

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

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SENATE BILL 1697\*  
Commerce, Small Business and Entrepreneurship Committee Substitute Adopted  
6/10/08

Short Title: Toll Enforcement/Auth. Changes/NC-VA Compact. (Public)

Sponsors:

Referred to:

May 21, 2008

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE FOR THE ENFORCEMENT OF TOLLS AT TOLL  
3 FACILITIES OPERATED BY THE NORTH CAROLINA TURNPIKE  
4 AUTHORITY AND TO MODIFY LAWS APPLICABLE TO THE NORTH  
5 CAROLINA TURNPIKE AUTHORITY, AS RECOMMENDED BY THE JOINT  
6 LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE; AND TO  
7 ESTABLISH THE VIRGINIA-NORTH CAROLINA INTERSTATE TOLL ROAD  
8 COMPACT.

9 The General Assembly of North Carolina enacts:

10 SECTION 1. Chapter 20 of the General Statutes is amended by adding a  
11 new Article to read:

12 "Article 18.

13 "Toll Enforcement.

14 "**§ 20-400. Definitions.**

15 Unless the context requires otherwise, the following definitions apply in this Article  
16 to the defined words and phrases and their cognates:

- 17 (1) Authority. – The North Carolina Turnpike Authority acting directly or  
18 through its duly authorized officers or agents to collect tolls or fees for  
19 the use of any road, bridge, or tunnel designated as a toll facility.  
20 (2) Processing agent. – A person or a public or private agency authorized  
21 by the Authority responsible for the processing of the notices of unpaid  
22 tolls pursuant to this Article.  
23 (3) Toll enforcement officer. – A person authorized by the Authority to  
24 review and issue toll evasion citations and penalties in accordance with  
25 this Article and the operating procedures of the Authority.  
26 (4) Toll evasion violation. – The use of a toll facility without payment of  
27 tolls as set and established by the Authority.

1           (5) Toll facility. – Any road, bridge, or tunnel for which tolls or fees may  
2 be charged for the use thereof pursuant to Article 6H of Chapter 136 of  
3 the General Statutes.

4 **"§ 20-401. Payment of toll on toll facility required.**

5           (a) A person shall not use a toll facility without payment of tolls as established in  
6 accordance with the operating procedures of the Authority. Provided, on toll facilities  
7 utilizing electronic toll collection systems exclusively, the Authority shall provide  
8 adequate signage to provide reasonable notice of toll payment options available prior to  
9 the issuance of a notice of unpaid toll as provided in subsection (b) of this section,  
10 including directional signage to Authority facilities or contract retail outlets that accept  
11 toll payments within the vicinity of toll facilities.

12           (b) If a vehicle is determined by automated or electronic imaging devices, visual  
13 observation, or otherwise to have operated on a toll facility without payment of a toll,  
14 the owner of the vehicle may be issued a notice of unpaid toll by the Authority, or a  
15 processing agent, no sooner than 15 days after the toll facility use.

16           (1) The notice shall specifically set forth the following:

- 17           a. The approximate date, time, and segment or segments of the toll  
18 facility or facilities used.
- 19           b. The image of the vehicle registration plate when an electronic  
20 image is available.
- 21           c. If practicable, the registration expiration date and the make of  
22 the vehicle.
- 23           d. The amount of the toll and any processing fee due.
- 24           e. The date payment is due and information regarding how  
25 payment may be made.
- 26           f. A clear and concise explanation of the procedures for contesting  
27 the toll and appealing an adverse decision.

28           (2) The notice shall be processed by officials or agents of the Authority, or  
29 a processing agent, and shall be forwarded by personal service or first-  
30 class mail to the address given on the motor vehicle registration.

31           (3) If accurate information concerning the identity and address of the  
32 registered owner of the vehicle is not available to the processing agent  
33 within 30 days of the violation, the Authority or processing agent shall  
34 have an additional 45 calendar days to obtain such information and  
35 forward the notice of unpaid toll.

36           (4) Where the registered owner is a repeat violator, the processing agent  
37 may forward the notice of unpaid toll within 90 calendar days of the  
38 violation. 'Repeat violator' means any registered owner that has had  
39 more than five violations issued pursuant to this section in any 30-day  
40 period within the preceding 12-month period. Notwithstanding this  
41 section, a law enforcement officer may issue a citation as appropriate  
42 pursuant to this Article to a repeat violator when the officer observes  
43 such individual immediately operating a vehicle, identified in five or  
44 more violations, on a toll facility.

1       (c) If the owner fails to comply with the direction on the notice of unpaid toll by  
2 failing to pay the toll and any processing fee due or contest the toll within 30 days after  
3 the date the notice of unpaid toll is served or mailed, the owner shall have waived the  
4 right to contest the toll and may be issued a toll evasion violation citation subject to a  
5 civil penalty not to exceed one hundred dollars (\$100.00) pursuant to G.S. 20-405. The  
6 Authority shall establish procedures for the collection of these penalties and may  
7 enforce the penalties by civil action in the nature of debt.

8       (d) The owner of a vehicle shall be responsible for a toll unless the owner can  
9 furnish evidence that the vehicle was, at the time of the violation, in the care, custody,  
10 or control of another person. The owner of the vehicle shall not be responsible for a toll  
11 if the owner of the vehicle, within 30 days after the date of personal service or mailing  
12 of the notice of unpaid toll, furnishes the Authority or processing agent any of the  
13 following:

14           (1) A sworn affidavit stating the name and address of the person or  
15 company who had the care, custody, and control of the vehicle. If the  
16 vehicle involved was, at the time, a long-term lease or rental, as  
17 defined in G.S. 105-187.1, the affidavit must be supported with  
18 evidence that may include a copy of the written lease or rental  
19 agreement.

20           (2) A sworn affidavit stating that the vehicle involved was, at the time,  
21 stolen. The affidavit must be supported with evidence, including  
22 insurance or police report information.

23           (3) A sworn affidavit stating that the vehicle involved, at the time, had  
24 been sold or transferred by the registered owner to another person prior  
25 to the date of the alleged violation. The affidavit must be supported  
26 with evidence that may include a copy of the certificate of title or  
27 insurance information.

28       (e) A toll evasion violation shall be deemed a noncriminal violation for which no  
29 points authorized by G.S. 20-16(c) shall be assigned to the owner or driver of the  
30 vehicle nor insurance points as authorized by G.S. 58-36-65.

31 **"§ 20-402. Processing fee.**

32       (a) Outsourcing. – The Authority may contract for the processing of notices of  
33 unpaid tolls that remain outstanding 15 days or more after a vehicle operates upon a toll  
34 facility without payment of the toll.

35       (b) Fee. – For any unpaid toll that remains outstanding 15 days or more after a  
36 vehicle operates upon a toll facility without payment of the toll, the Authority may  
37 establish a processing fee to cover only the actual expenses related to collecting unpaid  
38 tolls, not to exceed ten dollars (\$10.00).

39       (c) Use. – A processing fee is a receipt of the Authority and shall be applied only  
40 to the actual costs of collecting unpaid tolls. The proceeds must be credited to a special  
41 account within the Authority and shall be expended only as provided in this subsection.  
42 The proceeds of the fee shall not be used for any purpose that is not directly and  
43 primarily related to the collection of unpaid tolls. The Authority may use the proceeds  
44 for the purposes listed in this subsection. Any remaining fee proceeds shall remain in

1 the special account until spent for the costs of collection of unpaid tolls. The Authority  
2 and the Office of State Budget and Management shall account for all expenditures from  
3 the fund using accounting procedures that clearly distinguish costs allocable to  
4 collecting unpaid tolls from costs allocable to other purposes and demonstrate that none  
5 of the fee proceeds are used for any purpose other than collecting unpaid tolls.

6 (d) Application of Fees. – The Authority may apply the fee proceeds for the  
7 following purposes:

8 (1) To pay contractors for collecting unpaid tolls pursuant to subsection  
9 (a) of this section.

10 (2) To pay for vehicle registration identifying services, not to exceed five  
11 hundred thousand dollars (\$500,000) per year.

12 (3) To pay for personal service, postage, or other delivery charges for  
13 correspondence directly and primarily relating to collecting unpaid  
14 tolls, not to exceed five hundred thousand dollars (\$500,000) per year.

15 (4) To pay for toll collection operating expenses for the Authority's  
16 Customer Service Center, including employees, equipment, hardware,  
17 and software directly and primarily related to collecting unpaid tolls.

18 (5) To reimburse the reasonable costs of the Division of Motor Vehicles  
19 associated with providing the Authority registered vehicle owner  
20 information and processing vehicle registration suspensions through  
21 electronic transmission methods, as agreed upon by the Authority and  
22 the Division.

23 **"§ 20-403. Administrative adjudication.**

24 The Authority shall institute a nonjudicial administrative hearing procedure to  
25 review citations or penalties issued or assessed under this Article. Hearings may be  
26 conducted by either the Authority or an Administrative Hearing Officer appointed by  
27 the Authority. The provisions of Chapter 150B of the General Statutes shall not apply to  
28 the Authority or its hearing officers.

29 **"§ 20-404. Judicial review.**

30 (a) The contestant may seek judicial review of the Authority or processing  
31 agency's final decision by filing a written notice of appeal to the district court, in the  
32 county where the alleged violation took place, within 20 days after the mailing of the  
33 final decision by the Authority or processing agent. On appeal, the standard of review  
34 shall be de novo. The contents of the Authority or processing agent's file in the case on  
35 appeal shall be received in evidence if the contents can be shown not to create an unfair  
36 prejudice toward the alleged violator. A copy of a toll evasion citation shall be prima  
37 facie evidence of the facts stated therein. A copy of the written notice of appeal shall be  
38 served upon the Authority or the processing agent in a manner consistent with Rule 4 of  
39 the North Carolina Rules of Civil Procedure.

40 (b) If no written notice of appeal of the Authority or Administrative Hearing  
41 Officer decision is filed within the period set forth in subsection (a) of this section, the  
42 decision shall be deemed final.

1 (c) If the toll evasion penalty has not been deposited and the decision is adverse  
2 to the contestant, the Authority or processing agent may, promptly after the decision  
3 becomes final, proceed to collect the penalty under G.S. 20-405.

4 (d) Vehicle registration shall be suspended pursuant to G.S. 20-54 for  
5 nonpayment of tolls, fees, or penalties assessed pursuant to this Article if the tolls, fees,  
6 or penalties remain unpaid six months beyond the date a decision is deemed final  
7 pursuant to subsections (b) and (c) of this section.

8 **"§ 20-405. Toll evasion penalties.**

9 (a) A schedule of toll evasion penalties for toll evasion violations shall be  
10 established by the Authority, but shall not exceed the amount of the unpaid toll plus one  
11 hundred dollars (\$100.00) per violation.

12 (b) Toll evasion penalties under this Article shall be collected as civil penalties.

13 (c) If the toll evasion penalty is received by the person authorized to receive the  
14 deposit of the toll evasion penalty and there is no contest as to that toll evasion  
15 violation, the proceedings under this Article shall terminate.

16 (d) The amount of the unpaid toll shall be retained by or remitted to the  
17 Authority. The clear proceeds from the citations issued pursuant to this Article shall be  
18 paid to the Civil Penalty and Forfeiture Fund. For the purposes of determining the clear  
19 proceeds derived from the citations, the following expenses, not to exceed ten percent  
20 (10%) of the civil penalty assessed pursuant to subsection (b) of this section, are  
21 authorized to be deducted from each civil penalty assessed pursuant to the provisions of  
22 subsection (b) of this section:

23 (1) The cost of materials and postage directly related to the printing and  
24 mailing of a citation sent to the owner and, if necessary, the driver of  
25 the vehicle.

26 (2) The cost of computer services directly related to the production and  
27 mailing of a citation described in subdivision (1) of this subsection.

28 (e) The Authority may assess a collection assistance fee against the owner and, if  
29 necessary, driver of the vehicle under the following conditions:

30 (1) The civil penalty has not been paid within 30 days after a toll evasion  
31 citation is issued including a statement that a collection assistance fee  
32 will be assessed if the penalty is not paid within said time period. A  
33 collection assistance fee shall not exceed twenty percent (20%) of the  
34 civil penalty assessed pursuant to this section.

35 (2) Collection assistance fees shall be placed in a separate fund that may  
36 be used only for the purpose of paying for the costs of collection  
37 expended to collect civil penalties that remain unpaid 30 days pursuant  
38 to subdivision (1) of this subsection.

39 Amounts collected must be credited first to the payment of the civil penalty and then  
40 to the collection assistance fee.

41 **"§ 20-406. Use of information.**

42 No information obtained pursuant to this Article shall be used for any purpose other  
43 than to facilitate the enforcement of toll collections pursuant to this Article, unless

1 required for law enforcement investigative purposes or otherwise ordered by a court of  
2 competent jurisdiction.

3 **§ 20-407. Authority to enter into cooperative and reciprocal agreements.**

4 The Authority is authorized to enter into cooperative and reciprocal agreements with  
5 other states or their agents to receive and share vehicle identification information,  
6 including registered vehicle owner names and addresses and such other information  
7 necessary to facilitate the enforcement of toll collections with respect to nonresident  
8 vehicles."

9 **SECTION 2.** G.S. 20-54 is amended by adding a new subdivision to read:

10 "(10) The North Carolina Turnpike Authority has provided notice to the  
11 owner of a registered vehicle that is subject to unpaid tolls, fees, or  
12 penalties assessed in accordance with Article 18 of this Chapter."

13 **SECTION 3.** G.S. 20-63(g) reads as rewritten:

14 "(g) Alteration, Disguise, or Concealment of Numbers. – Any operator of a motor  
15 vehicle who shall willfully mutilate, bend, twist, cover or cause to be covered or  
16 partially covered by any bumper, light, spare tire, tire rack, strap, or other device, or  
17 who shall paint, enamel, emboss, stamp, print, perforate, or alter or add to or cut off any  
18 part or portion of a registration plate or the figures or letters thereon, or who shall place  
19 or deposit or cause to be placed or deposited any oil, grease, or other substance upon  
20 such registration plates for the purpose of making dust adhere thereto, or who shall  
21 deface, disfigure, change, or attempt to change any letter or figure thereon, or who shall  
22 display a number plate in other than a horizontal upright position, shall be guilty of a  
23 Class 2 misdemeanor. Any operator of a motor vehicle who shall willfully cover or  
24 cause to be covered any part or portion of a registration plate or the figures or letters  
25 thereon by any device designed or intended to prevent or interfere with the taking of a  
26 clear photograph of a registration plate by a traffic control or toll collection system  
27 using cameras commits an infraction and shall be fined under G.S. 14-3.1. Any operator  
28 of a motor vehicle who shall otherwise intentionally cover any number or registration  
29 renewal sticker on a registration plate with any material that makes the number or  
30 registration renewal sticker illegible commits an infraction and shall be fined under  
31 G.S. 14-3.1. Nothing in this subsection shall prohibit the use of transparent covers that  
32 are not designed or intended to prevent or interfere with the taking of a clear photograph  
33 of a registration plate by a traffic control or toll collection system using cameras."

34 **SECTION 4.** G.S. 136-89.183(a)(2) reads as rewritten:

35 "(2) To study, plan, develop, and undertake preliminary design work on up  
36 to nine Turnpike Projects. At the conclusion of these activities, the  
37 Turnpike Authority is authorized to design, establish, purchase,  
38 construct, operate, and maintain the following projects:

- 39 a. Triangle Parkway Expressway, including segments also known  
40 as NC 540, Triangle Parkway, and Western Wake Freeway in  
41 Wake and Durham Counties.
- 42 b. Gaston East-West Connector, also known as the  
43 Garden Parkway.
- 44 c. Monroe Connector/Connector/Bypass.

- d. Cape Fear Skyway.
- e. A bridge of more than two miles in length going from the mainland to a peninsula bordering the State of ~~Virginia.~~Virginia, pursuant to G.S. 136-89.183A.

- f. ~~I-540 in Wake and Durham Counties.~~

Any other project proposed by the Authority in addition to the projects listed in this subdivision must be approved by the General Assembly prior to construction.

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."

**SECTION 5.** G.S. 136-89.183 is amended by adding a new subsection to read:

"(c) Notwithstanding any other provisions of law to the contrary, all moneys received by the Authority shall be deemed to be trust funds to be held and applied solely as provided in this Article. The resolution authorizing any obligations or trust agreement securing the same may provide that any of such moneys may be temporarily invested pending the disbursement thereof and shall provide that any officer with whom, or any bank or trust company with which, such moneys shall be deposited shall act as trustee of such moneys and shall hold and apply the same for the purposes hereof, subject to such regulations as such resolution or trust agreement may provide. Subject to any such regulations in a resolution or trust agreement, any moneys received by the Authority and available to the Authority may be invested by the Authority in any investments permitted by G.S. 159-30, except that for purposes of G.S. 159-30(b) the Authority may deposit moneys at interest in banks or trust companies outside as well as in this State, as long as moneys on deposit outside this State are collateralized to the same extent and manner as if deposited in this State."

**SECTION 6.** G.S. 136-89.194 reads as rewritten:

**"§ 136-89.194. Laws applicable to the Authority; exceptions.**

(a) Motor Vehicle Laws. – The Turnpike System shall be considered a "highway" as defined in G.S. 20-4.01(13) and a "public vehicular area" as defined in G.S. 20-4.01(32). All law enforcement and emergency personnel, including the State Highway Patrol and the Division of Motor Vehicles, shall have the same powers and duties on the Turnpike System as on any other highway or public vehicular area.

(b) Contracting. – For the purposes of implementing this Article, the Authority shall solicit competitive proposals for the construction of Turnpike Projects in accordance with the provisions of Article 2 of this Chapter. Contracts for professional engineering services and other kinds of professional or specialized services necessary in connection with construction of Turnpike Projects shall be solicited in accordance with procedures utilized by the Department of Transportation.

1 (c) Alternative Contracting Methods. – Notwithstanding the provisions of  
2 subsection (b) of this section, the Authority may authorize the use of alternative  
3 contracting methods if:

4 (1) The authorization applies to an individual project;

5 (2) The Authority has concluded, and documented in writing, that the  
6 alternative contracting method is necessary because the project cannot  
7 be completed utilizing the procedures of Article 2 of this Chapter  
8 within the necessary time frame or available funding or for other  
9 reasons the Authority deems in the public interest;

10 (3) The Authority has provided, to the extent possible, for the solicitation  
11 of competitive proposals prior to awarding a contract; and

12 (4) The approved alternative contracting method provides for reasonable  
13 compliance with the disadvantaged business participation goals of  
14 G.S. 136-28.4.

15 (d) Entry for Surveys. – The Turnpike Authority and its employees and  
16 contractors shall have the same right of entry for surveys, borings, soundings, or  
17 examinations as granted the Department of Transportation in G.S. 136-120.

18 (e) Documents and Records. – The diaries kept in connection with construction  
19 or repair contracts entered into by the Turnpike Authority and any analysis generated by  
20 any bid analysis and management system, including work papers, documents, and the  
21 output of automated systems associated with the analyses of bids of the Turnpike  
22 Authority, shall have the same public record status as the records of the Department of  
23 Transportation in G.S. 136-28.5.

24 (f) Adjustment and Resolution of Turnpike Construction Claim. – The provisions  
25 of G.S. 136-29 shall apply to the Turnpike Authority except that references in  
26 G.S. 136-29 to the 'Department of Transportation' and the 'State Highway  
27 Administrator' shall be to the 'Turnpike Authority' and the 'Chief Engineer',  
28 respectively. References in G.S. 136-29 to a 'State highway' shall be to a 'Turnpike  
29 facility.'

30 (g) Article 3 of Chapter 143 of the General Statutes shall not apply to the  
31 Turnpike Authority, but as feasible, the Authority may use the services of the  
32 Department of Administration in procuring goods and services for the Authority not  
33 specific to establishing and operating toll revenue systems. All contract information  
34 shall be made a matter of public record in the same manner as set forth in  
35 G.S. 147-33.95(a).

36 (h) Article 3D of Chapter 147 of the General Statutes shall not apply to the  
37 Turnpike Authority, but as feasible, the Authority may use the services of State  
38 Information Technology in procuring equipment, goods, and services not specific to  
39 establishing and operating toll revenue systems.

40 (i) Chapter 150B of the General Statutes shall not apply to the Turnpike  
41 Authority, except as provided in G.S. 136-89.194(f)."

42 **SECTION 7.** G.S. 47-30(l) reads as rewritten:

43 "(l) The provisions of this section shall not apply to the registration of highway  
44 right-of-way plans provided for in ~~G.S. 136-19.4~~ G.S. 136-19.4, the Turnpike Authority



1 right-of-way plans provided for in G.S. 136-89.184A, nor to registration of roadway  
2 corridor official maps provided in Article 2E of Chapter 136."

3 **SECTION 8.** Chapter 136 of the General Statutes is amended by adding a  
4 new section to read:

5 **"§ 136-89.184A. Registration of right-of-way plans.**

6 (a) A copy of the cover sheet and plan and profile sheets of the final right-of-way  
7 plans for all Turnpike Authority projects, on those projects for which plans are  
8 prepared, under which right-of-way or other interest in real property is acquired or  
9 access is controlled shall be certified by the Turnpike Authority to the register of deeds  
10 of the county or counties within which the project is located. The Authority shall certify  
11 said plan sheets to the register of deeds within two weeks from their formal approval by  
12 the Board of Directors.

13 (b) The copy of the plans certified to the register of deeds shall consist of a  
14 Xerox, photographic, or other permanent copy, except for plans electronically  
15 transmitted pursuant to subsection (c) of this section and shall measure approximately  
16 17 inches by 11 inches including no less than one and one-half inches binding space on  
17 the left-hand side.

18 (c) With the approval of the county in which the right-of-way plans are to be  
19 filed, the Authority may transmit the plans electronically.

20 (d) Notwithstanding any other provision of law, upon receipt of the original  
21 certified copy of the right-of-way plans, the register of deeds shall record the  
22 right-of-way plans and place the same in a book maintained for that purpose, and the  
23 register of deeds shall maintain a cross-index to the right-of-way plans by number of  
24 roads affected, if any, and by identification number. No probate before the clerk of the  
25 superior court shall be required.

26 (e) If after the approval of said final right-of-way plans, the Board of Directors  
27 shall by resolution alter or amend said right-of-way or control of access, the Turnpike  
28 Authority, within two weeks from the adoption by the Board of Directors of the  
29 alteration or amendment, shall certify to the register of deeds in the county or counties  
30 within which the project is located a copy of the amended plan and profile sheets  
31 approved by the Board of Directors, and the register of deeds shall remove the original  
32 plan sheets and record the amended plan sheets in lieu thereof.

33 (f) The register of deeds in each county shall collect a fee from the Turnpike  
34 Authority for recording right-of-way plans and profile sheets in the amount set out in  
35 G.S. 161-10."

36 **SECTION 9.** Chapter 136 of the General Statutes is amended by adding a  
37 new section to read:

38 **"§ 136-89.184B. Project cost estimates.**

39 All cost estimates prepared for the purpose of comparing bids shall be confidential  
40 and shall not be disclosed until after the opening of bids for a project."

41 **SECTION 10.** G.S. 146-65 reads as rewritten:

42 **"§ 146-65. Exemptions from Chapter.**

43 None of the provisions of Chapter 146 shall apply to:

- 1 (1) The acquisition of highway rights-of-way, borrow pits, or other  
2 interests or estates in land acquired for the same or similar purposes, or  
3 to the disposition thereof, by the Board of Transportation; or  
4 (2) The North Carolina State Ports Authority, the authority and powers  
5 thereof set forth or provided for by G.S. 143B-452 through  
6 G.S. 143B-467 or to the exercise of all or any of such authority and  
7 ~~powers,powers; or~~  
8 (3) The acquisition of rights-of-way, borrow pits, or other interests or  
9 estates in land acquired for turnpike project purposes, or to the  
10 disposition thereof, by the North Carolina Turnpike Authority.

11 Nor shall the provisions of Chapter 146 abrogate or alter any otherwise valid  
12 contract or agreement heretofore made and entered into by the State of North Carolina  
13 or by any of its subdivisions or agencies during the term or period of such contract or  
14 agreement."

15 **SECTION 11.** G.S. 136-89.183A reads as rewritten:

16 "**§ 136-89.183A. Accelerated Pilot Toll Bridge Project.**

17 (a) Findings. – The General Assembly finds that there is a need for a bridge  
18 connecting the Currituck County mainland to the Currituck County Outer Banks; that  
19 the bridge should be implemented as a toll bridge; that the bridge should be  
20 implemented in a manner that protects the natural environment and quality of life on the  
21 Outer Banks; and that the character of the existing road system in Currituck County and  
22 Dare County Outer Banks should be preserved.

23 ~~(a)(b)~~ Contract to Construct Accelerated Pilot Toll Bridge Project. – The Authority  
24 shall contract with a single private firm to design, obtain all necessary permits for, and  
25 construct the toll bridge described in G.S. 136-89.183(a)(2), known as the  
26 Mid-Currituck Bridge, a bridge of more than two miles in length going from the  
27 mainland to a peninsula bordering the State of Virginia, in order to provide accelerated,  
28 efficient, and cost-effective completion of the project.

29 ~~(b)(c)~~ Preconstruction Participation. – In addition to the authority granted by  
30 G.S. 136-89.191, the Department shall participate in the cost of preconstruction  
31 activities related to the project described in this section, if requested by the Authority.

32 (d) Environmental Protection. – The Authority shall ensure that the  
33 Mid-Currituck Bridge is implemented in a manner that accomplishes all of the  
34 following:

- 35 (1) Ensures the preservation of water quality in Currituck Sound.  
36 (2) Mitigates for environmental impacts of the bridge on the Currituck  
37 County mainland and the Outer Banks.  
38 (3) Reduces traffic congestion and vehicle miles traveled, and preserves  
39 the character of the existing road system, in Dare County and  
40 Currituck County on the Outer Banks.

41 ~~(e)(e)~~ Report on Project. – The Authority shall report to the Joint Legislative  
42 Transportation Oversight Committee on December 1, 2005, and each December 1  
43 thereafter until completion, on the progress of the accelerated pilot toll bridge project  
44 described in this section."

1           **SECTION 12.(a)** Chapter 136 of the General Statutes is amended by adding  
2 a new Article to read:

3   "Article 6I.

4   "Virginia-North Carolina Interstate Toll Road Compact.

5         "§ 136-89.200. Legislative findings.

6           (a) The General Assembly finds that the existing Interstate system is becoming  
7 increasingly congested and overburdened with traffic in many areas of the State; that the  
8 sharp surge of vehicle miles traveled is overwhelming the State's ability to build and  
9 pay for adequate road improvements; and that an adequate answer to this challenge will  
10 require the State to be innovative and utilize several new approaches to transportation  
11 improvements in North Carolina.

12           Toll funding of Interstate 95 highway and bridge construction is feasible in North  
13 Carolina and can contribute to addressing the critical transportation needs of the State.  
14 A toll program on I-95 can speed the implementation of needed transportation  
15 improvements by funding some projects with tolls.

16           (b) The Commonwealth of Virginia has enacted Chapter 917 of its 2006 Laws  
17 (Senate Bill 614) establishing the Virginia-North Carolina Interstate Toll Road  
18 Compact, contingent on similar action by the State of North Carolina.

19         "§ 136-89.201. Virginia-North Carolina Interstate Toll Road Compact; form of  
20         compact.

21           The Virginia-North Carolina Interstate Toll Road Compact is enacted into law and  
22 entered into with all other jurisdictions legally joining in the form substantially as  
23 follows:

24   Article I.

25   Short Title.

26           This shall be known and may be cited as the Virginia-North Carolina Interstate Toll  
27 Road Compact.

28   Article II.

29   Compact Established.

30           Pursuant to Public Law 109-59 (Safe, Accountable, Flexible, Efficient  
31 Transportation Equity Act: A Legacy for Users), there is hereby established the  
32 Virginia-North Carolina Interstate Toll Road Compact (the Compact).

33   Article III.

34   Agreement.

35           The Commonwealth of Virginia and the State of North Carolina agree, upon  
36 adoption of this compact:

- 37           (1) To set, impose, and collect tolls, not to exceed a maximum of five  
38 dollars (\$5.00) for a two-axle vehicle, for use of Interstate Route 95  
39 within their respective boundaries;  
40           (2) To share the net proceeds from tolls collected evenly after deducting  
41 their actual and necessary costs of collection and operation, with each  
42 state's share of the proceeds to be used as the laws of that state may  
43 provide, subject to federal law; and

1           (3) To coordinate efforts to establish welcome centers, rest areas, and  
2           facilities where travelers may obtain food, fuel, souvenirs, and vehicle  
3           repairs and service.

4   Article IV.

5           Compact Commission Established; Membership; Chairman; Meetings; and Report.

6           The Commonwealth of Virginia and the State of North Carolina shall each establish  
7           a compact commission. In Virginia, the Virginia-North Carolina Interstate Toll Road  
8           Compact Commission (the Commission) shall be established as a regional  
9           instrumentality and common agency of the Commonwealth of Virginia and the State of  
10          North Carolina. The compact commission of each state shall be empowered to carry out  
11          the purposes of the Compact.

12          The Compact Commission shall have a total membership of 10 legislative members,  
13          consisting of five legislative members representing the Commonwealth of Virginia and  
14          five legislative members representing the State of North Carolina. The Virginia  
15          members of the Commission shall be appointed as follows: two members of the Senate  
16          to be appointed by the Senate Committee on Rules, and three members of the House of  
17          Delegates to be appointed by the Speaker of the House of Delegates, in accordance with  
18          the principles of proportional representation contained in the Rules of the House of  
19          Delegates. The Virginia members of the Commission shall serve terms coincident with  
20          their terms of office, and may be reappointed. However, no Senate member shall serve  
21          more than two consecutive four-year terms, and no House member shall serve more  
22          than four consecutive two-year terms.

23          The North Carolina members of the Commission shall be appointed and may be  
24          removed in accordance with applicable statutes of the State of North Carolina, as  
25          appropriate.

26          The chairman of the Commission shall be elected by the members of the  
27          Commission from among its membership. The chairman shall serve for a term of one  
28          year. The chairmanship shall rotate between the Commonwealth of Virginia and the  
29          State of North Carolina.

30          The Commission shall meet not less than twice annually, and at least once in  
31          Virginia and once in North Carolina. The Commission shall issue an annual report of its  
32          activities to the Governors and the General Assembly of Virginia and the General  
33          Assembly of North Carolina.

34   Article V.

35   Funding and Compensation.

36          The Commission may utilize for its operation and expenses funds appropriated to it  
37          for such purposes by the Virginia General Assembly and North Carolina General  
38          Assembly, or funds received from federal sources.

39          The Virginia members of the Commission shall receive such compensation as  
40          provided in § 30-19.12 and shall be reimbursed for all reasonable and necessary  
41          expenses incurred in the performance of their duties to the Commission as provided in  
42          §§ 2.2-2813 and 2.2-2825. The North Carolina members of the Commission shall  
43          receive per diem, subsistence, and travel allowances in accordance with applicable  
44          statutes of the State of North Carolina, as appropriate. However, all such compensation

1 and expenses shall be paid from existing appropriations and funds provided to the  
2 Commission.

3 Article VI.

4 Staff Support.

5 The Virginia Department of Transportation and the North Carolina Department of  
6 Transportation shall provide staff support to the Commission.

7 **"§ 136-89.202. Commission established; appointment and terms of members;**  
8 **chairman; reports; Commission funds; staff.**

9 (a) The Virginia-North Carolina Interstate Toll Road Compact Commission is  
10 hereby established as a regional instrumentality and a common agency of the State of  
11 North Carolina and the Commonwealth of Virginia, and may carry out the purposes of  
12 the Compact, including establishing tolls as provided by this Article.

13 (b) The North Carolina members of the Commission shall be composed of five  
14 members as follows: two members appointed by the General Assembly upon  
15 recommendation of the President Pro Tempore of the Senate, two members appointed  
16 by the General Assembly upon recommendation of the Speaker of the House of  
17 Representatives, and one appointed by the Governor. One of the initial appointments  
18 upon the recommendation of the President Pro Tempore of the Senate shall be for a  
19 four-year term, to begin July 1, 2008, and the other shall be for a two-year term, to  
20 begin July 1, 2008. One of the initial appointments upon the recommendation of the  
21 Speaker of the House of Representatives shall be for a four-year term, to begin July 1,  
22 2008, and the other shall be for a two-year term, to begin July 1, 2008. The initial  
23 appointment by the Governor shall be for a four-year term, to begin July 1, 2008. The  
24 member appointed by the Governor may be removed in the same manner as provided by  
25 G.S. 143B-13. Members appointed by the General Assembly may be removed by the  
26 General Assembly, or their offices vacated in accordance with G.S. 143B-13(b).

27 (c) North Carolina members of the Commission shall receive per diem,  
28 subsistence, and travel allowances in accordance with Chapter 138 of the General  
29 Statutes."

30 **SECTION 12.(b)** This section shall become effective upon its enactment by  
31 the State of North Carolina and the Commonwealth of Virginia, and in accordance with  
32 federal law authorizing this compact.

33 **SECTION 13.** Sections 1, 2, and 3 of this act become effective December 1,  
34 2008. The remainder of this act is effective when it becomes law.