

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H

3

HOUSE BILL 464
Committee Substitute Favorable 4/14/15
Senate Transportation Committee Substitute Adopted 6/15/16

Short Title: Regional Transportation Authority Revisions.

(Public)

Sponsors:

Referred to:

April 2, 2015

A BILL TO BE ENTITLED

AN ACT TO ADJUST THE COMPOSITION OF THE BOARD OF TRUSTEES OF REGIONAL TRANSPORTATION AUTHORITIES, TO PROVIDE THAT ALL MEMBERS OF THE BOARD OF TRUSTEES SHALL BE VOTING MEMBERS, TO AUTHORIZE REGIONAL TRANSPORTATION AUTHORITIES TO HIRE A CHIEF ADMINISTRATIVE OFFICER, AND TO CLARIFY THE VOTING PROCESS BY MEMBERS OF THE BOARD OF TRUSTEES OF REGIONAL TRANSPORTATION AUTHORITIES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-635 reads as rewritten:

"§ 160A-635. **Membership; officers; compensation.**

(a) The governing body of an authority is the Board of Trustees. The Board of Trustees shall consist of:

...

(2) ~~Two~~ At least two, but not more than three, members of the Board of Transportation appointed by the Secretary of ~~Transportation, to serve as ex officio nonvoting members.~~ Transportation. Members appointed under this subdivision shall be (i) division members from a highway division or highway divisions located wholly or partially within the territorial jurisdiction of the Authority, (ii) at-large members who represent or have an expertise in mass transit and reside within the territorial jurisdiction of the Authority, or (iii) a combination of division members and at-large members meeting the requirements set forth in this subdivision.

...

(c) Service on the Board of Trustees may be in addition to any other office which a person is entitled to hold. Each ~~voting~~ member of the Board of Trustees may hold elective public office as defined by G.S. 128-1.1(d).

...

(e) The Board of Trustees shall annually elect from its membership a Chairperson, ~~and a Vice-Chairperson, and shall annually elect a Secretary, and a Treasurer.~~

...."

SECTION 2. G.S. 160A-636 reads as rewritten:

"§ 160A-636. ~~Voting.~~ **Voting; action by the Board of Trustees.**

(a) Quorum. — A majority of the ~~members~~ membership of the Board of ~~Trustees~~ Trustees, ~~excluding vacant seats,~~ shall constitute a ~~quorum for the transaction of business. Except as~~



* H 4 6 4 - V - 3 *

1 ~~provided by G.S. 160A-635(a)(2), each member shall have one vote.~~ quorum. A member who has
2 withdrawn from a meeting without being excused by majority vote of the remaining members
3 present shall be counted as present for purposes of determining whether or not a quorum is
4 present. No member shall be excused from voting except upon matters involving the consideration
5 of the member's own financial interest or official conduct or on matters on which the member is
6 prohibited from voting under any other provision of law.

7 (b) Action. – An affirmative vote equal to a majority of all the members of the Board of
8 Trustees not excused from voting on the question in issue shall be required to authorize or commit
9 the expenditure of public funds, or make, ratify, or authorize any contract on behalf of the
10 Authority."

11 **SECTION 3.** G.S. 160A-639 reads as rewritten:

12 **"§ 160A-639. General powers of the Authority.**

13 The general powers of the Authority shall include any or all of the following:

- 14 (1) To sue and be ~~sued;~~sued.
- 15 (2) To have a ~~seal;~~seal.
- 16 (3) To make rules and regulations, not inconsistent with this Chapter, for its
17 organization and internal ~~management;~~management.
- 18 (4) To employ ~~persons deemed necessary~~ a chief administrative officer to carry out
19 the functions and duties ~~assigned to them by of the Authority and to~~ Authority.
20 The Board of Trustees shall fix their compensation, the compensation of the
21 chief administrative officer and any employees hired by the chief administrative
22 officer pursuant to G.S. 160A-639.1, within the limit of available ~~funds;~~funds.
- 23 (5) With the approval of the unit of local government's chief administrative official,
24 to use officers, employees, agents, and facilities of the unit of local government
25 for such purposes and upon such terms as may be mutually ~~agreeable;~~agreeable.
- 26 (6) To retain and employ counsel, auditors, engineers, and private consultants on
27 an annual salary, contract basis, or otherwise for rendering professional or
28 technical services and ~~advice;~~advice.
- 29 (7) To acquire, lease as lessee with or without option to purchase, hold, own, and
30 use any franchise, property, real or personal, tangible or intangible, or any
31 interest therein, and to sell, lease as lessor with or without option to purchase,
32 transfer (or dispose thereof) whenever the same is no longer required for
33 purposes of the Authority, or exchange same for other property or rights which
34 are useful for the Authority's purposes, including but not necessarily limited to
35 parking ~~facilities;~~facilities.
- 36 (8) To acquire by gift, purchase, lease as lessee with or without option to purchase
37 or otherwise to construct, improve, maintain, repair, operate, or administer any
38 component parts of a public transportation system or to contract for the
39 maintenance, operation or administration thereof, or to lease as lessor the same
40 for maintenance, operation, or administration by private parties, including, but
41 not necessarily limited to, parking ~~facilities;~~facilities.
- 42 (9) To make or enter into contracts, agreements, deeds, leases with or without
43 option to purchase, conveyances or other instruments, including contracts and
44 agreements with the United States, the State of North Carolina, and units of
45 local ~~government;~~government.
- 46 (9a) To purchase or finance real or personal property in the manner provided for
47 cities and counties under ~~G.S. 160A-20;~~G.S. 160A-20.
- 48 (10) To surrender to the State of North Carolina any property no longer required by
49 the ~~Authority;~~Authority.

- 1 (11) To develop and make data, plans, information, surveys and studies of public
2 transportation facilities within the territorial jurisdiction of the Authority and to
3 prepare and make recommendations in regard ~~thereto;~~thereto.
- 4 (12) To enter in a reasonable manner lands, waters, or premises for the purpose of
5 making surveys, soundings, drillings, and examinations whereby such entry
6 shall not be deemed a trespass except that the Authority shall be liable for any
7 actual and consequential damages resulting from such ~~entries;~~entries.
- 8 (13) To develop and carry out demonstration ~~projects;~~projects.
- 9 (14) To make, enter into, and perform contracts with private parties, and public
10 transportation companies with respect to the management and operation of
11 public passenger ~~transportation;~~transportation.
- 12 (15) To make, enter into, and perform contracts with any public utility, railroad or
13 transportation company for the joint use of property or rights, for the
14 establishment of through routes, joint fares, or transfer of
15 ~~passengers;~~passengers.
- 16 (16) To make, enter into, and perform agreements with governmental entities for
17 payments to the Authority for the transportation of persons for whom the
18 governmental entities desire ~~transportation;~~transportation.
- 19 (17) With the consent of the unit of local government which would otherwise have
20 jurisdiction to exercise the powers enumerated in this subdivision: to issue
21 certificates of public convenience and necessity; and to grant franchises and
22 enter into franchise agreements, and in all respects to regulate the operation of
23 buses, taxicabs, and other methods of public passenger transportation which
24 originate and terminate within the territorial jurisdiction of the Authority as
25 fully as the unit of local government is now or hereafter empowered to do
26 within the territorial jurisdiction of the unit of local ~~government;~~government.
- 27 (18) To operate public transportation systems and to enter into and perform contracts
28 to operate public transportation services and facilities, and to own or lease
29 property, facilities and equipment necessary or convenient therefor, and to rent,
30 lease or otherwise sell the right to do so to any person, public or private;
31 further, to obtain grants, loans, and assistance from the United States, the State
32 of North Carolina, any public body, or any private source whatsoever, but may
33 not operate or contract for the operation of public transportation systems
34 outside the territorial jurisdiction of the Authority except as provided by
35 subdivision (20) of this ~~section;~~section.
- 36 (19) To enter into and perform contracts and agreements with other public
37 transportation authorities, regional public transportation authorities, or units of
38 local government pursuant to the provisions of G.S. 160A-460 through
39 G.S. 160A-464 (Part 1 of Article 20 of Chapter 160A of the General Statutes);
40 further to enter into contracts and agreements with private transportation
41 companies, but this subdivision does not authorize the operation of, or
42 contracting for the operation of, service of a public transportation system
43 outside the service area of the ~~Authority;~~Authority.
- 44 (20) To operate public transportation systems extending service into any political
45 subdivision of the State of North Carolina unless a particular unit of local
46 government operating its own public transportation system or franchising the
47 operation of a public transportation system by majority vote of its governing
48 board, shall deny consent, but such service may not extend more than 10 miles
49 outside of the territorial jurisdiction of the authority, except that vanpool and
50 carpool service shall not be subject to that mileage ~~limitation;~~limitation.

- 1 (21) Except as restricted by covenants in bonds, notes, or equipment trust
 2 certificates, to set in its sole discretion rates, fees, and charges for use of its
 3 public transportation ~~system;~~system.
 4 (22) To do all things necessary or convenient to carry out its purpose and to exercise
 5 the powers granted to the ~~Authority;~~Authority.
 6 (23) To facilitate the coordination of transportation plans in the service area and the
 7 activities of the member Metropolitan Planning ~~Organizations;~~Organizations.
 8 (24) To maintain databases for the projection of future travel demands in the
 9 ~~region;~~region.
 10 (25) To provide and operate regional ridesharing and vanpool ~~operations;~~operations.
 11 (26) To provide and operate regional transportation services for the elderly and
 12 ~~handicapped;~~handicapped.
 13 (27) To provide other transportation related services, including air quality
 14 monitoring and analysis, as determined by the Board of ~~Trustees;~~Trustees.
 15 (28) To issue bonds or other obligations of the Authority as provided by law and
 16 apply the proceeds thereof to the financing of any public transportation system
 17 or any part thereof and to refund, whether or not in advance of maturity or the
 18 earliest redemption date, any such bonds or other ~~obligations;~~and obligations.
 19 (29) To contract for, or to provide and maintain, with respect to the facilities and
 20 property owned, leased with or without option to purchase, operated or under
 21 the control of the Authority, and within the territory thereof, a security force to
 22 protect persons and property, dispense unlawful or dangerous assemblages and
 23 assemblages which obstruct full and free passage, control pedestrian and
 24 vehicular traffic, and otherwise preserve and protect the public peace, health,
 25 and safety; for these purposes a member of such force shall be a peace officer
 26 and, as such, shall have authority equivalent to the authority of a police officer
 27 of the city or county in which said member of such force is discharging such
 28 duties."

29 **SECTION 4.** Article 27 of Chapter 160A of the General Statutes is amended by
 30 adding a new section to read:

31 **"§ 160A-639.1. Duties of the chief administrative officer; appointment of clerk.**

32 (a) Duties. – The chief administrative officer employed by the Authority in accordance
 33 with G.S. 160A-639 shall be responsible to the Board of Trustees for administering all matters
 34 placed in his or her charge by the Board of Trustees and shall have all of the following powers and
 35 duties:

- 36 (1) To hire, appoint, suspend, or remove any employee of the Authority, provided
 37 that nothing in this subdivision shall be construed as superseding or altering any
 38 other provision of law governing the suspension or removal of an employee of
 39 the Authority.
 40 (2) To direct and supervise all employees of the Authority and the administration
 41 of all departments, offices, and agencies of the Authority, subject to the general
 42 direction and control of the Board of Trustees and except as otherwise provided
 43 by law.
 44 (3) To attend all meetings of the Board of Trustees and recommend any measures
 45 he or she deems expedient.
 46 (4) To see that all laws of the State are faithfully executed.
 47 (5) To prepare and submit the annual budget and capital program to the Board of
 48 Trustees.
 49 (6) To annually submit to the Board of Trustees and make available to the public a
 50 complete report on the finances and administrative activities of the Authority as
 51 of the end of the fiscal year.

- 1 (7) To make any other reports that the Board of Trustees may require concerning
- 2 the operations of the Authority.
- 3 (8) To perform any other duties that may be required or authorized by the Board of
- 4 Trustees.
- 5 (b) Clerk. – In addition to the duties set forth in subsection (a) of this section, the chief
- 6 administrative officer shall designate an employee of the Authority as clerk, whose duties shall
- 7 include all of the following:
- 8 (1) Provide notice of meetings of the Board of Trustees.
- 9 (2) Keep a journal of the proceedings of the Board of Trustees.
- 10 (3) Be the custodian of all Authority records.
- 11 (4) Perform any other duties that may be required by law or the Board of Trustees."
- 12 **SECTION 5.** This act becomes effective August 1, 2016, and applies to contracts
- 13 entered into and other actions taken by Regional Transportation Authorities on or after that date.