

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

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SENATE BILL 193

Short Title: NC Bridge and Toll Road Authority.

(Public)

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Sponsors: Senator Shaw.

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Referred to: Finance.

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February 23, 2005

A BILL TO BE ENTITLED

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

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:

"Article 6F.

"North Carolina Toll Road and Bridge Authority."

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

15 "**§ 136-89.159. Bridge-Toll road and bridge projects.**

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

18 (1) The high cost of constructing long ~~bridges;~~bridges.

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

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

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

26 (b) The North Carolina Toll Road and Bridge Authority shall construct, maintain,  
27 repair, and operate a bridge of more than two miles in length going from the mainland  
28 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  
2 expand or maintain any major north-south interstate route in the State that does not pass  
3 through a municipality with a population greater than 250,000 according to the latest  
4 decennial 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(a) reads as rewritten:

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

21 **SECTION 5.** G.S. 136-89.161(b) reads as rewritten:

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 **SECTION 6.** G.S. 136-89.161(h) reads as rewritten:

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

8           **SECTION 7.** G.S. 136-89.162(a) reads as rewritten:

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

- 11       (1) The powers of a corporate body, including the power to sue and be  
12 sued, to make contracts, to adopt and use a common seal, and to alter  
13 the adopted seal as needed.
- 14       (2) To establish, purchase, construct, operate, and regulate toll roads and  
15 bridges and to own, lease, sell, or manage real or personal property.
- 16       (3) To charge and collect tolls and fees for the use of the toll roads and  
17 bridges, for services rendered in the operation of the toll roads and  
18 bridges, or to offset the costs of building the toll roads and bridges. A  
19 toll shall not exceed ten dollars (\$10.00) and an annual fee for a single  
20 vehicle to use the bridge during a year shall not exceed five hundred  
21 dollars (\$500.00). Tolls for interstate highways shall be levied at the  
22 discretion of the Authority, but shall not exceed ten dollars (\$10.00)  
23 and shall be collected only at the Virginia and South Carolina borders  
24 with North Carolina. The Authority shall report its schedule of tolls  
25 and fees to the Joint Legislative Transportation Oversight Committee.
- 26       (4) To rent, lease, purchase, acquire, own, encumber, or dispose of real or  
27 personal property.
- 28       (5) To establish, construct, purchase, maintain, equip, and operate any  
29 structure or facilities associated with a toll road or a bridge.
- 30       (6) To pay all necessary costs and expenses in the formation, organization,  
31 administration, and operation of the Authority.
- 32       (7) To apply for, accept, and administer loans and grants of money from  
33 any federal agency, from the State or its political subdivisions, or from  
34 any other public or private sources available.
- 35       (8) To adopt, alter, or repeal its own bylaws or rules implementing the  
36 provisions of this Article.
- 37       (9) To employ consulting engineers, architects, attorneys, real estate  
38 counselors, appraisers, and other consultants and employees as may be  
39 required in the judgment of the Authority and to fix and pay their  
40 compensation from funds available to the Authority.
- 41       (10) To procure and maintain adequate insurance or otherwise provide for  
42 adequate protection to indemnify the Authority and its officers,  
43 directors, agents, employees, adjoining property owners, or the general

1                   public against loss or liability resulting from any act or omission by or  
2                   on behalf of the Authority.  
3           (11) To receive and use appropriations from the State, including an  
4           appropriation from the proceeds of State general obligation bonds or  
5           notes."

6           **SECTION 8.** This act is effective when it becomes law.