

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE BILL 150*

Short Title: NC Turnpike Authority Changes. (Public)

Sponsors: Senators Hoyle; Boseman, Jenkins, and Pittenger.

Referred to: Transportation.

February 16, 2005

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE POWERS OF THE NORTH CAROLINA TURNPIKE
3 AUTHORITY.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 136-89.183 reads as rewritten:

6 "§ 136-89.183. Powers of the Authority.

7 (a) The Authority shall have all of the powers necessary to execute the provisions
8 of this Article, including the following:

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

12 (2) To study, plan, develop, and undertake preliminary design work on up
13 to six Turnpike Projects. At the conclusion of these activities, the
14 Turnpike Authority is authorized to ~~To study, plan, develop, design,~~
15 ~~establish, purchase, construct, operate, and maintain three up to six~~
16 ~~Turnpike Projects. Projects, either on its own initiative or at the request~~
17 ~~of the Board of Transportation.~~ One of the Turnpike Projects shall be
18 located in whole or in part in a county with a population equal to or
19 greater than 650,000 persons, according to the latest decennial census,
20 and one Turnpike Project shall be located in a county or counties that
21 each have a population of fewer that 650,000 persons, according to the
22 latest decennial census. A Turnpike Project selected for construction
23 by the Turnpike Authority shall be included in any applicable locally
24 adopted comprehensive transportation plans and shall be shown in the
25 current State Transportation Improvement Plan prior to the letting of a
26 contract for the Turnpike Project.

27 (3) ~~To study, plan, develop and undertake preliminary design work on~~
28 ~~three Turnpike Projects, in addition to the three turnpike projects~~
29 ~~described in subdivision (2) of this subsection, either on its own~~

~~initiative or at the request of the Board of Transportation. The Authority shall take no further action on a project described by this subdivision unless authorized to do so by Statute.~~

- (4) To rent, lease, purchase, acquire, own, encumber, dispose of, or mortgage real or personal property, including the power to acquire property by eminent domain pursuant to G.S. 136-89.184.
- (5) To fix, revise, charge, and collect tolls and fees for the use of the Turnpike Projects. Prior to the effective date of any toll or fee for use of a Turnpike Facility, the Authority shall submit a description of the proposed toll or fee to the Board of Transportation, the Joint Legislative Transportation Oversight Committee and the Joint Legislative Commission on Governmental Operations for review.
- (6) To issue bonds or notes of the Authority as provided in this Article.
- (7) To establish, construct, purchase, maintain, equip, and operate any structure or facilities associated with the Turnpike System.
- (8) To pay all necessary costs and expenses in the formation, organization, administration, and operation of the Authority.
- (9) To apply for, accept, and administer loans and grants of money or real or personal property from any federal agency, the State or its political subdivisions, local governments, or any other public or private sources available.
- (10) To adopt, alter, or repeal its own bylaws or rules implementing the provisions of this Article, in accordance with the review and comment requirements of G.S. 136-89.182(j).
- (11) To utilize employees of the Department; to contract for the services of consulting engineers, architects, attorneys, real estate counselors, appraisers, and other consultants; to employ administrative staff as may be required in the judgment of the Authority; and to fix and pay fees or compensation to the Department, contractors, and administrative employees from funds available to the Authority.
- (12) To receive and use appropriations from the State and federal government.
- (13) To adopt procedures to govern its procurement of services and delivery of Turnpike Projects.
- (14) To perform or procure any portion of services required by the Authority.
- (15) To use officers, employees, agents, and facilities of the Department for the purposes and upon the terms as may be mutually agreeable.
- (16) To contract for the construction, maintenance, and operation of a Turnpike Project.
- (17) To enter into partnership agreements, agreements with political subdivisions of the State, and agreements with private entities, and to expend such funds as it deems necessary, pursuant to such agreements,

1 for the purpose of financing the cost of acquiring, constructing,
2 equipping, operating, or maintaining any Turnpike Project.

3 (b) To execute the powers provided in subsection (a) of this section, the
4 Authority shall determine its policies by majority vote of the members of the Authority
5 Board present and voting, a quorum having been established. Once a policy is
6 established, the Authority Board shall communicate it to the Executive Director or the
7 Executive Director's designee, who shall have the sole and exclusive authority to
8 execute the policy of the Authority. No member of the Authority Board shall have the
9 responsibility or authority to give operational directives to any employee of the
10 Authority other than the Executive Director or the Director's designee. (2002-133,
11 s. 1.)"

12 **SECTION 2.** This act is effective when it becomes law.