

**ASSEMBLY, No. 4561**

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**STATE OF NEW JERSEY**

**216th LEGISLATURE**

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INTRODUCED JUNE 15, 2015

**Sponsored by:**

**Assemblyman TROY SINGLETON**

**District 7 (Burlington)**

**Assemblyman RAJ MUKHERJI**

**District 33 (Hudson)**

**SYNOPSIS**

Concerns rights of Delaware River Joint Toll Bridge Commission employees.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 11/10/2015)**

1 AN ACT concerning the Delaware River Joint Toll Bridge  
2 Commission, amending P.L.1941, c.100, amending and  
3 supplementing article 11 of chapter 8 of Title 32 of the Revised  
4 Statutes, authorizing the Governor, on behalf of the State of New  
5 Jersey, to enter into a supplemental compact or agreement with  
6 the Commonwealth of Pennsylvania amending the compact or  
7 agreement between the State of New Jersey and the  
8 Commonwealth of Pennsylvania entitled "Agreement Between  
9 The State of New Jersey and The Commonwealth of  
10 Pennsylvania creating the Delaware River Joint Toll Bridge  
11 Commission as a body corporate and politic and defining its  
12 powers and duties," as amended and supplemented, and  
13 authorizing the Governor to apply, on behalf of the State of New  
14 Jersey, to the Congress of the United States for its consent to  
15 such supplemental compact or agreement.

16  
17 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
18 *of New Jersey:*

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

29  
30 2. Article II of the "Agreement Between the Commonwealth of  
31 Pennsylvania and the State of New Jersey creating the Delaware  
32 River Joint Toll Bridge Commission as a body corporate and politic  
33 and defining its powers and duties," as amended and supplemented  
34 (R.S.32:8-3) is amended to read as follows:

35 32:8-3. For the effectuation of its authorized purposes, the  
36 commission is hereby granted the following powers as limited and  
37 supplemented by P.L.1994, c.176 (C.32:8-3.5 et seq.) and P.L.1994,  
38 c.177 (C.32:8-3.8 et seq.):

39 (a) To have perpetual succession.

40 (b) To sue and be sued.

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

42 (d) To elect a chairman, vice-chairman, secretary, and treasurer  
43 and appoint an engineer. The secretary, treasurer, and engineer  
44 need not be members of the commission.

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

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

Matter underlined thus is new matter.

1 (f) To appoint such other officers, agents and employees as it  
2 may require for the performance of its duties, by contract or  
3 otherwise, and fix and determine their qualifications, duties and  
4 compensation, provided that the employees of the Delaware River  
5 Joint Toll Bridge Commission: shall be subject, as determined by  
6 the commission for each unit of employees, to either the "New  
7 Jersey Employer-Employee Relations Act," P.L.1941, c.100  
8 (C.34:13A-1 et seq.) or the Pennsylvania Act of July, 23, 1970,  
9 P.L.563, No.195, as amended, known as the "Public Employee  
10 Relations Act"; and shall have all of the rights provided to  
11 employees by whichever of the two acts the commission determines  
12 appropriate for the unit of employees, including but not limited to,  
13 the right to form, join or assist an employee organization, and the  
14 right to have that employee organization engage in collective  
15 bargaining on behalf of the employees. The commission shall  
16 determine which of the two acts to apply to any unit of employees  
17 by selecting the act of the state in which the largest share of the  
18 employees in the unit reside at the time that the determination is  
19 made.

20 (g) To determine the qualifications and duties of its appointees,  
21 and to fix their compensation, except that the commission shall not  
22 employ directly or as an independent contractor a member of the  
23 commission for a period of two years after the expiration of the  
24 term of office of that member.

25 (h) To enter into contracts.

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

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

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

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

36 (m) To exercise the power of eminent domain.

37 (n) To determine the exact location, system, and character of,  
38 and all other matters in connection with, any and all improvements  
39 or facilities which it may be authorized to own, construct, establish,  
40 effectuate, maintain, operate or control.

41 (o) In addition to the foregoing powers, to exercise the powers,  
42 duties, authority and jurisdiction heretofore conferred and imposed  
43 upon the aforesaid commissions, hereby constituted a joint  
44 commission by reciprocal legislation of the Commonwealth of  
45 Pennsylvania and the State of New Jersey, with respect to the  
46 acquisition of toll bridges over the Delaware River, the  
47 management, operation and maintenance of such bridges, and the  
48 location, acquisition, construction, administration, operation and

1 maintenance of additional bridge communications over the  
2 Delaware River at any location north of the boundary line between  
3 Bucks county and Philadelphia county in the Commonwealth of  
4 Pennsylvania as extended across the Delaware River to the New  
5 Jersey shore of said river. The powers granted in this paragraph  
6 shall be in addition to those powers granted by paragraph (a) of  
7 Article X of this agreement.

8 (p) To exercise all other powers, not inconsistent with the  
9 Constitutions of the States of Pennsylvania and New Jersey or of  
10 the United States, which may be reasonably necessary or incidental  
11 to the effectuation of its authorized purposes or to the exercise of  
12 any of the powers granted to the commission by this agreement or  
13 any amendment thereof or supplement thereto, except the power to  
14 levy taxes or assessments for benefits; and generally to exercise, in  
15 connection with its property and affairs and in connection with  
16 property under its control, any and all powers which might be  
17 exercised by a natural person or a private corporation in connection  
18 with similar property and affairs.

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

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

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

39 (t) To petition the Interstate Commerce Commission, any public  
40 service or public utilities commission, or any other Federal, State or  
41 local authority, whether administrative, judicial or legislative, for  
42 the adoption and execution of any physical improvement, change in  
43 method, rate of transportation, system of handling freight,  
44 warehousing, docking, lightering or transfer of freight, which, in the  
45 opinion of the commission, may be designed to improve or facilitate  
46 the movement or handling of commerce within the district or  
47 improve the terminal or transportation facilities therein.

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

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

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

15       Notwithstanding any other provision of this agreement or any  
16 provision of law, State or Federal, to the contrary, the commission  
17 may combine for financing purposes any port and terminal facility  
18 or facilities constructed or acquired by it under the provisions of  
19 this agreement with any bridge or bridges heretofore or hereafter  
20 constructed or acquired by the commission, subject to any  
21 limitations contained in any trust indenture securing bonds of the  
22 commission at the time outstanding.

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

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

37       Notwithstanding the above, each state reserves the right to  
38 provide by law for the exercise of a veto power by the Governor of  
39 that state over any action of any commissioner from that state at any  
40 time within 10 days (Saturdays, Sundays and public holidays in the  
41 particular state excepted) after receipt at the Governor's office of a  
42 certified copy of the minutes of the meeting at which such vote was  
43 taken. Each state may provide by law for the manner of delivery of  
44 such minutes, and for notification of the action thereon.

45 (cf: P.L.1994, c.173, s.3)

46

47       3. (New section) The Governor is authorized to apply, on behalf  
48 of the State of New Jersey, to the Congress of the United States for

1 its consent and approval to such supplemental compact or  
2 agreement, but in the absence of such consent and approval, the  
3 commission referred to in such supplemental compact or agreement  
4 shall have all of the powers which the Commonwealth of  
5 Pennsylvania and the State of New Jersey may confer upon it  
6 without the consent and approval of Congress.

7  
8 4. Section 3 of P.L.1941, c.100 (C.34:13A-3) is amended to  
9 read as follows:

10 3. When used in this act:

11 (a) The term "board" shall mean New Jersey State Board of  
12 Mediation.

13 (b) The term "commission" shall mean New Jersey Public  
14 Employment Relations Commission.

15 (c) The term "employer" includes an employer and any person  
16 acting, directly or indirectly, on behalf of or in the interest of an  
17 employer with the employer's knowledge or ratification, but a labor  
18 organization, or any officer or agent thereof, shall be considered an  
19 employer only with respect to individuals employed by such  
20 organization. This term shall include "public employers" and shall  
21 mean the State of New Jersey, or the several counties and  
22 municipalities thereof, or any other political subdivision of the  
23 State, or a school district, or any special district, or any authority,  
24 commission, or board, or any branch or agency of the public  
25 service. The term shall also include the Delaware River Port  
26 Authority, established pursuant to R.S.32:3-1 et seq. and the  
27 Delaware River Joint Toll Bridge Commission, established pursuant  
28 to R.S.32:8-1 et seq.

29 (d) The term "employee" shall include any employee, and shall  
30 not be limited to the employees of a particular employer unless this  
31 act explicitly states otherwise, and shall include any individual  
32 whose work has ceased as a consequence of or in connection with  
33 any current labor dispute or because of any unfair labor practice and  
34 who has not obtained any other regular and substantially equivalent  
35 employment. This term, however, shall not include any individual  
36 taking the place of any employee whose work has ceased as  
37 aforesaid, nor shall it include any individual employed by his parent  
38 or spouse, or in the domestic service of any person in the home of  
39 the employer, or employed by any company owning or operating a  
40 railroad or railway express subject to the provisions of the Railway  
41 Labor Act (45 U.S.C. s.151 et seq.). This term shall include any  
42 public employee, i.e., any person holding a position, by  
43 appointment or contract, or employment in the service of a public  
44 employer, including the Delaware River Port Authority and the  
45 Delaware River Joint Toll Bridge Commission, except elected  
46 officials, members of boards and commissions, managerial  
47 executives and confidential employees.

1 (e) The term "representative" is not limited to individuals but  
2 shall include labor organizations, and individual representatives  
3 need not themselves be employed by, and the labor organization  
4 serving as a representative need not be limited in membership to the  
5 employees of, the employer whose employees are represented. This  
6 term shall include any organization, agency or person authorized or  
7 designated by a public employer, public employee, group of public  
8 employees, or public employee association to act on its behalf and  
9 represent it or them.

10 (f) "Managerial executives" of a public employer, in the case of  
11 the State of New Jersey, means persons who formulate management  
12 policies and practices, but shall not mean persons who are charged  
13 with the responsibility of directing the effectuation of such  
14 management policies and practices, except that, in the case of the  
15 Executive Branch of the State of New Jersey, "managerial  
16 executive" shall include only personnel at or above the level of  
17 assistant commissioner.

18 In the case of any public employer other than the State of New  
19 Jersey, "managerial executives" of a public employer means persons  
20 who formulate management policies and practices, and persons who  
21 are charged with the responsibility of directing the effectuation of  
22 such management policies and practices, except that in any school  
23 district this term shall include only the superintendent or other chief  
24 administrator, and the assistant superintendent of the district.

25 (g) "Confidential employees" of a public employer means  
26 employees whose functional responsibilities or knowledge in  
27 connection with the issues involved in the collective negotiations  
28 process would make their membership in any appropriate  
29 negotiating unit incompatible with their official duties.

30 "Confidential employees" of the State of New Jersey means  
31 employees who have direct involvement in representing the State in  
32 the collective negotiations process making their membership in any  
33 appropriate negotiating unit incompatible with their official duties.

34 (cf: P.L.2009, c.314, s.1)

35

36 5. This section and sections 1 through 3 of this act shall take  
37 effect upon enactment into law of legislation substantially similar to  
38 P.L. , c. (C. ) (pending before the Legislature as this bill) by  
39 the Commonwealth of Pennsylvania, but if such legislation shall  
40 have been enacted prior to the enactment of this act, this section and  
41 sections 1 through 3 of this act shall take effect immediately.  
42 Section 4 shall take effect upon passage of that substantially similar  
43 act, and the consent and approval of Congress to that supplemental  
44 compact or agreement, if that consent and approval is required to  
45 confer the powers granted in this act upon the Delaware River Joint  
46 Toll Bridge Commission.

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## STATEMENT

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2  
3       This bill amends Article II (R.S.32:8-3) of the compact between  
4 the Commonwealth of Pennsylvania and the State of New Jersey  
5 creating the Delaware River Joint Toll Bridge Commission. The  
6 bill provides that employees of the commission shall be subject, as  
7 determined by the commission for each unit of employees, to either  
8 the “New Jersey Employer-Employee Relations Act,” or the  
9 Pennsylvania “Public Employee Relations Act.” The bill stipulates  
10 that the employees shall have all of the rights provided to  
11 employees by whichever of the two acts the commission determines  
12 appropriate for the unit of employees, including but not limited to,  
13 the right to form, join or assist an employee organization, and the  
14 right to have that employee organization engage in collective  
15 bargaining on behalf of the employees. The commission is required  
16 to determine which of the two acts to apply to any unit of  
17 employees by selecting the act of the state in which the largest share  
18 of the employees in the unit reside at the time the determination is  
19 made.

20       The enactment by Pennsylvania of substantially similar  
21 legislation will be required before the supplemental compact  
22 authorized by this bill may be entered into.

23       The bill also amends the “New Jersey Employer-Employee  
24 Relations Act” by adding the Delaware River Joint Toll Bridge  
25 Commission as a public employer subject to the act.