support of this legislation.

Despite all the current pressures on this commission and on Congress, I respectfully urge that the legislation before you be enacted promptly so that the toll bridge commission may be in a position to undertake without delay such action program as it may adopt.

Again I thank you very, very much for your granting us this hearing today.

(The complete prepared statement of Hon. Frank Thompson, Jr., is as follows:)

## STATEMENT BY REPRESENTATIVE FRANK THOMPSON, JR., OF NEW JERSEY

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It is altogether fitting that a public agency charged with improvement of land transportation between both banks of a great river should also pay attention to furnishing of terminals along the river which would permit full use of its navigation potential.

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Mr. FRIEDEL. Thank you. As I said earlier, it is always a pleasure to hear from you.

Mr. Hemphill, any questions?

Mr. HEMPHILL. I want to join in welcoming our distinguished colleague to the committee, and add my salutation on very thorough preparation. I have only one question.

On the first page you point out that commuters pay only 2½ cents a trip. They must buy a book of tickets for that, don't they?

Mr. THOMPSON. I think that is the procedure. Yes; it is.

Mr. HEMPHILL. On the second page you say these new facilities will open up access to the ports for upland industries which in turn will support the port and terminal facilities by usage charges; is that right?

Mr. THOMPSON. That is correct; yes, sir.

Mr. HEMPHILL. If that be true, what estimate, if any, do you have on the percentage increase in tolls to the regular passenger car users now paying only 2½ cents per trip?

Mr. THOMPSON. The estimate is that without increasing the tolls this project can be undertaken. Obviously we thought it best to have some insurance in the form of this authorization.

I might point out the geography involved. There is at about the place where the toll bridge is in Trenton the end of the navigable water in the Delaware. We call it the "fall line." From Trenton north the river is very rocky, and not navigable at all. And this is the reason why the upland industries, obviously those desiring water transportation facilities, would come to Trenton and to Morrisville.

Mr. HEMPHILL. And you anticipate that there will be a new channel above the Fairless Steel, which I understand is not a navigable point at this time.

Mr. THOMPSON. No; the river is navigable to some degree to Trenton a few miles above the steel company's facilities now, but it is silted in. They have started the deepening, which will be finished in 8 months to a depth of 25 feet, as I said at the outset. On the completion of the terminal facility at Morrisville-Trenton, or Trenton-Morrisville, the authorization is to 35 feet.

Mr. HEMPHILL. The northern navigable point of 25-foot draft would be where?

Mr. THOMPSON. Trenton-Morrisville.

Mr. HEMPHILL. And then down at Fairless Steel you pick up 40?

Mr. THOMPSON. Yes.

Mr. HEMPHILL. Thank you very much.

Mr. FRIEDEL. Mr. Harris?

Mr. HARRIS. Just one other thing.

Do you know of any opposition to this at all?

Mr. THOMPSON. I have not heard of any, and like my colleague, Mr. Curtin, we have advertised this very, very widely. There is a great amount of public knowledge in the entire area about it. We have heard of no opposition.

Mr. HARRIS. Do you know how the Department of Justice feels about it?

Mr. THOMPSON. No; I have not consulted with them. I would expect to have some favorable inclination from them, however.

Mr. HARRIS. Mr. Clerk, do we have any report from the agencies at all?

Mr. WILLIAMSON. ICC is all.

Mr. HARRIS. I don't suppose the Army has any problem there.

Mr. THOMPSON. No; they have none.

Mr. HEMPHILL. Is the part silted in already deeper than 25 feet?

Mr. THOMPSON. It is in use, Mr. Hemphill, but for shallow depth.

Mr. HEMPHILL. Well, you said they would dredge it to 25 feet.

Mr. THOMPSON. Yes; at mean low water.

Mr. HEMPHILL. And presently where it is silted in, is there a channel that has been silted in already?

Mr. THOMPSON. It is silted in from 25 feet to approximately 15, and is in use, but not to its full potential.

Mr. HEMPHILL. Thank you, sir.

Mr. THOMPSON. It is used mostly for the transportation of fuels in shallow-draft vessels.

Mr. HEMPHILL. Well, I share your ambition to make every effort to procure industry.

Mr. THOMPSON. Thank you.

We buy a lot of products from South Carolina we would like to have brought up to us by water.

Mr. FRIEDEL. Thank you very much.

Mr. THOMPSON. Thank you.

Mr. FRIEDEL. Our next witness will be Mr. Guy J. Swope, Delaware River Joint Toll Bridge Commission.

#### STATEMENT OF GUY J. SWOPE, COMMISSIONER, THE DELAWARE RIVER JOINT TOLL BRIDGE COMMISSION

Mr. SWOPE. Mr. Chairman and members of the committee, my name is Guy J. Swope. I am the deputy treasurer of the Commonwealth of Pennsylvania, a former Member of Congress, and sit on the toll bridge commission as a member from Pennsylvania.

Mr. HARRIS (presiding). May we welcome you back to the Congress, Mr. Swope?

Mr. SWOPE. I thank you for that. I would thank you more if it was permanent, sir.

As chairman of the projects committee, my colleagues on the Delaware River Joint Toll Bridge Commission have requested me to speak in support of the bills before you, which grant consent of Congress to an amendment to the compact between the Commonwealth of Pennsylvania and the State of New Jersey creating the Delaware River Joint Toll Bridge Commission.

This supplemental agreement signed on behalf of Pennsylvania and New Jersey in 1953 broadens the power of the commission to include the acquisition, construction, administration, and operation and maintenance of port and terminal facilities and the issuance of bonds for the financing thereof.

The two bills are nearly identical except for clarifying modifications incorporated in H.R. 6199 at the request of the Delaware River Joint Toll Bridge Commission. This bill, which Congressman Thompson has approved as a modification of his original H.R. 5347, is the bill that we would like to see enacted here.

The Commonwealth of Pennsylvania and the State of New Jersey, by amending their compact in 1953, signified their choice of the Delaware River Joint Toll Bridge Commission as the appropriate agency to undertake port and terminal development in the portion

of the Delaware River north of Philadelphia to the head of navigation at Trenton-Morrisville. They invested such powers in the Delaware River Port Authority in the area downstream from the dividing line at the boundary of Philadelphia County and Bucks County on the Pennsylvania side and Rancocas Creek, in Burlington County, on the New Jersey side.

While I cannot supply maps showing this boundary line in sufficient quantity to accompany the 50 copies of my statement, I have a suitable map available to orient the committee. The choice of the Delaware River Joint Toll Bridge Commission was obvious since it had powers of a regional character to engage in furnishing land transportation by bridges across the river.

Since the amendment of the compact in 1953, to authorize the bridge commission to extend its activities to port terminal development, the record of achievement in its original function of providing land transportation has been remarkable. Three bridges have been opened, financed, and constructed at approximately a cost of \$15 million. The net operating revenue has been multiplied nearly five times despite a decrease in toll fares. Half of the bonded indebtedness has been retired in less than one-third of the term of the bonds. Tolls have been reduced so that since January 1, 1963, users of all of our 5 bridges can buy a book of 40 tickets for \$1, having an unlimited usage at the rate of 2½ cents per trip.

We think this demonstrates that the Delaware River Joint Toll Bridge Commission has exercised prudent managerial skill in carrying out its existing functions.

If the commission's responsibility is extended to terminal improvements along the upper Delaware River, as well as providing crossings for land transportation over the river, we shall proceed with the same care to carry out a program which will meet the needs, and at the same time be self-supporting. Some 6 months ago the commission engaged the services of a nationally known port consultant, Mr. Walter P. Hedden, of New York, to analyze the needs and suggest an appropriate program. We shall be studying his recommendations very shortly.

The Congress has already recognized the importance of the Delaware River by appropriating large sums of money for channel improvement as far north as Newbold Island, opposite the plant of the United States Steel Co. The improvement of the channels north of that point to Trenton-Morrisville has also been authorized subject to certain local cooperation provisions in providing adequate terminals. The commission would be in a position to provide such adequate terminals if this bill passes.

The three counties in Pennsylvania and New Jersey lying immediately along the 30 miles of river from Philadelphia to Trenton-Morrisville will require huge quantities of building materials, road materials, fuels, both household heating and motorcar usage. The population in these 3 counties is expected to increase by another 483,000 between 1960 and 1980 and will need 135,000 new housing units and operate an additional 243,000 motor vehicles.

Large tracts of land are available for industrial development with waterfront access but require suitable terminals. The records of the Corps of Engineers indicate that the Delaware River traffic north

of Philadelphia more than doubled from 1952 to 1961. A bistate regional agency, such as our commission, can supplement individual private and civic interest in an integrated and continuous program of further development.

Mr. Chairman, that terminates my statement. I wish to thank you and the committee for the opportunity of presenting my views on this bill.

Mr. HARRIS. Thank you very much, Mr. Swope, for your statement.

What Congress were you in?

Mr. SWOPE. Well, I was here back in the interesting days of the thirties, sir, 1937 to 1939—the 75th Congress. I was a 75th Congress club member.

We had about 200 new members that year.

Mr. HARRIS. I came right after that, so I did not have the privilege of serving with you.

Mr. SWOPE. I would say, sir, being from the same State as our late, lamented Congressman Francis E. Walter, I was a very intimate and close friend of his, and found much of my political knowledge garnered from his very excellent tutoring.

Mr. HARRIS. Indeed, many of us did. And I would say I have had the privilege of serving and associating with many members of your great State, including members of this committee now and previously, as well as other members. And I want to say that you have the highest caliber of representation from the State of Pennsylvania. I am very proud of my association with them.

Do you have any questions?

Mr. FRIEDEL. No questions. I would just like to join you in your complimentary remarks.

Mr. SWOPE. Thank you, sir, Mr. Chairman and members of the committee.

Mr. HARRIS. Our next witness is Mr. David Goldberg.

Mr. Goldberg, you may identify yourself for the record and proceed.

#### STATEMENT OF DAVID J. GOLDBERG, COMMISSIONER OF THE DELAWARE RIVER JOINT TOLL BRIDGE COMMISSION

Mr. GOLDBERG. Thank you, Mr. Chairman.

My name is David J. Goldberg. I serve as associate counsel to Gov. Richard J. Hughes, of New Jersey, and, by virtue of appointment, as one of the five New Jersey members of the Delaware River Joint Toll Bridge Commission. I am here today in both my capacities.

With the chairman's approval, I believe I am the last scheduled speaker on behalf of the commission itself. However, there are several other persons here who would be available to the committee if the committee so wished, which I would like to introduce at this time.

We have as another New Jersey member, David C. Thompson.

From Pennsylvania, we have Judge Morris Gerber.

In addition, we have our acting executive director, William Johnson.

We have also the gentlemen that the commission retained to do the port study which will guide the commission in its decisions, if Congress consents to this legislation, Mr. Walter Hedden.

Mr. HARRIS. Gentlemen, we are delighted to have you with us.

Mr. GOLDBERG. The chairman of our commission is also with us, Herman Shotwell.

Mr. HARRIS. Indeed we are glad to have the chairman with us.

Mr. GOLDBERG. I wish to express to this subcommittee, on behalf of the Governor of the State of New Jersey, our commission and myself, sincere appreciation for the opportunity to appear today for the purpose of urging the Congress of the United States to grant its consent to the amendment to the compact between the Commonwealth of Pennsylvania and the State of New Jersey creating the Delaware River Joint Toll Bridge Commission which will permit our commission to engage in port development activities.

There have been, or will be, a number of speakers before this subcommittee today expressing their reasons for urging such congressional action. To whatever extent possible, I will attempt to avoid a repetition of argument or presentation but I should like to indicate at this time that I concur fully with those remarks even though I may not specifically allude to them during my comments.

At the outset, I have been authorized to state that Governor Hughes wishes this subcommittee to know that he strongly favors the legislation under consideration today which has been sponsored by his representative, Congressman Frank Thompson, and by Congressman Curtin.

It is the Governor's conviction that a proper development of the port potential of the Delaware Valley would contribute in significant measure to the continued economic expansion of the Delaware Valley especially in the area of Trenton, Burlington and Bucks Counties.

Although the report of the commission's consultant on port development has not been officially received and reviewed by the commission, the Governor and the members of the commission are hopeful that this report will point the way to an intelligent utilization of the natural potential of this area to the ultimate benefit of citizens of both States.

The steps necessary to implement whatever this report will recommend, however, cannot be considered and taken by our commission unless the Congress joins with us through the medium of granting its consent to the amendatory compact.

I would like to add at this time that in all of our discussions on this subject, and all of our considerations of the question of port development, uppermost in the minds, I believe, of all the commission members has been the question whether this undertaking in fact will be a self-supporting activity. I believe that it is the feeling of the present commission that we will undertake port development activity, assuming congressional consent is actually given, only if this activity can be justified as an independent economic activity of the commission.

Some members of the committee have raised some questions as to diversion of funds. We believe that the pooling of revenues which is provided for in the legislation is essential to a proper development of port activity in the sense that there may well be some

periods of time where deficit financing is essential in order to get this program underway, especially in the early years when perhaps capital investment is going to be required in order to have an initial start.

However, I believe for myself and I believe for the commission that the primary point that we will have in mind before a final determination is made is whether this can be justified as an independent economic activity in the long run.

In terms of diverting revenues, I would call to the committee's attention that the commission itself has had in the past a history of diverting revenues, in this sense—not for any nefarious purpose, but for the purpose of providing as quickly as possible and on as broad a basis as possible services to the entire river basin over which we have jurisdiction.

For instance, we have several bridges, toll bridges, under our jurisdiction which even today would not be exactly self-supporting if they were to be isolated out as individual projects.

However, the total capacity of the commission is such that we are able, for the time being, to carry these bridges. We are confident that in the long run these bridges will be economically justified. In the meantime, we are able to give service to the people of this area by pooling together the revenues from all of our facilities and using them for the purpose of providing these installations.

Now, we believe that the same thing applies in the area of port development. It is possible that there will be several years of deficit financing. However, we do not feel that this would be continued on a longrun basis. Otherwise we would not or will not undertake such a project.

I would like also to state that even if such deficits in fact occur for several years—and our understanding is that this project either will prove out to be self-supporting within a period of 5 or 6 years or it will not be considered to be workable—even if there is a period of deficit operations, the deficit would not be of the magnitude that would in any way imperil the toll structure of the commission, so that we would have to resort to raising the fares.

The commission is quite proud of its record of continually reducing the fares to the traveling public, so that the economic burden placed on the user of our facilities is kept at a minimum level.

For instance, at Trenton the original toll rate was 15 cents for a passenger car. The original commutation rate was 10 cents a vehicle. It was subsequently lowered to 5 cents a vehicle. It is now 2½ cents a vehicle. And this represents, I think, on the part of the commission over a period of many years, certainly before I became a member, a determination to render to our citizens and to our travelers the most efficient form of transportation facility at the lowest rate that is commensurate with that type of service.

A second phase that I would like to touch on is the question of jurisdiction.

The amendatory compact in question would grant our commission the authority, inter alia, to undertake port development activities in the area of the Delaware River comprised by the county of Bucks in the Commonwealth of Pennsylvania and in the county of Mercer and that portion of the county of Burlington north of the north bank of the Rancocas Creek in the State of New Jersey.

If it would be of any assistance to the committee members, we have a map of the river area which sets forth precisely the jurisdiction we are talking about, and we would be very happy to see that this is given to the committee.

Mr. HARRIS. I think Mr. Swope mentioned that map a moment ago. I believe it might be helpful to give it to the reporter, and if we can include it in the record, it will be so included.

Mr. GOLDBERG. The portion outlined in red, Mr. Chairman, is the portion which would be affected by this compact.

Mr. HARRIS. I think probably for the record it should be included in case somebody might want to see just what it does cover.

(The map referred to faces this page.)

Mr. GOLDBERG. Although there are several State and bistate agencies authorized to undertake port development activities along the Delaware River—as a matter of fact, I think along the New Jersey boundaries we have more interstate agencies than any other State in the Nation, since we have been among the earlier users of this type of instrumentality, and one of the most intensive users—the Delaware River Joint Toll Bridge Commission is the only agency which has been granted the authority to conduct such operations in this express portion of the river basin.

For example, the Delaware River Port Authority's jurisdiction—an agency with whom we are sometimes confused, but an entirely separate agency—is limited to a district which includes only the counties of Delaware and Philadelphia in Pennsylvania although it has jurisdiction within the county of Burlington in the State of New Jersey, as well as other counties to the south.

I might add that the Delaware River Port Authority is an agency with which our commission consulted, and our conversations with that authority indicated that they in no way viewed our potential activity in this area as being adverse or competitive with theirs.

As a matter of fact they stated to us that they felt that anything that would help develop the entire Delaware River was of great interest to anyone in the river basin, and that they would welcome our entry into this field.

So that we do not feel that our activities would in any way conflict with the operations of this agency.

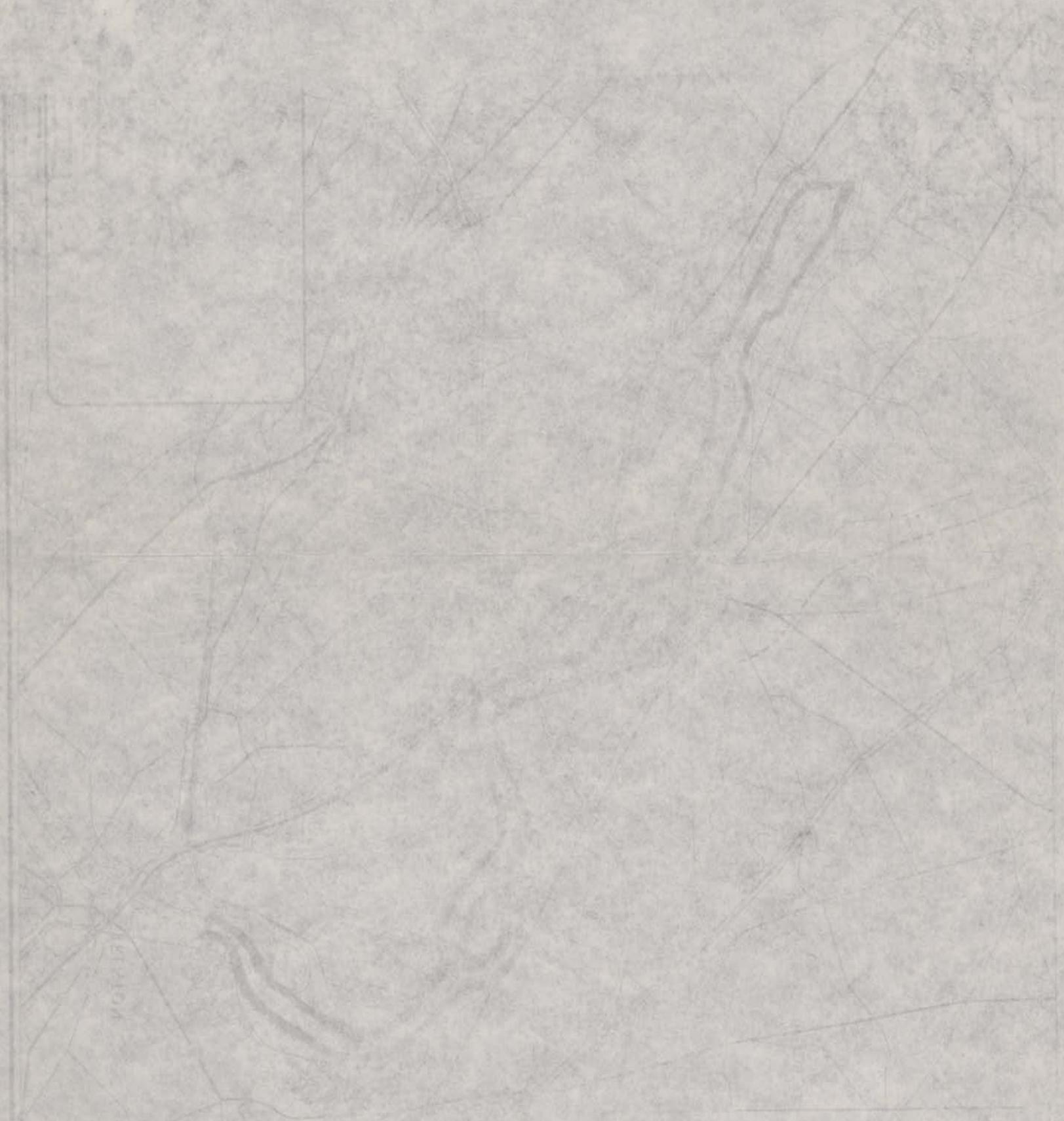
Similarly, the South Jersey Port Commission has no jurisdiction whatsoever in the Commonwealth of Pennsylvania although its implementing legislation would purport to authorize its operation in the counties of Burlington and Mercer in the State of New Jersey.

I might point out for the record this agency has its only facility, I believe, in the city of Camden. It, in fact, maintains no port facilities whatsoever in the area which falls within the jurisdiction of our commission. And because of its present financial condition, it is in no position to expand those facilities. And, of course, it is a New Jersey agency, not a bistate agency.

So here again we do not envision any conflict between what our commission is contemplating and what these agencies are doing.

In addition to the fact that no other agency has an authorization comparable to that which is granted to our commission, the courts of our State have recognized the fact that the jurisdiction granted to the various agencies now operating with the Delaware Basin is not mutually exclusive as between such agencies.





SECTION

In the case of *Williams v. Cinnaminson Township*, 71 N.U. Super. 284 (Law. Div. 1961) the Superior Court of the State of New Jersey found that the various statutes creating authorities along the Delaware River permitted each authority to accomplish the purposes for which it is created without excluding the others from that area of operation.

I think this decision may be of some interest to the committee in that the Cinnaminson Township, under additional New Jersey legislation, was contemplating the establishment of its own port facility on the Delaware River. The court had before it an argument that since the Cinnaminson Township fell within the boundaries of the Delaware River Port Authority, that it was preempted from exercising its local home rule in this regard, and that any port development that would be undertaken would have to be undertaken by the Delaware River Port Authority. The port authority indicated that they had no interest in undertaking such development in that area and were in no way opposed to what the township was then contemplating.

Notwithstanding that, the argument was made there was no authority, legally, in the township to take that action. The court ruled that this was not so, that, notwithstanding the grant of jurisdiction to the Delaware River Port Authority, the township retained, by virtue of this legislation, its own ability to undertake this port development. This decision would have application, I believe, to our commission in this sense—that even if we were granted congressional consent to operate in this area of the river, this would not of necessity preclude individual communities within that same jurisdiction from undertaking terminal operations independent of ours, if they had found economic and geographic reasons for attempting that.

It is the commission's wish if we undertake port development to do whatever we can in this area on a cooperative basis.

We have met with the leadership of the various communities along the river. We have met with the agencies which are in the river basin who have jurisdiction similar to ours, or potentially in conflict with ours.

I believe it is fair to state that the commission has made every effort possible to make certain that whatever action we take in this area would be an action that is desired by the communities along the river, and not an action that would run counter to or in conflict with what these local agencies themselves are contemplating.

And I think it is only fair to point out that although we commission members are here today talking about port development and urging congressional consent, so that the commission can do port development, we really are not the leaders in this field—and I do not want to represent to the committee that this is a scheme or a concept which was initiated by the commission itself.

As a matter of fact, I think this is an instance where local concern and local leadership pointed out the way for the commission itself. Long before the commission reached the conclusion that port development might be desirable for the area, local leaders, such as the mayor of Trenton, local officials in Morrisville, and the Bucks County officials had been discussing the desirability and the necessity for port development. It was through their constant urging and through their educational processes on the commission members itself that we reached

the point where we thought it desirable to undertake this study and now come before this committee seeking congressional consent so that we can implement whatever our study will recommend.

We are not the leaders in this movement. But we are glad to join with these people who preceded us in making this effort to bring about what we feel would be a very decided economic benefit to the entire area.

I would like to point out that we are apparently the only agency which is available to develop the port potential of this area on a comprehensive basis since our grant of jurisdiction is unique.

To my personal knowledge, there has been no opposition whatsoever to what the commission is seeking to accomplish. In fact, as I have indicated, the local leadership has been instrumental in turning the commission's mind to recognize our responsibility in this area, and that we have merely followed along with what the communities have pointed out to us is a very essential step. And we are hopeful that the Congress of the United States will join with us in giving the approval which is indispensable to any further action on the part of our commission.

I wish to thank the subcommittee for the opportunity to present this material today. I feel certain that if any additional information is required or if a clarification of the material presented is desired, that the members of the commission or our staff would be most willing to see that it is provided forthwith.

I have two copies of this material which includes a copy of each of the compacts of our commission—the 1934, 1947, 1951, and 1953. I would be glad to leave that for the benefit of your staff, so that they can go through this and see precisely what are the new changes.

The bill which is before the committee may be somewhat confusing in this sense—all the material in the 1953 compact which is before the committee for decision is not new material, there is some new material, but the great bulk of it is the original material, with the amendatory language added to it.

A quick reading of the compact might erroneously lead the committee to the conclusion that we are seeking a much broader grant of jurisdiction than in fact we are seeking.

And perhaps these compacts will be of some aid to your staff in correcting that.

Unfortunately we have not marked the precise additions. But I believe that can be done very simply by reference to the earlier compacts.

Mr. HARRIS. You may leave a copy of it for the files of the committee and the use of the staff.

Is there anything further, Mr. Goldberg?

Mr. GOLDBERG. No, Mr. Chairman.

Mr. HARRIS. Thank you very much.

Mr. Hemphill?

Mr. HEMPHILL. Thank you. I have one question.

When you discuss here the case of Williams against Cinnaminson Township, which you discussed in sufficient detail for me to understand—is it because of that case there is contained on page 2 of each of these bills a proviso—Mr. Curtin pointed out in his statement with respect to any port or terminal facilities the power to exercise the right of eminent domain was included?

Mr. GOLDBERG. I do not believe so, if I understand your question, sir. The commission at the present time has the power of eminent domain. It has had this, I believe, since its 1934 compact. The language is in there because this is an amendment of our present authorization. And so it is reiterated as part of the amendment of that particular section. But the commission now has and in fact now exercises, where appropriate, the power of eminent domain in connection with any of the projects which it is authorized to undertake.

Mr. HEMPHILL. I thought you said in the explanation of the case you cited in your statement that the New Jersey Supreme Court—it was the court of last resort in New Jersey, was it not?

Mr. GOLDBERG. No, that was a lower court.

Mr. HEMPHILL. Was that appealed at all?

Mr. GOLDBERG. No, it was not.

Mr. HEMPHILL. So it was a court of last resort in this instance. And I thought you said that that court had ruled that the fact that you had a port authority did not preempt any local effort on the banks of the river. Did I misunderstand you?

Mr. GOLDBERG. I believe, Congressman, it is my fault. I believe I misunderstood the tenor of your question. If you are referring to the language on page 2 of the bill it starts "*Provided further*, That with respect to any port and terminal facilities as defined, the bridge commission shall not be exercised to condemn property"—this is language which was in the bill as originally presented to the Congress about 10 years ago when this issue first came before the Congress, although that bill did not pass. It was inserted at that time, I believe, because the United States Steel Corp. at that time was seeking to establish a new steel mill on the Delaware River in that area. In fact, since that date the United States Steel Corp. has established the Fairless Works, which has its own terminal facilities there. And it was to make it perfectly clear that the commission had no intention nor any authority to take over this kind of beneficial private activity, that the power of eminent domain was restricted in the congressional act.

In other words, we could not take over United States Steel terminal operation and operate it as a terminal. That type of activity would continue. And the commission would undertake terminal activities only where there is general agreement between the private owners in the area, the local governmental agencies, and the commission that a port facility would be desirable and would not be competitive with a legitimate private activity which could be self-supporting in its own right.

Mr. HEMPHILL. Yes. But the language is not limited to private access. It is public or private—"any person or corporations public or private which already has the right of eminent domain."

This appears to me the right of eminent domain is essential to this legislation. It would not be any good without the right of eminent domain.

I want to know whether or not what you are saying is that if the town of Trenton, or the city of Trenton has the right of eminent domain, that this proviso says that if the city of Trenton indicates its desire or its intention to condemn for purposes of their own, then of course that would preempt the commission under the terms of that proviso. Is that true or not, sir?

Mr. GOLDBERG. Yes, Congressman, I believe that is correct. We could not run counter to the wishes of the local unit. However, we do not feel that this is a defect in the legislation. We are not seeking a wider grant of authority in the area of eminent domain, because there is, we believe, a general agreement as to what the function of the commission would be in this area.

As a matter of fact, the city of Trenton owns a terminal facility, and the commission has had some discussions with the city. And whatever action the commission ultimately takes in regard to that facility will be done by agreement. It will not be done by resort to eminent domain.

The commission does not feel it must have that kind of power in order to operate successfully in this area of the river.

Mr. HEMPHILL. It does not seek that sort of power in this legislation?

Mr. GOLDBERG. That is correct.

Mr. HARRIS. Mr. Curtin, any questions?

Mr. CURTIN. Yes; just one question.

Questions have been asked with reference to what is the present intention of the bridge commission as to developments in the event this proposed legislation is enacted into law. Would it go beyond the port development into other fields like airports or truck terminals, or is that not the present intention?

Mr. GOLDBERG. Well, perhaps I can give the picture to the committee a little more clearly by telling the committee what the commission has done up to now.

Approximately 6 months ago the commission retained Mr. Walter P. Hedden, who is an outstanding authority in the area of port development, not only in this country, but internationally, for the purpose of determining whether there was any feasibility or desirability of our commission going into the question of port development.

Our request to him, in his authorization for this study, was limited strictly to this question of marine ports, and marine terminals. And he is very close to the point where he will report back to us. Based upon his report—again, if we receive congressional consent—the commission will make the determination as to what action it will take in the area of port development.

This is the only authorization that the Commission has given to anyone. It is the only study that the Commission has undertaken, not only at this time, but at any time in the past.

The question of airports has been raised. The language of the compact relates to this point of airport facilities. Why it relates to that is very difficult for the present members of the commission to say, because this legislation was drafted and enacted approximately 10 years ago, before any of the present commission members were appointed to this agency. So that we are not in a position to state from our own personal knowledge why this precise language that was used is in fact in the compact.

I would presume, from my knowledge of legislative activity, since I work as the Governor's counsel in this area, that the reason it was drafted the way it was was from a sense of caution and a recognition

on the draftsman's part that you cannot anticipate in futuro what types of problems will confront a given agency, and therefore they drafted this grant of authority on a rather broad basis.

I think also probably the bonding attorneys who assisted in preparing this legislation wanted a fairly broad grant of authority so that questions could not arise in the future—as to whether you were legitimately applying funds if in fact you had some type of multiple operation such as a railroad and a port development.

However, the commission has never discussed anything other than this question of port development, meaning water port development. We have never undertaken any idea of airport development.

As far as I know, none of us have any intention or interest in airport development. This is not a subject which would seem to be germane to our present method of operation. And I can only say that although the language is in there, it is not language that we would attempt to utilize or employ.

I would only add one point. That is, on the question of the congressional consent, I have done some work in this area. To my knowledge, I am unfamiliar with any instance where the Congress of the United States, in its consent legislation, has ever in fact modified the language of a compact.

I would not purport to speak on the authority of Congress to do this. But I think there may be some question as to whether this is a proper action or not.

The members of the commission are in no position to comment on this, because we have a legislative enactment from the two States which gives us our authority, and it is not for us to say whether it is good or bad.

Mr. HARRIS. That is the reason I suggested earlier, Mr. Goldberg, that we have a committee print here showing what is in existence in the compact, and what you are requesting in addition here. We can make that determination when we have that information available.

You never did say whether you were going to build airports or not, though.

Mr. GOLDBERG. I'm sorry if I did not. We have no intention to build airports whatsoever.

Mr. HARRIS. Thank you very much, sir. We appreciate your appearance here and your testimony.

Did either of the other gentlemen introduced by Mr. Goldberg want to add to what he has said here?

Mr. SHOTWELL. No, thank you, Mr. Chairman. I think Mr. Goldberg has covered it pretty well.

Mr. HARRIS. Our next witness is Mr. William Henwood.

You are vice president of the Meenan Oil Co.?

Mr. HENWOOD. Yes, sir.

Mr. HARRIS. You may proceed.

Mr. CURTIN. If I may interrupt for a moment, Mr. Chairman, I would like the subcommittee to know that Mr. Henwood is also chairman of a study group that was appointed by the Bucks County commissioners to look into the possibility of a Bucks County Port Authority being created in this matter.

**STATEMENT OF WILLIAM HENWOOD, VICE PRESIDENT, MEENAN OIL CO.**

Mr. HENWOOD. Mr. Chairman and gentlemen, in this connection I have not a prepared statement. I would like to, however, perhaps answer a couple of Congressman Hemphill's questions that he brought up to Congressman Curtin before, and also to point out that the development of the request that is before this group today—as Mr. Goldberg said—is a result of grassroots activity on the part of the people in our county particularly, the Lower Bucks County Chamber of Commerce, and our Industrial Development Corp.

As a result of this activity, about a year and a half ago our commissioners appointed a committee to study port feasibility. I acted as chairman of that committee.

A thorough study was made in our county, with the assistance of competent professional help. Last February we made a report to our commissioners. Action on their part has been deferred pending the result of the action on this particular legislation, and the result of the study which Mr. Walter Hedin is making.

Just to briefly tell you what we came up with, in a preliminary study, we found, of course, that port facilities are feasible in our area, but not only feasible, actually required.

It is our feeling that the natural development of our area would produce these facilities, whether or not we have an authority taking care of their proper development.

So that we feel that some authority must direct this development in order to naturally insure its proper growth.

To be provincial, of course, we would like to see the port development in Bucks County. But I assure you that this is a united action, it is a regional activity, and it means regional growth.

Therefore it is our feeling that this present hearing will carry us a long way.

The commissioners have been advised—the commissioners of Bucks County—of this hearing by Congressman Curtin by letter. I have also talked to them. As is evident, they are not here today with any objections to this particular legislation.

I would like to, if I may, at this time quickly, without taking too much of your time, just put into the record here a letter which the Lower Bucks County Chamber of Commerce has directed to the Honorable John Bell Williams, chairman of the subcommittee.

DEAR CONGRESSMAN WILLIAMS: The Lower Bucks County Chamber of Commerce, long active in the study of port development in Bucks County, supports the development of a port in the Bucks, Burlington, Mercer area as indicated in H.R. 6199 and H.R. 5347.

This chamber has been cooperating with the Greater Trenton Chamber of Commerce and the Greater Trenton Council for many years seeking port development, and in our opinion, the deepening of the Delaware River was the indicator that a port would eventually be a reality in this area.

It is also our opinion that Federal approval permitting the Delaware River Joint Toll Bridge Commission the responsibility of developing the port would serve the best interests of the bistate area and would result in the orderly growth of the port facilities.

We respectfully request that your committee take action to approve H.R. 6199 and H.R. 5347 for passage by the Congress.

Very truly yours,

A. MARLY MOYER, JR., *President.*

Gentlemen, that is all I have for the group at this point.

Mr. HARRIS. Mr. Henwood, thank you very much.

I observe that the next two people on the list are with the Lower Bucks County Chamber of Commerce. Are you speaking for them, too?

Mr. HENWOOD. Yes. But I would like, Mr. Chairman, if I may, to introduce them.

Mr. William A. Sech, who is chairman of our rivers and streams committee of the chamber.

Mr. HARRIS. Mr. Sech, we are glad to have you. Do you care to make any additional comment to what Mr. Henwood made?

Mr. SECH. No, sir. This is a group statement.

Mr. HARRIS. Very well.

Mr. HENWOOD. And Mr. Warren Likens, our executive vice president.

Mr. HARRIS. Mr. Likens, we are glad to have you with us.

Mr. LIKENS. Thank you.

Mr. HARRIS. Thank you very much.

Mr. Hemphill, any questions?

Mr. HEMPHILL. No, thank you, sir.

Mr. CURTIN. I have no questions.

Mr. HARRIS. Do you know of any opposition at all to this?

Mr. HENWOOD. No, sir, Mr. Chairman. I will say this has received a great deal of publicity in our area.

Mr. HARRIS. My attention has been called to the fact that some time ago a problem of this kind arose between the Camden, N.J., area and Philadelphia.

Our then colleague, a member of this committee and former chairman of this committee, had a great deal of interest in it with reference to the toll charges. I recall he had quite a round with the Army Engineers about it. But I understand that that is below where you propose this program, and in no way conflicts or in any way is contrary to what your program might be.

Mr. HENWOOD. This is my understanding, sir.

Mr. HARRIS. Thank you very much.

Mr. HENWOOD. Thank you.

Mr. HARRIS. We are now glad to extend a welcome to the mayor of Trenton, N. J., the Honorable Arthur J. Holland.

Mr. Mayor, we are glad to have you. We will be glad to have your statement.

#### STATEMENT OF HON. ARTHUR J. HOLLAND, MAYOR, TRENTON, N.J.

Mayor HOLLAND. Thank you, Mr. Chairman.

The bills before you would enable the Delaware River Joint Toll Bridge Commission to serve as a part authority. I support this legislation.

With the restoration of the Delaware River channel to a depth of 25 feet to Trenton by June of 1964—and I have heard at this session that the completion date for this project may be moved up by 2 months—the Trenton marine terminal area potential for commerce will be tremendously increased.

The question is whether the city of Trenton, the county of Mercer, borough of Morrisville, or the county of Bucks shall be the agency to develop Delaware River shipping to and from our area, or whether a broader agency representative of the region shall undertake this responsibility.

It is my opinion that the Delaware River Joint Toll Bridge Commission can most effectively, efficiently, and economically provide this essential service.

With the timetable facing us, it is important that the bridge commission be in a position to move immediately to meet this need and, for this reason, I believe that enabling legislation should be passed now.

Thank you.

Mr. HARRIS. Mr. Mayor, thank you very much. Mr. Hemphill?

Mr. HEMPHILL. No questions.

Mr. HARRIS. Mr. Curtin.

Mr. CURTIN. No questions.

Mr. HARRIS. Mayor Holland, thank you very much for your appearance and testimony here.

Do you know of any opposition anywhere in the area or from any other source to this proposal?

Mayor HOLLAND. No, I do not. It is natural for us in Trenton to feel, as was indicated by Mr. Henwood, that it would be a project for our jurisdiction. But I think as the area becomes more and more a cooperating one, that we all realize that a project of this size requires the cooperation of us all. In the interests of the region, we will all share in any prosperity that results.

I say this because there has been over the years a provincial attitude toward a project such as this. But I think there is almost unanimity of opinion now that we must join together. And as was pointed out by a spokesman for the bridge commission, it is true that the bridge commission has not taken the leadership in this; they have responded to sentiments such as those I have expressed today.

Mr. HARRIS. Thank you very much.

Our next witness is Mr. John Nevius.

You are president of the Greater Trenton Chamber of Commerce, are you?

Mr. NEVIUS. Yes, sir; I am.

Mr. HARRIS. Very well, you may proceed.

#### STATEMENT OF JOHN H. NEVIUS, PRESIDENT, GREATER TRENTON CHAMBER OF COMMERCE

Mr. NEVIUS. Thank you, Mr. Chairman and committee members, our organization, the Greater Trenton Chamber of Commerce, is made up of 1,600 members on both sides of the river—Morrisville, Bucks County, and Mercer County.

Our organization firmly supports the development of the Morrisville-Trenton port area through a bistate agency. We have actively worked toward this objective for a number of years.

In 1954 the governments of New Jersey and Pennsylvania each approved the amending of the compact establishing the Delaware River Joint Toll Bridge Commission. This amendment permits the

commission to serve as a port authority. We support the intent of this legislation.

Dedicated as our organization is to the economic well-being of communities on both sides of the river, with a membership drawn from both States, we feel particularly qualified to express opinions in this matter. In our judgment, Federal approval of the action placing responsibility for port development on the Delaware River Joint Toll Bridge Commission is sound. It would be a confirmation in law of economic interrelations which already exist between the two areas. It would validate by compact what already exists geographically. It would sustain by formality what has long been advanced through mutual interest of private citizens, organizations, and local and State governments.

We urge that the essential approval of the compact be granted and the further growth of our area assured. We respectfully suggest that your committee take immediate action to approve H.R. 6199 and H.R. 5347 for passage by the Congress.

At this time, Mr. Chairman, I would like to introduce a colleague, Mr. Ed Meara, who is executive vice president of the Greater Trenton Council, who has a collaborating statement to be placed in the record at this time.

Mr. HARRIS. Mr. Meara.

**STATEMENT OF EDWARD F. MEARA, EXECUTIVE VICE PRESIDENT,  
GREATER TRENTON COUNCIL**

Mr. MEARA. Gentlemen, you have been more than lenient with your time. My statement has been submitted to the secretary. It is, of course, an affirmative statement. I think I will let it rest at that and thank you for your courtesy.

Mr. HARRIS. Let the statement be included in the record at this point. And we want to thank you for your statement.

(The statement referred to follows:)

**STATEMENT OF POLICY OF BOARD OF TRUSTEES OF THE GREATER TRENTON COUNCIL  
BEFORE COMMERCE COMMITTEE AND SUBCOMMITTEE ON TRANSPORTATION REGARDING  
THE PORT DEVELOPMENT BILL**

The Greater Trenton Council is a nonprofit civic organization dedicated to the physical and cultural development of the Greater Trenton area. Its membership is composed of most of the leading business interests on both sides of the Delaware River.

Allstates Design & Development Co., Inc.  
American Biltrite Rubber Co.  
American Bridge Division, United States Steel Corp.  
American Steel & Wire Division, United States Steel Corp.  
Atlantic Products Corp.  
Baldwin-Ehret-Hill.  
Brauninger News Co.  
Broad Street National Bank.  
DeLaval Turbine, Inc.  
First Trenton National Bank.  
General Electric Co.  
General Motors Corp., Ternstedt Division.  
Heinemann Electric Co.  
Hill, C. V., & Co.  
International Business Machines.  
John A. Roebling's Sons.

John McShain Co.  
 Lit Bros.  
 Nevius-Voorhees.  
 New Jersey Bell Telephone Co.  
 New Jersey Manufacturers Association.  
 Public Service Electric & Gas Co.  
 Roller Bearing Co. of America.  
 Sears, Roebuck & Co.  
 Stokes Molded Products.  
 Trentonian.  
 Trenton Savings Fund Society.  
 Trenton Times Newspapers.  
 Trenton Trust Co.

It is the unanimous opinion of the board of trustees that a thriving deep-water port in the Trenton-Morrisville area, which is at the headwater of the Delaware, could be one of the most significant economic stimulants ever administered to the Delaware Valley. These benefits, we believe, would be enjoyed by both Pennsylvania and New Jersey.

It is also the unanimous opinion of the GTC board that this port best could be developed by a bistate port authority administered through the Delaware River Joint Toll Bridge Commission.

We have arrived at this conclusion after a 2½-year study by our staff in conjunction with the Chambers of Commerce of Trenton and Lower Bucks County. This study has brought us in contact with some of the leading port experts in the country. These men have told us that only through the creation of such a bistate authority can the proposed Trenton-Morrisville port reach its full potential.

Therefore we respectfully urge this committee to favorably act on the legislation that would enable the Delaware River Joint Toll Bridge Commission to take up this task in the very near future.

Mr. HARRIS. Are there any other witnesses to be heard?

Mr. Goldberg, I would like to ask you and Mr. Swope a question, for your brief comment.

As I understood from what Mr. Thompson said a moment ago, there is a slight difference in language, between the bill introduced by him, H.R. 3547, and the bill introduced by Mr. Curtin, our colleague on the committee, H.R. 6199.

Are you aware of the differences?

Mr. GOLDBERG. Yes, Mr. Chairman, I am aware of the origin of the differences and casually as to the nature of them. They are technical.

Mr. HARRIS. Which is preferable?

Mr. GOLDBERG. We prefer the version of Congressman Curtin's bill. The amendments were prepared by our consultant, Mr. Hedden, in conjunction with some attorneys who recommended them for the reasons set forth in Congressman Curtin's statement and they were forwarded to the Congressman with a request that he incorporate it into his legislation. We would respectfully request the committee, in considering this legislation, to consider the bill in the version that it is now in Congressman Curtin's bill.

Mr. HARRIS. Is that the general feeling with all of the commission?

Mr. SWOPE. Mr. Chairman, as chairman of the projects committee, I would like to say that the projects committee has approved H.R. 6199 as representing our desires in this respect.

Mr. HARRIS. Mr. Curtin, have you got any statement to make as to pointing out the differences in the two bills?

Mr. CURTIN. In my statement, sir, I have pointed out the differences.

Mr. HARRIS. Very well.

Well, gentlemen, thank you very much. This concludes the hearings. But I do not intend to close the record at this time. I am going to give a few days longer than I usually do. I am going to let the record stand open for 10 days, for two purposes. One is to give ample time for anyone who may have contrary views to those expressed here today to do so. And second, that we may seek a statement, a report, from the agencies involved.

Mr. Clerk, I wish you would advise the Department of Defense, Corps of Engineers, the Bureau of the Budget, and the Department of Justice that we have conducted hearings, and that the record will remain open for a period of 10 days. Kindly request that they submit such comments as they might wish in connection with this proposed legislation.

Mr. CURTIN. Would the chairman yield?

Mr. HARRIS. Yes.

Mr. CURTIN. I notice that our two representatives of newspapers from the local area involved are present today, and I would much appreciate it if they would give full publicity to the chairman's statement with reference to the record being left open for any person who has any contrary views, to make those views known to the committee.

Mr. HARRIS. I am sure the representatives of the press will take due cognizance of the statement of our colleague.

With the thanks of the committee, the committee will adjourn.

(The following letter was later received for the record:)

DELAWARE RIVER JOINT TOLL BRIDGE COMMISSION,  
*Morrisville, Pa., September 12, 1963.*

Re H.R. 6199 and H.R. 5347

HON. WILLARD S. CURTIN,  
*House of Representatives, Old House Office Building, Washington, D.C.*

HON. FRANK THOMPSON, JR.,  
*House of Representatives, House Office Building, Washington, D.C.*

MY DEAR CONGRESSMEN: The Delaware River Joint Toll Bridge Commission, earlier this year, requested that you introduce legislation to grant the consent of Congress to a supplemental agreement between the Commonwealth of Pennsylvania and the State of New Jersey, which, in effect, would implement the policy of the two States in authorizing the bridge commission to enlarge its activities to include development of port terminal facilities within its district.

You responded by introducing such legislation, which became the subject of a public hearing on August 7, 1963, by the Subcommittee on Aeronautics and Transportation of the House Interstate and Foreign Commerce Committee. In addition to your own able statements at the August 7 hearing, there was unanimous support for the legislation by a number of civic and commercial groups. At the conclusion of the hearing, Congressman Oren Harris, the chairman of the House committee, instructed that the record be kept open and statements requested from certain departments of the Government. We understand that as a result, a communication has been received from the Department of Commerce opposing the enactment of the consent legislation, and that the Department of Justice and the Bureau of the Budget have deferred to this statement by the Department of Commerce.

In the meantime, a specific program of port development has been presented, in detail, by the bridge commission's consultant, Walter P. Hedden of New York City, in a report entitled "Port Upstream—Delaware River." At a meeting of the bridge commission on September 5, 1963, this report was accepted by the bridge commission as the basis of an action program, subject to congressional approval of the consent legislation.

Accordingly, our commission wishes to have conveyed to the House Interstate and Foreign Commerce Committee through you, a renewed plea for a favorable report on the consent legislation to the Congress. The program of port terminal

development is essential to the future economic welfare of the district entrusted to our responsibility by the two States, and the arguments advanced by the U.S. Department of Commerce should be considered in the light of the facts pointed out in our consultant's report, copies of which have been furnished to the clerk of the committee.

The communication from the U.S. Department of Commerce recognizes the need, under certain conditions, for pooling the revenues of toll bridges in order to provide adequate financing arrangements, and recognizes that Federal consent to bi-State legislation of this character has been granted in the past, but attempts to distinguish such past consents from the present situation. We have taken the liberty of highlighting, in this communication, the circumstances which we believe merit a favorable recommendation by the House Interstate and Foreign Commerce Committee.

#### *Need for port terminal development in the Upper Delaware River:*

The Bridge Commission's district embraces a population of 1,125,000 people, with a commercial tributary area of 2,500,000 people. This area is accessible to deepwater navigation for a distance of 30 miles from the northern Philadelphia city line to the head of navigation at Trenton-Morrisville. The Federal Congress, in 1954, authorized a deepwater channel and larger turning basin from Newbold Island to Trenton-Morrisville, at a cost of \$5,698,000, conditioned upon the cooperation of local interests in providing adequate terminals. The terminal program proposed by the Bridge Commission's consultant and accepted by the Bridge Commission would provide such terminals (Hedden report, p. 2, finding 9).

The terminal program is designed to confer benefits in transportation savings, enhanced employment, and increased taxes estimated by our consultant at \$5 million per annum (Hedden report, p. 7, finding 25).

The present public terminal development is entirely inadequate to meet the needs of the district, and there is no alternative prospect that this deficiency can be remedied without participation by the Delaware River Joint Toll Bridge Commission, which is in a position to activate a regional, coordinated development if Federal consent is given to the amended compact between the two States (Hedden report, chs. I and IV).

#### *Economic feasibility:*

The Bridge Commission has no intention of embarking on a port terminal development program which would require continued subsidy with funds derived from its bridge operation. Our consultant, who has spent a lifetime in port development, and has a distinguished record in assisting public port agencies both in the United States and abroad in creating self-supporting facilities, proposes a capital expenditure of \$6 million to provide a system of terminals realistically tailored to the needs of the district. He estimates that the revenues from port terminal operations will cover all expenses including debt service by the end of a 5-year development period. The average annual expenses during the first 5 years will be \$519,000. Inevitably the financing and "startup charges" cannot be covered in the first few years out of revenues, but the maximum deficiency in any 1 of these years will not exceed \$150,000 (Hedden report, p. 7, finding 24).

This phenomenon of meeting realistically the problem of startup charges by utilizing the financial strength of an established regional public agency is an accepted fact of port development (Hedden report, p. 48).

In accepting this type of action program, the bridge commission would be fully able to use its resources without any anticipated increase in bridge tolls. On the other hand, without the right to pledge revenues from existing operations, it could not go forward with financing the necessary port terminal program. In effect, the bridge commission would be lending its established resources as a credit base for a development which, after the initial startup period, would contribute its share and more to the overall ability not only to serve the district by stimulation of commerce and industry and community development, but also to increase the financial strength of the agency.

#### *Integrated regional transportation development*

The U.S. Department of Commerce communication suggests that there is some inherent objection to integrating financing arrangements for development of port terminal facilities with the construction and operation of bridges across a navigable stream. Whatever the theoretical possibilities of misapplying such a program, the practice of combining regional responsibility for both land cross-

ings over a river and navigation and terminal development of the waterway itself has been widely accepted and effectively carried out.

In Canada, the Canadian National Harbors Board has been effectively used in certain ports such as Vancouver and Montreal, not only to create port terminals but also to provide bridges. In the United States the outstanding example is the Port of New York Authority, which has financed and operates integrated transportation facilities, including bridges, tunnels, and port terminals. The Massachusetts Port Authority performs a similar function with respect to the Mystic River Bridge and the Boston port facilities.

The Delaware River Port Authority, which has jurisdiction over a district immediately south of the Delaware River Joint Toll Bridge Commission district, combines port development activities with the financing and operating of bridges.

Even the St. Lawrence Seaway Development Corporation, which is a creature of our Federal Government, has financed, constructed, and now operates in conjunction with its Canadian counterpart, the St. Lawrence Seaway Authority, the toll bridge over the St. Lawrence River at Cornwall, in conjunction with its seaway responsibilities.<sup>1</sup>

*Port terminal development serves an area beyond the navigable waterway*

The U.S. Department of Commerce communication attempts to distinguish between port development and river-crossing integration on an implied theory that it may be justified in certain dense or compact areas, such as New York or Philadelphia, but not for the upper Delaware River. It is a geographic truth that the Delaware River north of Trenton is not navigable for deepwater commercial shipping, although it still requires bridges for crossing land traffic. However, this seems no valid reason why a region established by action of two States should be denied necessary terminals to serve and benefit the district because only a portion of the waterway is navigable. Obviously the port terminals should only be placed on navigable water. The benefits, however, clearly are not confined to the areas along such navigable portions of the waterway.

Numerous examples could be mentioned to emphasize the fact that every port has a hinterland served by the terminals located on a limited deepwater channel connecting it to the open seas. The State of Alabama fostered the development of the port of Mobile, even though the port itself is in the extreme southwesterly corner of the State. The service performed by the port benefits a wide area. Similarly, the States of Georgia and South Carolina, and many others foster public terminal developments located on their seacoasts or lower deepwater sections of their rivers, but the benefits extend hundreds of miles.

The mere fact that the bridges integrated into the New York and Philadelphia developments happen to span navigable channels is no valid reason for permitting these districts to integrate regional transportation development while denying the same privilege to the super Delaware River where an incident of nature has rendered the river beyond Trenton nonnavigable. The region for which integrated transportation development is required still demands the benefits of economical deepwater transportation and efficient public terminals to shorten the land transportation distance necessary to reach navigable water.

One evidence of the compact nature of the bridge commission's district, from a commercial standpoint, as certified by physical audit recently made, is that usage of the commission's facilities reveals the fact that 74.07 percent of the traffic is "local" while only 25.93 percent is "nonlocal." The modest commutation rate of 2½ cents per passage is noteworthy in that it is considered to be one of the lowest, if not the lowest, commutation rate provided by any toll agency in the country.

Commutation traffic alone represents 56.29 percent of the trips made by automobile drivers across the five toll bridges under the commission's jurisdiction. The presumption is that these motorists are regular riders and a part of the population of the district which would be benefited not only by the bridges but

<sup>1</sup> The 1962 Annual Report of the St. Lawrence Seaway Development Corporation says, in reference to the Cornwall Bridge (p. 26):

"Tolls are charged to users of the bridge system, and by agreement between the seaway entities, the revenues are allocated in the following priority:

"(a) To pay for the administrative, operation, and maintenance expenses on the bridge system;

"(b) To amortize the cost of the North Channel span, constructed and financed by the St. Lawrence Seaway Authority, in 50 years with interest;

"(c) To distribute the balance of the proceeds on a 50-50 basis to the two seaway entities."

also by the port terminal facilities. It is noteworthy also that the bridge commission maintains and operates 11 free bridges, some of which are located within a stone's throw of the toll bridges. Notwithstanding this fact, motorists make an aggregate of 19,500,000 trips per annum over the toll bridges because of the superior convenience and capacity.

*Precedents for congressional consent*

The U.S. Department of Commerce communication refers to recommendations opposing provisions for the financing of transportation or terminal facilities in connection with the Delaware Memorial Bridge, which recommendations Congress accepted. This matter was before the 87th Congress. However, a contrary view has frequently been taken by Congress in approving bistate compacts which provided for similar integrated financing and use of revenues. This was true of the Port of New York Authority consent legislation of 1921, Public Resolution 17, chapter 77, 67th Congress, 1st session; the amendments to the Delaware River Port Authority compact of 1951, Federal: Public Law 573, chapter 921, 82d Congress, 2d session, approved July 17, 1952; New Jersey: Chapter 288, Public Law 1951, approved, June 26, 1951; N.J.R.S. 32: 3-2, 3, 5, 12, 13 and 13.23; Pennsylvania: Act No. 214, Public Law 1010, approved, July 18, 1951; and the Bi-State Metropolitan Development Agency, Missouri-Illinois, act of Congress, August 31, 1950, chapter 829-64 Statutes at Large 568.

In short, precedents have been established on both sides of this issue, and it is hoped that your committee will balance very carefully the obvious need for enabling our commission to go forward with the necessary port development, against the somewhat theoretical possibility that such consent would open the door to some future arrangement with less merit.

Conceivably section 2 of H.R. 6199 and H.R. 5347, dealing with the fixing of tolls, could be modified if the committee deems it essential to shorten the period within which the collection of tolls would be authorized, from the date of opening of traffic to the latest bridge construction, or a terminal date be inserted for review of the subject again by Congress. However, Congress must be aware of the necessity for providing flexibility to the bridge commission in negotiating bond issues and indentures incident thereto. We believe that our commission has amply demonstrated by its prudent management policies the determination to keep reducing bridge tolls as quickly as possible. We renew our request for a prompt and favorable report by the committee of the consent legislation.

Very truly yours,

WILLIAM R. JOHNSON.

(Whereupon, at 3:35 p.m., the hearing was adjourned.)

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