

# NORTH CAROLINA TURNPIKE AUTHORITY TOLL SUSPENSION AND WAIVER POLICY

## I. Introduction

The North Carolina Secretary of Transportation (“Secretary”) delegated certain powers to the North Carolina Turnpike Authority Board (“Board”) regarding the establishment of toll rates and financing matters undertaken by the North Carolina Turnpike Authority (“NCTA”). Those certain powers are as follows:

The power to fix, revise, charge, and collect tolls and fees for the use of the Turnpike Projects pursuant NCGS 136-89.183(a)(5);

To issue bonds or notes of the NCTA pursuant to NCGS 136-89.183 (a)(6);

To invest the proceeds of the bonds or notes of the NCTA that are pending disbursement or other idle funds of the Authority in any investment authorized by the NCGS 159-30 pursuant to NCGS 136-89.183(6a); and

To exercise such additional powers as shall be necessary for the financing of the Turnpike Projects through compliance with the associated bond documentation, including complying with any arbitrage, rebate or other federal tax filings and providing for secondary market disclosure; provided any such additional power may be subjected to conditions, including the involvement and participation of other portions of the North Carolina Department of Transportation, which are stated within the bond documentation and executed by the Secretary acting as the Secretary.

The Board recognizes the need to suspend or waive the collection of tolls during certain situations. However, this responsibility must be balanced with its obligations to creditors who financed the toll roads and its duty as a State agency not to jeopardize the financial integrity of the State by failing to comply with financial covenants in its trust agreements. Therefore, the suspension or waiver of tolls on the Turnpike System during certain emergency and non-emergency situations shall follow the guiding principles as set forth in this policy.

## II. Guiding Principles

The purpose of this policy is to provide criteria for the suspension or waiver of tolls and reinstatement of tolls on the North Carolina Turnpike System.

### A. Suspension of Tolls

Toll suspension is related to an event which could impact the tolled facility over a period of days. The suspension of tolls on the North Carolina Turnpike System may be permitted following these criteria:

## Declaration of a State of Emergency or a Federal State of Emergency for North Carolina

In the event the Governor of the State of North Carolina declares a state of emergency pursuant to the North Carolina Emergency Management Act, Chapter 166A of the North Carolina General Statutes, the Board delegates toll suspension activities to the Executive Director. Unless otherwise directed by the Chairman of the Board, the Executive Director shall suspend the collection of tolls on turnpike facilities within the area of the state of emergency under the condition that:

- a. A turnpike facility is designated as an official emergency evacuation route; or
- b. The primary non-tolled alternate routes, in the immediate vicinity of a turnpike facility, are deemed impassable or inaccessible, and/or traffic is diverted onto the turnpike facility by emergency responder personnel.

### B. Waiver of Tolls

Toll waiver is related to an event which could impact the tolled facility over a period of hours. The waiver of tolls on the North Carolina Turnpike System may be permitted following these criteria:

Tolls may be waived when traffic is diverted onto the turnpike facility by emergency responder personnel and travel on a non-tolled facility is deemed impracticable. Tolls may be automatically waived when the diversion of traffic onto the turnpike facility is observed by means of the electronic toll collection system cameras or when NCTA is otherwise notified of the situation. If tolls are not automatically waived, the customer may request the toll be waived. Any requests for waiver must be made within 30 days of the invoice date. The request may be made in person, by phone or email. Waiver of tolls as a result of traffic being diverted onto the turnpike facility by emergency responder personnel will only occur with the approval of the Executive Director or designee.

### C. Toll Suspension Activities

#### Coordination

The Executive Director will be responsible for implementing toll suspension or waiver activities and coordinating with third parties that may be directly impacted. The Executive Director will also be responsible for coordinating and maintaining communication with the North Carolina Department of Public Safety, Division of Emergency Management (i.e. State Emergency Operations

Center (“SEOC”)), as well as emergency management centers in the counties of the designated portions of the Turnpike System.

#### Public Information

The Executive Director will issue information to the public in coordination with the North Carolina Department of Transportation (“NCDOT”), Communications Office to ensure the delivery of a uniform, consistent message. Information will include, but not be limited to, notices of toll suspension, toll waiver, reinstatement plans, and traffic updates.

#### D. Toll Reinstatement

Toll collection will be reinstated at the discretion of the Executive Director, after consultation with appropriate parties, including the SEOC and other emergency management agencies. In determining when tolls will be reinstated, the Executive Director may consider factors such as the extent of damage, availability of NCDOT and NCTA personnel, initiation of recovery efforts, accessibility of non-tolled alternate routes, and requests from governmental agencies. However, toll collection shall be reinstated as soon as the immediate need for use of the turnpike facility for evacuation, disaster response, or other approved non-emergency situation ceases.

### III. Implementation

The Executive Director shall have primary responsibility for implementation of this policy. This policy shall be reviewed recurrently and modified as necessary and appropriate.

### IV. Adoption

Adopted this the \_\_\_\_\_ of \_\_\_\_\_, 2019.

Signed: \_\_\_\_\_  
James H. Trogdon, III, Chairman  
North Carolina Turnpike Authority Board

Attest:

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Perry R. Safran, Vice Chairman  
North Carolina Turnpike Authority Board