

1024

88x4
P96/11
88/14

DELAWARE RIVER PORT AUTHORITY COMPACT

Y4
.P 96/11
88/14

(88-14)

HEARING

BEFORE THE

COMMITTEE ON PUBLIC WORKS

HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH CONGRESS

FIRST SESSION

ON

H.R. 7332, H.R. 7339, and H.R. 7595

NOVEMBER 13, 1963

Printed for the use of the Committee on Public Works



88
11/28
AY
11/28 9.
11/28

COMMITTEE ON PUBLIC WORKS

CHARLES A. BUCKLEY, New York, *Chairman*

GEORGE H. FALLON, Maryland
CLIFFORD DAVIS, Tennessee
JOHN A. BLATNIK, Minnesota
ROBERT E. JONES, Alabama
JOHN C. KLUCZYNSKI, Illinois
T. A. THOMPSON, Louisiana
JIM WRIGHT, Texas
KENNETH J. GRAY, Illinois
FRANK M. CLARK, Pennsylvania
ED EDMONDSON, Oklahoma
JOHN J. McFALL, California
JOHN YOUNG, Texas
HAROLD T. JOHNSON, California
W. J. BRYAN DORN, South Carolina
DAVID N. HENDERSON, North Carolina
ARNOLD OLSEN, Montana
HAROLD M. RYAN, Michigan
J. RUSSELL TUTEN, Georgia
JOHN M. MURPHY, New York

JAMES C. AUCHINCLOSS, New Jersey
WILLIAM C. CRAMER, Florida
JOHN F. BALDWIN, Jr., California
FRED SCHWENGEL, Iowa
HOWARD W. ROBISON, New York
WILLIAM H. HARSHA, Ohio
JAMES HARVEY, Michigan
JOHN C. KUNKEL, Pennsylvania
ROBERT T. MCLOSKEY, Illinois
JAMES R. GROVER, Jr., New York
JAMES H. QUILLEN, Tennessee
CARL W. RICH, Ohio
JAMES C. CLEVELAND, New Hampshire
DON H. CLAUSEN, California

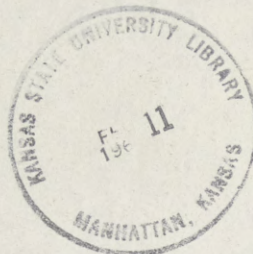
COMMITTEE STAFF

RICHARD J. SULLIVAN, *Chief Counsel*
JOSEPH R. BRENNAN, *Engineer-Consultant*
CLIFTON W. ENFIELD, *Minority Counsel*

CONTENTS

	Page
H.R. 7332-----	1
Statement of—	
Barton, Frank L. Deputy Under Secretary for Transportation, Department of Commerce; accompanied by Robert M. O'Mahoney, Deputy Assistant General Counsel for Transportation, and Donald L. Bower, program officer, Office of the Under Secretary of Commerce for Transportation-----	16
Cahill, Hon. William T., a Representative in Congress from the State of New Jersey; accompanied by Paul MacMurray, executive director, Delaware River Port Authority, Camden, N.J.; John Felton, counsel, Delaware River Port Authority, Philadelphia, Pa.; and Eric E. Wohlforth, Esq., Hawkins, Delafield & Wood, New York, N.Y., bond counsel to the Delaware River Port Authority-----	6
Additional information—	
Commerce Department:	
Letter, November 19, 1963-----	22
Statement-----	18
Connery, Hon. Thomas F., Jr., State senator from New Jersey, submitted statement-----	11
Green, Hon. William J. Jr., a Representative in Congress from the State of Pennsylvania, submitted statement-----	10
MacMurray, Paul, executive director, Delaware River Port Authority, submitted statement-----	12
Milliken, Hon. William H., Jr., a Representative in Congress from the State of Pennsylvania, submitted statement-----	9

III



CONTENTS

Page

1

10

2

13

24

250

13

0

III

DELAWARE RIVER PORT AUTHORITY COMPACT

WEDNESDAY, NOVEMBER 13, 1963

HOUSE OF REPRESENTATIVES,
COMMITTEE ON PUBLIC WORKS,
Washington, D.C.

The committee met 10 a.m., pursuant to call, in room 1302, Longworth Building, Hon. George H. Fallon presiding.

Mr. FALLON. The Committee on Public Works is meeting in session this morning for the consideration of Congressman Cahill's bill H.R. 7332, and similar bills, H.R. 7595 by Congressman Green, and H.R. 7339 by Congressman Milliken. I understand these bills are identical.

The purpose is to grant the consent of Congress to a further supplemental compact or agreement between the State of New Jersey and the Commonwealth of Pennsylvania concerning the Delaware River Port Authority, formerly the Delaware River Joint Commission, and for other purposes.

(H.R. 7332 follows:)

[H.R. 7332, 88th Cong., 1st sess.]

A BILL Granting the consent of Congress to a further supplemental compact or agreement between the State of New Jersey and the Commonwealth of Pennsylvania concerning the Delaware River Port Authority, formerly the Delaware River Joint 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 said supplemental compact or agreement or otherwise affected by the terms thereof:

SUPPLEMENTAL AGREEMENT BETWEEN THE COMMONWEALTH OF PENNSYLVANIA AND THE STATE OF NEW JERSEY FURTHER AMENDING AND SUPPLEMENTING THE AGREEMENT ENTITLED "AGREEMENT BETWEEN THE COMMONWEALTH OF PENNSYLVANIA AND THE STATE OF NEW JERSEY CREATING THE DELAWARE RIVER JOINT COMMISSION AS A BODY CORPORATE AND POLITIC AND DEFINING ITS POWERS AND DUTIES" ENLARGING THE PUBLIC PURPOSES OF THE DELAWARE RIVER PORT AUTHORITY AND EXTENDING ITS JURISDICTION, POWERS AND DUTIES AND DEFINING SUCH ADDITIONAL PURPOSES, JURISDICTION, POWERS AND DUTIES.

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

(1) Article I of the compact or agreement entitled "Agreement between the Commonwealth of Pennsylvania and the State of New Jersey creating

The Delaware River Joint Commission as a body corporate and politic and defining its powers and duties", which was executed on behalf of the Commonwealth of Pennsylvania by its Governor on July first, one thousand nine hundred and thirty-one, and on behalf of the State of New Jersey by the New Jersey Interstate Bridge Commission by its members on July first, one thousand nine hundred and thirty-one, and which was consented to by the Congress of the United States by Public Resolution Number twenty-six, being chapter two hundred fifty-eight of the Public Laws, Seventy-second Congress, approved June fourteenth, one thousand nine hundred and thirty-two, as heretofore amended and supplemented, is amended to read as follows:

ARTICLE I

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

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

(b) The effectuation, establishment, construction, operation and maintenance of railroad or other facilities for the transportation of passengers across any bridge or tunnel owned or controlled by the commission, including extensions of such railroad or other facilities within the City of Camden and the City of Philadelphia necessary for efficient operation in the Port District.

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

(d) Cooperation with all other bodies interested or concerned with, or affected by the promotion, development or use of the Delaware River and the Port District.

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

(f) The construction, acquisition, operation and maintenance of other bridges and tunnels across or under the Delaware River, between the City of Philadelphia or the County of Delaware in the Commonwealth of Pennsylvania, and the State of New Jersey, including approaches, and the making of additions and improvements thereto.

(g) The promotion as a highway of commerce of the Delaware River, and the promotion of increase passenger and freight commerce on the Delaware River and for such purpose the publication of literature and the adoption of any other means as may be deemed appropriate.

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

(i) Institution through its counsel, or such other counsel as it shall designate, or intervention in, any litigation involving rates, preferences, rebates or other matters vital to the interest of the Port District: *Provided*, That notice of any such institution of or intervention in litigation shall be given promptly to the Attorney General of the Commonwealth of Pennsylvania and to the Attorney General of the State of New Jersey, and provision for such notices shall be made in a resolution authorizing any such intervention or litigation and shall be incorporated in the minutes of the commission.

(j) The establishment, maintenance, rehabilitation, construction and operation of a rapid transit system for the transportation of passengers, express, mail, and baggage, or any of them, between points in New Jersey within the Port District and within a thirty-five (35) mile radius of the City of Camden,

New Jersey, and points within the City of Philadelphia, Pennsylvania, and intermediate points. Such system may be established by utilizing existing rapid transit systems, railroad facilities, highways and bridges within the territory involved and by the construction or provision of new facilities where deemed necessary, and may be established either directly by purchase, lease or contract, or by lease or agreement with any other public or private body or corporation, or in any other manner.

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

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

(2) Said compact or agreement is further amended and supplemented by adding thereto, as a part thereof, following Article XII-A thereof, a new article reading as follows:

ARTICLE XII-B

(1) In addition to other public purposes provided for it and other powers and duties conferred upon it, and not in limitation thereof, and notwithstanding the provisions of any other article hereof, the Commission shall have among its authorized purposes, and it shall have the power to effectuate, the construction, operation and maintenance of a bridge for vehicular traffic across the Delaware River, between a point or points in the Township of Logan, New Jersey, and a point or points in the City of Chester, Pennsylvania, including approaches thereto.

(2) In addition to other public purposes provided for it and other powers and duties conferred upon it, and not in limitation thereof, and notwithstanding the provisions of any other article hereof, the Commission shall have among its authorized purposes, and it shall have the power to effectuate, the establishment, rehabilitation, equipment, construction, maintenance and operation of ferries for passengers and vehicular traffic over and across the Delaware River within the Port District between the Commonwealth of Pennsylvania and the State of New Jersey. Such ferries may be established either directly by purchase, lease or contract, or by lease or agreement with any other public or private body or corporation, or in any other manner, and may be established by utilizing any existing ferries within the Port District across the Delaware River between said Commonwealth and said State and by the construction or provision of new facilities where deemed necessary. Any such ferry may include such approach highways and interests in land or other property necessary therefor in the Commonwealth of Pennsylvania or the State of New Jersey as may be determined by the Commission to be necessary to facilitate the flow of traffic in the vicinity of any such ferry or to connect any such ferry with the highway system or other traffic facilities in said Commonwealth or said State.

(3) (a) For the effectuation of any of its purposes authorized by this article, the Commission is hereby granted, in addition to any other powers heretofore or hereafter granted to it, power and authority to acquire in its name by purchase or otherwise, on such terms and conditions and in such manner as it may deem proper, or by the exercise of the power of eminent domain, any such land and other property which it may determine is reasonably necessary to acquire for any of its purposes authorized by this article and any and all rights, title and interest in such land and other property, including public lands, parks, playgrounds, reservations, highways, or parkways, owned by or in which any county, city, borough, town, township, village, or other political subdivision of the State of New Jersey or the Commonwealth of Pennsylvania has any right, title or interest, or parts thereof or rights therein, and any fee simple absolute or any lesser interest in private property, and any fee simple absolute in, easements upon, or the benefit of restrictions upon, abutting property to preserve and protect such land and other property. Upon the exercise of the power of eminent domain under this paragraph, the compensation to be paid with regard to property located in the State of New Jersey shall be ascertained and paid in the manner provided in Title 20 of the Revised Statutes of New Jersey insofar as the provisions thereof are applicable

and not inconsistent with the provisions contained in this paragraph, and with regard to property located in the Commonwealth of Pennsylvania shall be ascertained and paid in the manner provided by the act approved the ninth day of July, one thousand nine hundred nineteen (Pamphlet Laws 814) and acts amendatory thereof and supplementary thereto, insofar as the provisions are applicable and not inconsistent with the provisions contained in this paragraph. The Commission may join in separate subdivisions in one petition or complaint the descriptions of any number of tracts or parcels of such land and other property to be condemned, and the names of any number of owners and other parties who may have an interest therein, and all such land and other property included in said petition or complaint may be condemned in a single proceeding: *Provided, however*, That separate awards shall be made for each tract or parcel of such land or other property: *And provided further*, That each of said tracts or parcels of such land or other property lies wholly in or has a substantial part of its value lying wholly within the same county.

(b) Whenever the Commission acquires under this paragraph (3) the whole or any part of the right of way of a public utility located in the Commonwealth of Pennsylvania, the Commission shall, at its own expense, provide a substitute right of way on another and favorable location. Such public utility shall thereupon provide for the transfer to, or reconstruction upon, in, under or above said substitute right of way of any structures and facilities of said public utility located upon, in, under or above said original right of way at the time the same is so acquired. The Commission is hereby authorized to enter into agreements with such public utility to contribute toward the expense of such transfer or reconstruction, and in the event that they are unable to agree on the amount to be paid, the matter shall be referred to the Pennsylvania Public Utility Commission which shall, after hearing thereon, make a finding of the amount to be paid to such public utility by the Commission. In case of failure of such public utility, within a reasonable time after notice so to do, to remove its facilities to such substitute right of way, the Pennsylvania Public Utility Commission shall have jurisdiction, on petition of the Commission, to order such transfer or reconstruction. Any party to such proceedings shall have the right of appeal from the ruling of the Pennsylvania Public Utility Commission. The Delaware River Port Authority is hereby authorized to acquire, by purchase or by the exercise of the power of eminent domain, any necessary land or right of way for the relocation of any such public utility right of way and facilities. The substitute right of way thus acquired shall be equal in estate to the original right of way acquired from the public utility, and the Commission shall deliver to the public utility a deed, duly executed and acknowledged, conveying to it an estate in the substitute right of way at least equal to that owned by the public utility in the original right of way, or if such substitute right of way is to be acquired by purchase, the Commission shall procure and deliver to the public utility a deed conveying such estate to it from the owner of the land on which such substitute right of way is located.

This sub-paragraph (b) shall have no application to the relocation of public utility facilities located in the beds of public streets, roads or highways.

(c) In addition to any other powers heretofore or hereafter granted to it, the Commission, in connection with construction or operation of any project for the effectuation of any of its purposes authorized by this article, shall have power to make reasonable regulations for the installation, construction, maintenance, repair, renewal, relocation and removal of tracks, pipes, mains, conduits, cables, wires, towers, poles or any other equipment and appliances (in this sub-paragraph (c) called "works") located in the State of New Jersey of any public utility as defined in section 48:2-13 of the revised statutes of New Jersey, in, on, along, over or under any such project. Whenever in connection with the construction or operation of any such project the Commission shall determine that it is necessary that any such works, which now are or hereafter may be located in, on, along, over or under any such project should be relocated in such project, or should be removed therefrom, the public utility owning or operating such works shall relocate or remove the same in accordance with the order of the Commission, provided, however, That, except in the case of the relocation or removal of such works located in, on, along, over or under public streets, roads or highways, the cost and expenses of such relocation or removal, including the cost of installing such works in a new location or new locations, and the cost of any lands or any rights or interest in lands or any other

rights acquired to accomplish such relocation or removal, less the cost of any lands or any rights or interests in lands or any other rights of the public utility paid to the public utility in connection with the relocation or removal of such works, shall be paid by the Commission and shall be included in the cost of such project. In case of any such relocation or removal of works as aforesaid, the public utility owning or operating the same, its successors or assigns, may maintain and operate such works, with the necessary appurtenances, in the new location or new locations for as long a period, and upon the same terms and conditions, as it had the right to maintain and operate such works in their former location.

In case of any such relocation or removal of works, as aforesaid, the Commission shall own and maintain, repair and renew structures within the rights of way of railroad companies carrying any such project over railroads, and the Commission shall bear the cost of maintenance, repair and renewal of structures within the rights of way of railroad companies carrying railroads over any such project, but this provision shall not relieve any railroad company from responsibility for damage caused to any authority or railroad structure by the operation of its railroad. Such approaches, curbing, sidewalk paving, guard rails on approaches and surface paving on such projects as shall be within the rights of way of a railroad company or companies shall be owned and maintained, repaired and renewed by the Commission; rails, pipes and lines shall be owned and maintained, repaired and renewed by the railroad company or companies.

(4) The power and authority granted in this article to the Commission to construct new or additional approach highways shall not be exercised unless and until the Department of Highways of the Commonwealth of Pennsylvania shall have filed with the Commission its written approval as to approach highways to be located in said Commonwealth and the State Highway Department of the State of New Jersey shall have filed with the Commission its written approval as to approach highways to be located in said State.

(5) The effectuation of any of the purposes authorized by this article, and the exercise or performance by the Commission of any of its powers or duties in connection with effectuation of any such purpose, shall not be subject to any restrictions, limitations or provisions provided for or set forth in Article XII hereof. The bridge or ferries referred to in this article may be established, constructed or erected by the Commission notwithstanding the terms and provisions of any other agreement between the Commonwealth of Pennsylvania and the State of New Jersey.

(6) The Commission shall not construct or erect the bridge referred to in this article unless and until the Governor of the State of New Jersey and the Governor of the Commonwealth of Pennsylvania shall have filed with the Commission their written consents to such construction or erection.

(7) The Commission is hereby granted the following powers in addition to any other powers heretofore or hereafter granted to it:

(a) To abandon, close off, dismantle, sell or otherwise dispose of, any project or facility, or any part thereof, or any other property, which the Commission may determine to be no longer useful or necessary for public use.

(b) To effectuate any of its authorized purposes either directly or indirectly by or through wholly owned subsidiary corporations. Any such subsidiary corporation shall be a public corporate instrumentality of the Commonwealth of Pennsylvania and the State of New Jersey for such purposes and shall be deemed to be exercising an essential governmental function in effectuating such purposes. Any such subsidiary corporation and any of its property, functions and activities shall have such of the privileges, immunities, tax and other exemptions of the Commission and of the Commission's property, functions and activities, and such of the rights, powers and duties of the Commission, as the Commission shall determine.

(8) The power of the Commission, which is hereby confirmed, to purchase, construct, lease, finance, operate, maintain and own a terminal facility consisting in whole or in part of a parking area or place, garage, building, improvement, structure, or other accommodation for the parking or storage of motor or other vehicles, including all real or personal property necessary or desirable in connection therewith, shall, notwithstanding any other provision of this agreement, be exercised only at such place, in the vicinity of and in connection with, or as a part of any bridge, tunnel, ferry, railroad, rapid

transit system, transportation or terminal facility, as the Commission may determine to be necessary or desirable.

IN WITNESS WHEREOF, this 25th day of June, 1963, RICHARD J. HUGHES has affixed his signature hereto as Governor of the State of New Jersey and caused the great seal of the State to be attached hereto.

S/ Richard J. Hughes
GOVERNOR,
STATE OF NEW JERSEY

Attest:

S/ Robert J. Burkhardt
SECRETARY OF STATE

IN WITNESS WHEREOF, this 26th day of June, 1963, WILLIAM W. SCRANTON has affixed his signature hereto as Governor of the Commonwealth of Pennsylvania and caused the great seal of the Commonwealth to be attached hereto.

S/ William W. Scranton
GOVERNOR,
COMMONWEALTH OF PENNSYLVANIA

Attest:

S/ George I. Bloom
SECRETARY OF THE COMMONWEALTH

SEC. 2. Public Laws 573 and 574, being respectively chapter 921 and chapter 922 of the Public Laws, Eighty-second Congress, second session, both approved July 17, 1952, are hereby confirmed and continued and shall be construed to apply to the aforesaid supplemental compact or agreement as if the supplemental compact or agreement had been consented to by such Public Laws.

SEC. 3. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Mr. FALLON. I would like to welcome, on behalf of the committee, our colleague, Mr. Cahill, from New Jersey.

STATEMENT OF HON. WILLIAM T. CAHILL, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY; ACCOMPANIED BY PAUL MacMURRAY, EXECUTIVE DIRECTOR, DELAWARE RIVER PORT AUTHORITY, CAMDEN, N.J.; JOHN FELTON, COUNSEL, DELAWARE RIVER PORT AUTHORITY, PHILADELPHIA, PA.; AND ERIC E. WOHLFORTH, ESQ., HAWKINS, DELAFIELD & WOOD, NEW YORK, N.Y., BOND COUNSEL TO THE DELAWARE RIVER PORT AUTHORITY

Mr. CAHILL. Mr. Chairman and gentlemen, first of all I want to express my appreciation to you and to the members of the committee for arranging this hearing and expediting the proceedings on this bill.

As you have indicated, Mr. Chairman, I am the sponsor of H.R. 7332, and the cosponsor of this legislation along with our colleagues from Pennsylvania, Mr. Milliken, and Mr. Green.

I regret to advise the Chair and the committee that Mr. Milliken at the present time is unable to be present because of illness. I believe that Mr. Kunkel, of Pennsylvania, a member of your committee, will present a statement on his behalf. I have been asked to say that Mr. Green likewise is unavoidably prevented from being present, but that a statement from his office will be presented probably before the hearing terminates.

I have with me, Mr. Chairman, Mr. Paul MacMurray, the executive director of the Delaware River Port Authority; John Felton, Esq., who is Pennsylvania counsel for the port authority; and Eric Wohl-

forth, a member of the bar of the State of New York associated with the law firm of Hawkins, Delafield & Wood, bond counsel to the port authority.

If there are any questions that the Chair or any of the members of the committee wish to ask, I am sure we will have sufficient expert help here to answer most of them.

I want to be very brief, because I am certain that the reports that were presented by the various governmental agencies have thoroughly discussed the purpose of the legislation and have set forth the reasons for its necessity.

Briefly, H.R. 7332 would give the consent of Congress to a supplemental compact extending the powers of the Delaware River Port Authority to include authorization to construct, operate, and maintain a bridge across the Delaware River between Chester, Delaware County, Pa., and Logan Township, Gloucester County, N.J.

The authority would be further empowered to establish, construct, maintain, and operate ferries for passengers and vehicular traffic over and across the Delaware River within the port district.

Basically, the purpose of this legislation is necessitated by the fact that one of the new bridges, which is part of this overall package contemplated by the port authority, is located outside of Philadelphia County and is situate in Delaware County. Heretofore, the Congress, I think in 1922, gave approval for the construction of crossings of the Delaware River between New Jersey and Philadelphia County. If this bridge had been in Philadelphia County instead of Delaware County, the authority would have had complete authority to construct without coming back to Congress, but this bridge is in Delaware County.

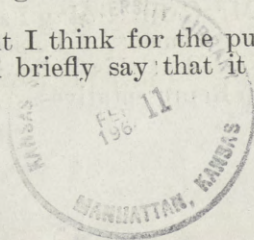
This bridge, gentlemen, is part of a package. In addition to constructing a new crossing between Chester, Pa., and Gloucester County, N.J., the port authority is also going to construct a new bridge at Delair, N.J., which is in the upper part of the Delaware River between the northeast section of Philadelphia and what is Pennsauken Township in New Jersey.

This will give us, then, four crossings of the Delaware River in the general Philadelphia-Chester-New Jersey area. In addition to these crossings, the port authority is also, as part of this package going to construct a high-speed transportation line between Philadelphia, Pa., and Kirkwood, N.J., which is situated some 20-odd miles into New Jersey south of Philadelphia.

As most of you, I am sure, know, this is a large metropolitan area, and one of the real problems confronting this area, as in all metropolitan areas, is this question of mass transportation. Thousands upon thousands of Philadelphians live in New Jersey and equally thousands and thousands of New Jerseyites work in Philadelphia and in other areas in Pennsylvania. So it is very vital that there be a free and expeditious flow of traffic between the Philadelphia area, the Chester area, and the New Jersey area.

This is very necessary, not only for the commerce between States but in our sincere opinion for the overall general welfare and safety of the country in the event of war.

There is a great deal that could be said, but I think for the purpose of saving the committee's time, I could briefly say that it is



our opinion that the development of underdeveloped sections of both New Jersey, Delaware, and Pennsylvania will be enhanced and the time of their development will be tremendously accelerated if we are able to make these crossings and if we are able to construct this high-speed transportation line.

The legislatures of both Pennsylvania and New Jersey have unanimously approved this legislation. Representatives of the people of both political parties have unanimously endorsed it. It has the solid support of all of the newspapers and, I think, all of the business associations in the area. There was really only one difference of opinion, basically, and that was the question of the horizontal span, of how many feet it should be. Originally, the port authority had recommended some 1,400-odd feet, and some business and shipping interests had suggested that it perhaps be in the neighborhood of 1,800 feet. The Army Engineers, after an extensive and completely thorough survey, taking into consideration the needs of the shipping interests and the safety of the ships, have recommended 1,600 feet for the horizontal span, and the port authority, even though this will cost additional millions of dollars to construct, has agreed to do it.

I would say to my knowledge, with the possible exception of one amendment that is proposed by the Commerce Department, there is no opposition whatsoever to the legislation. I don't believe there is any opposition at all to the amendment. I think that counsel for the port authority and the Commerce Department have discussed it and that the purpose of the amendment is agreed upon by both parties. It is just a question of the wording of the amendment. It is my understanding that they will agree upon that subject, of course, to the approval of the committee.

I believe, Mr. Chairman and gentlemen, that this bill is very vital to the overall development of the south Jersey-Philadelphia-Chester-Wilmington area. I believe all of you gentlemen know this area. I think you know the Delaware River and the part it has played in the industrial development of our Nation.

I can assure you, as the Representative of the First District of New Jersey, and I can speak for my colleague, Mr. Milliken, who represents Delaware County, and Mr. Green, who is the leader of the Philadelphia delegation, that this is completely bipartisan, and that all of us are enthusiastically in favor of this legislation and hopefully request that you give it your approval so that it can be speedily enacted by the Congress.

Mr. Fallon and gentlemen, thank you for this opportunity of testifying. As I say, the other witnesses are here and available for any questions.

Mr. KUNKEL. If I may, Mr. Chairman, I would like to submit the statement of Mr. Milliken.

Mr. FALLON. Without objection, it will be so ordered, and I will ask unanimous consent of the committee to insert Mr. Green's statement into the record.

These two statements will be placed into the record immediately after your statement. If there is no objection, it is so ordered.

Mr. CAHILL. May I ask unanimous consent, too, Mr. Chairman, that the statement of Thomas F. Connery, Jr., of Gloucester County, be inserted at this point in the record, following the statement of the two Representatives.

Mr. FALLON. If there is no objection, it is so ordered.

Mr. CAHILL. I also have a statement prepared by Mr. MacMurray, the executive director of the Delaware River Port Authority. While he is here, for the purpose of saving time, he requests this statement also be introduced and accepted as part of the record at this time.

Mr. FALLON. Is there objection?

If not, it is so ordered.

Mr. CAHILL. Thank you very much, Mr. Fallon.

(The statements referred to follow:)

STATEMENT OF HON. WILLIAM H. MILLIKEN ON H.R. 7339

Mr. Chairman and other members of the committee, I am delighted to appear here today in support of H.R. 7339, granting the consent of Congress to a further supplemental compact or agreement between the State of New Jersey and the Commonwealth of Pennsylvania concerning the Delaware River Port Authority, formerly the Delaware River Joint Commission, and for other purposes. I hope the committee will bear with me as I explain why I feel the construction of a bridge between Chester, Pa., and Bridgeport, N.J., is necessary and important.

At a time when a great many of our citizens are waiting confidently for travel to the moon to become a reality, thousands of others are looking forward hopefully to a less spectacular type of journey. I am referring to those who are eagerly awaiting the day when it will be possible for them to drive their cars across a bridge between Chester, Pa., and Bridgeport, N.J.

At present, the only vehicular crossing of the Delaware River in the 30-mile stretch between Philadelphia and Wilmington is via an antiquated ferry which is perpetuated by State subsidies.

This ferry, in operation since the early 1930's is the lone survivor of six ferry lines which originally served the metropolitan area. It has been less and less of a factor in the area transportation picture. After accommodating over a million and a half vehicles in its peak year of 1951, it has followed a downhill course. Less than 750,000 vehicles used the ferry during 1961. That is a drop of more than 50 percent in a 10-year period when traffic elsewhere was multiplying sharply under the impetus of record automotive registrations.

Absence of a modern high-level bridge at this location has proven an economic bottleneck to communities on both sides of the river. They have fallen behind the business progress experienced all around them simply because they were hobbled by inadequate cross-river transportation.

A few years ago, representatives of those communities asked the Delaware River Port Authority to build a bridge as a public service. They reported that no one else seemed interested in providing such a much-needed facility.

The port authority, presently operates under the provisions of a compact, or agreement, between the Commonwealth of Pennsylvania and the State of New Jersey, part of which was approved by the Congress by Public Law 753, 82d Congress, chapter 922, 2d session.

The port authority agreed to look into the situation and engaged the transportation engineering firm of Simpson & Curtin to investigate. Their look at population data for the two counties which would be directly served by a Chester-Bridgeport crossing disclosed that Delaware County, Pa., had grown 220 percent in the past 40 years and promised to grow another 51 percent in the next 40. In Gloucester County, N.J., population rose 180 percent in the previous 40 years and another 108 percent increase was indicated. Statistics show that at that time, Delaware County's population will be 837,000 and Gloucester County's will be 281,000.

The engineering report on automotive registrations showed that a 420-percent increase had occurred in Delaware County between 1930 and 1960, with another 87 percent increase in prospect by 2000. The Gloucester County gain over the same period was 195 percent, with another 154 percent visualized.

Simpson & Curtin's report thus pinpointed the need for a Chester span. It said that such a facility would serve existing ferry traffic, recover business lost to the Delaware Memorial and Walt Whitman Bridges, would induce more frequent crossings and would attract new traffic generated by the more rapid

and intense development of the land area which would be served by a new facility.

It predicted that, with all things considered, a traffic volume of 3,620,000 vehicles could be expected in 1967 on such a span, that the figure would jump to 5,500,000 in 1970, to 7,583,000 in 1980, and to 11,400,000 in 2000.

The bridge engineering firm of Modjeski & Masters worked with highway engineers in both States and determined that the best site for such a crossing, one which would provide ideal connections with existing and future highways, was at Flower Street, Chester, the Pennsylvania terminus of the ferry, and a point on the New Jersey shore about a half mile above the existing ferry slip.

Now, the port authority compact does not permit construction or operation of a bridge or ferry across the Delaware between Delaware County, Pa., and points in New Jersey. It mentions only Philadelphia County on the western side of the river.

To construct the required facility, the compact requires congressional amendment. H.R. 7339, which Congress is now being asked to approve, approves an amendment which would authorize the authority to construct a span between Delaware County, Pa., and Gloucester County, N.J. It would also permit the authority to establish and operate ferries across the Delaware River within the port district.

The legislation provides for compensation to public utilities when, under certain circumstances, the utilities are required to relocate their facilities to make way for the construction of the bridge or the establishment of a ferry.

Meanwhile, the port authority has applied for a permit from the Army Corps of Engineers to construct a Chester-Bridgeport bridge and a public hearing has been held. A span with a 1,500-foot clearance was proposed and rejected. The Army has indicated it will approve a 1,600-foot clear span and port authority engineers are drafting plans for a bridge of that dimension.

The larger bridge entails an increased cost of \$2,750,000 and this must be weighed in the light of port authority plans to group the Chester Bridge with another proposed bridge at Delair and a rapid transit facility into a single financial project involving \$155 million.

There have been a few objections to the practice of financing new bridge structures partly from revenues of present operating bridges, and I would like to make the following comments:

It is general practice to use revenues from one structure to help finance the construction of additional structures or bridges. Although there may be some merit to the thought that this should not be done, if this method of financing were not possible, we would not today be enjoying the use of many bridge and tunnel structures now available to us. Specifically, the Walt Whitman Bridge was constructed by this means, and is today handling approximately 25 million vehicles a year. The new, second Delaware Memorial Bridge, south of Wilmington, will be financed on the same basis, as is the Narrows Bridge in New York, the second deck on the George Washington Bridge, and many other structures.

Your approval of H.R. 7339 is earnestly entreated so that a Chester Bridge can be included in the port authority's plan and built as promptly as possible to aid in the full-scale industrial and residential building program which promises to be something to see. A vote in favor will insure the construction of the bridge and further provide that the port authority may continue the ferry service under its jurisdiction until the span is completed.

STATEMENT OF CONGRESSMAN WILLIAM J. GREEN, JR., OF PENNSYLVANIA

Mr. Chairman and members of the committee, I am appearing today before your committee to urge the approval of H.R. 7332, H.R. 7335, and H.R. 7595, companion bills to authorize congressional approval for the compact between New Jersey and Pennsylvania.

It is my understanding that all of the departments of the Federal Government having jurisdiction have approved this legislation. I can represent to the committee that almost without exception the citizens of the entire Philadelphia and Camden area, likewise, are in favor of this legislation because it will bring into being additional crossings of the Delaware River, a high-speed

transit line and an overall improvement of the mass transportation facilities in this metropolitan area.

The need for congressional approval arises by reason of the fact that one of the bridges sought to be constructed will have its one terminal in Delaware County, Pa. The other bridge, known as the Delair Bridge, is in Philadelphia County and under previous legislation enacted by the Congress, the Delaware River Port Authority already has authority to construct this bridge.

These three facilities will cost approximately \$150 million but I am happy to report that no Federal funds are involved and no additional taxes will be imposed on the citizens of the area by reason of the construction of these facilities. The cost will be met from the surplus and from revenue bonds which will be retired through the medium of tolls paid by users of the bridges and fares paid by the users of the transportation system. These new crossings and this new transportation system will, in my judgment, bring a great many new industries into the metropolitan area.

As one who has been consistently and militantly seeking out new industries so that new job opportunities can be provided in our area, I am convinced that this legislation is essential. I am, therefore, happy to join Congressman Cahill, of New Jersey, and Congressman Milliken, of Delaware County, Pa., in urging this committee to approve these bills.

STATEMENT BY SENATOR THOMAS F. CONNERY, JR.

I am presenting this statement to the House Public Works Committee to urge favorable consideration of the legislation to permit construction of the proposed bridge between Bridgeport, N.J., and Chester, Pa.

I can assure you that this \$55 million bridge is a vital link in the economic development and the prosperity of the entire southern New Jersey and southeastern Pennsylvania regions.

And, as the Senator from Gloucester County, the eastern terminus of the bridge, I can tell you that the proposed bridge has the support of every major government, civic, and business leader and organization in the area.

Under legislation I sponsored in the New Jersey Legislature, the construction of the bridge will spell the end of the antiquated ferry service which has plied back and forth between the two States for more than three decades.

The bridge is but one of four major projects in a \$205 million transportation complex—which will not cost the taxpayer 1 cent. They include two bridges, a high-speed transit line, and a superhighway.

We expect the southern New Jersey region to be revolutionized once this transportation complex is completed within the next 5 years. It will create one of the most attractive areas for industry in the country.

With the construction of the Atlantic City Expressway already underway, two new industries have located in the area, six more are expected to move in shortly, and many other industries are analyzing the area as a future location.

The New Jersey Highway Department has already made plans to dualize route 322, which will carry traffic from the New Jersey side of the bridge to a four-way interchange at the expressway. Once the expressway has been completed, you will be able to travel from Chicago to Atlantic City without pausing for a traffic light.

Since the authorizing legislation was introduced in Congress by Representative William T. Cahill, the major objection to the bridge is on the way to being solved.

The Delaware River Port Authority, which will build and operate the bridge, has given assurance that it will go along with the recommendation by the U.S. Army Corps of Engineers to have the supporting horizontal piers of the cantilever bridge 1,600 feet apart instead of the original 1,460 feet.

The authority has also given assurance that it can meet the additional cost of between \$2 and \$3 million for the revision of the bridge.

Again, I regret I could not personally present this statement before the committee; but I hope that this legislation can be given favorable consideration and approved by both Houses of Congress as soon as possible.

STATEMENT BY PAUL MACMURRAY, EXECUTIVE DIRECTOR, DELAWARE RIVER PORT AUTHORITY

My name is Paul MacMurray. I am the executive director of the Delaware River Port Authority with headquarters in Camden, N.J.

The Delaware River Port Authority has determined that it can shoulder the cost of a much-needed modern high-level bridge across the Delaware River between Chester, Pa., and Bridgeport, N.J.

Such a span can be provided as a public service and without a penny of taxation by constructing it as part of a \$155 million financial package which would include two other projects, a bridge between northeast Philadelphia and Delair, N.J., and a rapid transit line to Kirkwood, N.J. Design work for the rapid transit line is now underway.

The Chester-Bridgeport bridge is part of that package as a result of interested groups in two States appealing to the port authority for relief from the inconvenience of an inadequate ferry service presently operating there.

Port authority engineers investigated the need for a bridge and found that the ferries, perpetuated by State subsidies, have been an economic bottleneck to communities on both sides of the river. They provide the only vehicular crossing in the 30-mile stretch of the Delaware between Wilmington and Philadelphia.

A bridge capable of unlocking the door to an era of expansion in the area was possible, the port authority found, but the proposed location in Delaware County, Pa., was outside the port authority's field of operation.

The port authority presently operates under the provisions of a compact or agreement between the Commonwealth of Pennsylvania and the State of New Jersey, part of which was approved by the Congress by Public Law 753, 82d Congress, chapter 921, 2d session, and the remainder by Public Law 574, 82d Congress, chapter 922, 2d session.

As presently constituted and approved by Congress, the compact does not permit the construction or operation of a bridge across the Delaware River between Delaware County, Pa., and the State of New Jersey, nor does it permit the operation of a ferry.

The passage of H.R. 7339, would approve an amendment to the compact to permit, for the first time, the construction and operation of a bridge between Delaware County and New Jersey and also would authorize the authority to establish and operate ferries across the Delaware River within the port district.

It also provides for compensation to public utilities when, under certain circumstances, the utilities are required to relocate their facilities to make way for the construction of the bridge or the establishment of a ferry.

The compact amendment makes certain other changes in the compact, among them the addition of a provision that the port authority can segregate its mass transit facility operation from its operation of bridges and gives it the right to operate through subsidiary corporations.

Simpson & Curtin, the transportation engineering firm engaged by the port authority in its approach to the Chester-Bridgeport bridge project, has reported that great expansion can be expected in both population and automotive registrations. A population increase of 180 percent is predicated in Gloucester County, and a 51-percent growth in Delaware County in the next 40 years. Automotive registrations are expected to rise 87 percent by the year 2000, in Delaware County, and 154 percent in Gloucester County.

Their prediction is that a traffic volume of 3,620,000 vehicles can be expected on a Chester-Bridgeport bridge by 1967, jumping to 5,500,000 by 1970, to 7,583,000 in 1980, and to 11,400,000 in 2000.

As you can see, a bridge is greatly needed. No ferry could handle that volume of traffic.

The bridge we have proposed building on the advice of the engineering firm of Modjeski & Masters coincides with highway planning in the two States.

Our original proposal for a permit to construct a bridge with a 1,500-foot main span has been rejected by the Army Corps of Engineers. They have indicated that a plan for a 1,600-foot clear opening will meet with their approval.

We have submitted a revised plan calling for a bridge of that dimension, and expect a favorable decision.

Gentlemen, I thank you for your kindness in allowing me to appear before you today. It has been my pleasure.

Mr. FALLON. Mr. Cahill, this is a toll bridge, is it?

Mr. CAHILL. Yes, sir.

Mr. FALLON. And there is no objection to that from those in New Jersey or Pennsylvania?

Mr. CAHILL. We have heard none. I can say this, Mr. Fallon: that the \$155 million package, those three items that I mentioned, will be completely financed through the medium of bonds which will be paid for through the tolls. So there will be no burden, as such, upon the taxpayers, to raise the money to construct.

Mr. FALLON. Is there anyone in the room this morning opposing any of these bills?

Thank you, Mr. Cahill, for your appearance.

Mr. Auchincloss?

Mr. AUCHINCLOSS. I understand that no Federal funds are involved at all in this proposal.

Mr. CAHILL. That is correct, Mr. Auchincloss.

Mr. AUCHINCLOSS. I want to compliment the gentleman from New Jersey for his usual clear statement which even I understood.

Mr. FALLON. Mr. Clark?

Mr. CLARK. I want to thank the gentleman, and congratulate him.

I should say I congratulate my other colleagues from the New Jersey and Philadelphia area for having you appear before this committee. I don't think there is a finer gentleman in the House of Representatives than you, and you certainly present your case very well.

Mr. CAHILL. Thank you.

Mr. FALLON. Mr. Auchincloss?

Mr. AUCHINCLOSS. I understand, Mr. Cahill, that there is an amendment which has been suggested to this legislation which is being worked out and probably will be testified to later on.

Mr. CAHILL. Yes, sir.

Mr. AUCHINCLOSS. It is agreeable to you, is it not?

Mr. CAHILL. Yes. Mr. Auchincloss, as I say, the purpose of the amendment is completely agreed to by the parties, the Commerce Department, and the port authority. There is some question of the language. The bond counsel has suggested some minor changes which I think will be completely satisfactory to the Commerce Department.

Mr. FALLON. We have Mr. Barton with us this morning, who will testify with regard to this legislation and also the amendment.

Mr. KUNKEL. Mr. Chairman——

Mr. FALLON. Mr. Kunkel?

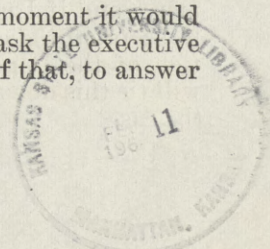
Mr. KUNKEL. I think Mr. Cahill mentioned it, but I would like to have it show on the record that Mr. Milliken wasn't here this morning because he happens to be confined to the hospital temporarily.

Mr. FALLON. Mr. Baldwin?

Mr. BALDWIN. Mr. Cahill, I think you have presented us with a very helpful statement. I would like to ask a question relative to the rapid transit proposal. What type of rapid transit system is intended to be constructed?

Mr. CAHILL. Mr. Baldwin, I think perhaps at this moment it would probably be in order, with the Chair's permission, to ask the executive director, who is thoroughly familiar with all phases of that, to answer your questions along those lines.

May I present Mr. Paul MacMurray?



Mr. MACMURRAY. Good morning, gentlemen.

Yes, Mr. Baldwin, this will be a modern, lightweight, rapid transit facility similar to what is planned in a number of places, and quite similar to what has been done in Cleveland, Ohio.

Mr. BALDWIN. Do I understand it correctly that these bridge tolls that will be collected from the bridge that is contemplated would be available for utilization in connection with the construction of the rapid transit facility?

Mr. MACMURRAY. The port authority will make a contribution to the high-speed facility in the amount of \$25 million.

Mr. BALDWIN. What is the source of that \$25 million?

Mr. MACMURRAY. It is surplus money at the present time. It came from bridge tolls.

Mr. BALDWIN. The reason I am interested in this is, as you know, the whole question of rapid transit is now coming to a head, and so each illustration is of interest to me to find out just what is contemplated. Several years ago this committee passed a bill affecting the San Francisco Bay area, where we authorized surplus tolls from the San Francisco-Oakland Bay Bridge to be used for the construction of a rapid transit tube under the bay. Apparently this is somewhat comparable. You are using surplus tolls which have accumulated or you are making them available for part of the construction of the rapid transit facility.

Mr. MACMURRAY. That is right. It will be about 50 percent of the cost.

Mr. BALDWIN. Where will the rest of the cost come from?

Mr. MACMURRAY. That will be through the sale of bonds. It is expected that the rapid transit will support those bonds.

Mr. BALDWIN. Would these bonds be solely for that rapid transit facility?

Mr. MACMURRAY. No, sir. The bonds that we sell will be this package that we have explained, the three projects, the two bridges and the high-speed line. There will be one issue for the three.

Mr. BALDWIN. Could I ask one other question?

What are the actual physical boundaries of your commission; that is, what area does it actually cover?

Mr. MACMURRAY. It depends on the activity. For bridges, it is limited between Philadelphia County and New Jersey. For port development, it is the area of the river from the upper reaches of Burlington County to the sea.

Mr. BALDWIN. What distance would that involve?

Mr. MACMURRAY. That would be 130 miles. It is all the counties on the New Jersey side, but just to the Delaware line on the Pennsylvania side. For rapid transit, the area is different. In the compact, it provides for the area within 35 miles of the center of the city of Camden connecting to Philadelphia, so in each activity the area is defined.

Mr. BALDWIN. I have read the report of the Department of Commerce and if I understand it correctly, apparently it is this difference in scope in the case of the shipping facilities that causes the suggestion of the Department of Commerce to put in an amendment that will tie this down somewhat more specifically than would otherwise be the case.

Mr. MACMURRAY. I don't know that, but I suppose that would be right.

Mr. BALDWIN. I take it the position of Mr. Cahill on the amendment is likewise your position, that you feel an amendment along these lines would be satisfactory?

Mr. MACMURRAY. We are satisfied with the amendment. We want to be sure that we all understand what the wording means. There is some clarity needed, we think.

Mr. BALDWIN. Thank you.

Mr. FALLON. Are there any other questions?

Mr. SCHWENGEL. I have a question on the surplus tolls.

There was a State law in operation in Illinois and the tolls would have soon paid for the bridge, and the agreement then was that the bridge would become a free bridge. I presume it will. Is there any commitment or promise that has been made that this will be a free bridge?

Mr. MACMURRAY. No, originally with one bridge it was discussed, but under the compact we have a number of obligations, the promotion of the river as an avenue of commerce, the promotion of mass transit and the development of port facilities, in addition to the bridge construction and operation, so we do not expect that any of them will be toll free for a good many years, at least.

Recently the authority conducted a survey for the need for river crossings. At the present time there are about 68 to 69 million crossings a year. In the year 2000 that will increase to something over 158 million crossings. So we are going to need more than twice as many bridges in the year 2000 as we have today. That is dependent, too, upon the construction of the high-speed lines that we expect to have by that time.

So there are going to be many things that we will need to do as time goes on that these tolls will make possible.

Mr. SCHWENGEL. In other words, the automobile driver is going to make possible the development of that area.

Mr. MACMURRAY. To some extent; yes, sir.

Mr. SCHWENGEL. To what extent is that going to be of benefit to him? I wonder if this is right.

Mr. MACMURRAY. What we are speaking of mostly is for bridges, specifically for the automobile user.

Mr. SCHWENGEL. But you are going to use this money for other purposes.

Mr. MACMURRAY. We will use some of it on the high-speed line and some for port facilities; that is correct.

Mr. SCHWENGEL. This committee turned down this kind of proposition that was asked for in my community on another bridge. They felt it was not in the public interest.

Mr. MACMURRAY. These are the obligations, of course, that we have under the compact. You understand, too, that any new project we undertake requires new legislation. If there is any feeling of that sort, that would be settled at that time, I am sure.

Mr. FALLON. Are there any other questions?

If not, thank you very much.

Mr. MACMURRAY. Thank you, gentlemen.

Mr. FALLON. Mr. Barton.

STATEMENT OF FRANK L. BARTON, DEPUTY UNDER SECRETARY FOR TRANSPORTATION (OPERATIONS), DEPARTMENT OF COMMERCE; ACCOMPANIED BY ROBERT M. O'MAHONEY, DEPUTY ASSISTANT GENERAL COUNSEL FOR TRANSPORTATION; AND DONALD L. BOWER, PROGRAM OFFICER, OFFICE OF THE UNDER SECRETARY OF COMMERCE FOR TRANSPORTATION

Mr. FALLON. Mr. Barton, will you give your name, occupation, and position?

Mr. BARTON. I am Frank L. Barton, Deputy Under Secretary of Commerce for Transportation. We are here, of course, to testify to these bills, Mr. Chairman.

I have a short statement I would like to present, if I may.

Mr. FALLON. You may proceed.

Mr. BARTON. I will give my prepared statement. I think Mr. Cahill explained the situation. The amendment necessary is fairly well agreed to. We invited counsel for the interested parties to go up to the Commerce Building with us after that hearing, to see if we can't work out language that will suit everyone.

The objective, I think, is fairly well agreed upon. I will proceed with my statement with that preamble, sir.

I appreciate the opportunity to come before your committee, Mr. Chairman, to discuss the Department's position on H.R. 7332, H.R. 7339, and H.R. 7595, identical bills, which would grant the consent of Congress to a further supplemental interstate compact by the State of New Jersey and the Commonwealth of Pennsylvania relating to the Delaware River Port Authority.

I would like the record to show that Mr. Bower, of the Office of the Under Secretary for Transportation, and Mr. O'Mahoney, of our General Counsel's Office, are here with me.

I would like to leave with the committee a statement which details the development of existing and proposed legislation relating to the authority. My remarks will be confined to the Department's viewpoint on the important features of the three identical bills which the committee is considering.

The Department of Commerce understands that the present plans of the Delaware River Port Authority for the immediate development of the port district provide for the construction of a new bridge between Chester, Pa., and Logan Township, N.J.; the operation of a ferry, if required, over the existing route between Chester and Logan until the proposed bridge is open to traffic; and the construction of a 10½-mile rapid transit line to Kirkwood, N.J., as an extension to its existing line operating over its Benjamin Franklin Bridge.

The authority reports that plans for the next three decades include the development and construction of additional river crossings in the vicinity of Philadelphia and Camden.

Congressional consent to the supplemental compact which specifically authorizes the Chester-Logan bridge and ferry, and clarifies the language of an earlier authorization for the Kirkwood transit extension, is provided by H.R. 7332, H.R. 7339, and H.R. 7595.

Authorization to construct contemplated future crossings in the Philadelphia area was provided in the 1951 supplemental agreement

to which the Congress gave its consent in Public Laws 82-573 and 82-574. All of these projects are in the Metropolitan Philadelphia-Camden area and the authority has advised the Department that it has no plans for facilities in the port district outside the Philadelphia-Camden metropolitan area.

Under the existing compact most authorized purposes of the authority are limited mainly to specific purposes in the Philadelphia-Camden metropolitan areas. The major exception is port purposes for which the authority is permitted to extend its operations to the entire 10-county port district. Although "port purposes" has been interpreted by the authority as limited to activities or facilities related to water transportation, it would appear that under new paragraph (1) of article I on page 7, the authority could, without further approval by the Congress, undertake a wide variety of transportation projects anywhere in the port district, so long as such projects were concurred in by the legislatures of both New Jersey and Pennsylvania.

Thus the Department believes that it would be possible for the authority, under this proposed paragraph, to construct or acquire transportation facilities at such distant points as Atlantic City or Cape May and to combine such facilities for financing purposes with highway bridges serving the Philadelphia metropolitan area.

On the other hand, the Chester bridge and ferry projects presently proposed by article XII-B could be justified on the grounds that they serve the interrelated needs of a single metropolitan area transportation scheme.

As I indicated earlier, it is understood that the authority at the present time has no specific projects or intended undertakings which would not be specifically authorized by provisions of the current and previous supplements to their compact other than new article I, paragraph (1).

Therefore, since the broad authority contained in paragraph (1) is not needed at the present time and since a proposed use of it at some time in the future might be inconsistent with the concept of limiting bridge tolls for nonhighway purposes to transportation functions within the same metropolitan complex, we believe the consent language to paragraph (1) of the compact should be limited through an amendment to the bills by adding the following proviso to the one currently proposed on pages 1 and 2 of H.R. 7332, H.R. 7339, and H.R. 7595.

Provided further, That all future legislation enacted by either State concurred in by legislation of the other pursuant to article I, paragraph (1), shall be submitted to the Congress for approval before such legislation becomes effective.

Subject to this amendment, the Department of Commerce would interpose no objection to the enactment of any of these bills, and also subject, Mr. Chairman, to the statement I made when I began my testimony.

I stated, we have invited these gentlemen from the authority to come to the Commerce Department with us. We thought as soon as the hearing is over, we would start working on the language.

Mr. FALLON. Unfortunately, it is impossible to us to report the bill from executive session without the language of the amendment.

Could we expect this back in a day or so?

Mr. BARTON. As far as I am concerned, Mr. Chairman, we can work it out this morning.

Mr. FALLON. I do not know that we can have an executive session today because of certain legislation on the floor and another committee meeting this afternoon.

Mr. BARTON. Could I ask that a supplemental letter might be included in the record?

Mr. FALLON. Without objection, it is so ordered.

(Supplemental statement referred to follows:)

STATEMENT OF FRANK L. BARTON, DEPUTY UNDER SECRETARY OF COMMERCE FOR TRANSPORTATION (OPERATIONS), TO SUPPLEMENT TESTIMONY BEFORE THE COMMITTEE ON PUBLIC WORKS, HOUSE OF REPRESENTATIVES, NOVEMBER 13, 1963, REGARDING H.R. 7332, H.R. 7339, AND H.R. 7595

Mr. Chairman and members of the Public Works Committee, this statement supplements oral testimony relative to the Department's position on H.R. 7332, H.R. 7339, and H.R. 7595, identical bills:

"Granting the consent of Congress to a further supplemental compact or agreement between the State of New Jersey and the Commonwealth of Pennsylvania concerning the Delaware River Port Authority, formerly the Delaware River Joint Commission, and for other purposes."

By an act approved February 15, 1921 (41 Stat. 1101), the consent of Congress was granted to the Delaware River Bridge Joint Commission to construct a bridge across the Delaware River between Philadelphia and Camden, in accordance with the provisions of the General Bridge Act of 1906 (33 U.S.C. 491-498). This act provides, among other things, for the prior approval of the location and plans of the proposed bridge and for the regulation of bridge tolls by the Secretary of the Army, but does not limit the time during which tolls may be charged. This bridge was completed in 1926. It is now known as the Benjamin Franklin Bridge and provides eight lanes of vehicular traffic and two rail tracks over which rapid transit cars operate.

The initial compact, to which these bills relate, was entered into by Pennsylvania and New Jersey on July 1, 1931, and the consent of Congress, given by a joint resolution approved June 14, 1936 (47 Stat. 308), created the Delaware River Joint Commission, for the following principal purposes:

(1) The operation and maintenance of the existing Benjamin Franklin Bridge; and

(2) The establishment, operation, and maintenance of railroad or other facilities for transporting passengers across said bridge, including extensions thereof in the cities of Philadelphia and Camden.

By two acts approved July 17, 1952 (66 Stat. 738, 747) the consent of Congress was given to two supplemental agreements made by the States in August 1951 to amend the 1931 compact. These acts amended 6 of the 13 articles of the original compact to enlarge the jurisdiction and scope of the organization. The major changes enacted in 1952 include—

(1) Changing the name of the interstate organization from Delaware River Joint Commission to Delaware River Port Authority (art. I);

(2) Defining the "port district" area as Delaware and Philadelphia Counties in Pennsylvania and eight counties in New Jersey comprising in general all of the State south of Trenton and including large sections of the Atlantic Ocean coastline and the Delaware River and Bay coastlines (art. XIII). However, the area in which the bridges or tunnels may be acquired or constructed on the west bank of the Delaware River is limited by this supplement to the city of Philadelphia (art. I, sec. (f));

(3) Authorizing the establishment, construction, operation, and maintenance of a rapid transit system across authority bridges or tunnels, within the cities of Philadelphia and Camden and within a 35-mile radius of Camden (art. I, sec. (b) and (j));

(4) Authorize the construction of the Walt Whitman Bridge (completed in 1956) by adding a new article, XII-A;

(5) Authorizing the purchase of the Tacony-Palmyra Bridge (art. XII);

(6) Authorizing the construction, acquisition, operation, maintenance, and ownership of bridges and tunnels across the Delaware—but as noted earlier—

limited to the area between the city of Philadelphia and the State of New Jersey (art. I, sec. (f)) ;

(7) Authorizing the construction, acquisition, maintenance, or operation of projects for the improvement and development of the port district for port purposes, or purposes directly related thereto (art. I, sec. (c)) ; and

(8) Vacating the requirements of section 506 of the General Bridge Act of 1906 and enlarging the authority's financing authorization to (sec. 3, 66 Stat. 746 and 751) :

(a) Permit the joint financing of two or more bridges or tunnels;

(b) Authorize the pooling of revenues from highway bridges and tunnels with authorized nonhighway transportation facilities;

(c) Fix the rates of tolls and other charges for the use of its bridges and tunnels; and

(d) Extend the 30-year period during which bridge tolls may be charged under the General Bridge Act to 50 years from the date of the opening to traffic of the bridge latest constructed or acquired.

In June of 1963 the Governors of New Jersey and Pennsylvania signed a further supplemental agreement to this compact to revise article I and to add a new article XII-B. The major changes which this current supplement would make and to which the enactment of H.R. 7332, H.R. 7339 and H.R. 7595 would give congressional consent are—

(1) Enlargement of the area in which the authority can acquire or build bridges and tunnels across the Delaware by adding Delaware County, Pa., to the authorization (presently restricted to the city of Philadelphia) (revised sec. (f) of art. I of the bills) ;

(2) Specific authority to construct, operate, and maintain a vehicular bridge between Chester (Delaware County), Pa., and Logan Township, N.J. (proposed sec. (1) of new art. XII-B) ;

(3) Authority to establish, construct, acquire and operate ferries for passengers and vehicular traffic over and across the Delaware River within the port district (proposed sec. (2) of new art. XII-B) ;

(4) Revised wording to clarify the existing provisions for the planned extension of rapid transit facilities (revised sec. (j) of art. I) ; and

(5) Broad authority to undertake such additional purposes, covering a wide variety of transportation projects anywhere in the port district, as the legislatures of both States may delegate or impose (proposed new sec. (1) added to art. I).

The first section of these three bills contains a provision to the effect that nothing in the supplemental compact shall be construed to affect, impair, or diminish any right, power, or jurisdiction of the United States in regard to any navigable waters, any foreign or interstate commerce, or any bridge, railroad, highway or other facility. In the body of the supplemental compact, paragraph (4) of proposed new article XII-B provides that approach roads for bridges and ferries authorized under such article must be approved by the highway departments of Pennsylvania and New Jersey. This would appear adequate to protect pertinent Federal highway programs.

Section 2 of these bills would construe the provisions of the 1952 supplements to the compact as applying to the current supplement. Thus, this section would give the consent of Congress to the financing of the additional facilities provided in the 1963 supplement through the same pooling of funds and extension of the toll-collecting periods described earlier as permissible for presently authorized facilities.

H.R. 7332, H.R. 7339, and H.R. 7595 would amend article I of the compact by enlarging the authorized public purposes which the authority is permitted to effectuate. This is done by consenting to the addition of a new paragraph, (1), of article I (p. 7) as follows:

"(1) The performance or effectuation of such additional bridge, tunnel, railroad, rapid transit, transportation, transportation facility, terminal, terminal facility, and port improvement and development purposes within the port district as may hereafter be delegated to or imposed upon it by the action of either State concurred in by legislation of the other."

The authority has indicated that the addition of this paragraph is not required for the prosecution of any specific projects at this time.

Mr. FALLON. Are there any questions?

Mr. Ryan?

Mr. RYAN. I would like to ask what are the amounts of the tolls to be charged, if they are already determined?

Mr. BARTON. We at Commerce will not handle tolls, sir. The gentlemen present who will handle the project can probably give you an answer to that.

Mr. CAHILL. I can answer that, Mr. Ryan.

The present tolls are 25 cents and they will be continued on the Delair. There will be a toll of 35 cents proposed for the second crossing at Chester, Pa., to Gloucester County, N.J.

Mr. RYAN. Over how large of a span of water will these bridges cross?

Mr. CAHILL. It is the Delaware River. Do you mean the exact width of it?

Mr. RYAN. How wide is it?

Mr. MACMURRAY. Delair is somewhat less than a half mile and Chester somewhat more than a half mile.

Mr. BLATNIK. This is not part of the Interstate System but it does link the Interstate System; is that correct?

Mr. CAHILL. That is correct.

Mr. FALLON. Mr. Auchincloss?

Mr. AUCHINCLOSS. Mr. Barton, you say in your statement that the Department of Commerce would interpose no objection to the enactment of any of these bills. Am I to understand from that statement that you are very much in favor of these bills, with the amendment?

Mr. BARTON. With the amendment proposed one might say we are in favor of it.

Mr. BALDWIN. Mr. Chairman?

Mr. FALLON. Mr. Baldwin.

Mr. BALDWIN. I would like to follow up the question about the relationship of these bridges to the Federal Interstate System.

The existing bridge between Philadelphia and Camden, is that on a Federal-aid route at the present time, and, if so, what type of a Federal-aid route?

Mr. BARTON. Mr. Bower will answer that, Mr. Baldwin.

Mr. BOWER. The existing Benjamin Franklin and Walt Whitman Bridges between Philadelphia and Camden are on Federal-aid Interstate Routes 80S and 680, respectively, and the proposed bridge between Chester and Logan would serve U.S. Route 322.

Mr. BALDWIN. That would not be interstate but a regular 50-50 Federal-aid-type route?

Mr. BOWER. No. While it carries a U.S. route designation, the highway serving the Chester-Logan Ferry is not eligible for Federal-aid funds.

Mr. BALDWIN. I saw a negative head shaking about whether or not the Philadelphia-Camden Bridge is on a Federal interstate route.

Mr. MACMURRAY. That is Route 30, gentlemen, and there is, of course, no aid to any of these bridges. I understand that is not an interstate bridge although it will connect into a north-south freeway at Camden which is an interstate.

Mr. BALDWIN. I understand the bridges themselves would not be federally aided. I just wanted to find out what the routes are, whether they are interstate routes or State primary routes that are in the Federal-aid program.

Mr. MACMURRAY. I don't know that I can answer that.

Mr. BOWER. To distinguish between U.S. route designations and eligibility for Federal aid, the Benjamin Franklin Bridge carries U.S. Route 30 and Interstate Route 80S and the highways approaching the bridge are eligible for 90-percent Federal financing.

Mr. BALDWIN. The present bridge?

Mr. BOWER. Yes, sir.

Mr. BALDWIN. And the others would then be related to this? The other bridges that are proposed would likewise be related to these federally aided routes?

Mr. BOWER. For pooling the tolls they would be related; yes.

Mr. BALDWIN. I do not mean for pooling the tolls. I mean are they going to be connected with Federal-aid routes?

Mr. BOWER. The highways connecting the two existing bridges are Federal-aid interstate routes, but those connecting the proposed Chester-Logan site are State routes.

Mr. MACMURRAY. I think I can help there, gentlemen.

Yes; they will connect to interstate Federal-aid roads on both sides of all the bridges.

Mr. BALDWIN. Thank you.

Mr. MACMURRAY. But there will be no aid to these bridges.

Mr. BALDWIN. I understand that.

Thank you.

Mr. CAHILL. Mr. Chairman, may I add to the statement I made in response to Mr. Ryan's question?

I have been informed, Mr. Ryan, that where the Chester Bridge is to be constructed, where the toll will be 55 cents, there is presently only ferry service to transport the people between the two States, and that the fare on the ferry at the present time is 55 cents, plus an additional 5 cents for every passenger in the car beyond the driver. So there will be a substantial reduction in the tolls when the new bridge is completed.

Mr. BLATNIK. And the new bridge will be replacing the present existing ferry?

Mr. CAHILL. That is right, Mr. Blatnik.

Mr. FALLON. Are there any other questions?

Mr. SCHWENGEL. Getting back to these tolls, is there any assurance that these will ever be free bridges? Was there ever a promise like this made when the authority was granted?

Mr. CAHILL. I think the bond counsel, Mr. Schwengel, may be able to answer that question.

Mr. FALLON. What is the bond counsel's name?

Mr. WOHLFORTH. I am Eric Wohlforth, of New York City.

The present congressional consent of 1951, which is still continued in operation, provides that the toll shall cease at the expiration of a 50-year period after the latest bridge constructed under the terms of the consent and thereafter shall be limited to costs of operation and maintenance.

Mr. SCHWENGEL. There will be no free bridge there for many, many years to come, then, actually.

Mr. FALLON. Are there any other questions?

If not, thank you very much, Mr. Barton. Thank you, gentlemen.

Are there any other witnesses here this morning who would like to testify?

Are there any witnesses who would like to have a statement inserted into the record at this time?

If not, the committee will adjourn, awaiting the language of the amendment to be incorporated into the bill before we take final action.

Mr. Auchincloss would like to have your attention for a moment before we adjourn.

Mr. AUCHINCLOSS. Mr. Chairman, in an attempt to expedite this matter, could we have counsel notify the committee about the amendment if it is agreeable to counsel, so that we can act on the bill quickly?

Mr. FALLON. As I understand, they have not agreed on the language for the amendment as yet. They are going to get together this morning to see if they can get language that is agreeable and which will do this job intended to be done. So when the language is sent back to the committee, I think we may be able to go into executive session and agree on one of the bills that have been introduced.

(The language of the amendment is contained in the following letter from the General Counsel of the Department of Commerce:)

GENERAL COUNSEL OF THE DEPARTMENT OF COMMERCE,
Washington, D.C., November 19, 1963.

HON. CHARLES A. BUCKLEY,
Chairman, Committee on Public Works,
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. 7332, H.R. 7339, and H.R. 7595, identical bills granting the consent of Congress to a further supplemental compact or agreement between the State of New Jersey and the Commonwealth of Pennsylvania concerning the Delaware River Port Authority, formerly the Delaware River Joint Commission, and for other purposes.

The Department first submitted comments on these bills in its letter to you of October 11, 1963. In this letter, the Department suggested an addition to the consent language in section (1) of the bill to reserve congressional consent to purposes other than those authorized by article I, paragraph (1). The proviso initially suggested was as follows:

"Provided further, That all future legislation enacted by either State concurred in by legislation of the other pursuant to article I, paragraph (1), shall be submitted to the Congress for approval before such legislation becomes effective."

On November 13, 1963, the Deputy Under Secretary of Commerce for Transportation (Operations), Mr. Frank L. Barton, testified before your committee and presented a supplementary statement regarding these bills. Just prior to the hearing before your committee, Mr. Barton discussed the Department's position with representatives of the Delaware River Port Authority. It was determined that the Department and the authority were in complete agreement regarding the objective of an amendatory proviso regarding consent on the paragraph (1) of article I. The authority's representatives, however, questioned the wording of the Department's suggested proviso because of the possibility that the reservation might also be interpreted as applying to some purposes authorized in paragraphs (a) through (k) of article I and in articles XII-A and XII-B inasmuch as several important projects planned under purposes in these other parts of the compact still require the enactment of legislation by one or both States.

Congressman Cahill, Mr. Barton, and representatives of the authority explained in their testimony to your committee that the Department's and the authority's representatives had agreed to meet directly after the hearings in order to revise the wording of the amendatory proviso. The revised proviso worded in a manner that would clarify the consent reservation to make clear that it would apply only to such activities that were authorized solely by paragraph (1) of article I is as follows:

"Provided further, That nothing in this act shall be construed as granting the consent of Congress in advance to the performance or effectuation of any purposes

set forth in Article I, paragraph (1) not now otherwise permitted or provided for under the 'Agreement between the Commonwealth of Pennsylvania and the State of New Jersey creating The Delaware River Joint Commission as a body corporate and politic and defining its power and duties,' which was executed on behalf of the Commonwealth of Pennsylvania by its Governor on July first, one thousand nine hundred and thirty-one, and on behalf of the State of New Jersey by the New Jersey Interstate Bridge Commission by its members on July first, one thousand nine hundred and thirty-one, and which was consented to by the Congress by Public Resolution Number twenty-six, being chapter two hundred fifty-eight of the Public Laws, Seventy-second Congress, approved June fourteenth, one thousand nine hundred and thirty-two, as heretofore amended and supplemented and as amended and supplemented by the supplemental compact or agreement hereby consented to."

The Department would interpose no objection to the enactment of one of these identical bills if amended by the addition of the above proviso.

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

A copy of this letter is being forwarded to the Delaware River Port Authority in order that they might submit to you their comments on the suggested amendatory proviso.

Sincerely,

(S) LAWRENCE JONES, *Acting General Counsel.*

Mr. FALLON. The committee will stand adjourned.

(Whereupon, at 11 a.m., the committee adjourned, subject to call.)

○

