

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

H

1

HOUSE BILL 656

Short Title: Reg. Public Trans. Authority Service Area. (Public)

Sponsors: Representatives Reives, White, Penny, and Price (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Transportation, if favorable, Rules, Calendar, and Operations of the House

April 18, 2023

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW A REGIONAL PUBLIC TRANSPORTATION AUTHORITY TO
3 OPERATE A BUSPOOL MORE THAN TEN MILES BEYOND ITS TERRITORIAL
4 JURISDICTION.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 160A-610 reads as rewritten:

7 **"§ 160A-610. General powers of the Authority.**

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

- 9 (1) To sue and be ~~sued~~; sued.
10 (2) To have a ~~seal~~; seal.
11 (3) To make rules and regulations, not inconsistent with this Chapter, for its
12 organization and internal ~~management~~; management.
13 (4) To employ persons deemed necessary to carry out the functions and duties
14 assigned to them by the Authority and to fix their compensation, within the
15 limit of available ~~funds~~; funds.
16 (5) With the approval of the unit of local government's chief administrative
17 official, to use officers, employees, agents and facilities of the unit of local
18 government for such purposes and upon such terms as may be mutually
19 ~~agreeable~~; agreeable.
20 (6) To retain and employ counsel, auditors, engineers and private consultants on
21 an annual salary, contract basis, or otherwise for rendering professional or
22 technical services and ~~advice~~; advice.
23 (7) To acquire, lease as lessee with or without option to purchase, hold, own, and
24 use any franchise, property, real or personal, tangible or intangible, or any
25 interest therein and to sell, lease as lessor with or without option to purchase,
26 transfer (or dispose thereof) whenever the same is no longer required for
27 purposes of the Authority, or exchange same for other property or rights which
28 are useful for the Authority's purposes, including but not necessarily limited
29 to parking ~~facilities~~; facilities.
30 (7a) To enhance mobility within the region and promote sound growth patterns
31 through joint transit development projects as generally described by Federal
32 Transit Administration (FTA) policy at 62 Fed. Reg. 12266 (1997) and
33 implementing guidelines in FTA Circular 9300.1A, Appendix B, as the policy
34 and guidance may be amended; and, with respect to the planning,
35 construction, and operation of joint transit development projects, upon the



* H 6 5 6 - V - 1 *

- 1 governing board's adoption of policies and procedures to ensure fair and open
2 competition, to select developers or development teams in substantially the
3 same manner as permitted by G.S. 143-129(h); and to enter into development
4 agreements with public, private, or nonprofit entities to undertake the
5 planning, construction, and operation of joint transit development projects.
- 6 (8) To acquire by gift, purchase, lease as lessee with or without option to purchase
7 or otherwise to construct, improve, maintain, repair, operate or administer any
8 component parts of a public transportation system or to contract for the
9 maintenance, operation or administration thereof or to lease as lessor the same
10 for maintenance, operation, or administration by private parties, including but
11 not necessarily limited to parking ~~facilities;~~facilities.
- 12 (9) To make or enter into contracts, agreements, deeds, leases with or without
13 option to purchase, conveyances or other instruments, including contracts and
14 agreements with the United States, the State of North Carolina, and units of
15 local ~~government;~~government.
- 16 (9a) To purchase or finance real or personal property in the manner provided for
17 cities and counties under ~~G.S. 160A-20;~~G.S. 160A-20.
- 18 (10) To surrender to the State of North Carolina any property no longer required
19 by the ~~Authority;~~Authority.
- 20 (11) To develop and make data, plans, information, surveys and studies of public
21 transportation facilities within the ~~territorial jurisdiction service area~~ of the
22 Authority, to prepare and make recommendations in regard ~~thereto;~~thereto.
- 23 (12) To enter in a reasonable manner lands, waters or premises for the purpose of
24 making surveys, soundings, drillings, and examinations whereby such entry
25 shall not be deemed a trespass except that the Authority shall be liable for any
26 actual and consequential damages resulting from such ~~entries;~~entries.
- 27 (13) To develop and carry out demonstration ~~projects;~~projects.
- 28 (14) To make, enter into, and perform contracts with private parties, and public
29 transportation companies with respect to the management and operation of
30 public passenger ~~transportation;~~transportation.
- 31 (15) To make, enter into, and perform contracts with any public utility, railroad or
32 transportation company for the joint use of property or rights, for the
33 establishment of through routes, joint fares or transfer of
34 ~~passengers;~~passengers.
- 35 (16) To make, enter into, and perform agreements with governmental entities for
36 payments to the Authority for the transportation of persons for whom the
37 governmental entities desire ~~transportation;~~transportation.
- 38 (17) With the consent of the unit of local government which would otherwise have
39 jurisdiction to exercise the powers enumerated in this subdivision: to issue
40 certificates of public convenience and necessity; and to grant franchises and
41 enter into franchise agreements and in all respects to regulate the operation of
42 buses, taxicabs and other methods of public passenger transportation which
43 originate and terminate within the territorial jurisdiction of the Authority as
44 fully as the unit of local government is now or hereafter empowered to do
45 within the territorial jurisdiction of the unit of local ~~government;~~government.
- 46 (18) To operate public transportation systems and to enter into and perform
47 contracts to operate public transportation services and facilities and to own or
48 lease property, facilities and equipment necessary or convenient therefor, and
49 to rent, lease or otherwise sell the right to do so to any person, public or
50 private; further, to obtain grants, loans and assistance from the United States,
51 the State of North Carolina, any public body, or any private source

- 1 whatsoever, but may not operate or contract for the operation of public
2 transportation systems outside the territorial jurisdiction of the Authority
3 except as provided by subdivision (20) of this ~~section;~~section.
- 4 (19) To enter into and perform contracts and agreements with other public
5 transportation authorities, regional public transportation authorities or units of
6 local government pursuant to the provisions of G.S. 160A-460 through
7 160A-464 (Part 1 of Article 20 of Chapter 160A of the General Statutes);
8 further to enter into contracts and agreements with private transportation
9 companies, but this subdivision does not authorize the operation of, or
10 contracting for the operation of, service of a public transportation system
11 outside the service area of the ~~Authority;~~Authority.
- 12 (20) To operate public transportation systems extending service into any political
13 subdivision of the State of North Carolina unless a particular unit of local
14 government operating its own public transportation system or franchising the
15 operation of a public transportation system by majority vote of its governing
16 board, shall deny ~~consent, but such service consent.~~ Service provided under
17 this subdivision may not extend more than 10 miles outside of the territorial
18 jurisdiction of the authority, except that ~~vanpool—vanpool, buspool, and~~
19 carpool service shall not be subject to that mileage ~~limitation;~~limitation.
- 20 (21) Except as restricted by covenants in bonds, notes, or equipment trust
21 certificates, to set in its sole discretion rates, fees and charges for use of its
22 public transportation ~~system;~~system.
- 23 (22) To do all things necessary or convenient to carry out its purpose and to
24 exercise the powers granted to the ~~Authority;~~Authority.
- 25 (23) To collect or contract for the collection of taxes which it is authorized by law
26 to ~~levy;~~levy.
- 27 (24) To issue bonds or other obligations of the Authority as provided by law and
28 apply the proceeds thereof to the financing of any public transportation system
29 or any part thereof and to refund, whether or not in advance of maturity or the
30 earliest redemption date, any such bonds or other ~~obligations; and~~obligations.
- 31 (25) To contract for, or to provide and maintain, with respect to the facilities and
32 property owned, leased with or without option to purchase, operated or under
33 the control of the Authority, and within the territory thereof, a security force
34 to protect persons and property, dispense unlawful or dangerous assemblages
35 and assemblages which obstruct full and free passage, control pedestrian and
36 vehicular traffic, and otherwise preserve and protect the public peace, health,
37 and safety; for these purposes a member of such force shall be a peace officer
38 and, as such, shall have authority equivalent to the authority of a police officer
39 of the city or county in which said member of such force is discharging such
40 duties.
- 41 (26) To contract for the purchase, lease, or other acquisition of any apparatus,
42 supplies, materials, or equipment for public transit purposes with any person
43 or entity that, within the previous 60 months, after having completed a public
44 formal bid process substantially similar to that required by Article 8 of
45 Chapter 143 of the General Statutes or through the competitive proposal
46 method provided in G.S. 143-129(h), has contracted to furnish the apparatus,
47 supplies, materials, or equipment to any unit or agency approved in
48 G.S. 143-129(g) if the person or entity is willing to furnish the items at the
49 same or more favorable prices, terms, and conditions as those provided under
50 the contract with the other unit or agency. Any purchase made under this

1 section shall be approved by the Board of Trustees as provided in
2 G.S. 143-129(g)."

3 **SECTION 2.** G.S. 160A-601(4) reads as rewritten:

4 "(4) "Public transportation" means transportation of passengers whether or not for
5 hire by any means of conveyance, including but not limited to a street or
6 elevated railway or ~~guideway, subway, guideway, subway;~~ motor vehicle or
7 motor ~~bus, carpool-bus; carpool, buspool, or vanpool, vanpool;~~ either publicly
8 or privately owned and operated, holding itself out to the general public for
9 the transportation of persons within or working within the ~~territorial~~
10 ~~jurisdiction~~ service area of the Authority, excluding charter, tour, or
11 sight-seeing service."

12 **SECTION 3.** This act becomes effective July 1, 2023.