

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 917
Finance Committee Substitute Adopted 7/16/93

Short Title: North Carolina Bridge Authority.

(Public)

Sponsors:

Referred to:

April 19, 1993

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH THE NORTH CAROLINA BRIDGE AUTHORITY.
3 The General Assembly of North Carolina enacts:

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

6 **"ARTICLE 6F.**

7 **"NORTH CAROLINA BRIDGE AUTHORITY.**

8 **"§ 136-89.159. Bridge projects.**

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

10 (1) The high cost of constructing long bridges;

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

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

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

20 **"§ 136-89.160. Funding for projects.**

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

1 **§ 136-89.161. North Carolina Bridge Authority.**

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

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

8 (1) The Secretary of Transportation shall serve as the chairman of the
9 Authority.

10 (2) Three members shall be appointed by the Governor, one for a term
11 expiring on July 1, 1994, one for a term expiring on July 1, 1995, and
12 one for a term expiring on July 1, 1996.

13 (3) Two members shall be appointed by the General Assembly, one upon
14 the recommendation of the President Pro Tempore of the Senate and
15 one upon the recommendation of the Speaker of the House of
16 Representatives, in accordance with G.S. 120-121. The member
17 appointed by the General Assembly upon the recommendation of the
18 Speaker of the House of Representatives shall serve a term expiring on
19 July 1, 1994, and the member appointed by the General Assembly
20 upon the recommendation of the President Pro Tempore of the Senate
21 shall serve a term expiring on July 1, 1995. Thereafter all terms shall
22 be for four years.

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

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

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

41 (f) The Authority shall be located within the Department of Transportation for
42 administrative purposes but shall exercise all of its powers independently of the
43 Department of Transportation.

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

4 **"§ 136-89.162. Powers of the Authority.**

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

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

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

12 (3) To charge and collect tolls and fees for the use of the bridges or for
13 services rendered in the operation of the bridges. A toll shall not
14 exceed ten dollars (\$10.00) and an annual fee for a single vehicle to
15 use the bridge during a year shall not exceed five hundred dollars
16 (\$500.00). The Authority shall report its schedule of tolls and fees to
17 the Joint Legislative Transportation Oversight Committee.

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

20 (5) To establish, construct, purchase, maintain, equip, and operate any
21 structure or facilities associated with a bridge.

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

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

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

29 (9) To employ consulting engineers, architects, attorneys, real estate
30 counselors, appraisers, and other consultants and employees as may be
31 required in the judgment of the Board and to fix and pay their
32 compensation from funds available to the Authority.

33 (10) To procure and maintain adequate insurance or otherwise provide for
34 adequate protection to indemnify the Authority and its officers,
35 directors, agents, employees, adjoining property owners, or the general
36 public against loss or liability resulting from any act or omission by or
37 on behalf of the Authority.

38 (11) To receive and use appropriations from the State, including an
39 appropriation from the proceeds of State general obligation bonds or
40 notes.

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

44 **"§ 136-89.163. Taxation of property of Authority.**

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

3 **"§ 136-89.164. Acquisition, disposition, or exchange of real property.**

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

8 **"§ 136-89.165. Cooperation by other State agencies.**

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

11 **"§ 136-89.166. Annual and quarterly reports.**

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

18 The Authority shall submit quarterly reports to the Joint Legislative Transportation
19 Oversight Committee. The reports shall summarize the Authority's activities during the
20 quarter and contain any information about the Authority's activities that is requested by
21 the Committee.

22 **"§ 136-89.167. Dissolution.**

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

28 Sec. 2. The Joint Legislative Transportation Oversight Committee shall study
29 the best method for funding the North Carolina Bridge Authority and the construction
30 and maintenance of a bridge in Currituck County from the mainland to the Outer Banks
31 near Corolla, and report its findings to the General Assembly on or before the first day
32 of the 1994 Session.

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