SUMMARY STATEMENT

ITEM NO.: DRPA-13-033          SUBJECT: Approval for 2006-2013 Update to the Master Plan

COMMITTEE: New Business

COMMITTEE MEETING DATE: February 13, 2013

BOARD ACTION DATE: February 20, 2013

PROPOSAL: That the Board of Commissioners approve the 2006-2013 Update to the DRPA Master Plan which includes all capital projects that were included in an approved Capital Plan and economic development projects that were previously approved by the Board.

The approval of this Update to the Master Plan does not represent an endorsement, ratification or authorization of the underlying projects. All projects remain potential projects until they are specifically authorized by the Board.

PURPOSE: To confirm compliance with the DRPA Compact Legislation. Upon approval by the Board, the 2006-2013 Update to the DRPA Master Plan will be adopted and posted on the Authority’s website for public review and comment.

BACKGROUND: The October 1992 amendments to the DRPA Compact granted the Authority broader powers and greater freedom to carry out its mission. The amendments also included provisions for the establishment of a mandatory Master Plan. In accordance with this provision, DRPA Board of Commissioners approved the DRPA 1996 Master Plan, which was subsequently and periodically updated and amended. The Master Plan has not been updated since 2005.

Article I of the Compact states that the Authority exists for public purposes, and is exercising an essential governmental function in effectuating such purposes including the following among other authorized functions:

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

(n) The planning, financing, development, acquisition, construction, purchase, lease, maintenance, marketing, improvement and operation of any project, including but not limited to any terminal, terminal facility, transportation facility, or any other facility of commerce or economic development activity; from funds available after appropriate allocation for maintenance of bridge and other capital facilities.

Article XII of the Compact provides
“The Commission shall, not later than two years after the date of the coming into force of the supplemental compact or agreement authorized by this 1991 amendatory act, prepare a comprehensive master plan for the development of the Port District.

• The plan shall include, but not be limited to, plans for the construction, financing, development, reconstruction, purchase, lease, improvement, and operation of any terminal, terminal facility, transportation facility or any other facility of commerce or economic development activity.

• The master plan shall include the general location of such projects and facilities as may be included in the master plan and shall to the maximum extent practicable include, but not be limited to, a general description of each such project and facility, the land use requirements necessary therefor, and estimates of project costs and of a schedule for commencement of each such project.

• Prior to adopting such master plan, the Commission shall give written notice to, afford a reasonable opportunity for comment, consult with and consider any recommendations from State, county and municipal governments, as well as commissions, public corporations and authorities, and the private sector.

• The Commission may modify or change any part of the plan in the same form and manner as provided for the adoption of the original plan.

• At the time the Commission authorizes any project or facility, the
Commission shall promptly provide to the Governor and Legislature of each State a detailed report on the project, including its status within the master plan.

· The Commission shall include within the authorization a status of the project or facility in the master plan and any amendment thereof, and no project shall be authorized if not include in the master plan or amendment thereof.

· Any project which has been commenced and approved by the Commission prior to the adoption of the master plan shall be included, for informational purposes only, in the master plan.

· The Commission shall provide notice of such on-going projects to those State, county and municipal governments, as well as entities in the private sector who would be entitled to such notice had the project not been commenced in anticipation of adopting the master plan, but there shall be no requirement that the project be delayed or deferred due to these provisions.

In view of the broad language in the Compact and the ambiguity of the purpose and intention of the Master Plan requirement, staff has taken a conservative approach to the 2006-2013 Master Plan Update and has incorporated all projects, even those that have also been included in the Authority’s Capital Plan. However, projects included in the Capital Plan are independently vetted and approved as part of the annual budget process, and generally relate directly to the operation, maintenance or improvement of the Authority’s existing operations and facilities. Staff asserts that the nature of such projects should preclude these from having to be included in the Master Plan. Examples include construction, maintenance, repairs, improvements, reconstruction, financing, purchases, leases, services, expenses or other activities that are required to maintain the serviceability, safety, security of physical property, infrastructure, building systems and equipment.

In going forward, staff recommends to the Board that only such projects that that Authority may sponsor that are entirely unrelated to the operation, improvement or maintenance of the Authority’s core transportation and transit operations and facilities should be included in an Master Plan. If and when any such project is identified, staff will prepare an Update to the Master Plan for consideration by the Board.

SUMMARY: Amount: N/A
Source of Funds: N/A
Capital Project #: N/A
Operating Budget: N/A
Master Plan Status: N/A
Other Fund Sources: N/A
Duration of Contract: N/A
Other Parties Involved: N/A
RESOLUTION

RESOLVED: That the Board of Commissioners approve the 2006-2013 Update to the DRPA Master Plan which includes all capital projects that were included in an Approved Capital Plan and economic development projects that were previously approved by the Board; and be it further

RESOLVED: The approval of this Update to the Master Plan does not represent an endorsement, ratification or authorization of the underlying projects. All projects remain potential projects until they are specifically authorized by the Board; and be it further

RESOLVED: The approval of this Update to the Master Plan is to confirm compliance with the DRPA Compact Legislation. Upon approval by the Board, the 2006-2013 Update to the DRPA Master Plan will be adopted and posted on the Authority’s website for public review and comment.

SUMMARY:

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