

March 15, 2001

H 644. TOLL ROAD AND BRIDGE AUTHORITY CREATED. AUTHORIZE PUBLIC TOLL ROADS AND BRIDGES IN NORTH CAROLINA AND THE CREATION OF A TURNPIKE AUTHORITY. Creates new Art. 6H of GS Ch. 136, describing Turnpike Authority. Provides for seven-member board of directors, and outlines its terms, process of removal, compensation, and support. Outlines powers of Authority, which include: (a) developing, constructing, operating, and maintaining projects (any part of the state highway system, including primary and secondary roads, bridges, tunnels, and feeder roads); (b) fixing, revising, charging, and collecting tolls and fees for the Authority's use, (c) issuing bonds or notes, in cooperation with the State Treasurer, as provided in the bill, and (d) constructing, purchasing, equipping, and operating any structures or facilities associated with the turnpike system. Authorizes acquisition of real property, conversion of free highways to toll highways, and control of vehicles with toll collection. Provides that operation of the authority is an eligible administrative expense chargeable to the Highway Trust Fund.

Intro. by Crawford.

Ref. to Transportation	GS 20, 120, 126, 136
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June 18, 2001

H 644. TOLL ROAD AND BRIDGE AUTHORITY CREATED. Intro. 3/15/01. House amendment makes the following changes to 1st edition. Requires seven member authority board to be comprised of one member from each of the seven regions of the state specified in GS 136-17.2A(a), with chair of the board selected by board members. Governor appointees to serve staggered terms, with three appointees having initial terms ending Jan. 14, 2003, and three appointed to terms ending Jan. 14, 2005. Bylaws and any subsequent changes adopted by the authority board must be submitted to the Board of Transportation and the Joint Legislative Transportation Oversight Committee for review and comment at least 45 days prior to adoption by the authority board. Turnpike Authority must report the hiring of all administrative employees to the Joint Legislative Transportation Oversight Committee within 30 days of the date of employment. Adds to the powers of the Turnpike Authority the power to utilize employees of the Dep't of Transportation and the power to enter into agreements for the issuance of obligations by a nonprofit corporation in compliance with federal Rev. Rul. 63-20. Removes the power to convert a segment of the non-tolled state highway system to a toll facility. Adds provisions regarding use of revenues derived from turnpike projects and specifies percentage of revenue that may be applied to debt service, administration costs, and expansion of turnpike capacity. Requires competitive bidding for construction of turnpike projects and sets forth alternative contracting methods when the Turnpike Authority determines that time, funding, or the public interest warrant departure from competitive contracting. Requires the Dep't of Transportation to report on its Internet website expenditures, by county, of the Turnpike Authority. Requires Turnpike Authority to remove tolls from a turnpike project when all revenue bonds issued to fund the project have been repaid and satisfied in full, an adequate fund has been established to maintain the project, and the Authority determines that no additional capacity expansion is needed on the project.

August 13, 2001

H 644. TOLL ROAD AND BRIDGE AUTHORITY CREATED. Intro. 3/15/01. House committee substitute makes the following changes to 2nd edition. Deletes provision that failure to pay toll is noncriminal violation for which civil penalty set by Authority is assessed and makes technical changes.

August 26, 2001

H 644. TOLL ROAD AND BRIDGE AUTHORITY CREATED . Intro. 3/15/01. House amendments make the following changes to 3rd edition. Amends definition of "Turnpike Project" to specify that Turnpike Projects must be projects included in the Transportation Improvement Program. Adds new GS 136-89.197 requiring Dep't of Transportation to maintain an alternate, non-toll primary route corresponding to each toll road project constructed pursuant to the act.

September 27, 2001

H 644. TOLL ROAD AND BRIDGE AUTHORITY CREATED. Intro. 3/15/01. House committee substitute makes the following changes to 4th edition. (1) Removes from the bill the provision repealing Art. 6F (North Carolina Bridge Authority) of G.S. Ch. 136. (2) Rewrites bill's definition of "Turnpike Project" to be "any primary or secondary road, bridge, or tunnel project that is included in the Transportation Improvement Program prior to construction; and is planned and constructed in accordance with this Article." (3) Makes a technical correction in the provisions regarding Authority board membership. (4) In the provision authorizing the Authority board to fix tolls, adds a provision requiring the Authority to submit a description of any proposed new toll to the Board of Transportation for review 60 days before its effective date. (5) In the provision specifying the uses that the Authority may make of revenues, (a) deletes provision specifying that 20% of any excess revenues of the Authority is to be used for other highway construction and maintenance in the county where the Turnpike Project producing the excess revenue is located, (b) deletes provision specifying that 70% of any such excess is to be used for expansion of that Turnpike Project or other such projects in the same region, as defined by the statute, (c) adds a provision specifying that excess revenues from any project may be used for debt service on any of the Authority's revenue bonds, and (d) sets the maximum that the Authority may use for administrative expenses at 5% (was, 10%) of total revenues. (7) Replaces former provisions regarding the issuance of Authority revenue bonds that set out specified powers with new provisions (a) specifying that the Authority is to be a "municipality" for purposes of Art. 5 ("Revenue Bonds") of GS Ch. 159 and for purposes of the State and Local Government Revenue Bond Act, (b) specifying that the Authority is to be governed in the issuance of bonds just as a municipality would be, (c) amending GS 159-81 and -96 for these purposes, and (d) providing that Authority revenue bonds are to be sold in accordance with Art. 7 ("Issuance and Sale of Bonds") of GS Ch. 159. Deletes from the list of powers of the Authority the powers to (a) retain financial consultants, underwriters, and bond attorneys, (b) execute financing agreements and security documents, and (c) enter partnership agreements for the issuance of obligations by nonprofit corporations. (8) Rewrites provision regarding removal of tolls so it now reads: "The Authority shall, upon fulfillment of and subject to any restrictions included in the agreements entered into by the Authority in connection with the issuance of the Authority's revenue bonds, remove tolls from a Turnpike Project." (9) In the provision specifying that operation and project development costs of the Authority are eligible administrative expenses that may be paid from the Highway Trust Fund, adds a provision specifying that any such expenses paid from the Trust Fund are to be repaid by the Authority from its toll revenue as soon as possible. Provides for accrual of interest on such forwarded expenses.

July 2, 2002

H 644. TOLL ROAD AND BRIDGE AUTHORITY CREATED. Intro. 3/14/01. Senate committee substitute makes the following changes to 5th edition. Limits turnpikes to one project located in whole or in part in a county with a population equal to or greater than 650,000 persons (Mecklenburg) and one project in a county or counties that each have a population of fewer than 650,000 persons. Revises governing board to nine members (was, seven) three appointed by the Pres. Pro Tem of the Senate, three by the Speaker of the House, two by the Governor, plus the Sec'y of Transportation. Revises staggered terms to accord with the revisions to appointing authority, with each member serving at the pleasure of the appointing authority for that member. Requires prior submission of proposed tolls or fees to the Jt. Legis. Comm'n on Governmental Operations. Requires consultation with and prior reporting to that committee, along with the Jt. Legis. Transportation Oversight Comm. Directs Authority to evaluate the feasibility of encouraging mass transit and ridesharing in proposed toll road facilities. Makes other technical changes.

July 3, 2002

H 644. TOLL ROAD AND BRIDGE AUTHORITY CREATED. Intro. 3/15/01. Senate amendment makes the following changes to 6th edition. Provides for six members of the North Carolina Turnpike Authority to be appointed by the General Assembly – three on recommendation of the President Pro Tem. of the Senate and three upon recommendation of the Speaker of the House, instead of directly by those officers.

September 23, 2002

H 644. TOLL ROAD AND BRIDGE AUTHORITY CREATED. Intro. 3/15/01. Conference report recommends the following changes to 7th edition to reconcile matters in controversy. Makes technical changes. In addition to those technical changes, changes name of governing board to "Authority Board" (was, "Turnpike Authority Board"). Changes composition of Board to four (was, six) individuals appointed by the General Assembly, including two (was, three) recommended by the Pres. Pro Tem. and two (was, three) recommended by the Speaker of the House; and four (was, two) individuals appointed by the Governor. In addition to the construction of the three turnpike projects already required, directs the Turnpike Authority to study and conduct preliminary design work on three more turnpike projects, but only after the Authority consults with certain legislative committees. Expands permissible use of turnpike revenues to include right-of-way acquisition and debt service reserve funds.

October 3, 2002

SL 2002-133 (H 644). TOLL ROAD AND BRIDGE AUTHORITY CREATED. AN ACT TO AUTHORIZE PUBLIC TOLL ROADS AND BRIDGES IN NORTH CAROLINA AND THE CREATION OF A TURNPIKE AUTHORITY. Summarized in *Daily Bulletin* 3/15/01, 6/18/01, 8/13/01, 8/16/01, 9/27/01, 7/2/02, 7/3/02, and 9/23/02. Enacted October 3, 2002. Effective October 3, 2002.