

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 635

Short Title: Expand Interstate Highways.

(Public)

Sponsors: Senator Shaw of Cumberland.

Referred to: Transportation.

April 1, 1997

A BILL TO BE ENTITLED

1 AN ACT TO CHANGE THE NAME OF THE NORTH CAROLINA BRIDGE
2 AUTHORITY TO THE NORTH CAROLINA TOLL ROAD AND BRIDGE
3 AUTHORITY, TO AUTHORIZE THE AUTHORITY TO CHARGE A TOLL ON A
4 NORTH-SOUTH PRIMARILY RURAL INTERSTATE HIGHWAY, AND DIRECT
5 USE OF INTERSTATE TOLL PROCEEDS TO EXPANSION AND
6 MAINTENANCE OF THAT INTERSTATE AND FOR OTHER
7 TRANSPORTATION PURPOSES.
8

9 The General Assembly of North Carolina enacts:

10 Section 1. Article 6F of Chapter 136 reads as rewritten:

11 **"ARTICLE 6F.**

12 **"NORTH CAROLINA TOLL ROAD AND BRIDGE AUTHORITY.**

13 **"§ 136-89.159. Toll road and Bridge-bridge projects.**

14 (a) The creation of the North Carolina Toll Road and Bridge Authority is
15 necessitated by:

16 (1) The high cost of constructing long bridges;

17 (2) The need for providing better access to areas of a peninsula of the
18 mainland where egress has been blocked by federal acquisition of
19 property; and

1 (3) The need for providing additional critically needed evacuation routes
2 from the Outer Banks during hurricanes and in the event of other natural
3 disasters.

4 (4) The need to expand and maintain rural interstate highways in the State.

5 (b) The North Carolina Toll Road and Bridge Authority shall construct, maintain,
6 repair, and operate a bridge of more than two miles in length going from the mainland to
7 a peninsula from which land egress is through property of the United States.

8 (c) The North Carolina Toll Road and Bridge Authority may charge a toll to
9 expand or maintain any major north-south interstate route in the State that does not pass
10 through a municipality with a population greater than 250,000, according to the latest
11 decennial census.

12 **"§ 136-89.160. Funding for projects.**

13 All expenses incurred in carrying out the provisions of this Article shall be payable
14 solely from funds, including federal funds, that are now or may become available to the
15 Authority in the future for projects. Any fees collected under this Article from bridge
16 tolls shall be credited to the Highway Trust Fund and used to offset the costs of building,
17 maintaining, or operating the bridge and other related projects. Any fees collected under
18 this Article from an interstate toll road shall be used for expanding or maintaining that
19 interstate, or for other transportation related purposes.

20 **"§ 136-89.161. North Carolina Toll Road and Bridge Authority.**

21 (a) There is created a body politic and corporate to be known as the 'North
22 Carolina Toll Road and Bridge Authority' The Authority is constituted a public agency,
23 and the exercise by the Authority of the powers conferred by this Article in the
24 construction, operation, and maintenance of the bridge ~~project~~project, or interstate
25 expansion or maintenance project, shall be deemed and held to be the performance of an
26 essential governmental function.

27 (b) The North Carolina Toll Road and Bridge Authority shall consist of eight
28 members:

29 (1) The Secretary of Transportation.

30 (2) Three members shall be appointed by the Governor, one for a term
31 expiring on July 1, 1996, one for a term expiring on July 1, 1997, and
32 one for a term expiring on July 1, 1998. Each subsequent appointment
33 shall be for a term of four years.

34 (3) Four members shall be appointed by the General Assembly, two upon
35 the recommendation of the President Pro Tempore of the Senate and
36 two upon the recommendation of the Speaker of the House of
37 Representatives, in accordance with G.S. 120-121.

38 a. The President Pro Tempore of the Senate shall recommend the
39 appointment of two members, one of whom shall serve a term
40 expiring June 30, 1997, and one of whom shall serve a term
41 expiring June 30, 1999. Each subsequent regular appointment
42 shall be for a term of four years.

1 b. The Speaker of the House shall recommend the appointment of
2 two members, one of whom shall serve a term expiring June 30,
3 1997, and one of whom shall serve a term expiring June 30,
4 1999. Each subsequent regular appointment shall be for a term of
5 four years.

6 (c) The successor of each of the appointed members shall be appointed for a term
7 of four years, but any person appointed to fill a vacancy shall be appointed to serve only
8 for the unexpired term, and a member of the Authority shall be eligible for
9 reappointment. Each appointed member of the Authority may be removed by the
10 appointing authority for misfeasance, malfeasance, or willful neglect of duty. Each
11 appointed member of the Authority before entering upon the member's duties shall take
12 an oath to administer the duties of the office faithfully and impartially, and a record of
13 each oath shall be filed in the Office of the Secretary of State.

14 (d) At its first meeting after July 1, 1995, and every two years thereafter, the
15 Authority shall elect from its appointed membership a chair and a vice-chair. The
16 Authority shall also elect a secretary who need not be a member of the Authority. The
17 secretary shall serve as an officer at the pleasure of the Authority. Five members of the
18 Authority shall constitute a quorum, and the affirmative vote of five members shall be
19 necessary for any action taken by the Authority. No vacancy in the membership of the
20 Authority shall impair the right of a quorum to exercise all the rights and perform all the
21 duties of the Authority.

22 (e) The appointed members of the Authority shall receive no salary for their
23 services but shall be entitled to receive per diem and allowances in accordance with the
24 provisions of G.S. 138-5.

25 (f) The Authority shall be located within the Department of Transportation for
26 administrative purposes but shall exercise all of its powers independently of the
27 Department of Transportation.

28 (g) The Authority shall adopt bylaws with respect to the calling of meetings,
29 quorums, voting procedures, the keeping of records, and other organizational and
30 administrative matters as the Authority may determine.

31 (h) Upon completion of any bridge constructed pursuant to this Article, or
32 institution of any toll on an interstate, the Authority shall appoint an executive director,
33 whose salary shall be fixed by the Authority, to serve at its pleasure. Prior to appointing
34 an Executive Director, the Authority shall confer with the Governor regarding the
35 proposed salary to be paid to the Executive Director. The Executive Director shall be
36 responsible for the daily administration of toll roads and bridges constructed, maintained,
37 or operated, pursuant to this Article.

38 **"§ 136-89.162. Powers of the Authority.**

39 (a) The Authority shall have all of the powers necessary to execute the provisions
40 of this Article which shall include at least the following powers:

- 41 (1) The powers of a corporate body, including the power to sue and be sued,
42 to make contracts, to adopt and use a common seal, and to alter the
43 adopted seal as needed.

- 1 (2) To establish, purchase, construct, operate, and regulate toll roads and
2 bridges and to own, lease, sell, or manage real or personal property.
- 3 (3) To charge and collect tolls and fees for the use of the toll roads and
4 bridges, for services rendered in the operation of the toll roads and
5 bridges, or to offset the costs of building the ~~bridges~~ bridges, or
6 expansion or maintenance of interstate toll roads. A toll shall not
7 exceed ten dollars (\$10.00) and an annual fee for a single vehicle to use
8 the bridge during a year shall not exceed five hundred dollars (\$500.00).
9 Tolls for interstate highways shall be in the discretion of the Authority,
10 but shall not exceed (\$*.00). The Authority shall report its schedule of
11 tolls and fees to the Joint Legislative Transportation Oversight
12 Committee.
- 13 (4) To rent, lease, purchase, acquire, own, encumber, or dispose of real or
14 personal property.
- 15 (5) To establish, construct, purchase, maintain, equip, and operate any
16 structure or facilities associated with a toll road or bridge.
- 17 (6) To pay all necessary costs and expenses in the formation, organization,
18 administration, and operation of the Authority.
- 19 (7) To apply for, accept, and administer loans and grants of money from
20 any federal agency, from the State or its political subdivisions, or from
21 any other public or private sources available.
- 22 (8) To adopt, alter, or repeal its own bylaws or rules implementing the
23 provisions of this Article.
- 24 (9) To employ consulting engineers, architects, attorneys, real estate
25 counselors, appraisers, and other consultants and employees as may be
26 required in the judgment of the Authority and to fix and pay their
27 compensation from funds available to the Authority.
- 28 (10) To procure and maintain adequate insurance or otherwise provide for
29 adequate protection to indemnify the Authority and its officers,
30 directors, agents, employees, adjoining property owners, or the general
31 public against loss or liability resulting from any act or omission by or
32 on behalf of the Authority.
- 33 (11) To receive and use appropriations from the State, including an
34 appropriation from the proceeds of State general obligation bonds or
35 notes.

36 (b) To execute the powers provided in subsection (a) of this section, the Authority
37 shall determine its policies by majority vote of the members of the Authority present and
38 voting, a quorum having been established.

39 **"§ 136-89.163. Taxation of property of Authority.**

40 Property owned by the Authority is exempt from taxation in accordance with Article
41 V, Section 2 of the North Carolina Constitution.

42 **"§ 136-89.164. Acquisition, disposition, or exchange of real property.**

1 The Authority may acquire real property by purchase, negotiation, gift, or devise.
2 When the Authority acquires real property owned by the State, the Secretary of the
3 Department of Administration shall execute and deliver to the Authority a deed
4 transferring fee simple title to the property to the Authority.

5 **"§ 136-89.165. Cooperation by other State agencies.**

6 All State officers and agencies shall render the services to the Authority within their
7 respective functions as may be requested by the Authority.

8 **"§ 136-89.166. Annual and quarterly reports.**

9 The Authority shall, promptly following the close of each fiscal year, submit an
10 annual report of its activities for the preceding year to the Governor, the General
11 Assembly, and the Department of Transportation. Each report shall be accompanied by
12 an audit of its books and accounts. The costs of all audits, whether conducted by the State
13 Auditor's staff or contracted with a private auditing firm, shall be paid from funds of the
14 Authority.

15 The Authority shall submit quarterly reports to the Joint Legislative Transportation
16 Oversight Committee. The reports shall summarize the Authority's activities during the
17 quarter and contain any information about the Authority's activities that is requested by
18 the Committee.

19 **§ 136-89.167. Dissolution.**

20 Whenever the Authority, by resolution, determines that the purposes for which the
21 Authority was formed have been substantially fulfilled, the Authority may declare itself
22 dissolved. On the effective date of the resolution, the title to all property owned by the
23 Authority at the time of the dissolution shall vest in the State, and possession of the
24 property shall be delivered to the State."

25 Section 2. This act is effective when it becomes law.