

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

**SESSION LAW 2006-228
SENATE BILL 1381**

AN ACT TO REPEAL THE NORTH CAROLINA BRIDGE AUTHORITY AND THE AUTHORIZATION FOR THE DEPARTMENT OF TRANSPORTATION TO ISSUE A PRIVATE PILOT TOLL PROJECT LICENSE, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, TO AUTHORIZE THE NORTH CAROLINA TURNPIKE AUTHORITY TO CONVERT A PORTION OF INTERSTATE 540 UNDER CONSTRUCTION IN WAKE AND DURHAM COUNTIES TO A TOLL FACILITY, TO CLARIFY WHICH PROJECTS THE TURNPIKE AUTHORITY IS AUTHORIZED TO CONSTRUCT, TO REQUIRE LEGISLATIVE APPROVAL FOR ADDITIONAL TURNPIKE AUTHORITY CONSTRUCTION PROJECTS, AND TO GRANT THE TURNPIKE AUTHORITY RIGHT OF ENTRY FOR SURVEYS.

The General Assembly of North Carolina enacts:

SECTION 1. Article 6F of Chapter 136 of the General Statutes is repealed.

SECTION 2. Article 6G of Chapter 136 of the General Statutes is repealed.

SECTION 3. G.S. 136-89.187 reads as rewritten:

"§ 136-89.187. Conversion of free highways prohibited.

The Authority Board is prohibited from converting any segment of the nontolled State Highway System to a toll ~~facility-facility~~, except for a segment of Interstate 540 under construction as of July 1, 2006, located in Wake and Durham Counties, and extending from I-40 southwest to N.C. 55. No segment may be converted to a toll route pursuant to this section unless first approved by the Metropolitan Planning Organization (MPO) or Rural Planning Organization (RPO) of the area in which that segment is located."

SECTION 4. G.S. 136-89.188 reads as rewritten:

"§ 136-89.188. Use of revenues.

(a) Revenues derived from Turnpike Projects authorized under this Article shall be used only for Authority administration costs; Turnpike Project development, right-of-way acquisition, construction, operation, and maintenance; and debt service on the Authority's revenue bonds or related purposes such as the establishment of debt service reserve funds.

(b) The Authority may use up to one hundred percent (100%) of the revenue derived from a Turnpike Project for debt service on the Authority's revenue bonds or for a combination of debt service and operation and maintenance expenses of the Turnpike Projects.

(c) The Authority shall use not more than five percent (5%) of total revenue derived from all Turnpike Projects for Authority administration costs.

(d) Notwithstanding the provisions of subsections (a) and (b) of this section, toll revenues generated from a converted segment of the State highway system previously planned for operation as a nontoll facility shall only be used for the funding or financing of the right-of-way acquisition, construction, expansion, operations, maintenance, and Authority administration costs associated with the converted segment or a contiguous toll facility."

SECTION 5. G.S. 136-89.183 (a)(2) reads as rewritten:

"(2) To study, plan, develop, and undertake preliminary design work on up to nine Turnpike Projects. At the conclusion of these activities, the Turnpike Authority is authorized to design, establish, purchase, construct, operate, and maintain ~~up to nine Turnpike Projects. One of the Turnpike Projects shall be located in whole or in part in a county with a population equal to or greater than 650,000 persons, according to the latest decennial census, and one Turnpike Project shall be located in a county or counties that each have a population of fewer than 650,000 persons, according to the latest decennial census. One of the Turnpike Projects shall be a bridge of more than two miles in length going from the mainland to a peninsula bordering the State of Virginia.~~ the following projects:

a. Triangle Parkway.

b. Gaston East-West Connector.

c. Monroe Connector.

d. Cape Fear Skyway.

e. A bridge of more than two miles in length going from the mainland to a peninsula bordering the State of Virginia.

f. I-540 in Wake and Durham Counties.

Any other project proposed by the Authority in addition to the projects listed in this subdivision must be approved by the General Assembly prior to construction.

A Turnpike Project selected for construction by the Turnpike Authority shall be included in any applicable locally adopted comprehensive transportation plans and shall be shown in the current State Transportation Improvement Plan prior to the letting of a contract for the Turnpike Project."

SECTION 6. G.S. 136-89.194 is amended by adding a new subsection to read:

"(d) Entry for Surveys. – The Turnpike Authority and its employees and contractors shall have the same right of entry for surveys, borings, soundings, or examinations as granted the Department of Transportation in G.S. 136-120."

SECTION 7. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 27th day of July, 2006.

s/ Beverly E. Perdue
President of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 3:42 p.m. this 10th day of August, 2006