

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 917
Finance Committee Substitute Adopted 7/16/93
House Committee Substitute Favorable 6/9/94

Short Title: North Carolina Bridge Authority.

(Public)

Sponsors:

Referred to:

April 19, 1993

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THE NORTH CAROLINA BRIDGE AUTHORITY.

The General Assembly of North Carolina enacts:

Section 1. Chapter 136 of the General Statutes is amended by adding a new Article to read:

"ARTICLE 6F.

"NORTH CAROLINA BRIDGE AUTHORITY.

"§ 136-89.159. Bridge projects.

(a) The creation of the North Carolina Bridge Authority is necessitated by:

(1) The high cost of constructing long bridges;

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

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

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

"§ 136-89.160. Funding for projects.

1 All expenses incurred in carrying out the provisions of this Article shall be payable
2 solely from funds, including federal funds, that are now or may become available to the
3 Authority in the future for projects.

4 **"§ 136-89.161. North Carolina Bridge Authority.**

5 (a) There is created a body politic and corporate to be known as the 'North
6 Carolina Bridge Authority'. The Authority is constituted a public agency, and the
7 exercise by the Authority of the powers conferred by this Article in the construction,
8 operation, and maintenance of the bridge project shall be deemed and held to be the
9 performance of an essential governmental function.

10 (b) The North Carolina Bridge Authority shall consist of six members:

11 (1) The Secretary of Transportation shall serve as the chairman of the
12 Authority.

13 (2) Three members shall be appointed by the Governor, one for a term
14 expiring on July 1, 1995, one for a term expiring on July 1, 1996, and
15 one for a term expiring on July 1, 1997.

16 (3) Two members shall be appointed by the General Assembly, one upon
17 the recommendation of the President Pro Tempore of the Senate and
18 one upon the recommendation of the Speaker of the House of
19 Representatives, in accordance with G.S. 120-121. The member
20 appointed by the General Assembly upon the recommendation of the
21 Speaker of the House of Representatives shall serve a term expiring on
22 July 1, 1995, and the member appointed by the General Assembly
23 upon the recommendation of the President Pro Tempore of the Senate
24 shall serve a term expiring on July 1, 1996. Thereafter all terms shall
25 be for four years.

26 (c) The successor of each of the appointed members shall be appointed for a term
27 of four years, but any person appointed to fill a vacancy shall be appointed to serve only
28 for the unexpired term, and a member of the Authority shall be eligible for
29 reappointment. Each appointed member of the Authority may be removed by the
30 appointing authority for misfeasance, malfeasance, or willful neglect of duty. Each
31 appointed member of the Authority before entering upon his duties shall take an oath to
32 administer the duties of his office faithfully and impartially, and a record of each oath
33 shall be filed in the Office of the Secretary of State.

34 (d) The Authority shall elect one of the appointed members as vice-chairman,
35 and shall also elect a secretary who need not be a member of the Authority. The vice-
36 chairman and secretary shall serve as officers at the pleasure of the Authority. Four
37 members of the Authority shall constitute a quorum, and the affirmative vote of four
38 members shall be necessary for any action taken by the Authority. No vacancy in the
39 membership of the Authority shall impair the right of a quorum to exercise all the rights
40 and perform all the duties of the Authority.

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

1 (f) The Authority shall be located within the Department of Transportation for
2 administrative purposes but shall exercise all of its powers independently of the
3 Department of Transportation.

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

7 **"§ 136-89.162. Powers of the Authority.**

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

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

13 (2) To establish, purchase, construct, operate, and regulate bridges and to
14 own, lease, sell, or manage real or personal property.

15 (3) To charge and collect tolls and fees for the construction and use of the
16 bridges or for services rendered in the operation of the bridges. A toll
17 shall not exceed ten dollars (\$10.00) and an annual fee for a single
18 vehicle to use the bridge during a year shall not exceed five hundred
19 dollars (\$500.00). Any funds collected in excess of those needed for
20 operations of the Authority shall be credited to the Highway Trust
21 Fund. The Authority shall report its schedule of tolls and fees to the
22 Joint Legislative Transportation Oversight Committee.

23 (4) To rent, lease, purchase, acquire, own, encumber, or dispose of real or
24 personal property.

25 (5) To establish, construct, purchase, maintain, equip, and operate any
26 structure or facilities associated with a bridge, employing personnel of
27 the Department of Transportation whenever feasible.

28 (6) To pay all necessary costs and expenses in the formation, organization,
29 administration, and operation of the Authority.

30 (7) To apply for, accept, and administer loans and grants of money from
31 any federal agency, from the State or its political subdivisions, or from
32 any other public or private sources available.

33 (8) To adopt, alter, or repeal its own bylaws or rules implementing the
34 provisions of this Article.

35 (9) To employ consulting engineers, architects, attorneys, real estate
36 counselors, appraisers, and other consultants and employees as may be
37 required in the judgment of the Board and to fix and pay their
38 compensation from funds available to the Authority. The Authority
39 shall make use of Department of Transportation personnel whenever
40 feasible.

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

9 **"§ 136-89.163. Taxation of property of Authority.**

10 Property owned by the Authority is exempt from taxation in accordance with Article
11 V, Section 2 of the North Carolina Constitution.

12 **"§ 136-89.164. Acquisition, disposition, or exchange of real property.**

13 The Authority may acquire real property by purchase, negotiation, gift, or devise.
14 When the Authority acquires real property owned by the State, the Secretary of the
15 Department of Administration shall execute and deliver to the Authority a deed
16 transferring fee simple title to the property to the Authority.

17 **"§ 136-89.165. Cooperation by other State agencies.**

18 All State officers and agencies shall render the services to the Authority within their
19 respective functions as may be requested by the Authority.

20 **"§ 136-89.166. Annual and quarterly reports.**

21 The Authority shall, promptly following the close of each fiscal year, submit an
22 annual report of its activities for the preceding year to the Governor, the General
23 Assembly, and the Department of Transportation. Each report shall be accompanied by
24 an audit of its books and accounts. The costs of all audits, whether conducted by the
25 State Auditor's staff or contracted with a private auditing firm, shall be paid from funds
26 of the Authority.

27 The Authority shall submit quarterly reports to the Joint Legislative Transportation
28 Oversight Committee. The reports shall summarize the Authority's activities during the
29 quarter and contain any information about the Authority's activities that is requested by
30 the Committee.

31 **"§ 136-89.167. Dissolution.**

32 Whenever the Authority, by resolution, determines that the purposes for which the
33 Authority was formed have been substantially fulfilled, the Authority may declare itself
34 dissolved. On the effective date of the resolution, the title to all property owned by the
35 Authority at the time of the dissolution shall vest in the State, and possession of the
36 property shall be delivered to the State."

37 Sec. 2. The Joint Legislative Transportation Oversight Committee in
38 consultation with the Department of Transportation shall study the best method for
39 funding the North Carolina Bridge Authority and the construction and maintenance of a
40 bridge in Currituck County from the mainland to the Outer Banks near Corolla, and
41 report its findings to the 1995 General Assembly.

42 Sec. 3. This act is effective upon ratification.