

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001

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SENATE BILL 474

Short Title: NC Toll Road and Bridge Authority.

(Public)

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Sponsors: Senator Shaw of Cumberland.

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Referred to: Transportation.

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March 15, 2001

A BILL TO BE ENTITLED

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

9 The General Assembly of North Carolina enacts:

10 **SECTION 1.** The title of Article 6F of Chapter 136 of the General Statutes  
11 reads as rewritten:

12 "North Carolina Toll Road and Bridge Authority."

13 **SECTION 2.** G.S. 136-89.159 reads as rewritten:

14 "**§ 136-89.159. Bridge-Toll road and bridge projects.**

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

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

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

21 (3) The need for providing additional critically needed evacuation routes  
22 from the Outer Banks during hurricanes and in the event of other  
23 natural ~~disasters-disasters~~; ~~and~~

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

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

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

5               **SECTION 3.** G.S. 136-89.160 reads as rewritten:

6       "**§ 136-89.160. Funding for projects.**

7       All expenses incurred in carrying out the provisions of this Article shall be payable  
8 solely from funds, including federal funds, that are now or may become available to the  
9 Authority in the future for projects. Any fees collected under this Article shall be  
10 credited to the Highway Trust Fund and used to offset the costs of building,  
11 maintaining, or operating the bridge and other related projects. Any fees collected  
12 pursuant to this Article from an interstate toll road shall be used for expanding or  
13 maintaining that interstate, or for other transportation-related purposes."

14               **SECTION 4.** G.S. 136-89.161 reads as rewritten:

15       "**§ 136-89.161. North Carolina Toll Road and Bridge Authority.**

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

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

24               (1) The Secretary of Transportation.

25               (2) Three members shall be appointed by the Governor, one for a term  
26 expiring on July 1, 1996, one for a term expiring on July 1, 1997, and  
27 one for a term expiring on July 1, 1998. Each subsequent appointment  
28 shall be for a term of four years.

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

33               a. The President Pro Tempore of the Senate shall recommend the  
34 appointment of two members, one of whom shall serve a term  
35 expiring June 30, 1997, and one of whom shall serve a term  
36 expiring June 30, 1999. Each subsequent regular appointment  
37 shall be for a term of four years.

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

43       (c) The successor of each of the appointed members shall be appointed for a term  
44 of four years, but any person appointed to fill a vacancy shall be appointed to serve only

1 for the unexpired term, and a member of the Authority shall be eligible for  
2 reappointment. Each appointed member of the Authority may be removed by the  
3 appointing authority for misfeasance, malfeasance, or willful neglect of duty. Each  
4 appointed member of the Authority before entering upon the member's duties shall take  
5 an oath to administer the duties of the office faithfully and impartially, and a record of  
6 each oath shall be filed in the Office of the Secretary of State.

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

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

18 (f) The Authority shall be located within the Department of Transportation for  
19 administrative purposes but shall exercise all of its powers independently of the  
20 Department of Transportation.

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

24 (h) Upon completion of any bridge constructed pursuant to this Article, or  
25 institution of any toll on an interstate highway, the Authority shall appoint an executive  
26 director, whose salary shall be fixed by the Authority, to serve at its pleasure. Prior to  
27 appointing an Executive Director, the Authority shall confer with the Governor  
28 regarding the proposed salary to be paid to the Executive Director. The Executive  
29 Director shall be responsible for the daily administration of bridges constructed,  
30 maintained, or operated pursuant to this Article."

31 **SECTION 5.** G.S. 136-89.162 reads as rewritten:

32 **"§ 136-89.162. Powers of the Authority.**

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

- 35 (1) The powers of a corporate body, including the power to sue and be  
36 sued, to make contracts, to adopt and use a common seal, and to alter  
37 the adopted seal as needed.
- 38 (2) To establish, purchase, construct, operate, and regulate toll roads and  
39 bridges and to own, lease, sell, or manage real or personal property.
- 40 (3) To charge and collect tolls and fees for the use of the toll roads and  
41 bridges, for services rendered in the operation of the toll roads and  
42 bridges, or to offset the costs of building the toll roads and bridges. A  
43 toll shall not exceed ten dollars (\$10.00) and an annual fee for a single  
44 vehicle to use the bridge during a year shall not exceed five hundred

1 dollars (\$500.00). Tolls for interstate highways shall be levied at the  
2 discretion of the Authority, but shall not exceed ten dollars (\$10.00).  
3 The Authority shall report its schedule of tolls and fees to the Joint  
4 Legislative Transportation Oversight Committee.

- 5 (4) To rent, lease, purchase, acquire, own, encumber, or dispose of real or  
6 personal property.  
7 (5) To establish, construct, purchase, maintain, equip, and operate any  
8 structure or facilities associated with a toll road or a bridge.  
9 (6) To pay all necessary costs and expenses in the formation, organization,  
10 administration, and operation of the Authority.  
11 (7) To apply for, accept, and administer loans and grants of money from  
12 any federal agency, from the State or its political subdivisions, or from  
13 any other public or private sources available.  
14 (8) To adopt, alter, or repeal its own bylaws or rules implementing the  
15 provisions of this Article.  
16 (9) To employ consulting engineers, architects, attorneys, real estate  
17 counselors, appraisers, and other consultants and employees as may be  
18 required in the judgment of the Authority and to fix and pay their  
19 compensation from funds available to the Authority.  
20 (10) To procure and maintain adequate insurance or otherwise provide for  
21 adequate protection to indemnify the Authority and its officers,  
22 directors, agents, employees, adjoining property owners, or the general  
23 public against loss or liability resulting from any act or omission by or  
24 on behalf of the Authority.  
25 (11) To receive and use appropriations from the State, including an  
26 appropriation from the proceeds of State general obligation bonds or  
27 notes.

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

31 **SECTION 6.** This act is effective when it becomes law.