

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 1365

Short Title: Expand Interstate Highways.

(Public)

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Sponsors: Senator Shaw of Cumberland.

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Referred to: Transportation.

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May 22, 2000

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 ten dollars (\$10.00). The Authority shall report its  
11 schedule of tolls and fees to the Joint Legislative Transportation  
12 Oversight 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.