

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE BILL 643
Corrected Copy 3/18/05
Committee Substitute Favorable 5/12/05
Senate Transportation Committee Substitute Adopted 7/12/06

Short Title: Interchange Districts.

(Public)

Sponsors:

Referred to:

March 15, 2005

1 A BILL TO BE ENTITLED

2 AN ACT TO PROVIDE FOR PRIVATE FUNDING OF CERTAIN PUBLIC
3 INTERCHANGES AND TO AUTHORIZE THE DEPARTMENT OF
4 TRANSPORTATION TO PERMIT ENCROACHMENT OF AIRSPACE ABOVE
5 STATE ROAD 1250, SPRINGFIELD ROAD, NEAR ROCKY MOUNT FOR THE
6 CONSTRUCTION OF A MATERIAL CONVEYANCE SYSTEM.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** Chapter 136 of the General Statutes is amended by adding a
9 new Article to read:

10 "Article 19.

11 "Privately Funded Interchanges.

12 "**§ 136-225. Privately funded interchange districts; legislative findings.**

13 The General Assembly makes the following findings regarding the need for
14 privately funded interchange districts:

15 (1) Economic development in the State will be served by providing an
16 opportunity for private developers and property owners to fund the
17 construction of interchanges, thereby creating solutions to traffic
18 problems and providing employment opportunities for the residents
19 of North Carolina.

20 (2) When an existing public thoroughfare can be modified with private
21 funds to meet the needs of a growing community, it is in the public
22 interest to provide a mechanism for such modifications to occur.

23 (3) The health and safety of the citizens of this State will be served
24 through the provision of privately funded solutions to growing
25 traffic problems.

26 (4) The public interest of the State will be served by encouraging
27 private investment in public roadways.

1 **"§ 136-226. Privately funded interchange districts; purpose.**

2 A privately funded interchange district shall exist to provide a means for private
3 developers and property owners to pay for the construction of highway interchanges that
4 serve the public and meet standards set by the North Carolina Department of
5 Transportation.

6 **"§ 136-227. Privately funded interchange districts; establishment, criteria.**

7 (a) A privately funded interchange district may be established on any parcel or
8 tract of land or on any combination of contiguous parcels or tracts of land as provided in
9 this section. To establish a privately funded interchange district, the private entity that
10 intends to construct an interchange located within the boundaries of the district shall
11 certify to the Secretary of State that the district meets all of the criteria set out in this
12 section. This certification shall constitute *prima facie* evidence that these criteria have
13 been met. The district shall be considered to be established as a privately funded
14 interchange district on the date the certification is filed. Once established, a privately
15 funded interchange district shall continue to exist until the interchange is completed and
16 accepted by the Department of Transportation.

17 (b) Any parcel or tract of land, or any combination of contiguous parcels or tracts
18 of land, that meets all of the following criteria is eligible for establishment as a privately
19 funded interchange district:

- 20 (1) The property is located in a county that is at least 500,000 acres in size
21 with a population of at least 600,000 persons.
- 22 (2) All of the real property comprising the district is in a publicly owned
23 highway right-of-way of 50 acres or more.
- 24 (3) The proposed interchange will provide access to a planned unit
25 development consisting of 1,000 acres or more.
- 26 (4) Failure to allow private funding will cause construction of the
27 proposed interchange to be indefinitely delayed.
- 28 (5) The proposed interchange will be funded solely through private funds
29 and upon completion will be taken onto the State highway system for
30 maintenance.
- 31 (6) The proposed interchange is the subject of an agreement previously
32 entered into by the private developer or landowner and the Department
33 of Transportation.

34 **"§ 136-228. Privately funded interchange districts; permitting and construction.**

35 (a) Notwithstanding any other provisions of law, the Department of Environment
36 and Natural Resources shall allow a private developer or landowner to be the sole
37 applicant for any necessary permits or certifications relating to the construction of a
38 bridge and interchange within a privately funded interchange district.

39 (b) The private developer or landowner shall possess any and all rights and
40 responsibilities, pertaining solely to the construction of the proposed bridge and
41 interchange within the privately funded interchange district, that have been previously
42 granted by permit or certification to the Department of Transportation.

43 (c) The private developer or landowner shall be entitled to credit for any
44 environmental mitigation, related solely to the construction of the proposed bridge and

1 interchange, that has been or will be performed by the Department of Transportation
2 with respect to impacts located within the privately funded interchange district.

3 (d) The private developer or landowner shall be responsible for the construction
4 of the roadways connecting the interchange ramps to existing State-owned roadways.
5 Upon completion, the project will be taken onto the State highway system for
6 maintenance. The Department of Transportation shall review and approve the design
7 and construction of the project. The project shall be constructed to State standards for
8 highway construction."

9 **SECTION 2.** The Department of Transportation is hereby authorized to
10 permit private use and encroachment upon the airspace above State Road 1250,
11 Springfield Road, near the City of Rocky Mount, for the purpose of construction of a
12 material conveyance system, provided, in the opinion of the Department of
13 Transportation, such material conveyance system will not unreasonably interfere with or
14 impair the property rights or easements of abutting owners nor unreasonably interfere
15 with or obstruct the public use of State Road 1250, Springfield Road. This
16 encroachment shall be subject to all other rules, regulations, and conditions of the
17 Department of Transportation for encroachments. The location, plans, and specifications
18 for the material conveyance system shall be approved by the Department.

19 **SECTION 3.** This act is effective when it becomes law.