

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 1630  
Committee Substitute Favorable 6/15/00  
Committee Substitute #2 Favorable 6/28/00

Short Title: Toll Roads.

(Public)

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Sponsors:

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Referred to:

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May 18, 2000

1 A BILL TO BE ENTITLED  
2 AN ACT TO AUTHORIZE CONSTRUCTION OF A PILOT PRIVATELY FUNDED  
3 TOLL ROAD OR BRIDGE PROJECT AND TO DIRECT THE DEPARTMENT OF  
4 TRANSPORTATION TO STUDY THE FEASIBILITY OF STATE-OWNED AND  
5 OPERATED TOLL ROADS OR BRIDGES.

6 The General Assembly of North Carolina enacts:

7 Section 1. Chapter 136 of the General Statutes is amended by adding a new  
8 Article 6G to read:

9 **“ARTICLE 6G.**

10 **“PRIVATE PILOT TOLL PROJECT.**

11 **“§ 136-89.168. Private Pilot Toll Project.**

12 (a) Authority to License. – The Department of Transportation is authorized to  
13 issue a license to an applicant to finance, design, construct, maintain, improve, own, or  
14 operate, or any combination thereof, a pilot toll transportation project within the State of  
15 North Carolina. Any license authorized by this section must be issued on or before July  
16 1, 2005.

1       **(b) Requirement for Finding of Need.** – Prior to the issuance of any license under  
2 this section, the Department shall make a written determination that the proposed project  
3 is necessary and in the public interest.

4       **(c) Submission of Financial Data.** – A person applying for a license to construct a  
5 project under this section shall submit detailed financial data to the Department  
6 concerning the ability of applicant to finance the proposed project. The Department shall  
7 independently analyze the data submitted for each project proposal.

8       **(d) Terms of License.** – Additional terms and conditions of any license issued  
9 pursuant to this section shall be within the discretion of the Department of  
10 Transportation, and shall include, in addition to any other requirements:

11           **(1)** Provisions establishing minimum design and construction standards for  
12 the project.

13           **(2)** Provisions establishing minimum maintenance standards for the project.

14           **(3)** Provisions requiring that appropriate traffic signs and other traffic  
15 control devices be erected and maintained on the project.

16           **(4)** Provisions establishing the rights and duties of the parties regarding  
17 infrastructure improvements and connections between the project and  
18 the State highway system.

19           **(5)** Provisions regarding any type of access control, if any, that may be  
20 required for the project.

21           **(6)** Provisions establishing the relative responsibilities of the licensee and  
22 the Department of Transportation to keep the completed project open  
23 and accessible to the public.

24           **(7)** Provisions concerning location of the project.

25       **(e) Acquisition of Project Property.** – A person licensed to construct a project  
26 under this section shall acquire all right-of-way interests required for the project through  
27 private negotiation.

28       **(f) Applicability of Other Laws.** – For the purpose of entering into contractual  
29 licensing agreements under this section, the Department of Transportation is exempted  
30 from any provision of the General Statutes that conflicts with the purposes of this section,  
31 specifically including G.S. 136-28.1 and G.S. 143-52. A project licensed under this  
32 section shall not be included in the distribution formula under G.S. 136-17.2A but shall  
33 require approval of the Board of Transportation under G.S. 143B-350(f)(4). A licensee  
34 under this section shall endeavor to comply with the provisions of G.S. 136-28.4  
35 concerning participation by disadvantaged businesses.

36       **(g) Applicability of Motor Vehicle Laws.** – Any project licensed by the  
37 Department of Transportation under the authority granted in this section shall be  
38 considered a ‘highway’ as defined in G.S. 20-4.01(13) and a ‘public vehicular area’ as  
39 defined in G.S. 20-4.01(32). All law enforcement and emergency personnel, including  
40 the State Highway Patrol and the Division of Motor Vehicles, shall have the same powers  
41 and duties on such projects as on any other highway or public vehicular area.

42       **(h) Resolution of Support Required.** – The Department shall not license any  
43 project under this section prior to receiving a resolution of support for the project

1 approved by the county commissioners of each county in which the project will be  
2 located.

3 (i) Exclusive License. – Upon the issuance of a license by the Department of  
4 Transportation, no further license of any type may be required by the State or local  
5 government body for the ownership, construction, or operation of the project.

6 (j) Definitions. – The following definitions apply as used in this section:

7 (1) 'Person' means any natural person, partnership, corporation, trust,  
8 association, sole proprietorship, or any other legal entity other than the  
9 State or its agencies, institutions, or political subdivisions.

10 (2) 'Project' means a privately constructed, maintained, and operated toll  
11 highway, road, bridge, or other transportation-related facility.

12 (3) 'License' means a person authorized through a contractual agreement  
13 with the Department of Transportation to finance, design, construct,  
14 maintain, improve, own, or operate, or any combination thereof, a  
15 project.

16 (k) Report. – The Department shall report to the Joint Legislative Transportation  
17 Oversight Committee and to the Transportation Appropriations Subcommittee by  
18 February 1, 2001, and every year thereafter, on any toll project planning, construction, or  
19 operation commenced pursuant to the provisions of this Article."

20 Section 2. The Department shall study the feasibility of construction of State-  
21 owned and operated toll roads and the areas where any State-owned and operated toll  
22 roads are proposed and report its findings to the Joint Legislative Transportation  
23 Oversight Committee and to the Transportation Appropriations Subcommittee by  
24 February 1, 2001.

25 Section 3. This act is effective when it becomes law.