

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 464

Short Title: Regional Transportation Authority Revisions. (Public)

Sponsors: Representative Faircloth (Primary Sponsor).

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Transportation.

April 2, 2015

A BILL TO BE ENTITLED

AN ACT TO ADJUST THE COMPOSITION OF THE BOARD OF TRUSTEES OF REGIONAL TRANSPORTATION AUTHORITIES, TO PROVIDE THAT ALL MEMBERS OF THE BOARD OF TRUSTEES SHALL BE VOTING MEMBERS, TO AUTHORIZE REGIONAL TRANSPORTATION AUTHORITIES TO HIRE A CHIEF ADMINISTRATIVE OFFICER, AND TO CLARIFY THE VOTING PROCESS BY MEMBERS OF THE BOARD OF TRUSTEES OF REGIONAL TRANSPORTATION AUTHORITIES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-635 reads as rewritten:

"§ 160A-635. **Membership; officers; compensation.**

(a) The governing body of an authority is the Board of Trustees. The Board of Trustees shall consist of:

...

(2) ~~Two~~At least two, but not more than three, members of the Board of Transportation appointed by the Secretary of Transportation, ~~to serve as ex officio nonvoting members.~~Transportation. Members appointed under this subdivision shall be (i) division members from a highway division or highway divisions located wholly or partially within the territorial jurisdiction of the Authority, (ii) at-large members who represent or have an expertise in mass transit and reside within the territorial jurisdiction of the Authority, or (iii) a combination of division members and at-large members meeting the requirements set forth in this subdivision.

...

(c) Service on the Board of Trustees may be in addition to any other office which a person is entitled to hold. Each ~~voting~~member of the Board of Trustees may hold elective public office as defined by G.S. 128-1.1(d).

...

(e) The Board of Trustees shall annually elect from its membership a Chairperson, ~~and~~ a Vice-Chairperson, ~~and shall annually elect~~ a Secretary, and a Treasurer.

...."

SECTION 2. G.S. 160A-636 reads as rewritten:

"§ 160A-636. ~~Voting.~~**Voting; action by the Board of Trustees.**

(a) Quorum. – A majority of the ~~members~~membership of the Board of Trustees, ~~excluding vacant seats,~~ shall constitute a ~~quorum for the transaction of~~



1 ~~business. Except as provided by G.S. 160A-635(a)(2), each member shall have one~~
2 ~~vote-quorum. A member who has withdrawn from a meeting without being excused by~~
3 ~~majority vote of the remaining members present shall be counted as present for purposes of~~
4 ~~determining whether or not a quorum is present. No member shall be excused from voting~~
5 ~~except upon matters involving the consideration of the member's own financial interest or~~
6 ~~official conduct or on matters on which the member is prohibited from voting under any other~~
7 ~~provision of law.~~

8 (b) Action. – An affirmative vote equal to a majority of all the members of the Board of
9 Trustees not excused from voting on the question in issue shall be required to authorize or
10 commit the expenditure of public funds, or make, ratify, or authorize any contract on behalf of
11 the Authority.

12 (c) Tie Vote. – In the event of a tie vote of the members of the Board of Trustees, the
13 chairperson shall cast the deciding vote."

14 **SECTION 3.** G.S. 160A-639 reads as rewritten:

15 "**§ 160A-639. General powers of the Authority.**

16 The general powers of the Authority shall include any or all of the following:

- 17 (1) To sue and be ~~sued~~;sued.
- 18 (2) To have a ~~seal~~;seal.
- 19 (3) To make rules and regulations, not inconsistent with this Chapter, for its
20 organization and internal ~~management~~;management.
- 21 (4) To employ ~~persons deemed necessary~~ a chief administrative officer to carry
22 out the functions and duties ~~assigned to them by~~ of the Authority and
23 ~~to Authority. The Board of Trustees shall fix their compensation,~~ the
24 compensation of the chief administrative officer and any employees hired by
25 the chief administrative officer pursuant to G.S. 160A-639.1, within the limit
26 of available ~~funds~~;funds.
- 27 (5) With the approval of the unit of local government's chief administrative
28 official, to use officers, employees, agents, and facilities of the unit of local
29 government for such purposes and upon such terms as may be mutually
30 ~~agreeable~~;agreeable.
- 31 (6) To retain and employ counsel, auditors, engineers, and private consultants
32 on an annual salary, contract basis, or otherwise for rendering professional
33 or technical services and ~~advice~~;advice.
- 34 (7) To acquire, lease as lessee with or without option to purchase, hold, own,
35 and use any franchise, property, real or personal, tangible or intangible, or
36 any interest therein, and to sell, lease as lessor with or without option to
37 purchase, transfer (or dispose thereof) whenever the same is no longer
38 required for purposes of the Authority, or exchange same for other property
39 or rights which are useful for the Authority's purposes, including but not
40 necessarily limited to parking ~~facilities~~;facilities.
- 41 (8) To acquire by gift, purchase, lease as lessee with or without option to
42 purchase or otherwise to construct, improve, maintain, repair, operate, or
43 administer any component parts of a public transportation system or to
44 contract for the maintenance, operation or administration thereof, or to lease
45 as lessor the same for maintenance, operation, or administration by private
46 parties, including, but not necessarily limited to, parking ~~facilities~~;facilities.
- 47 (9) To make or enter into contracts, agreements, deeds, leases with or without
48 option to purchase, conveyances or other instruments, including contracts
49 and agreements with the United States, the State of North Carolina, and units
50 of local ~~government~~;government.

- 1 (9a) To purchase or finance real or personal property in the manner provided for
2 cities and counties under ~~G.S. 160A-20~~; G.S. 160A-20.
- 3 (10) To surrender to the State of North Carolina any property no longer required
4 by the ~~Authority~~; Authority.
- 5 (11) To develop and make data, plans, information, surveys and studies of public
6 transportation facilities within the territorial jurisdiction of the Authority and
7 to prepare and make recommendations in regard ~~thereto~~; thereto.
- 8 (12) To enter in a reasonable manner lands, waters, or premises for the purpose of
9 making surveys, soundings, drillings, and examinations whereby such entry
10 shall not be deemed a trespass except that the Authority shall be liable for
11 any actual and consequential damages resulting from such ~~entries~~; entries.
- 12 (13) To develop and carry out demonstration ~~projects~~; projects.
- 13 (14) To make, enter into, and perform contracts with private parties, and public
14 transportation companies with respect to the management and operation of
15 public passenger ~~transportation~~; transportation.
- 16 (15) To make, enter into, and perform contracts with any public utility, railroad
17 or transportation company for the joint use of property or rights, for the
18 establishment of through routes, joint fares, or transfer of
19 ~~passengers~~; passengers.
- 20 (16) To make, enter into, and perform agreements with governmental entities for
21 payments to the Authority for the transportation of persons for whom the
22 governmental entities desire ~~transportation~~; transportation.
- 23 (17) With the consent of the unit of local government which would otherwise
24 have jurisdiction to exercise the powers enumerated in this subdivision: to
25 issue certificates of public convenience and necessity; and to grant
26 franchises and enter into franchise agreements, and in all respects to regulate
27 the operation of buses, taxicabs, and other methods of public passenger
28 transportation which originate and terminate within the territorial jurisdiction
29 of the Authority as fully as the unit of local government is now or hereafter
30 empowered to do within the territorial jurisdiction of the unit of local
31 ~~government~~; government.
- 32 (18) To operate public transportation systems and to enter into and perform
33 contracts to operate public transportation services and facilities, and to own
34 or lease property, facilities and equipment necessary or convenient therefor,
35 and to rent, lease or otherwise sell the right to do so to any person, public or
36 private; further, to obtain grants, loans, and assistance from the United
37 States, the State of North Carolina, any public body, or any private source
38 whatsoever, but may not operate or contract for the operation of public
39 transportation systems outside the territorial jurisdiction of the Authority
40 except as provided by subdivision (20) of this ~~section~~; section.
- 41 (19) To enter into and perform contracts and agreements with other public
42 transportation authorities, regional public transportation authorities, or units
43 of local government pursuant to the provisions of G.S. 160A-460 through
44 G.S. 160A-464 (Part 1 of Article 20 of Chapter 160A of the General
45 Statutes); further to enter into contracts and agreements with private
46 transportation companies, but this subdivision does not authorize the
47 operation of, or contracting for the operation of, service of a public
48 transportation system outside the service area of the ~~Authority~~; Authority.
- 49 (20) To operate public transportation systems extending service into any political
50 subdivision of the State of North Carolina unless a particular unit of local
51 government operating its own public transportation system or franchising the

1 operation of a public transportation system by majority vote of its governing
2 board, shall deny consent, but such service may not extend more than 10
3 miles outside of the territorial jurisdiction of the authority, except that
4 vanpool and carpool service shall not be subject to that mileage
5 ~~limitation;limitation.~~

6 (21) Except as restricted by covenants in bonds, notes, or equipment trust
7 certificates, to set in its sole discretion rates, fees, and charges for use of its
8 public transportation ~~system;system.~~

9 (22) To do all things necessary or convenient to carry out its purpose and to
10 exercise the powers granted to the ~~Authority;Authority.~~

11 (23) To facilitate the coordination of transportation plans in the service area and
12 the activities of the member Metropolitan Planning
13 ~~Organizations;Organizations.~~

14 (24) To maintain databases for the projection of future travel demands in the
15 ~~region;region.~~

16 (25) To provide and operate regional ridesharing and vanpool
17 ~~operations;operations.~~

18 (26) To provide and operate regional transportation services for the elderly and
19 ~~handicapped;handicapped.~~

20 (27) To provide other transportation related services, including air quality
21 monitoring and analysis, as determined by the Board of ~~Trustees;Trustees.~~

22 (28) To issue bonds or other obligations of the Authority as provided by law and
23 apply the proceeds thereof to the financing of any public transportation
24 system or any part thereof and to refund, whether or not in advance of
25 maturity or the earliest redemption date, any such bonds or other ~~obligations;~~
26 ~~andobligations.~~

27 (29) To contract for, or to provide and maintain, with respect to the facilities and
28 property owned, leased with or without option to purchase, operated or
29 under the control of the Authority, and within the territory thereof, a security
30 force to protect persons and property, dispense unlawful or dangerous
31 assemblages and assemblages which obstruct full and free passage, control
32 pedestrian and vehicular traffic, and otherwise preserve and protect the
33 public peace, health, and safety; for these purposes a member of such force
34 shall be a peace officer and, as such, shall have authority equivalent to the
35 authority of a police officer of the city or county in which said member of
36 such force is discharging such duties."

37 **SECTION 3.** Article 27 of Chapter 160A of the General Statutes is amended by
38 adding a new section to read:

39 **"§ 160A-639.1. Duties of the chief administrative officer; appointment of clerk.**

40 (a) Duties. – The chief administrative officer employed by the Authority in accordance
41 with G.S. 160A-639 shall be responsible to the Board of Trustees for administering all matters
42 placed in his or her charge by the Board of Trustees and shall have all of the following powers
43 and duties:

44 (1) To hire, appoint, suspend, or remove any employee of the Authority,
45 provided that nothing in this subdivision shall be construed as superseding or
46 altering any other provision of law governing the suspension or removal of
47 an employee of the Authority.

48 (2) To direct and supervise all employees of the Authority and the
49 administration of all departments, offices, and agencies of the Authority,
50 subject to the general direction and control of the Board of Trustees and
51 except as otherwise provided by law.

- 1 (3) To attend all meetings of the Board of Trustees and recommend any
2 measures he or she deems expedient.
- 3 (4) To see that all laws of the State are faithfully executed.
- 4 (5) To prepare and submit the annual budget and capital program to the Board
5 of Trustees.
- 6 (6) To annually submit to the Board of Trustees and make available to the
7 public a complete report on the finances and administrative activities of the
8 Authority as of the end of the fiscal year.
- 9 (7) To make any other reports that the Board of Trustees may require
10 concerning the operations of the Authority.
- 11 (8) To perform any other duties that may be required or authorized by the Board
12 of Trustees.
- 13 (b) Clerk. – In addition to the duties set forth in subsection (a) of this section, the chief
14 administrative officer shall designate an employee of the Authority as clerk, whose duties shall
15 include all of the following:
- 16 (1) Provide notice of meetings of the Board of Trustees.
- 17 (2) Keep a journal of the proceedings of the Board of Trustees.
- 18 (3) Be the custodian of all Authority records.
- 19 (4) Perform any other duties that may be required by law or the Board of
20 Trustees."

21 **SECTION 4.** This act becomes effective July 1, 2015, and applies to contracts
22 entered into and other actions taken by Regional Transportation Authorities on or after that
23 date.