



Delaware River Joint Toll Bridge Commission

ANNUAL  
REPORT **2017**





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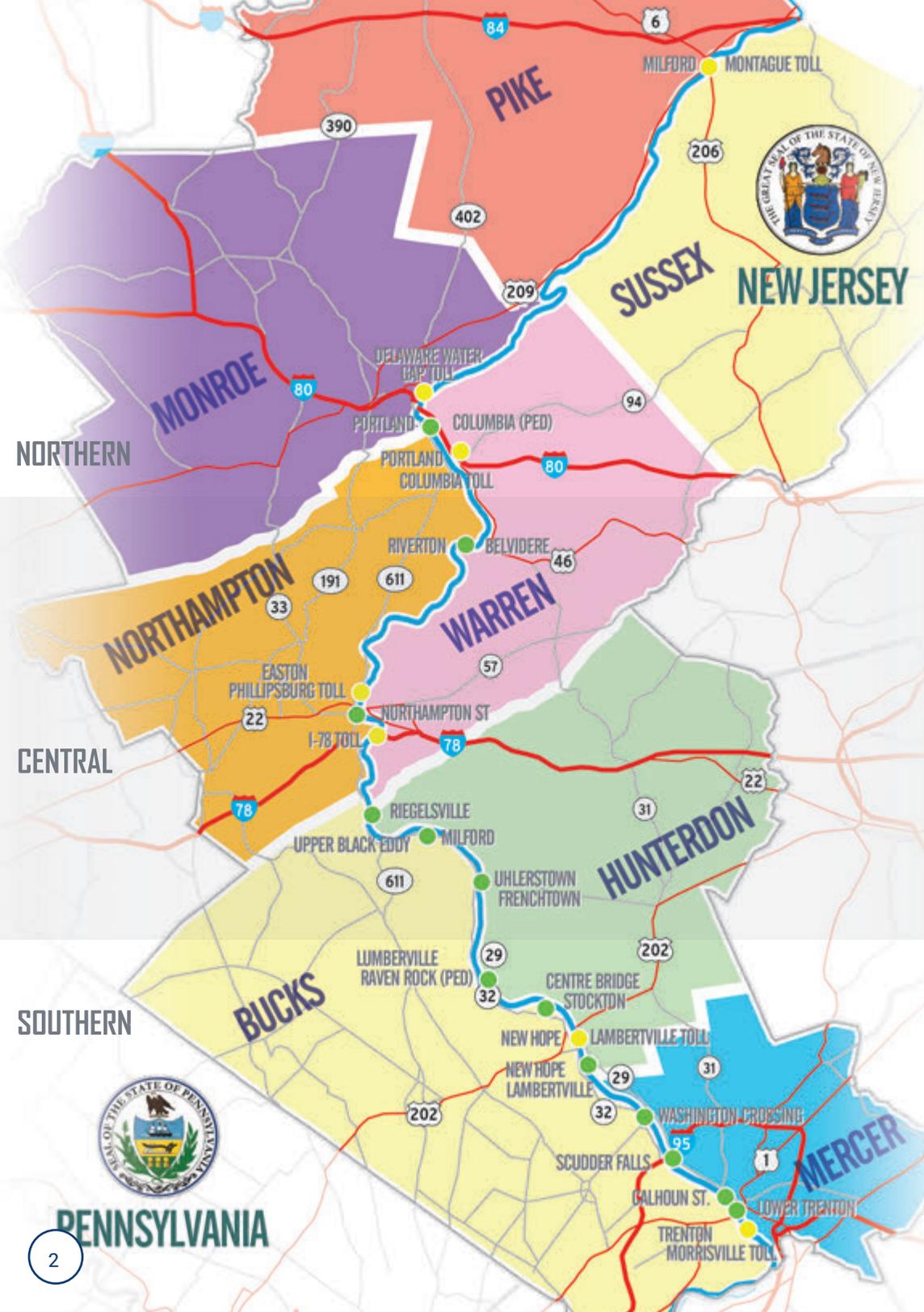
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## PHOTOGRAPHY/GRAPHICS CREDITS

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Front Cover: Michael Baker International  
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# MISSION STATEMENT

The Delaware River Joint Toll Bridge Commission provides safe and efficient river crossings between Pennsylvania and New Jersey. Stretching roughly 140 miles from the Philadelphia/Bucks County, Pa. boundary northward to the New Jersey/New York state line, the Commission's jurisdiction encompasses a diverse geographic region featuring bustling cities, quaint river villages, and scenic portions of the Delaware River where nature's beauty abounds. Committed to moving job commuters, commercial freight carriers, pedestrians and recreationists, the Commission strives to deliver quality customer service, sound fiscal management, and dependable ground-transportation facilities for the growing bi-state river region.

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## Fullam Appointed To Bucks Judgeship

Judges To Hear

Senate Must O Appointment



# IN MEMORIAM: FORMER CHAIRMAN JOHN P. FULLAM

The Delaware River Joint Toll Bridge Commission’s annual reports are traditionally introduced with an executive director’s letter. While preparing this year’s report, it was decided that this formality would be waived to honor the passing of former Commissioner John P. Fullam.

Judge Fullam, as he later came to be known, served as a Pennsylvania member on the Commission from April 1956 to February 1960. He presided as chairman in 1958-59.

Former Pennsylvania Governor George M. Leader appointed Fullam with a directive to instill new management and direction at the Commission during a critical juncture in its history. The agency was embroiled in controversy due to questionable conduct by some officers and executives in the early 1950s. In 1955, four bridges under the agency’s control were destroyed by the historic Delaware River flood; several others were knocked out of service for brief periods of time. Meanwhile, the region’s traffic volumes were growing rapidly in the wake of post-war economic expansion.

Fullam joined with other reform-minded Commissioners appointed by Leader and New Jersey Governor Robert B. Meyner to reorient the Commission. One of Fullam’s first votes was to hire a New Jersey deputy attorney general, George L. Feaster, as the Commission’s first full-time executive director.

Fullam grew up on a farm outside of Doylestown. As an elementary school student, he did his homework and reading by oil lamp because his family’s farm house did not have electricity. He graduated head of his class from Villanova University in 1942. He served as a Navy lieutenant in the South Pacific during World War II. He returned home to attend Harvard Law School, graduating in 1948.

Before joining the Commission, Fullam twice ran unsuccessfully for a U.S. Congress seat. A lawyer, he was a partner in one of Bucks County’s largest law firms – Eastburn, Begley and Fullam in Bristol, Pa. He served as legal counsel to Bristol Boro beginning in 1952.

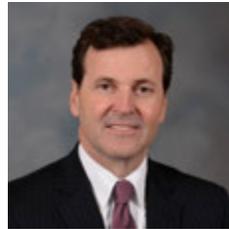
Fullam resigned his Commission post after being appointed to a Bucks County Court judgeship. In 1966, President Lyndon B. Johnson nominated him to be a U.S. District Court judge for eastern Pennsylvania. Fullam proceeded to become one of the nation’s longest serving federal judges, handling such prominent cases as the Penn Central railroad bankruptcy, Philadelphia Police Department corruption, and portions of the FBI’s infamous Abscam political sting operation. He assumed inactive senior status in April 2011.

John Patrick Fullam, a “pillar of integrity,” died March 8, 2018. He was 96 years old.

# COMMISSIONERS

## *New Jersey*

**MICHAEL B. LAVERY**, Chairman  
**LORI CIESLA**  
**YUKI MOORE LAURENTI**, Treasurer  
**GEOFFREY S. STANLEY**  
**GARRETT LEONARD VAN VLIET**



LAVERY



CIESLA



MOORE LAURENTI



STANLEY



VAN VLIET

## *Pennsylvania*

**WADUD AHMAD**, vice chairman  
**JOHN D. CHRISTY**  
**DANIEL GRACE**  
**MIRIAM HUERTAS**  
**PAMELA JANVEY**, Secretary



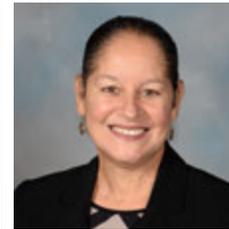
AHMAD



CHRISTY



GRACE



HUERTAS



JANVEY

## *About The Commission*

The Delaware River Joint Toll Bridge Commission is a bistate agency that owns and operates seven toll bridges and 13 toll-supported bridges – two of which are pedestrian-only crossings. The agency’s assigned jurisdiction includes portions of five counties in New Jersey and four counties in Pennsylvania. The service region has a population of more than 2 million people.

Funding for the operation, upkeep and maintenance of the Commission’s bridges and related facilities is derived solely from revenues collected at the agency’s seven toll bridges. The Commission receives neither federal nor state tax subsidies.

The Commission’s bridges carried an average of 394,000 vehicles per day in 2017. Total operating revenue earned in 2017 was \$130,978,581. The Commission’s 2017 operating budget was \$63.15 million. The agency has roughly 370 full-time employees.

The Commission is one of the nation’s oldest tolling agencies. Established in December 1934, it is the successor to the former Joint Commission for the Acquisition of Various Bridges over the Delaware River between the Commonwealth of Pennsylvania and the State of New Jersey.

# STAFF

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**JOSEPH J. RESTA**  
Executive Director

**SEAN M. HILL**  
Deputy Executive Director  
of Operations

**ROY W. LITTLE, P.E.**  
Chief Engineer

**ARNOLD J. CONOLINE, JR.**  
Chief Administrative Officer

**JOSEPH F. DONNELLY**  
Deputy Executive Director  
of Communications

**JAMES M. PETRINO**  
Chief Financial Officer

**KEVIN SKEELS**  
Assistant Chief Engineer

**STEPHEN T. CATHCART**  
Comptroller

**JODEE INSCHO**  
Director of Community Affairs

**JULIO A. GURIDY**  
Director of Contract Compliance

**YVONNE KUSHNER**  
Director of E-Z Pass

**JOANNA M. CRUZ**  
Director of Human Resources

**JOHN BENCIVENGO**  
Director of Information  
Technology

**LEVAR TALLEY**  
Director of Maintenance

**LENDELL JONES**  
Director of Plants and Facilities

**WILLIAM WRIGHT**  
Director of Security,  
Safety and Training

**DAVID K. BURD**  
Director of Purchasing

**LEVAR TALLEY**  
District 1 Superintendent

**LENDELL JONES**  
Senior Director of Maintenance  
& Toll Operations

**WILLIAM WRIGHT**  
First Senior Director of Operations

**MATTHEW M. HARTIGAN**  
Senior Director of Public Safety  
& Bridge Security

**J. ERIC FREEMAN**  
Director of Public Safety  
& Bridge Security

**DAVID K. BURD**  
Director of Purchasing

**MICHELE GARA**  
Director of Toll Operations

**JAMES SHELLY**  
Senior Director of Training  
& Employee Safety

**JOHN MILLS**  
Director of Training & Employee Safety



A photograph of a large, curved, metallic structure, possibly a scudder fall, with a yellow beam of light illuminating it. The structure is composed of several horizontal, curved segments. The background is dark, with some structural elements visible. The text "SCUDDER FALLS" is overlaid in large, white, bold letters.

# SCUDDER FALLS



## And They're Off: Scudder Falls Bridge Replacement Project Construction Begins

With a handful of preparatory tasks still underway, the Commission kicked off its long-awaited, 4-1/2 year-long Scudder Falls Bridge Replacement Project in spring 2017.

The onset of construction occurred unceremoniously without a formal groundbreaking. This was largely due to the fact that so many pre-construction activities had already taken place along the project area in 2016, including advance tree cutting on both sides of the river, noise-wall installations along the bridge's Pennsylvania I-95 approach, and several utility relocations.

Following the construction contract award to the Trumbull Corporation in late January, the company submitted its requisite documentation -- insurance certificates, project-labor-agreement papers, and performance and payment bonds. Trumbull's planning team subsequently conducted surveys and site visits throughout the 4.4-mile project area, stretching along I-95 from Bear Tavern Road/County Route 579 in Ewing, NJ to Newtown-Yardley Road/Route 332.

Behind the scenes, Trumbull worked on developing a construction schedule and drafting shop drawings of how it would carry out various project tasks. Land-based construction activities ensued in May. These tasks largely involved placements of signage and other roadway safety precautions. Trumbull also acquired a multi-year lease on vacant property near the I-95/Route 332 interchange to serve as laydown area for construction trailers, heavy equipment and materials.

Methodically, the pace of work broadened. The highway shoulders along I-95 in Pennsylvania were strengthened to carry shifted traffic. The short-span bridge that carries Woodside Road across the Delaware Canal in Lower Makefield was reinforced to withstand the heavy equipment and materials that would need to cross for constructing the new bridge at the river.

Significant excavation and site clearing also took place. A key location was the narrow strip of land between Route 29 southbound and the river immediately upstream of the bridge in Ewing, NJ. This allowed for the establishment of bulkhead from which a temporary causeway was extended out into the river for constructing the new toll bridge's upstream piers.

By July, construction activities were underway at no less than eight different locations in the project area. The work included excavation and installation of drainage facilities at the PA Route 332 and Taylorsville interchanges and along I-95 in Pennsylvania. The project's first extended highway traffic shift also was implemented during the summer to provide a work area for crews to widen Pennsylvania's I-95 approach to six lanes from four lanes.

By the end of the fall, work expanded to as many as 10 locations spread across the entire project area. The three most intensified construction zones were: in the vicinity of the NJ Route 29 interchange, which will be completely reconstructed under the project; at the New Jersey riverbank, where the contractor was racing to complete the extension of the temporary causeway and pier cofferdams into the river to meet a March 15, 2018 environmental restriction; and in the vicinity of River Road/PA Route 32 and Woodside Road in Lower Makefield, where another temporary causeway was being constructed and a new, larger drainage culvert was being installed beneath the I-95 approach. At year's end, portions of the new bridge's substructure were already visible to the public on both sides of the river.





## Contracts

The project's centerpiece construction contract was awarded at the Commission's January 30 meeting to the Trumbull Corporation of Pittsburgh, PA. The firm has considerable experience in undertaking and completing projects of the size, scope and duration of the Scudder Falls undertaking. The contract was for a not-to-exceed amount of \$396 million. Under the project's final design, Trumbull and its various contractors are to carry out the project through three major construction stages.

In February, the Commission awarded project inspection contracts to three different engineering firms. Each contract applies to a major facet of the project:

- New dual-span toll bridge and demolition of existing bridge — Parsons Brinckerhoff, Inc. of Lawrenceville, NJ (now part of WSP) for up to \$7.7 million.
- Pennsylvania-side improvements, including the realignment of the I-95/Taylorville Road interchange and the widening of I-95 from the bridge to the Newtown-Yardley/Route 332 interchange – TRC Engineers, Inc. of Plymouth Meeting, PA. for up to \$6.5 million.
- New Jersey-side improvements, including the reconstruction of the I-95/Route 29 interchange, the installation of noise-abatement walls, and I-95 approach roadway drainage and transitioning – Gannett Fleming, Inc. of South Plainfield, N.J. for up to \$6.5 million.

The engineering consulting firms are responsible for ensuring that the construction work and the materials used in the project conform to the Commission's plans and specifications

## Travel Impacts

The entire Scudder Falls Bridge Replacement Project is being staged in a manner to mitigate, as much as feasibly possible, impacts to motorists who use the bridge and the adjoining I-95 approaches. The current bridge remains in service while the first span of the new toll bridge gets constructed and is opened to traffic sometime in 2019. Two travel lanes are to be maintained in a respective peak commuting direction during weekdays. Single-lane travel patterns are restricted to non-peak commuting periods and weekends.

Due to narrowed ramps and lanes, traffic shifts, median crossovers and other potential travel impacts, superloads and certain other large trucks are prohibited from the project area. The restriction applies to vehicles over 201,000 pounds, over 10 feet in width, or over 80 feet in length. These truck restrictions will remain in effect until the project's completion.

A series of ramp closures and detours have already impacted motorists using the bridge's two flanking interchanges. More onerous restrictions will be needed at those locations as construction progresses. Road closures and stoppages also are needed from time to time along Routes 29 and 175 in New Jersey and Route 32 in Pennsylvania.

Pedestrians and recreationists are being impacted as well. A channel through the construction zone is marked with buoys for fishermen, canoeists and kayakers. Meanwhile, a series of closures are periodically necessary along the canal towpaths on each side of the bridge to ensure the safety of runners, bicyclists, and hikers.

# \$430 Million Bond Sale Paves Way for Scudder Falls Bridge Replacement Project

Bolstered by a series of prior debt-restructuring transactions and grade-A credit ratings, the Commission completed the sale of \$430,250,000 in Bridge System Revenue Bonds, Series 2017, to finance the agency's Scudder Falls Bridge Replacement Project.

It was the largest bond sale in the Commission's history, officially closing with the March 1 conveyance of proceeds to the Commission.

The process began with an early-February investor presentation that received strong interest, having been viewed by 65 people from 57 different investment firms, bond funds, or banks.

Of significant interest to investors was the final Level III traffic and revenue forecasts for the new Scudder Falls Bridge. Revising figures and projections issued in a 2014 study, this updated document was provided to prospective project bond purchasers as part of the official disclosure statement issued for the sale.

The Level III study included modeling assumptions intended to achieve a 90-percent confidence level in the bridge's prospective traffic and revenue forecasts. By definition, the document's findings were of investment-grade quality and were a necessary prerequisite for the acquisition of project financing.

The bond offering went to pricing on the morning of Feb. 14 and the transaction was fully subscribed within 45 minutes. Ultimately, the Commission received over \$2.8 billion in orders for the bonds – or roughly 6.4 times the amount of bonds offered for sale – during its 90-minute pricing session on Feb. 14.

The final \$430,250,000 par amount of the bond issue was about \$45 million less than the \$475 million maximum amount of bonds that the Commission's governing board authorized for potential sale.

The bonds bear interest rates ranging from 1.4 percent to 5 percent, with yields ranging from 1.4 percent in 2020 to 4.04 percent in 2047. The overall bond yield was 3.69 percent. The bonds were rated A1 by Moody's, A by Standard and Poor's, and A-plus by Fitch.

The first interest payment came due July 1, 2017. The first bond maturity will be July 1, 2020 (well after the projected opening of the first span of the Scudder Falls Replacement Bridge and its Pennsylvania-bound all-electronic-toll-collection facility).



## Outreach Efforts for New Scudder Falls Bridge Intensify with Hearings, Videos, Presentations

A comprehensive, ongoing public involvement program for the Scudder Falls Bridge Replacement Project entered a new phase with the onset of construction in 2017.

Spearheaded by the project's public involvement consultant, McCormick Taylor, Inc., the year's public awareness and outreach efforts focused heavily on road closures and detours, noise impacts, and specific construction activities. Some preparations also were begun for future project milestones, such as the project website's redesign in 2018 and the onset of tolling at the replacement bridge's first completed span in 2019. Two subconsultants, Stokes Creative Group and Sacunas, Inc., figured prominently in some of the work.

The year's activities included the following:

- Facilitated official responses to public inquiries received through the project's toll-free telephone number and the hotline and website contract portal;
- Conducted web-based and in-person surveys of bridge customers for use in future marketing efforts and the introduction of toll collections in 2019;
- Redesigned project logos and stationery in advance of the project website's 2018 redesign;
- Coordinated the production of detour maps for early lane shifts and road and ramp closures within the project area;
- Developed a "facilitation guide" for customer interview sessions;
- Produced and distributed a newsletter in advance of project construction activities; and
- Crafted subnavigation/sitemap-wireframe document for the project website's redesign.

Public involvement is the process of alerting, educating and engaging affected communities in the planning and execution of capital projects. The outreach efforts at Scudder Falls are expected to continue for the project's duration, involving project managers, design consultants, engineers, and interfacing with the Commission's E-ZPass, communications and community affairs personnel.

The Commission adopted a formal policy for using public involvement strategies in applicable projects in 2009.

## Scudder Falls Bridge Next Steps: Market Research to Assist Tolling Rollout, Website Redesign

A widened array of market research was conducted in early 2017 to gauge the public's awareness of the Scudder Falls Bridge Replacement Project, the project website, and the eventual onset of toll collections at the new bridge in 2019.

The effort expanded upon research conducted in connection with the two toll hearings that were held in the Scudder Falls Bridge vicinity during 2016. Various members of the public who attended the hearings were privately queried about their perceptions of the all-electronic tolling (AET) system that will be used to collect tolls in the Pennsylvania-bound direction at the new bridge.

In 2017, the focus of attention turned to website usability review, analytics assessment, and focus group research. The new research provided insights into the public's opinions about the project, toll rates, all-electronic tolling (AET), E-ZPass toll collection, license plate tolling, and overall access to project information via the project website.

The effort targeted three core bridge user groups: individuals who commute over the bridge daily for work; individuals who use the bridge at least times a week for commerce or pleasure; and individuals who use the bridge frequently for business or who have customers or employees who commute regularly across the bridge.

### The 2017 market research provided the following findings:

- 94 percent of participants understood that cash will not be accepted at the new bridge;
- Commercial participants said they would not change their travel routes after tolling begins; while tolls would be an added expense, convenience outweighs the cost;
- A 10 percent greater number of Pennsylvania residents than New Jersey residents visit the website. (Note: This finding is in line with bridge's prevailing job-commuting patterns identified in the project's 2009 Environmental Assessment: "...13 percent of Bucks County (PA) residents work in Mercer County [NJ], compared to 4 percent of Mercer County residents that work in Bucks County [PA]");
- Nearly 40 percent of project website access (2016-17) is from mobile devices;
- Nearly 15 percent of website visits result in a view of a video link or presentation.

## Completion of Advance Preparations Clears Path for Scudder Falls Project Construction

A wide variety of advance preparation activities cleared the way for the long-awaited initiation of the Scudder Falls Bridge Replacement Project construction activities during 2017.

In February, the Commission received the last two significant regulatory permits needed to get the bridge project underway: the Section 404 permit from U.S. Army Corps of Engineers and the Section 105 permit from Pennsylvania Department of Environmental Protection. The receipt of the federal permit culminated a multi-month process involving signoffs from multiple state and regional regulatory agencies on both sides of the river.

The Commission also finalized a memorandum of agreement with New Jersey's Green Acres program regarding the planned Delaware and Raritan Canal's towpath connection with an access ramp to/from the new bridge's pedestrian walkway.

Early in the year, tree removal work reached completion along the Scudder Falls Bridge's I-95 approach roadway in New Jersey, at the NJ Route 29 interchange, and on the portions of the river island that will be traversed by the upstream span of the Scudder Falls Replacement Bridge. The island clearing involved a series of overnight lane closures on the existing bridge, enabling cranes to lower clearing equipment onto the island and later hoist material and felled trees off the island.

Throughout the spring, noise-abatement wall installations along I-95 in Pennsylvania reached completion. This advance construction contract work began in 2016 after trees, other vegetation and debris were removed along the highway right-of-way between the Taylorsville Road and Newtown-Yardley Road (Pa Route 332) exits.

Utility relocations were another major consideration during 2017, as the PECO electricity purveyor removed overhead transmission lines along I-95 and re-routed that service to new underground conduit beneath the roadway. The removal of aerial wires was achieved through a series of short-duration overnight traffic stoppages along I-95. Electric line relocations also were conducted on the New Jersey side of the Scudder Falls Bridge, as PSE&G service crews moved overhead lines to underground conduit along portions of NJ Route 175.

Final property acquisitions for the project area also were completed during the year. These included residential structures that were within the project footprint or in immediate proximity to construction in Pennsylvania. The purchases will allow for the construction of the new bridge's upstream land-based pier and abutment, and the erection of a bridge-monitor/all-electronic-tolling building alongside I-95 in Pennsylvania.







THE WORLD TAKES

# PROJECTS

## Upgrades to Existing Toll Collection System, I-78 Maintenance Facility Improvements Reach Completion in 2017

Two projects initiated in 2016 went on to reach their respective completions in 2017: the Electronic Toll Collections System Replacement and the I-78 Welcome Center & Maintenance Garage Improvements.

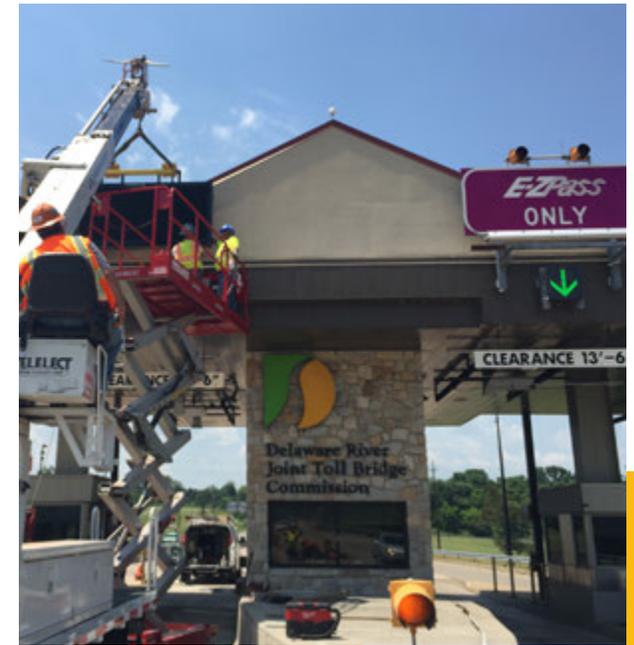
Work on the system-wide modernization of the Commission's electronic and manual toll collections systems wrapped up in the spring. Virtually every aspect of the toll-collecting infrastructure was affected. A notable aspect of the work involved the installation of next-generation E-ZPass electronic toll-tag readers, an upgrade that could enable the Commission to read toll transponders from non-E-ZPass toll agencies in the event national interoperability is ever achieved and implemented.

The transition to the new system ended with the replacement, testing and calibration of hardware and software at the I-78 and Easton-Phillipsburg (Route 22) toll plazas in May. This cleared the way for the Commission to implement a clarification of what the toll rates should be for recreational vehicles (RVs) that have either a trailer or vehicle in tow.

The rate clarification was proposed in 2016 to address cases in which disparate toll amounts were applied for cash and E-ZPass transactions involving RVs towing trailers or another motor vehicle. After toll hearings and formal Commission approval (also in 2016), the rate clarification was expected to begin in February 2017. The start date, however, was postponed until June 1, shortly after the toll-collection system work reached completion.

The Commission's toll classification system is based on a vehicle's height and number of axles. This policy was established with the introduction of E-ZPass toll collection in late 2002. Under this policy, vehicles under eight feet with two axles are classified as Class 1 vehicles (lowest rates) and vehicles eight feet and above are classified as Class 2 and above (higher rates) depending on the number of axles.





One remaining aspect of the toll system revamping will be carried out in 2019, when the first span of the new Scudder Falls Bridge opens to traffic. This will entail the establishment of the Commission's first all-electronic tolling (AET) facility – an overhead gantry outfitted with E-ZPass transponder readers and high-resolution video cameras – and integration with host computers at the New Jersey E-ZPass Group, which currently provides customer service, back-office support and violations enforcement for the Commission's toll network.

The project's contract also provides for the continued maintenance of the new toll collection system, including components like LED signage, lane signal indicators and yellow warning beacons.

In the late fall, maintenance forces at I-78 moved back into facilities that were expanded and improved during the year. What previously had been a six-bay, 6,580-square-foot garage was tripled in size to a nearly 19,000-square-foot facility with 16 bays. The enhanced work quarters include several new amenities: the Commission's first radiant floor heating system, a climate-controlled storage room, new fuel pumps, raised roof lines, and a new vehicle wash among them.

The 2017 improvements were the capstone element of a \$10 million project that has enhanced the Commission's roadway maintenance and winter-storm-response capabilities along I-78 near the Pennsylvania and New Jersey border.

Other improvements during the year included installations of high-efficiency and fully automated lighting, heating and ventilation systems, improved emergency access to I-78, and erection of a canopy between the nearby toll plaza and the Pennsylvania Welcome Center, which also houses some Commission administrative office. Finally, energy and motor-fuel management systems were installed. The energy control system will manage lighting, heating and ventilation and air condition usage. A separate system was installed for controlling motor fuel storage and usage at I-78. The plan is to extend these management systems, allowing for remotely controlled energy and motor-fuel use at all Commission toll facilities.



## Improvement Project Targets Bridges, Approach Slabs along Heavily Travelled I-78

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The Commission's 6.5-mile-long I-78 jurisdiction at the New Jersey-Pennsylvania border includes multiple bridges and overpasses, each of which has flanking concrete approach slabs that serve as a transition between the roadway and a respective bridge.

These structures and approach slabs are the primary focus of a multi-pronged project that kicked off in summer 2017 to address deficiencies and maintenance issues cited in recent maintenance and inspection reports. The project, which also involved a series of repairs and improvements in the area of the Pennsylvania Welcome Center adjacent to the Commission's I-78 Toll Plaza, is expected to reach completion in fall 2018.

The project involves the following I-78 facilities:

- The 1,222-foot-long twin-span I-78 Toll Bridge
- Carpentersville Road overpass of I-78 in Pohatcong, NJ
- Edge Road overpass of I-78 at the border of Pohatcong and Alpha, NJ
- The dual-span bridges that carry I-78 across County Route 519 in Pohatcong
- The dual-span bridges that carry I-78 across an on-ramp from Route 22 at the Still Valley/Phillipsburg interchange (Exit 3)
- The dual-span bridges that carry I-78 across Route 611 in Williams Township, PA
- Morgan Hill Road overpass of I-78 om Williams Township
- The service-road bridge at the Commission's I-78 maintenance facility in Williams Township
- Cedarville Road overpass of I-78 in Williams Township



In 2017, the primary concentration of work was along I-78 eastbound at the overpass across Route 611 in Pennsylvania and at the I-78 Toll Bridge. Two of the three approach slabs at each of these bridge were completed.

Cleaning and painting also took place at the Carpentersville Road overpass of I-78 (both directions) and at the Edge Road overpass of I-78 (eastbound side only).

Also during the year, all of the project tasks at the I-78 Welcome Center were completed. These included repairs around various drainage inlets and to concrete slabs in the Welcome Center's public parking area.

Project activities are being put on a scheduled hiatus during the cold-weather months of early 2018 before resuming in the spring.

J.D. Eckman Inc. of Atglen, PA is the project contractor. The engineering firm Greenman-Pedersen Inc. of Lebanon, NJ is providing construction management/inspection services.

Various lane closures and traffic shifts are being used to carry out the project. Travel restrictions largely involve single-lane traffic patterns during overnight periods and two-lane configurations during daytime periods. However, several weekend-long period of single-lane travel patterns will be needed to safely complete center-lane slab replacements in 2018.

The Commission is regularly providing advance notification of project-related travel restrictions through local media outlets, social media, state and regional travel alert systems, the Commission website and other available outlets that might reach I-78 motorists.

These efforts are needed because the I-78 Toll Bridge and its corresponding I-78 feeder segments have ranked as the Commission's most heavily traveled river crossing for more than a decade. The I-78 corridor also is considered to be one of the country's busiest interstate trucking routes, owing to its strategic location between the North Jersey's deep-water shipping ports and the warehouses and distribution centers of Pennsylvania's Lehigh Valley.

## Lighting Conversion Work Initiated on Iconic Trenton Makes Sign At Lower Trenton Toll-Supported Bridge

Neon is out and light-emitting diodes (LEDs) are in at the famous “Trenton Makes The World Takes” sign attached to the Commission’s Lower Trenton Toll-Supported Bridge.

Starting just before Labor Day and continuing through December, the iconic sign underwent an overhaul that, when completed, will make it cheaper to operate with enhanced reliability in inclement weather conditions and a longer service life.

The project involves the removal of the sign’s outmoded energy-inefficient red neon tubes and corresponding electrical-supply system of wire and connections. These components were installed in 2005 and had reached the end of their useful life.

The sign’s 25 existing custom-fabricated steel letter housings – each 9 feet, 6 inches high – were kept in place, but were cleaned and repainted this fall.

A new system of high-efficiency, color-changing LED strip lighting subsequently is being installed into the refurbished letter housings.

All totaled, the upgraded sign will have over 1,100 linear feet of LED strip lighting. The new lighting system is capable of 16 million different color variations, according to the designers.

The work was performed by Carr & Duff, Inc. of Huntingdon Valley, PA for a not-to-exceed amount of \$647,000.

Remaining facets of the project -- testing, programming, calibration, trouble-shooting, and staff training – will carry over into 2018. A formal ceremony to unveil the new sign is expected to be held sometime during the spring.

DRJTBC impact studies estimate the upgraded lighting will be 20 percent more efficient (5,520 watts with the old neon system vs. 4,335 watts for new lights) with a 60-percent-longer system life (30,000 hours for the neon system vs. 50,000 hours for the LEDs).

An added dividend to the new lights is the ability to change colors of individual or multiple letters and incorporate special effects like waves or flashing for holidays and special occasions. The sign, for example, can be programmed to be red-white-and-blue for Independence Day or all orange for Halloween.

## Trenton Makes Sign Reaches Century Status

The installation of a new lighting system on the Lower Trenton Toll-Supported Bridge’s “Trenton Makes The World Takes” sign is occurring after the 100th anniversary of when the first illuminated sign was installed at the historic river crossing.

The iconic phrase went aglow for the first time on August 8, 1917. It featured 2,400 incandescent bulbs, an American flag and an arrow pointing to Trenton. The original sign was 460-feet long with 12-foot-high letters. It was fastened to the downstream truss of the “old iron bridge” that was the immediate predecessor to the current, steel Lower Trenton span. At the time, the iron bridge was a tolled crossing owned and operated by the Pennsylvania Railroad. News articles from the time heralded the bridge’s display as the “world’s largest municipal ad” and the “largest slogan sign in the world.”



The slogan's origins actually date back several years earlier. In 1910, the Trenton Chamber of Commerce sponsored a contest to devise a slogan touting the city's many manufacturing attributes. The contest reportedly attracted 1,478 entries from 289 persons. S. Roy Heath, a local lumberyard owner who went on to become a state senator, penned the winning phrase: "The World Takes, Trenton Makes."

While Heath's original slogan wording appeared on shipping crates, letterhead and various signs in and around the city, it never appeared on the bridge. Noting how the original intent of the 1910 contest was to put the city's slogan on the iron bridge, Trenton's mayor – a clothing store owner named Frederick W. Donnelly – rekindled interest in the idea in 1916. Donnelly formed a committee to raise funds and, in the process, reordered Heath's slogan wording to emphasize the city's name. The altered motto – Trenton Makes The World Takes – endures to this day.

The original sign remained on the iron bridge until it was replaced by the current-day steel bridge, which fully opened to traffic in January 1929. In 1935, the first sign was added to

the steel bridge. It consisted of seven-foot-high letters outfitted with red neon lights. A series of neon signs have been on the bridge ever since. The signs originally were owned by the Trenton Chamber of Commerce, but the organization constantly struggled to keep the signs operational. In 1981, an electricity-generating windmill was installed in an effort to lower the Chamber's operating costs. It operated for about month before being recalled and never replaced. In 1994, the Chamber conveyed ownership of the sign to the Delaware River Joint Toll Bridge Commission. The Commission installed the last neon sign on the bridge in 2005, a full replacement consisting of 9-foot, 6-inch letters.

Over the decades, the sign has been viewed by millions of passengers traveling on trains between New York and Philadelphia. The sign has gained international recognition through its inclusion in films, television shows, art and literature. Enterprising individuals also have used the slogan and sign in the production of various products like t-shirts, hats, throw pillows and refrigerator magnets.



## New Salt-Storage Barn Coming to Milford-Montague Toll Bridge

Construction of a new 500-ton salt-storage barn at the Commission's Milford-Montague (Route 206) Toll Bridge was nearing completion in late 2017, a development that promises to significantly enhance that location's storm-response capabilities.

The new facility will replace a 35-year-old cinder-block structure that was determined to be structurally unsound, operationally inefficient and poorly lit. The old facility could only store 125 tons of salt, a limitation that proved challenging during successive periods of snow or ice in recent years.

The new facility, which mimics the look of a rural red barn, promises to provide better ingress and egress for trucks, bucket loaders and other heavy equipment. The building will have improved lighting in and around the structure. A covered apron outside the building will provide additional space for storing trucks, equipment and supplies.

The new salt barn is being built by Bracy Construction Inc. of Allentown, PA. under a contract awarded in September. The structure is on track to be put into service as early as late January 2018. The project, which includes demolition of the location's old salt shed and landscaping, is expected to be fully completed in the spring.







**30TH  
ANNIVERSARY  
OF 1987 COMPACT CHANGES**

## Commission's 1987 Compact Changes Reach 30-Year Milestone

*"No State shall, without the Consent of Congress... enter into any Agreement or Compact with another State."* – U.S. Constitution, Article I, Section 10

The Delaware River Joint Toll Bridge Commission fulfills its public service/transportation mission by virtue of an interstate compact crafted by New Jersey and Pennsylvania and approved by the U.S. Congress. For the uninitiated, an interstate compact is a "statutory contract" between two or several states recognized under the U.S. Constitution. More than 200 interstate compacts are now in effect, most of them establishing joint agencies to address transportation responsibilities shared by adjoining states.

Congress approved the Commission's first compact August 30, 1935. It served as the federal endorsement of an agreement New Jersey and Pennsylvania forged in late 1934 to establish the DRJTBC as the successor to the former Joint Commission for Elimination of Toll Bridges – Pennsylvania–New Jersey. Between 1918 and 1932, the so-called Joint Commission assisted the states in purchasing 16 formerly private toll bridges then operating along the Delaware River. By the 1930s, rising traffic demands made it necessary to build larger – and expensive -- highway bridges. Recognizing the costs involved, the states decided that these new river crossing should be tolled facilities. The DRJTBC's Compact addressed this situation; the Joint Commission, which was not empowered to build or operate toll structures, was disbanded and replaced by a newly constituted Bridge Commission. The broadened agency opened its first toll crossing -- the Bushkill Street Bridge, now the Easton-Phillipsburg (Route 22) Toll Bridge -- in January 1938.

The Compact was modified and amended several times. On each occasion, this was achieved through "supplemental agreements" enacted by the two states and ratified by Congress. In 1947, the states and Congress expanded the Commission's financing powers and service jurisdiction. A Compact change in 1951–52 extended the Commission's southern jurisdictional boundary to the Rancocas Creek in Burlington County, N.J. and the Bucks County-Philadelphia County line in Pennsylvania. This change also empowered the Commission to possibly acquire the Burlington-Bristol Bridge, which continues to be owned and operated by the Burlington County Bridge Commission. Another supplemental agreement the states approved in 1953 failed to gain full congressional approval in 1964.

The most significant and far-ranging of Compact revisions, however, had its 30th anniversary in 2017. On April 2, 1987, Congress culminated a more-than-decade-long Compact-revision effort aimed at putting the agency on firmer financial and operational foundations. The process involved multiple gubernatorial administrations, scores of legislators, dozens of Commissioners, and numerous agency executives, lawyers, and consultants. After false starts, interruptions, twists and turns, and unanticipated complexities, the long effort yielded an enduring trilateral, multi-cameral and bipartisan enactment.

For whatever reasons, this Compact-changing endeavor was largely overlooked or, in some instances, wrongly characterized by news media outlets at that time. Likewise, the Commission's own annual reports from that era were ostensibly silent on the matter. To make up for that deficiency, a lengthy account was compiled for this annual report to chronicle the development and affirmation of the Compact changes completed three decades ago. The following article is based on meeting minutes, billing records, state and federal documents, online newspaper clipping services, and interviews with the handful of individuals involved in the process – or who knew of it -- at the time. It is as accurate as feasibly possible given time limitations and the unavailability of some principal parties.



◀ *Bushkill Street Bridge before opening in January 1938*

## Initial Query and Apprehension

The Commission's last fully executed Compact change – completed with congressional approval in 1952 -- was approaching its 23rd anniversary in the spring of 1975 when some New Jersey legislators queried Commission executives about the possibility of making the agency a fully self-sufficient operation. At the time, the Commission owned, operated and maintained six toll bridges. But the agency had an additional responsibility: it operated and maintained 13 other “free” bridges – or, more accurately, tax-supported bridges -- jointly owned by New Jersey and Pennsylvania.

For decades, the two states provided the Commission with annual tax subsidies to operate and maintain the 13 free river crossings. This arrangement was initiated for the Commission's predecessor agency – the so-called Joint Commission for Elimination of Toll Bridges – in the aftermath of the states' 1918 acquisition of the Lower Trenton Bridge, a private toll crossing then controlled by the Pennsylvania Railroad Co. The tax-subsidy arrangement continued as the Joint Commission assisted the two states in acquiring and freeing 15 additional formerly private toll bridges between 1919 and 1932. The practice continued yet again after the Delaware River Joint Toll Bridge Commission (DRJTBC) was established to replace the Joint Commission in 1934.

By the mid-1970s, the states were annually providing about \$450,000 each to the Bridge Commission for purposes of running the free bridges the two states owned along the river. It was around this time that New Jersey lawmakers asked the Commission if it would consider using a share of its

toll bridge revenues to relieve the states of the annual – and rising -- costs for keeping the aging free bridges in service. Such a change would provide a measure of budget relief to the two states at a time when the national economy was saddled with “stagflation,” a crushing double-whammy of high inflation and high unemployment. There was one significant roadblock: the Commission's Compact prohibited toll revenues from being used to operate the free bridges.



◀ Commission logo in 1970s

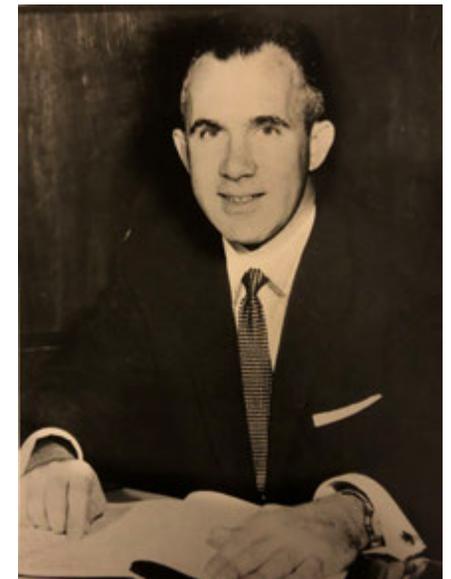
While Commissioners and agency staff had discussed the possibility of changing the Compact on several occasions in the early 1970s, there was deep apprehension about the prospects for success. An attempt at securing congressional ratification of a supplemental agreement the two states approved in the early 1950s to give the Commission port terminal development powers was scuttled in 1964 after much time and effort. Even with bi-partisan sponsorship and unanimous passage in the House of Representatives, the port-powers measure was put on hold after failing to be reported out of Senate committee. The Commission's report for the years 1959 to 1965 provided the following statement on the experience:

*As a result, the Commission has taken the official position that it will not, of its own accord, press for the creation of a bi-state port, unless and until legislation mandates the Commission to perform.*

## First Pitch

The New Jersey lawmakers' entreaty for Compact changes came to the attention of the Commission's governing board – a panel of 10 Commissioners, five from each state – at a meeting on April 25, 1975. Executive Director William R. Johnson reported on his discussions with New Jersey leaders about the 13 free bridges still jointly owned by Pennsylvania and New Jersey. Johnson said the legislators were interested in exploring the “possibilities and practicalities” of the Commission using a portion of its toll bridge receipts to also run the aging free bridges.

(Note: Four of the 16 former private toll bridges acquired during the Joint Commission era were either destroyed by floods or scuttled in the 1950s and early 1960s. A new non-toll crossing – the Scudder Falls Bridge linking Bucks County, PA and



▲ DRJTBC Executive Director William R. Johnson

Mercer County, NJ – opened in 1961. While this bridge linked I-95 between the two states, it was not constructed with U.S. Interstate Highway System funds. Rather, its construction was financed with 50 percent old U.S. Highway funds and 25-percent kick-ins from the two states. The combination of bridge eliminations with the addition of one new crossing resulted in a net of 13 free bridges owned by the two states and “controlled” on their behalf by the Commission, which operated six toll bridges by 1975.)

Johnson, who lived in Yardley, PA., knew that Pennsylvania’s governor, state legislators and transportation officials would welcome an end to the tax-supported bridges arrangement as much as their New Jersey counterparts. Citing the daunting challenge of changing the Commission’s Compact, Johnson told commissioners that he discussed the issue with PennDOT administrators and NJ Transportation Commissioner Alan Sagner, and had obtained opinions from the Commission’s legal counsels. Johnson made his pitch:

*It’s been a subject of interest to the Commission for a long period of time, and I would like to see the Commission move in that direction – explore ways and means of determining whether this Commission, as matter of policy, is interested in changing its Compact Legislation, which would permit it to do things that it is not now permitted to do. ...I have optimistically concluded that the Departments of Transportation would support this because it would relieve the two states of the obligation of financing the operation of the tax-supported bridges, which you cannot now do from toll revenues.*

▼ NJ Governor Brendan T. Byrne



PA Governor Milton J. Shapp ►

► Rendering of proposed Burlington-Bristol (I-895) Bridge, later de-assigned

## Charting a Course

Relieving the two states of the ownership and, most importantly, the operating costs and future maintenance liabilities of the aging free bridges was the primary underpinning of what became a protracted effort to rewrite the Compact. While it appears the governors in the two states at that time – Brendan Byrne in New Jersey and Milton Shapp, both of whom were Democrats – were both supportive of the concept of converting the tax-subsidized bridges into toll-subsidized bridges, a hornets’ nest of other challenges stood in the way:

- Like the Compact, the Commission’s Trust Indenture prohibited the Commission from using toll revenues to fund the operation and maintenance of the states-owned tax-supported bridges.
- A Memorandum of Understanding (MOU) the Commission entered into with the state transportation departments and U.S. highway authorities in 1968 set a December 31, 1990 deadline for ceasing toll collections at the Delaware Water Gap (I-80) Toll Bridge; neither New Jersey nor Pennsylvania wanted to shoulder the costs of operating that busy crossing.
- The construction bonds were set expire in the coming decades at other Commission toll bridges, a development that could force them to be operated by the two states. As at I-80, the states had no desire to assume the cost burden of operating and maintaining these additional facilities.



- The MOU required the Commission to prioritize construction of a new toll-free bridge across the Delaware River near Burlington, NJ and Bristol, PA. This bridge was conceived as a proposed I-895 link between I-95 in Pennsylvania and I-295 in New Jersey. Pennsylvania lawmakers killed the contentious project by withholding matching funds for the connector highway's construction.
- The MOU further called for a river bridge to carry a proposed I-78 highway route near Easton, PA and Phillipsburg, NJ. The MOU, however, prioritized the I-895 bridge over the one proposed for I-78. Legal challenges to the proposed I-78 route in Pennsylvania also needed to be resolved.
- The Commission worked to construct a controversial four-lane Calhoun Street Toll Bridge to replace the aging non-toll, wrought-iron Calhoun Street Bridge between Trenton, NJ and Morrisville, PA. The plan called for a modern highway to be constructed across the river, allowing the old bridge's conversion into a pedestrian-only crossing. Trenton leaders pushed the Commission to pursue the project, but Morrisville's residents and business owners opposed it.

## Hiring a Lawyer for the Job

In seeking the Commission's support for making changes in the agency's Compact, Johnson said a lawyer with requisite skill and experience would be needed to take on such an undertaking. Commissioner Milton Woolfenden, Jr., a former Republican state senator from Sussex County, NJ knew just the man for the job. He recommended that the Commission hire a former Bridge Commission member, David J. Goldberg, to serve as special counsel for purposes of changing the Commission's Compact. Goldberg served on the Commission from 1960 to 1972 and he became New Jersey's first state transportation commissioner during a portion of that tenure. Goldberg became a partner in a Trenton-area law firm – Warren, Goldberg & Berman – after leaving his NJDOT post. Woolfenden, who served on the Bridge Commission with Goldberg, explained that Goldberg had “a great deal of expertise in this Compact Legislation.” New Jersey Commissioner Gerald R. Stockman, a lawyer who would later go on to serve in the New Jersey Senate as well, endorsed Woolfenden's suggestion: “I can't think of



▲ Milton Woolfenden with Richard Nixon

anyone probably better equipped to help us than Mr. Goldberg.”

At the next meeting on May 29, 1975, the Commission passed three resolutions. The first established a policy for pursuing Compact legislation with the two states. The second appointed Goldberg, who was in attendance, as special counsel for Compact legislation at a cost of \$75 per hour with reimbursement for out-of-pocket expenses. The third authorized the agency's Pennsylvania counsel, Robert W. Valimont of Doylestown, to assist in the endeavor. Commission Chairman Robert F. Bulger, of Levittown, PA, then formed an “ad hoc” committee to oversee and guide Compact legislation activity.

If anyone thought the flurry of Commission actions in the spring of 1975 presaged a quick, successful outcome, Goldberg injected a dollop of reality during public questioning by the Commissioners:

*Assuming you can get a consensus between the two states – New Jersey and Pennsylvania – on what would be an appropriate change, if any, to the Compact, you're confronted with a further necessity of going to Washington and obtaining Congressional consent.*

*...the consent of Congress is not as easy to come by and certainly can't be presumed – even if there is a two-state agreement on the books on the subject. Any effort to change the Compact is going to be, I think, a rather involved and somewhat difficult task – even assuming that you can ultimately get an agreement as to what you would like to do in the area.*

Goldberg spoke from experience with respect to congressional consent. He had testified before Congress on behalf of former Governor Richard J. Hughes in seeking approval of the port-powers Compact change that met with Senate defeat in 1964.

## A Silent Compact

The need for Congressional assent is a unique – although not entirely extraordinary – aspect of the Commission's Compact. In legal circles, the Commission has a “silent compact” because it does not contain “concurred in” language authorizing the respective states to make changes on their own.

A 2005 article in the Yale Law & Policy Review – “Bridge Over Troubled Waters: The Application of State Law to Compact Clause Entities,” by legal expert and writer Matthew S. Tripolitsiotis -- explains the dynamic of silent compacts:

*When a compact makes no provision for modification by joint action of the states nor contains a mechanism by which states can apply their laws to the internal operation of a compact entity, the courts' hands are significantly tied. Considering the problems that states have modifying compacts with "concurred in" language, it is no surprise that the problems greatly increase when the organic compact is silent on the issue of amendment.*

In an interview for this article, Mr. Tripolitsiotis said there is a dearth of available research and commentary on federal compacts. He said it is not fully understood why states fashion some compacts with concurred-in language or choice-of-law clauses while others are established as silent compacts. Tripolitsiotis, now a partner in the New York law firm Boies Schiller Flexner LLP, postulated that some silent compacts may have been established without consideration of how changes could later be made, or there was consideration of matters like concurred-in language and choice-of-law clauses but consensus could not be reached by the respective states.

Recognizing the three-legged stool (the two states and Congress) needed to effectuate change in the Commission's Compact, Goldberg urged Commissioners to limit the scope of issues they might want state and federal policy makers to consider:

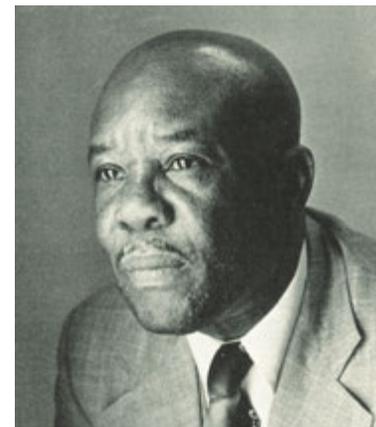
*My personal inclination would suggest that whatever you want to do with regard to Compact changes that they be held to a rather limited type of change, because the more extensive you get, the more difficult, I think, the changes are likely to be, the more difficult it would be to get agreement among everybody within the Commission, or beyond the Commission, and the two states, and ultimately in the Congress. And I think it makes a great deal of sense to zero in on the Free Bridges because that's obviously a financial burden to the States. I think most people have difficulty even comprehending how some of these bridges are supported from the tolls and others which are supported by appropriations by the state, including the state legislators; and in addition, this is an economic time where I think there is a lot of receptivity to the notion of the Commission taking some of the burden off of the states – the financial burden off of the states with regard to these facilities, and the figures that the Commission has in terms of what will happen to the states if you don't continue in your toll capacity is also, I think, a compounding argument because if this commission were to cease all toll operations, a greatly enhanced financial burden would fall on the states.*

The Compact amendment process began immediately at that meeting as discussions turned to the proposed I-895 bridge, the proposed I-78 bridge,

and the 1968 MOU. The Commissioners also separately discussed the Calhoun Street Bridge replacement planning and the U.S. Route 202 approach highway construction leading to the New Hope-Lambertville Toll Bridge, which opened to traffic in 1971. (That bridge's construction also was an element of the 1968 MOU.)

## Unanticipated Delays

Subsequent Commission meeting minutes show that Goldberg and Valimont went about the work of constructing a check list for Compact legislation tasks, drafting possible supplemental agreement measures for the two states to consider, and consulting with officials in the two states. But that is about as far as work progressed. The early momentum ground to a standstill in a matter of months. Over time, events inside and outside the Commission stymied progress:



▲ **DRJTBC Executive Director James E. Mitchell**

- In March 1976, Executive Director Johnson abruptly and unceremoniously retired. The resignation triggered a two-year tussle between the states over the selection of a successor. The Commission's long-time comptroller, Warren E. Long, subsequently served as acting executive director in the interim.
- A new management team was brought on at the Commission in 1978. Out of necessity, this further relegated Compact legislation to back-burner status. The new team consisted of Executive Director James E. Mitchell, a former Trenton councilman; Deputy Executive Director Joseph F. Catania, a former Morrisville, PA mayor serving his second term as a Bucks County Commissioner; Chief Engineer Paul C. Peterson, who previously served as district bridge engineer for PennDOT's five-county southeastern region; and Comptroller Thomas E. Henry, who had previously served several years as the Commission's deputy comptroller.
- For a time, New Jersey Governor Brendan Byrne's administration considered the creation of a new super agency that would consolidate the various bistate agencies along the Delaware River.
-

- Goldberg was appointed by Governor Byrne to serve on the Delaware River Port Authority (DRPA) in late 1975. After becoming the Authority's chairman in 1977, Goldberg voluntarily resigned from his Special Counsel post with the DRJTBC citing a possible conflict of interest with the DRPA.
- Valimont, who worked on assuaging Pennsylvania lawmakers who objected to the old proposed port terminal Compact change, was replaced by another law firm when his term as Pennsylvania counsel expired.
- The I-895 bridge project was further stymied in March 1977 when the Commission adopted a resolution – at Pennsylvania's request – that amended the 1968 MOU to provide for cancellation of the I-895 bridge due to Pennsylvania's inability to provide financing in the event tolls were to be discontinued at the Delaware Water Gap (I-80) Toll Bridge in 1990. The Commission later proposed to assume the states' funding obligation for the I-895 bridge by floating a bond to raise the 10-percent match needed for the federal government's 90-percent share of construction funds. This would have made the new bridge a tolled crossing.

fiscal year, the item made the case for changing the Compact while never actually invoking that specific word:

*The so-called free bridges are the most critical problem confronting both states and the Commission. Only one of the 11 vehicular bridges is modern. Four were built in 1904 and two others were constructed before the turn of the century. For the most part they are very narrow and of a type that if one member failed, either because of deterioration or vehicle impact, an entire span would collapse. Operating weight limits have been reduced on most of these bridges because of the deterioration of structural components that even the most thorough maintenance cannot prevent. Prudent operation, good maintenance and police protection has postponed the day of reckoning. However, inevitable deterioration mandates that a program be soon undertaken to either extensively rehabilitate, or in most cases, replace these bridges at a cost of about five million dollars each.*

The commentary is indicative of discussions that apparently were taking place behind the scenes to resuscitate the moribund Compact-change efforts. These sentiments sprung into open debate at the Commission's April 1980 meeting. While reviewing the 1979 inspection report of the tax-supported free bridges, Commissioners were reminded how these aging structures needed replacement or rehabilitation. Harold A. Humbert, PennDOT's District 6 deputy district engineer who represented Pennsylvania Transportation Secretary George Pulakos at Commission meetings, read portions of a cover letter that Chief Engineer Peterson submitted to Executive Director Mitchell for inclusion in the report:



▲ Pennsylvania DRJTBC Deputy Commissioner Harold A. Humbert

### A Nagging Issue

While the Commission's new cadre of top executives had some pressing priorities and projects to confront, it didn't take them long to recognize that the 1968 MOU and the Compact were hampering the Commission's ability to fulfill its service-delivery mission. This is evidenced by the Commission's 1978 annual report, produced and released in summer 1979. The yearly account of Commission revenues, funds, traffic and activities included an unprecedented editorial-like plea for action in an essay headlined "A Time for Decision Making." Noting the \$1.5 million in tax subsidies the states were obliged to provide the Commission to operate the free bridges in the coming 1979



▲ The Commission's 1978 Annual Report contained a rare piece of commentary.

*...these antiquated structures are becoming exceedingly more difficult to maintain and operate in a safe manner. Police protection represents sixty percent of the free bridge budget but does not correct the problem. In any event, the public is entitled to more than the maintenance of horse and buggy conditions. Most of these facilities should be drastically improved or replaced.*

*The 1968 Memorandum of Understanding must soon be changed to allow the Commission to properly fulfill its legal, moral and professional*

responsibilities. Even though this fact is well known to you, as Chief Engineer, I feel compelled to reiterate this truth with the hope that the Commission's efforts in this regard will be successful.

Humbert then proceeded to embellish the point with some commentary of his own:

*And, of course, that means that neither state is in a financial position to maintain these bridges the way they should be maintained and the Commission will have to do something in the very near future to offset these financial stresses.*

### Compact Comes Back into Focus

Neither Peterson's letter nor the April meeting discussion mentioned the Compact, but it was clear that the outdated document would have to be changed in unison with a new agreement between the Commission and the two state DOTs articulating how the envisioned I-78 Toll Bridge would be financed, constructed and operated. Other developments also put the Compact-updating issue back on the front burner:

- A new governor, Richard Thornburgh, took office in Pennsylvania in 1979. A Republican who gained notoriety for prosecuting organized crime figures and enforcing environmental protection laws, Thornburgh promptly sought ways to help balance the state's budget. Accordingly, the annual state subsidies to operate the free bridges in the DRJTBC system came under renewed scrutiny in Pennsylvania.



▲ **Pennsylvania Governor Dick Thornburgh**



▲ **Rendering of proposed Calhoun Street Toll Bridge that was never built.**

- The U.S. Coast Guard in 1980 rejected the Commission's request for a permit to carry out its quixotic Calhoun Street Toll Bridge construction project. (The Commission subsequently revived the project after Congress reduced the Coast Guard's jurisdiction along the river's non-navigable waters in 1982. And while the Army Corps of Engineers later endorsed the project, the Commission's Pennsylvania members killed the project by withdrawing their support – ostensibly at the urging of Governor Thornburgh – a week or so before a groundbreaking ceremony in March 1983.)
- At the request of both Pennsylvania and New Jersey, the Commission approved a resolution in July 1980 that withdrew plans to build the controversial and unpopular I-895 link between I-95 in Bucks County, PA., and I-295 in Burlington County, NJ.

### Goldberg Hired a Second Time

In October 1980, the Commission seized the opportunity to rehire David Goldberg as special counsel for purposes of revising the agency's Compact. Goldberg's term on the DRPA expired at the end of 1979, making him available once again to work on the Commission's behalf. Goldberg's hourly billing rate was increased by \$10 -- to \$85 -- in the process. Within weeks, Goldberg held two discussion meetings at the Commission's office in Morrisville, PA, and a third meeting with NJDOT officials in Trenton, N.J. Perhaps recognizing the heightened urgency for putting the Commission on a sounder statutory and financial trajectory, Goldberg worked with the Commission's two general legal counsels – John S. Renninger of Doylestown, PA and Michael J. Perrucci of Phillipsburg, NJ – in refashioning a proposed Supplemental Agreement to the Compact that both New Jersey and Pennsylvania might agree upon. Over time, Goldberg's work extended beyond legalities to include the securing of support among elected officials in New Jersey and Washington, D.C. Meanwhile, Catania -- the Commission's second highest ranking administrator – used his many Pennsylvania political connections to help line up support in that state.

The drive to update the Compact gained further traction in late 1981, when New Jersey voters elected a new governor, Republican

▼ **New Jersey Governor Tom Kean**



Thomas H. Kean. While the new administration had other priorities during its first term, discussions over the Supplemental Agreement clearly became a key consideration for Kean’s transportation policymakers by 1984. That’s when the state’s legislators re-engaged the issue as well.

In Pennsylvania, a pivotal breakthrough in deliberations occurred in 1982. According to a report for Commissioners – Summary Statement; Revision of 1968 Memorandum of Understanding, apparently compiled by Goldberg – PennDOT set forth revised positions on a Supplemental Agreement. In letters dated September 24, 1982, and October 7, 1982, PennDOT embraced the following provisions:

- I-78 must be constructed as a toll facility.
- The Commission should take “full financial responsibility for providing safe, adequate bridges across the Delaware River between the City of Philadelphia and the New York State line.”
- Tolls should be extended on I-80 after 1990.

New Jersey Commissioner of Transportation John P. Sheridan subsequently modified the PennDOT positions. Further discussions ensued, with all parties giving and taking toward the ultimate goal of hammering out a final statutory blueprint that would guide Commission finances, operations and responsibilities for the coming decades.

## ***A Prescription for the Future***

In 1984, the two states and the Commission reached consensus on final language for a Supplemental Agreement to the Compact. The Commission has since referred to the proposal as the “1984 Agreement,” but the Compact itself refers to the document as the “1985 Supplement.” Consisting of eight provisions hammered out by Goldberg in consultation with the two states, the major elements were as follows:

**Tolling Approved for I-78 Bridge** – The Commission’s Compact heretofore prohibited anyone from constructing a new bridge within 10 miles of the Easton-Phillipsburg (Route 22) Toll Bridge. This provision was superseded with language permitting Pennsylvania and New Jersey to construct a bridge across the river for the proposed I-78 route. The Supplemental Agreement assigned the new bridge to the Commission’s control, further authorizing

the Commission to operate it as a tolled crossing. The Commission also was obligated to reimburse the states for their 10 percent funding obligations for constructing the bridge under the federal interstate highway program.

**Status of Existing Toll Bridges Reconfirmed** – The Commission’s ability to continue collecting tolls at its existing network of toll bridges was confirmed. The Delaware Water Gap (I-80) Toll Bridge was specifically identified within this provision. This ensured that the states would not be saddled with the costs of operating and maintaining the I-80 bridge or any other Commission toll crossing.

**System-wide Financing** – The Commission could collect toll revenues – even in the absence of outstanding indebtedness – and use the receipts for the “management, operation, maintenance, betterment, reconstruction or replacement” of all the bridges within the agency’s “jurisdiction and control.” This meant that – in addition to the bridges where toll collections occurred – the Commission could use a share of the receipts to run the 13 “free bridges” previously jointly owned by the two states. These bridges included the 12 river crossings acquired from individual private bridge companies between 1918 and 1932 and a 13th crossing -- the Scudder Falls (I-95) Bridge – that the two states constructed in 1959 using a mix of federal and state funds. The agreement further stipulated that the Commission could issue bonds backed by system-wide financing to conduct capital projects and purchases within its jurisdiction. Betterment was defined to include but not be limited to “parking areas for public transportation purposes and all facilities appurtenant to approved projects.’

**Prohibits Tolling of Former Private Toll Bridges** – Language specifically bars the Commission from charging tolls on any of the crossings the states had acquired through work of the former Joint Commission for Elimination of Toll Bridges between 1918 and 1932. This provision does not extend to future replacement bridges that might one day become necessary.

**Scudder Falls Bridge** – Because the tolling prohibition can only be applied to Joint Commission-era bridges, the Supplemental Agreement allows the Scudder Falls Bridge to become a tolled crossing. The reasons for this are unclear, however, it must be noted that the Compact changes followed the June 1983 collapse of the Mianus River Bridge in Connecticut. The Scudder Falls and Mianus bridges were similarly designed. A former transportation commissioner like Goldberg would have known that the Scudder Falls Bridge, which was encountering higher traffic volumes, would need to be replaced at some future date and that tolling would be necessary to finance a project of such scale.

**Elimination/Expiration of Tolls** – Any ambiguity about rescinding/eliminating the Commission’s tolling powers was addressed by a newly prescribed two-step process. First, the Commission would need to be free of “all outstanding indebtedness.” Second, both New Jersey and Pennsylvania would need to enact “substantially similar acts” to eliminate tolls on “all bridges within the Commission’s jurisdiction and control” with the states assuming the financial responsibility of “all costs and charges in connection with the construction, management, operation, maintenance and betterment” of the Commission’s bridges. State action, however, is not required; the states would still have the option of allowing the Commission to continue charging tolls at its respective bridges even if the agency were to be debt-free.

**Port Powers** – The Supplemental Agreement signed by the states’ two governors prominently contained the following language atop the listed provision: “As heretofore amended and supplemented, by extending the powers of the Commission to include certain port and terminal facilities.” As prominent as this language is, it appears separate congressional consent may still be needed to fully grant the port power provisions the states initially approved in 1953 but were later spurned by the U.S. Senate in 1964. While the port and terminal facilities language remains inoperative, the reference could have been included as a potential economic development sweetener for reconsideration at a later date.

## State Enactments Begin

It’s unclear precisely when in 1984 the governors and legislative leaders in the two states informally agreed upon the Supplemental Agreement provisions. What is certain is the first legislative introduction occurred in New Jersey on July 30, 1984, when state Senator Wayne Dumont Jr. submitted a bill authorizing New Jersey’s support for the agreed-upon supplemental agreement. Dumont, a Warren County Republican serving his third decade in the New Jersey Senate, urged support for the measure because it would require the envisioned I-78 bridge to be



▲ *NJ State Senator Wayne Dumont sponsored the bill to rewrite the Bridge Commission’s Compact in 1984.*

operated as a tolled crossing. Dumont argued that his Warren County constituents had paid tolls at the Easton-Phillipsburg (Route 22) Toll Bridge for nearly 50 years and motorists using a new interstate highway to bypass those two cities should not be afforded a free crossing.

Dumont’s bill attracted strong support in the state Senate, reflecting the bipartisanship that was a State House hallmark during the Kean-administration era. Four senators joined with Dumont in sponsoring the bills: Walter Edge “Moose” Foran, a veteran Hunterdon County Republican stalwart; Gerald Stockman, a Mercer County Democrat and a former bridge commissioner; Christopher J. “Chris” Jackman, a Democrat labor advocate from gritty Hudson County; and Francis J. “Franny” McManimon, another Mercer County Democrat. Except for Jackman, all of the senate sponsors hailed from the Commission’s service jurisdiction. The bill initially was assigned to the Senate’s Government, Federal and Interstate Relations, and Veteran’s Affairs Committee. It later was reassigned to the Transportation and Communications Committee, which released it unchanged on Oct. 22. The full Senate passed the measure 35-0 on Nov. 29 and sent to the Assembly, where it was assigned to that body’s Transportation and Communications Committee. The chairman of that panel, Assemblyman Wayne R. Bryant (D-Camden) subsequently introduced a companion measure – A-3045 – on Dec. 17. Unsurprisingly, Bryant’s measure also was assigned to the Assembly Transportation and Communications Committee.

By this time, Pennsylvania lawmakers actually managed to forge ahead of New Jersey in enacting the prescribed Compact changes. The Pennsylvania approval process didn’t begin so much with the introduction of a bill as it did with the swift execution of an apparently bipartisan – and Thornburgh-endorsed – legislative maneuver in late 1984. The gambit involved a totally unrelated transportation bill that had passed the Senate the previous year. That bill – SB-1046 – was originally conceived to regulate when drivers had to turn on their motor-vehicle lights. It was introduced on October 5, 1983 by Senate Transportation Chairman Robert J. Kusse, a western Pennsylvania Republican and car dealership owner in the City of Warren, and Senator Edward W. Helfrick, a Northampton County Republican businessman and former stock car driver. The headlights measure moved through committee and the full Senate in less than three weeks. It was sent to the House and referred to that body’s Transportation Committee on Nov. 14. The bill languished and was still awaiting House action November 19 when it underwent a complete transformation. Through some quick parliamentary moves, Democratic Majority Floor Leader James J. Manderino, a veteran

western Pennsylvania legislator who later became House Speaker, recommitted the bill to the Appropriations Committee “for a fiscal note.” The committee then performed a “gut and replace” on the bill, removing the language pertaining to motor vehicle lights and supplanting it with the agreed-upon Supplemental Agreement language to the Commission’s Compact. The panel released the newly amended bill the same day, setting it up for a full House vote two days later. The vote was preceded by a brief but spirited debate between two Bridge Commission-jurisdiction legislators – Rep. Robert Freeman, an Easton Democrat, and Rep. Joseph W. Battisto, Sr., a Pocono Mountains-area Democrat. Freeman, an opponent of the so-called I-78 southern route, argued that the future highway’s Delaware River bridge should be a toll-free crossing so that it could provide traffic relief in Easton. Battisto countered in support of the bill, arguing that the I-78 bridge would primarily serve through traffic while providing budget relief for the state. Battisto called it a tradeoff:

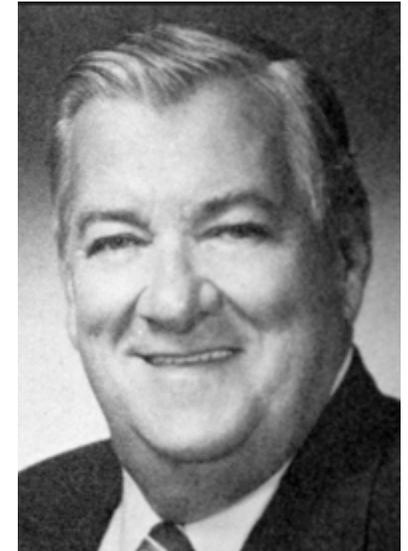
*For example as a trade for constructing this bridge as a toll bridge, all of the 13 free bridges which are now maintained jointly by the states of New Jersey and Pennsylvania – that is, the maintenance that comes out of state of Pennsylvania’s and New Jersey’s budgets – will be taken over by the commission. So for the first time since 1912, the 20 bridges will be fully maintained by the commission. There will be no state moneys used whatsoever.*

*If I were to look at this in a very parochial manner, I would vote against this because this also provides for a continuation of tolls on the I-80 bridge in my district, and it is the biggest moneymaker of all the bridge. However, in exchange for that, as I reiterate, all those 13 free bridges will now be maintained by the Commission.*

After the brief exchange, the House approved the amended measure 178-12 and sent it back to the Senate for concurrence. The upper house voted Nov. 29 after another brief debate. Sen. Edward Howard, a veteran Bucks County Republican, rose to express his opposition. A staunch critic of the Commission’s ill-fated Calhoun Street Toll Bridge project, Howard said he supported the concept of user-pay but objected to giving the Commission expanded responsibilities. Once again, a Pocono Mountains region legislator – Republican Senator Frank J. O’Connell, Jr., a Luzerne County restaurateur – made the case for passage. O’Connell, serving his fourth and final term, said the measure would provide relief to PennDOT by allowing the Commission to use toll revenues to run the free bridges then in operation along the river. The Senate concurrence vote was relatively



▲ *PA State Rep. Joseph Battisto urged passage of the proposed Supplemental Agreement to update the Commission’s Compact; he later became a state senator.*



▲ *Senator Frank O’Connell urged passage of the Commission’s Compact changes in the upper house of Pennsylvania’s General Assembly.*



▲ *Governor Thornburgh signs Commission Compact legislation. Seated L-R: Commissioner Clara A. Fowler, NJ; Thornburgh; Commission Chairman Edward A. Katz, PA. Standing L-R: Commission Vice Chairman Nicholas A. Masi, NJ; Chief Engineer Paul Peterson, P.E.; Deputy Commissioner Harold Humbert, P.E.; PA Rep. Joseph Battisto; Commissioner Ellsworth E. Muchler, PA; PA Senator Ed Helfrick; DRJTBC Comptroller Thomas E. Henry*

closer, 35-13. Senator Kusse, whose motor-vehicle headlights bill was gutted to provide for passage of Commission's Supplemental Agreement, was among the opponents. His fellow bill sponsor, Senator Helfrick, nonetheless remained in support of the amended bill.

Governor Thornburg signed the measure into law in a small ceremony at his Harrisburg offices on December 18, 1984. (Ironically, the signing occurred 50 years to the day that the initial legislation creating the Bridge Commission was signed into law in New Jersey in 1934.) The new law had three major components: it approved the Supplemental Agreement to the Commission's Compact, it allowed Pennsylvania to work with New Jersey in constructing the future I-78 bridge, and it authorized Thornburgh to sign the formal Supplemental Agreement that would later to be forwarded to Congress after approval in New Jersey.

It was now up to the New Jersey Legislature to re-engage the issue. This occurred in 1985 after Roger Bodman became Kean's second commissioner of transportation and James Weinstein, a former chief of staff at NJDOT, became the head of Kean's authorities unit. Weinstein, a former news reporter at the Newark Evening News and the Philadelphia Bulletin, recalled a lunch meeting he attended at the Commission's Morrisville offices where Goldberg and Catania outlined the Compact changes that were already advancing through the two state legislatures. "We were looking at all the interstate compacts at the time in an effort to identify potential economic development opportunities," said Weinstein. "The Commission was sort of in the right place at the right time. They (Goldberg and Catania) laid things out and explained why the changes were needed. What they presented just made a lot of sense."

### ***A Curious Corresponding Bill***

On May 6, 1985, the New Jersey Assembly's Transportation and Communications Committee released the Commission's Compact legislation. This put the measure in a position for a full lower house vote. But before that vote took place, a new issue arose. The state Office of Legislative Services – the non-partisan research arm of the Legislature

– issued a legal opinion that said the agreed-upon Compact changes could allow the Commission to immediately start toll collections on the Scudder Falls Bridge. It's clear from the Commission meeting minutes that the agency was not considering such a tolling scenario at that location. Moreover, given the logistics and jurisdictional limitations, it would have been next to impossible to construct and operate a conventional barrier toll plaza at, on, or near that narrow four-lane bridge. Despite these obvious challenges, the OLS ruling apparently gave lawmakers pause. Pennsylvania had already approved its part of the Supplemental Agreement and New Jersey's authorization had already moved unanimously through the Senate. So, what to do? The decision: pass a corresponding, separate piece of legislation that would not be part of the actual Supplemental Agreement but would effectively prevent the Scudder Falls Bridge – as it existed in 1984 and when the two states still owned it – from being outfitted with toll booths. To achieve this aim, the Supplemental Agreement authorization legislation was moved back to committee at the urging of Bryant, the Assembly sponsor, on June 17. Three days later, Assemblyman John S. Watson (D-Trenton) sponsored a bill – A-3730 – to block tolls at the existing Scudder Falls Bridge. Watson's bill passed the Assembly 72-0 on June 24 and was sent to the Senate.

Of course, to potentially have any effect, legislation similar to Watson's bill also would need to be enacted in Pennsylvania. That process began almost simultaneously. On June 24, Pennsylvania's Senate Transportation Committee performed another textbook "gut and replace" maneuver on a House bill – HB-334 – that would have required school buses to stop at railroad crossings. That bill, as originally drafted, passed through the House by a comfortable margin (191-7) in late March and sent to the Senate. The lead sponsor was Rep. James L. Wright, Jr., a Bucks County Republican who would serve 25 years in the state Legislature before dying in office in 1990. Wright's constituency included residents who regularly used the Commission bridges for work, shopping and pleasure. As had occurred with the Compact amendment legislation, the Pennsylvania Senate panel stripped the bill of its original title and provisions. Language similar to Watson's New Jersey bill was then pasted into the measure:



▲ *NJ Assemblyman John Watson*

*Notwithstanding any other law to the contrary, with regard to any existing bridge within the Delaware River Joint Toll Bridge Commission's jurisdiction and control on which tolls were not charged or collected in 1984 and which was financed in part with Federal funds, the commission may, in the same manner and to the same extent that it can do so for all toll bridges under its jurisdiction and control, fix, charge and collect fees, rentals, tolls or any other charges on such existing bridge only if authorized to do so by substantially similar laws enacted by the Commonwealth of Pennsylvania and the State of New Jersey.*

The amended measure was released the same day. The Pennsylvania Senate approved the bill 48-0 on June 26. The House concurred with the Senate actions 199-0 the next day. It was sent to Governor Thornburgh on June 28. He signed it into law July 3.

## **Completion of State Enactments**

Back in New Jersey, both the Supplemental Agreement to the Commission's Compact and Watson's Scudder Falls tolling clarification bill moved to the Governor's desk via a quick succession of legislative actions on Sept. 12, 1985. The flurry of activity adroitly linked Watson's bill with the Supplemental Agreement authorization legislative while ensuring that it would not be part of the Commission's Compact itself. First, the Assembly Transportation Commission amended the Dumont bill – S-2096 – to clarify that it would not be operative unless Watson's Scudder Falls bill also became law. On the Assembly floor that same day, Bryant was added to the sponsorship list of Dumont's Assembly bill after it was substituted for Bryant's Assembly companion measure. The bill received a 6-day waiver and an Assembly floor vote on an emergency basis, granted in a bipartisan 69-0 lower-chamber vote. Dumont's district colleague – Assemblyman Garabed "Chuck" Haytaian, a rising Republican leader who would later go on to become one of the strongest Assembly speakers in state history – then moved the bill for an

Assembly floor vote, passing 71-0. Dumont's bill immediately was sent back to the state Senate, which promptly concurred with the Assembly-amended version in a 36-0 vote the same day. The Senate also proceeded to approve Watson's Scudder Falls-related bill in a separate 34-1 vote. The lone no vote was cast by Lee Laskin, a Camden County Republican.

Governor Kean signed the two bills into law on October 21, 1985, roughly two weeks before that year's elections. Both he and the Democratic-controlled Legislature were up for reelection. Kean, one of the most popular governors in state history, not only won reelection in a walk that November, his coattails enabled fellow Republicans in the Assembly to take the majority with a 14-seat swing in that house. Democrats, however, managed to maintain their Senate majority despite Kean's landslide victory.

## **Final Gubernatorial Signatures**

Kean signed the formal, completed Supplemental Agreement and affixed the New Jersey State Seal on October 28, 1985. It was then transmitted to PA Governor Thornburgh for his final signature – an action he was authorized to take under the legislation enacted in his state a year earlier. Thornburgh affixed his final signature and the Pennsylvania state seal on March 19, 1986. The Compact amendment process now needed one further step to become law: Congressional consent.

As Goldberg noted over a decade earlier, ratification in Washington, D.C. could never be guaranteed. That said, the Compact changes had some inherent appeal in their favor. The provision for continuing the Commission's toll collections at the Delaware Water Gap (I-80) Bridge and a directive to make the I-78 bridge across the Delaware River a tolled crossing were in step with the "user pays" policy objectives of President Ronald Reagan. (Note: a presidential signature is unnecessary in compact ratifications; only Congressional approval is need.) The measure also had states-rights appeal, as both New Jersey and Pennsylvania were simpatico on the concept of allowing the Commission to use a portion of its toll revenues to operate and maintain the aging low-volume free bridges previously owned by the two states. Finally, there probably was growing recognition



▲ *The Scudder Falls Bridge under construction in 1959; its non-redundant design was similar to the Mianus River Bridge that collapsed in Connecticut in 1983.*

that the Scudder Falls Bridge would one day need to be replaced after more study was made of the 1983 fatal collapse of the similarly designed Mianus River Bridge in Connecticut.

### ***Teeing up Federal Consent***

As had been the case in the two states, congressional approval of the Compact changes involved bipartisan, bicameral and bistate coordination. This process also became complex and time consuming despite beginning slightly before Governor Thornburgh put his signature on the final Supplemental Agreement papers. On March 13, Rep. Peter H Kostmayer, a Democrat serving his fourth term in a previously rock-bed-Republican Bucks County, PA district, and Rep. Chris Smith, a Republican serving his third term in a previously Democratic Mercer County, NJ district, jointly introduced a bill – H.R.4408 – to provide congressional consent for the Supplemental Agreement enacted by New Jersey and Pennsylvania. The bill was referred to the House Public Works and Transportation Committee, which was chaired by Rep. James J. Howard, a veteran New Jersey Democrat who had years of experience working alongside David Goldberg on the proposed I-195 expressway between Trenton and the northern Jersey Shore.



▲ ***Representatives Peter Kostmayer of Bucks County, PA and Chris Smith of Mercer County, NJ teamed to introduce the Compact updating legislation in Congress in 1985.***

In June, the bill gained two more co-sponsors: Rep. William J. Hughes, a South Jersey Democrat, and Rep. Jim Courter, a North Jersey Republican and law partner of a former Bridge Commission member, Joel Kolbert, who served during the early stages of the Compact change effort between 1976 and 1979.

The bill, per se, did not become law. Instead, its provisions became a small part of a sweeping transportation funding bill that was making its way through Congress. On July 21, 1986, New Jersey’s two Democrat senators – Frank Lautenberg and Bill Bradley – and Pennsylvania’s two Republican senators – John Heinz and Arlen Specter – collectively sponsored an amendment to insert the Compact changes into the Senate version of the Federal-Aid Highway Act of 1986 (S.2405). While the decision to insert the Compact change into a broader highway funding bill might have been considered an expedient parliamentary move, the downside risk was that the non-contentious Compact changes were now linked with a highway spending bill that was becoming increasingly unwieldy and contentious.

A similar move occurred in the House a little less than a month later. On August 15, the Kostmayer/Smith bill provisions and a wide variety of other amendments were inserted into the House version of the transportation funding bill (H.R.3129). This broadened House bill passed through the lower chamber in a lopsided 345-34 vote the same day. The Senate took up the House bill on September 24, adding further amendments and passing it 99-0. The bill, however, died in Conference Committee as congressional leaders couldn’t agree on a final version due to disagreements over elements like a continuation of a national 55-mph speed limit and local demonstration projects that were popular with lawmakers but bitterly labeled as excessive “pork-barrel” spending by President Reagan and his administration.

### ***A Rare Override***

The failure to compromise on a reauthorization measure left the states with limited transportation and road repair funds. So, it was no surprise that a transportation funding bill became a primary focus of attention when the 100th Congress assumed power in 1987. Democrats were solidly in majority in both chambers, having wrested control of the Senate away from Republicans in the 1986 elections. Rep. Howard of New Jersey introduced his Surface Transportation and Uniform Relocation Assistance Act (HR-2) on January 6, 1987. The measure was virtually identical to the transportation

funding bill that died in conference the previous fall. This time the Supplemental Agreement provisions for the Commission's Compact were included in the transportation bill from the outset. As in the previous year, those provisions were considered non-controversial. Many other portions of the bill, however, remained contentious.

The House passed the massive bill 401-20 on January 21. The Senate passed the measure with an amendment 96-2 on February 4. Once again, the bill went to conference to work out the differences in the House and Senate versions. Once again, the two biggest points of contention were the speed limit and the local demonstration projects. This time, however, the two houses managed to work out their differences in the form of a conference report approved by the House 407-17 on March 18 and the Senate 79-17 the next day. The bill was sent to President Reagan March 24. He vetoed it three days later. In his veto message, Reagan called the bill "seriously flawed" on the grounds that states – not Congress – should determine local highway priorities and that the five-year reauthorization package exceeded his budget requests for highway and mass transit spending by more than \$10 billion.

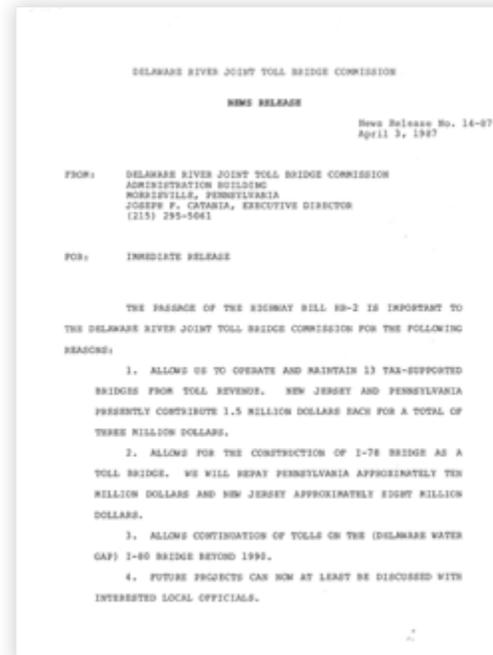
Recognizing the enormous difficulty they would have in preventing an override in the House, the Reagan administration made a concerted effort to pick off votes in the Senate. As expected the House voted overwhelming to override the veto 350-73 on March 31. The real battle promptly ensued in the Senate and, initially, it looked like the President might win. On April 1, the

Senate initially voted 66-34 (later officially tabulated as 65-35) to override the veto, a margin just vote shy of the 67 yes votes needed to override Reagan's veto. Among the 13 Republicans joining with Democrats to override the President was a relatively young Kentuckian, Mitch McConnell, who is now the longest serving Republican Senate leader in United States history. To prevent a defeat, Majority Leader Robert C. Byrd – a legendary West Virginia Democrat experienced in the finer points of parliamentary procedures – changed his "yes" vote to a "no" so he could motion for another vote on the bill. This artful maneuver provided override supporters additional time to persuade at least one opponent to change his/her vote. Under intense pressure, Senator Terry Sanford, a freshman South Carolina Democrat who initially supported the administration's position, changed his vote. His switch, along with Byrd's, resulted in the final 67-33 margin needed to override the President's veto on April 2. The transportation funding bill, along with its uncontested Bridge Commission provisions, became law. The 12-year effort to update the Commission's Compact was over.

The Commission reacted by crafting a short press statement in the event any reporter contacted the agency about the vote and the new law's provisions. It's unclear if the Commission ever received any inquiries.



▲ President Reagan with NJ Governor Kean aboard Air Force One.



▼ Copy of press release Commission drafted after passage of federal transportation funding law containing Commission's Compact changes.

## Epilogue

The Commission has fulfilled every aspect of the Compact changes that became law on April 2, 1987. With Goldberg's assistance, a new responsibilities agreement was forged with the two state transportation departments. The Commission assumed ownership of the states-owned free bridges effective July 1, 1987. The agency has since rehabilitated or improved these structures in separate projects over the past 16 years. These projects cost a total of \$90 million, a sum that could never had been provided by the two states under the former tax-supported funding mechanism. The Commission also reimbursed the states for constructing the I-78 Toll Bridge, which opened to traffic Nov. 21, 1989. It is now the most heavily used bridge – and the largest revenue producer – in the Commission's service network. Meanwhile, a modest series of changes were made to the Commission's toll schedules in 1988 to help cover the operating and maintenance costs of the former states-owned bridges. This system-wide financial structure, however, was fully refined in the early 2000s, when the Commission established its first uniform toll structure for all seven of its toll bridges. This system of identical rates for each toll bridge was used to finance the first comprehensive capital improvement program in the agency's history. Finally, the Commission is now in the midst of a massive 4-1/2-year project to replace the congestion-prone, functionally obsolete Scudder Falls Bridge. The new Scudder Falls Toll Bridge will consist of dual spans, the first of which is expected to open in mid-2019 with tolls being collected in the Pennsylvania-bound direction.

▼ *Rendering of the Scudder Falls Toll Bridge, the first span of which is expected to open sometime in 2019.*

▶ *PA Governor Bob Casey Sr. cuts ribbon at I-78 Toll Bridge.*

▼ *Joseph Catania served as the Commission's deputy executive director through much of the Compact updating process; he later became executive director.*



## David Goldberg – Attorney, Bridge Commissioner, Transportation Icon



David J. Goldberg served 12 years as a New Jersey representative on the Delaware River Joint Toll Bridge Commission. Initially appointed in 1960 by Governor Robert B. Meyner, a Phillipsburg native, Goldberg continued serving in various capacities on the Commission until 1972.

It was a time of unprecedented highway building in both states, fueled by post-World War II economic expansion, widespread distributions of federal Interstate Highway System funds, and the maturation of the “baby-boomer” generation as motor-crazed car owners.

During his tenure, Goldberg served periods as a chairman or vice-chairman. He testified before Congress in 1964 – as both a Commissioner and a member of New Jersey Governor Richard J. Hughes’s staff – on a change in the agency’s Compact that authorized the Commission to acquire and construct port and terminal facilities along the upper navigable portion of the Delaware River. He supported the construction of the New Hope-Lambertville (Route 202) Toll Bridge (completed in 1971) and helped facilitate feasibility studies for constructing replacement bridges at “outmoded tax-supported structures” then jointly owned by Pennsylvania and New Jersey.

A lawyer who practiced for 45 years, Goldberg had a soft spot for the Commission. The agency was his first governmental authority post and it had a strong historical connection with Trenton, N.J., where he worked in state government, and Mercer County where he resided and raised his family. (Three Commission bridges are located at New Jersey’s capital city.)



His March 1960 appointment to the Commission spurred a lifelong interest in transportation matters. Recognizing the need to broaden the mission of the New Jersey State Highway Department, Goldberg became New Jersey’s first commissioner of transportation in 1966. The cabinet-level department was reorganized under Goldberg to integrate the state’s highway program with other transportation functions like railroad, bus and air travel. He served in that post until 1970.

The Bridge Commission hired Goldberg on two occasions – first in 1975, second in 1980 -- to oversee a series of changes that needed to be made in the agency’s bi-state Compact. Goldberg was a partner in the Princeton-based law firm of Warren, Goldberg, Berman and Lubitz at the time. Peter A. Buchsbaum, a former colleague at the firm and later a New Jersey Superior Court judge, described the Compact work as an intimate endeavor for Goldberg.

“He was a brilliant lawyer,” said Buchsbaum. “I think he loved the public policy aspect of working with the Commission. I asked to help him out with that work once and he said he wanted to keep it for himself. It was personal for him and I think he really enjoyed that work.”

Goldberg went on to serve as chairman of the New Jersey Turnpike Authority from 1990 to 1994 and lectured on transportation and government at the University of Pennsylvania’s Wharton School and Princeton’s Woodrow Wilson School of Public and International Affairs.

Goldberg died of leukemia at his home in June 2001. The New Jersey Department of Transportation’s main office building was named in his honor in 2002.





# YEAR IN REVIEW



## Updated Website Goes Live

In late February, the Commission completed the transition to a new public website that provides more images, improved navigation and updated content.

The new site was designed with a WordPress content management system. The redesign was carried over the course of 2016 by Strokes Creative Group of Vincentown, N.J.

The new website includes the following improvements:

- Increased responsiveness, giving mobile users access similar to that of desktop users;
- An online truck permitting app that allows for digital generation of truck permits to truckers crossing the Commission's bridges with vehicles that exceed weight and dimensional limits;
- Enhanced navigation to make finding information faster;
- Use of infographics to quickly explain complex items;
- Other graphic materials and icons to aide visitor searches for information;
- Inclusion of an introductory video on the home page that explains the Commission's origins, service mission and operations; and
- Links to the agency's E-ZPass service provider, the Scudder Falls Bridge Replacement Project website, and the 511 travel alert systems in Pennsylvania and New Jersey.

The Commission's previous website won a series of industry awards in the years after it went live in 2007. That website was designed and managed by Liquid Interactive of Allentown, PA. The site's back end was a proprietary content management system developed by Liquid.



## ***Bond Renewal to Produce Estimated \$400,000 Savings***

With a mandatory tender coming due May 1 on Series 2007B bonds, the Commission issued a request for proposals (RFP) from banks prospectively interested in buying the variable-rate bonds under a direct purchase agreement.

The RFP garnered eight proposals and, after review, the proposal submitted by Wells Fargo was deemed to be in the Commission's best interest. (Wells Fargo had been the winning purchasers of the same bonds in a prior direct purchase agreement executed in 2014.)

A renewal agreement subsequently was negotiated with Wells Fargo under which the Commission will be able to reduce its interest rate by 13 basis points. In dollars and cents, this is projected to work out to a savings of more than \$400,000 for the Commission over the three-year term of the new agreement.

The arrangement adds to the Commission's record of success in securing savings from outstanding bond issuances in recent years that have boosted the agency's financial metrics and its bond ratings.

## ***New Walkway Gets Installed at Centre Bridge-Stockton***

The Centre Bridge-Stockton Toll-Supported Bridge's weathered wooden pedestrian walkway was replaced in the spring with composite decking – a material that is more resistant to corrosion, warping, and weathering.

The work was carried out by Commission maintenance workers in April and May. Roughly 1,600 feet of composite wood planks in two different colors were used. The Pennsylvania portion of the bridge's walkway has dark-brown boards, the New Jersey portion has light-brown boards, and the location where the two colors meet marks the state line.

It is the second bridge walkway in the Commission system to be outfitted completely with composite decking. The first bridge with such material is the Riegelsville Toll-Supported Bridge. All other bridge walkways are either dimension lumber, concrete, fiberglass panels or stainless steel.



## ***Operations Department Undergoes a Reorganization***

The backbone of the Commission service-delivery system is its Operations Department, which includes toll collections, maintenance, public safety/security, and information technology. The department constitutes 85 percent of the agency's full-time personnel.

For the first time in at least 50 years, the operations department underwent a structural overhaul under a resolution approved by Commissioners in October. The measure spelled out a series of job reclassifications, promotions and appointments to new positions.

Once fully implemented – a threshold anticipated to be achieved in the first half of 2018 – the reorganization will centralize personnel and chains of command according to functions and areas of professional responsibility instead of the decentralized structure of geographic districts that has been at the core of operational functions for decades. The changes particularly affected toll collections, which operates on a 24-7 basis, and maintenance, which is frequently called in on a moment's notice to address storms and other emergencies.

This is the largest – and the last – in a series of departmental restructurings that the Commission has implemented in recent years. Prior reorganizations have involved accounting, human resources, purchasing, administration and the corps of men and women who guard the Commission's most vulnerable vehicular bridges.



## Chief Engineer Receives Prestigious Industry Award

Chief Engineer Roy W. Little, P.E., was honored in October as one seven recipients of a coveted Eagle Award from the New Jersey Alliance for Action.

A non-profit, non-partisan coalition of more than 2,500 business, labor, professional, academic and government leaders, the Alliance is a leading proponent of capital construction projects and infrastructure investments in New Jersey. As a part of its mission, the Alliance annually hands out Eagle Awards to recognize individuals and professional firms engaged in efforts to improve the state's infrastructure and economy.

The organization bestowed its Dr. John L Buzzi Engineering Award to Little in recognition of his 40-year career in the fields of transportation, engineering and planning.

Little, who is licensed as a professional engineer and a professional planner, became the Commission's chief engineer in November 2013, after serving 14 months in an acting capacity at the helm of the agency's engineering department.

The chief engineer is the Commission's principal staff member on engineering matters and provides professional engineering oversight on a wide variety of structural and transportation matters, reporting directly to the agency's executive director. A primary responsibility is the continued

development and implementation of the Commission's current \$1.5 billion Capital Improvement Program and the execution of the marquee Scudder Falls Bridge Replacement Project.

Little began work in the Commission's engineering department as a senior program manager in September 2005. He previously worked as a vice president and regional office manager for an engineering consulting firm, and spent 15 years in a variety of engineering positions with the New Jersey Highway Authority, which has since been folded into the New Jersey Turnpike Authority.

As private-sector engineer, Little's clients included a variety of toll agencies; state departments of transportation in Connecticut, Delaware, New Jersey and Pennsylvania; New Jersey Transit; PATCO; AMTRAK; and the U.S. Navy.

Little holds a Bachelor of Science Degree in Civil Engineering from Rutgers University and has completed extensive post-graduate studies at the Rutgers' Graduate School of Management. He is a member of the Rutgers University School of Engineering Industry Advisory Board and the American Society of Highway Engineers. He also was an original member of the Rowan University School of Engineering's Industry Advisory Board.





## Design Completed for New Headquarters Building

The Bridge Commission is getting a new home.

A new office building is in the works to be constructed on a portion of a 10-acre parcel in close proximity to the Scudder Falls Bridge in Lower Makefield Township, PA. The Commission purchased the parcel from the municipality in 2016. The property includes the Scudder Falls Park-n-Ride lot, which will be resized and reconstructed as part of the office-building project. As per assurances previously given to Lower Makefield, no maintenance facilities or functions will be housed at the location.

The agency's Commissioners in February awarded a design contract to USA Architects, Planners & Interior Designers of Easton, PA to design the multi-faceted project. The undertaking is completely separate and apart from the Scudder Falls Bridge Replacement Project now under construction.

The design process reached completion in fall 2017, yielding the following project elements:

- **Administration building** – A two-story, 35,000-square-foot office building will be built on an approximately three-acre buildable section of the 10-acre parcel. The facility is expected to include energy-efficient elements such as natural daylighting, rooftop solar panels, sustainable materials and systems and other life-cycle, cost-saving features. The design team included building elements such as a glass curtainwalls and building structure to allude to a truss-like bridge structure. Parking for the building will consist of around 120 spaces, all separate from the park-and-ride lot that will be reconstructed. Tie-ins to utilities (electric, gas, water, sewer) for the building will be from service lines along Taylorsville and Woodside roads. The facility will include fuel pumps for

Commission administrative vehicles and a loading/service entrance. Driveway access to the building site will be from Woodside Road. Site-wide landscaping, including tree plantings, will be conducted in the aftermath of construction.

- **Park-and-ride lot** – The existing lot has 170 vehicle spaces but average daily use is 40 to 45 spaces. The lot is severely deteriorated and needs reconstruction. The redesigned/right-sized lot will consist of slightly more than 100 spaces with designated space for bus pickups. The new lot will remain separated from the Commission's administration facility. Upon completion, the lot will be open to commuter and recreational use.
- **1799 House** – This former residence at 1167 Woodside Road was purchased from private owners in September 2016. According to property records, the stone structure at this location dates to 1799. The plan is to save the restorable portions of the building and readapt it for public use. The structure is in close proximity to the Delaware Canal's recreational towpath, which will eventually link to the ramp leading to the bike-ped facility that will be constructed on the upstream span of the Scudder Falls Replacement Bridge.
- **Connector path** – A connector path will be installed to link the park-and-ride lot with the 1799 House. As currently planned, the Commission will be responsible for all maintenance and operation of the park-n-ride, the 1799 House, and the connector path in perpetuity.

The multi-faceted project is scheduled to be put out to bid in early January 2018.

When completed, the new office building at Scudder Falls will enable the Commission to consolidate its executive and administrative staff at a single location. The agency could then repurpose its outdated and dysfunctional four-story administration building in Morrisville, PA. That structure has reached the end of its useful life. Its roof leaks and its heating and air conditioning systems are inefficient and prone to service disruptions. Working quarter are cramped with poor light and substandard ventilation.



## Traffic Counts

Annual Average Daily Traffic*					
Toll Bridges	2013	2014	2015	2016	2017
Trenton-Morrisville Route 1	55,400	55,300	56,200	58,600	61,600
New Hope-Lambertville Route 202	10,600	12,000	12,100	12,200	12,700
Interstate 78	62,300	64,400	66,300	68,100	67,600
Easton-Phillipsburg Route 22	33,600	30,600	33,300	34,400	35,700
Portland-Columbia	6,900	7,100	7,700	8,000	7,700
Delaware Water Gap Interstate 80	50,500	50,300	52,100	53,500	52,300
Milford-Montague	6,200	6,200	6,600	6,700	7,400
<b>Total - Toll Bridges</b>	<b>225,500</b>	<b>225,900</b>	<b>234,300</b>	<b>241,500</b>	<b>245,000</b>

Annual Average Daily Traffic*					
Toll-Supported Bridges	2013	2014	2015	2016	2017
Lower Trenton	16,100	15,700	16,000	14,900	15,300
Calhoun Street	16,900	16,900	17,600	17,400	16,500
Scudder Falls Interstate 95	58,200	58,400	59,200	60,300	58,700
Washington Crossing	7,500	7,400	7,300	7,500	6,000
New Hope-Lambertville	14,100	13,800	13,700	13,400	12,900
Centre Bridge-Stockton	4,800	4,700	4,700	4,600	4,600
Uhlerstown-Frenchtown	4,100	4,000	4,000	4,400	4,400
Upper Black Eddy-Milford	3,400	3,700	3,700	3,700	3,600
Riegelsville	3,300	3,200	3,400	3,400	3,300
Northampton Street	20,900	20,600	19,900	19,300	18,700
Riverton-Belvidere	4,500	4,400	4,400	4,400	5,000
<b>Total - Toll Bridges</b>	<b>225,500</b>	<b>225,900</b>	<b>234,300</b>	<b>241,500</b>	<b>149,000</b>
<b>Total Commission-Wide Annual Average Daily Traffic</b>	<b>374,600</b>	<b>379,300</b>	<b>378,700</b>	<b>388,200</b>	<b>394,000</b>
<b>Total Commission-Wide Yearly Traffic</b>	<b>137.1M</b>	<b>138.4M</b>	<b>138.2M</b>	<b>141.7M</b>	<b>143.8M</b>

# Statements of Net Position

Dec. 31, 2017      Dec. 31, 2016

<b>ASSETS</b>		
<b>Current Assets</b>		
Unrestricted Assets		
Cash and Cash Equivalents	\$32,254,370	\$17,995,152
EZPass and Violations Receivable (net of allowance for uncollectibles)	7,087,106	6,525,464
Other Receivables	320,954	251,613
Fiduciary Fund Receivable	1,676,235	1,567,095
Prepaid Expenses	273,244	201,205
<b>Total Unrestricted Assets</b>	<b>41,611,909</b>	<b>26,540,529</b>
Restricted Assets		
Cash and Cash Equivalents	57,706,017	13,496,247
Investment Income Receivable	1,386,527	335,269
<b>Total Restricted Assets</b>	<b>59,092,544</b>	<b>13,831,516</b>
<b>Total Current Assets</b>	<b>100,704,453</b>	<b>40,372,045</b>
<b>Non-Current Assets</b>		
Unrestricted Assets		
Investments	211,093,657	194,677,154
Restricted Assets Restricted Assets		
Investments	345,496,830	9,992,074
Prepaid Bond Insurance	503,155	546,500
<b>Total Restricted Assets</b>	<b>345,999,985</b>	<b>10,538,574</b>
Net Other Post-Employment Benefits	13,769,196	12,278,831
Capital Assets		
Completed (Net of Accumulated Depreciation)	457,239,466	473,590,206
Improvements in Progress	190,628,955	75,713,036
<b>Total Capital Assets</b>	<b>647,868,421</b>	<b>549,303,242</b>
<b>Total Non-Current Assets</b>	<b>1,218,731,259</b>	<b>766,797,801</b>
<b>Total Assets</b>	<b>\$1,319,435,712</b>	<b>\$807,169,846</b>

Dec. 31, 2016

Dec. 31, 2015

<b>DEFERRED OUTFLOW OF RESOURCES</b>		
Accumulated Decrease in Fair Value Hedging Derivatives	\$20,775,942	\$21,242,012
Deferred Loss on Refunding of Debt	9,000,691	9,962,037
Change in Pension Assumptions	17,894,072	14,097,160
<b>Total Deferred Outflow of Resources</b>	<b>47,670,705</b>	<b>45,301,209</b>
<b>LIABILITIES</b>		
<b>Current Liabilities Payable from Unrestricted Assets</b>		
Accounts Payable and Accrued Expenses	48,395,081	17,355,428
E-ZPass Customer Liability	100,371	79,875
Compensated Absences - Current Portion	130,302	125,125
Retainage Payable	7,061,897	861,864
<b>Total Current Liabilities from Unrestricted Assets</b>	<b>55,687,651</b>	<b>18,422,292</b>
<b>Current Liabilities Payable from Restricted Assets</b>		
Accrued Interest Payable on Bonds	14,242,814	4,063,755
Bridge System Revenue Bonds Payable - Current Portion	14,500,000	15,855,000
<b>Total Current Liabilities Payable from Restricted Assets</b>	<b>28,742,814</b>	<b>19,918,755</b>
<b>Non-Current Liabilities</b>		
Compensated Absences Payable	2,041,394	1,960,297
Bridge System Revenue Bonds Payable - Non Current Portion	749,626,323	294,477,143
Premium Payment Payable - Derivative Companion Instrument	320,333	353,639
Derivative Instrument - Interest Rate Swaps	20,775,942	21,242,012
Net Pension Liability	62,546,604	57,167,774
<b>Total Non-Current Liabilities</b>	<b>835,310,596</b>	<b>375,200,865</b>
<b>Total Liabilities</b>	<b>919,741,061</b>	<b>413,541,912</b>
<b>Deferred Inflows of Resources</b>		
Change in Pension Proportions	2,358,228	602,300
<b>NET POSITION</b>		
Invested in Capital Assets	231,980,129	266,823,221
Restricted	30,710,054	15,630,456
Unrestricted	182,316,945	155,873,166
<b>Total Net Position</b>	<b>\$445,007,128</b>	<b>\$438,326,843</b>



NARROW BRIDGE

SPEED LIMIT 15

OPEN GRATE BRIDGE

WALK BIKES

ONE WAY

Historical marker plaque



**Delaware River Joint Toll Bridge Commission**  
**PRESERVING OUR PAST, ENHANCING OUR FUTURE**

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