

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005**

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**HOUSE BILL 253\***

Short Title: NC Turnpike Authority Changes. (Public)

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Sponsors: Representatives Crawford; Coates, Cole, McAllister, McMahan, Saunders, and Sutton.

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

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February 16, 2005

A BILL TO BE ENTITLED  
AN ACT TO AMEND THE POWERS OF THE NORTH CAROLINA TURNPIKE  
AUTHORITY.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 136-89.183 reads as rewritten:

**"§ 136-89.183. Powers of the Authority.**

(a) The Authority shall have all of the powers necessary to execute the provisions of this Article, including the following:

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

(2) To study, plan, develop, and undertake preliminary design work on up to six Turnpike Projects. At the conclusion of these activities, the Turnpike Authority is authorized to ~~To study, plan, develop, design, establish, purchase, construct, operate, and maintain three up to six Turnpike Projects. Projects, either on its own initiative or at the request of the Board of Transportation.~~ One of the Turnpike Projects shall be located in whole or in part in a county with a population equal to or greater than 650,000 persons, according to the latest decennial census, and one Turnpike Project shall be located in a county or counties that each have a population of fewer that 650,000 persons, according to the latest decennial census. A Turnpike Project selected for construction by the Turnpike Authority shall be included in any applicable locally adopted comprehensive transportation plans and shall be shown in the current State Transportation Improvement Plan prior to the letting of a contract for the Turnpike Project.

(3) ~~To study, plan, develop and undertake preliminary design work on three Turnpike Projects, in addition to the three turnpike projects~~

1 ~~described in subdivision (2) of this subsection, either on its own~~  
2 ~~initiative or at the request of the Board of Transportation. The~~  
3 ~~Authority shall take no further action on a project described by this~~  
4 ~~subdivision unless authorized to do so by Statute.~~

- 5 (4) To rent, lease, purchase, acquire, own, encumber, dispose of, or  
6 mortgage real or personal property, including the power to acquire  
7 property by eminent domain pursuant to G.S. 136-89.184.
- 8 (5) To fix, revise, charge, and collect tolls and fees for the use of the  
9 Turnpike Projects. Prior to the effective date of any toll or fee for use  
10 of a Turnpike Facility, the Authority shall submit a description of the  
11 proposed toll or fee to the Board of Transportation, the Joint  
12 Legislative Transportation Oversight Committee and the Joint  
13 Legislative Commission on Governmental Operations for review.
- 14 (6) To issue bonds or notes of the Authority as provided in this Article.
- 15 (7) To establish, construct, purchase, maintain, equip, and operate any  
16 structure or facilities associated with the Turnpike System.
- 17 (8) To pay all necessary costs and expenses in the formation, organization,  
18 administration, and operation of the Authority.
- 19 (9) To apply for, accept, and administer loans and grants of money or real  
20 or personal property from any federal agency, the State or its political  
21 subdivisions, local governments, or any other public or private sources  
22 available.
- 23 (10) To adopt, alter, or repeal its own bylaws or rules implementing the  
24 provisions of this Article, in accordance with the review and comment  
25 requirements of G.S. 136-89.182(j).
- 26 (11) To utilize employees of the Department; to contract for the services of  
27 consulting engineers, architects, attorneys, real estate counselors,  
28 appraisers, and other consultants; to employ administrative staff as  
29 may be required in the judgment of the Authority; and to fix and pay  
30 fees or compensation to the Department, contractors, and  
31 administrative employees from funds available to the Authority.
- 32 (12) To receive and use appropriations from the State and federal  
33 government.
- 34 (13) To adopt procedures to govern its procurement of services and  
35 delivery of Turnpike Projects.
- 36 (14) To perform or procure any portion of services required by the  
37 Authority.
- 38 (15) To use officers, employees, agents, and facilities of the Department for  
39 the purposes and upon the terms as may be mutually agreeable.
- 40 (16) To contract for the construction, maintenance, and operation of a  
41 Turnpike Project.
- 42 (17) To enter into partnership agreements, agreements with political  
43 subdivisions of the State, and agreements with private entities, and to  
44 expend such funds as it deems necessary, pursuant to such agreements,

1                   for the purpose of financing the cost of acquiring, constructing,  
2                   equipping, operating, or maintaining any Turnpike Project.

3       (b) To execute the powers provided in subsection (a) of this section, the  
4 Authority shall determine its policies by majority vote of the members of the Authority  
5 Board present and voting, a quorum having been established. Once a policy is  
6 established, the Authority Board shall communicate it to the Executive Director or the  
7 Executive Director's designee, who shall have the sole and exclusive authority to  
8 execute the policy of the Authority. No member of the Authority Board shall have the  
9 responsibility or authority to give operational directives to any employee of the  
10 Authority other than the Executive Director or the Director's designee. (2002-133,  
11 s. 1.)"

12                   **SECTION 2.** This act is effective when it becomes law.