

May 18, 2000

H 1630. TOLL ROADS (=S 1197). *TO AUTHORIZE CONSTRUCTION OF UP TO THREE PRIVATELY FUNDED AND THREE PUBLICLY FUNDED TOLL ROAD OR BRIDGE PROJECTS.* Identical to S 1197, introduced 5/10/00.

Intro. by Crawford.

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| Ref. to Transportation | GS 136 |
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June 15, 2000

H 1630. TOLL ROADS. Intro. 5/18/00. House committee substitute makes the following changes to 1st edition. Provides that one of three private toll projects may be bridge facility connecting two counties over major river. Requires DOT to issues licenses for toll projects by July 1, 2005. Deletes requirement that applicant for toll license indicate projected time for it to recover costs and make a profit. Deletes requirement that DOT find that toll project to be licensed is unlikely to be constructed as nontoll project. Deletes thirty year maximum period for license to operate toll project and requirement that property rights to project be transferred to state at end of license period. Requires various terms to be included in license (terms were discretionary in original bill) and deletes as specific terms in the license the requirement that the state be indemnified for liability incurred in construction, maintenance and operation of project, and the specification of when the state will use its eminent domain power. Requires licensees to try to comply with provisions of GS 136-28.4 concerning the participation of disadvantaged businesses in the project. Deletes authority for state to operate toll projects. Requires DOT to study feasibility of constructing state owned and operated toll projects, along with location of possible projects, with report to Joint Legislative Transportation Oversight Committee and appropriations committee required by Feb. 1, 2001.

June 28, 2000

H 1630. TOLL ROADS. Intro. 5/17/00. House committee substitute makes the following changes to 2nd edition. Changes title to "AN ACT TO AUTHORIZE CONSTRUCTION OF A PILOT PRIVATELY FUNDED TOLL ROAD OR BRIDGE PROJECT AND TO DIRECT THE DEPARTMENT OF TRANSPORTATION TO STUDY THE FEASIBILITY OF STATE-OWNED AND OPERATED TOLL ROADS OR BRIDGES." Reduces the number of licenses that the Dept. of Transportation is authorized to issue for a privately funded toll road or bridge project from three to one. Deletes provision whereby the Dept. of Transportation was authorized to exercise its power of eminent domain to acquire property rights necessary for this project. Also deletes provision whereby the Dept. of Transportation could convey property owned by it to the project licensee for fair market value.

July 12, 2000

H 1630. TOLL ROADS. Intro. 5/18/00. Senate committee substitute makes the following changes to 3rd edition. Changes title to *AN ACT TO AUTHORIZE CONSTRUCTION OF PILOT PRIVATELY FUNDED ROAD OR BRIDGE PROJECTS FUNDED BY TOLLS OR OTHER ALTERNATE FINANCING METHODS, AND TO DIRECT THE DEPARTMENT OF TRANSPORTATION TO STUDY THE FEASIBILITY OF STATE-OWNED AND STATE-OPERATED TOLL ROADS OR BRIDGES.* Adds legislative findings declaring that the state road system is congested and overburdened with traffic, and consequently new approaches to transportation improvements are required. Authorizes the construction of no more than two private toll road projects as pilots. Provides that funding for these projects may come from either private sources or a combination of public and private sources. Requires that any license authorized be issued on or before July 1, 2003 instead of July 1, 2005. Provides that the license period should not exceed 50 years from the beginning of the operations of the road or bridge but that the license may be renewed for an additional 50-year term. Requires a licensee to reserve to the State or its designee the authority to utilize the project right-of-way for other transportation or utility-related purposes. Requires that the state and its agents be indemnified and held harmless by the licensee for any liability incurred in connection with project construction, maintenance, or operation. Allows the Dep't of Transportation to exercise its power to facilitate the development

and construction of these projects, including exercising its power of eminent domain to acquire property rights necessary for constructing and maintaining these projects if necessary property interests cannot be acquired by the licensee at a reasonable price through private negotiation. Removes provision requiring a resolution of support for the project approved by the county commissioners of each county in which the project will be licensed.

July 13, 2000

H 1630. TOLL ROADS. Intro. 5/18/2000. Conference report recommends the following changes to reconcile matters in controversy. Concur in 4th edition with following amendments: (1) changes title to *AN ACT TO AUTHORIZE CONSTRUCTION OF PILOT PRIVATELY FUNDED ROAD OR BRIDGE PROJECTS FUNDED BY TOLLS AND TO DIRECT THE DEPARTMENT OF TRANSPORTATION TO STUDY THE FEASIBILITY OF STATE-OWNED AND STATE-OPERATED TOLL ROADS OR BRIDGES*; (2) amends proposed GS 136-89.169(a) to limit subsection to one pilot toll transportation project from private resources; and (3) deletes proposed GS 136-89.169(f)(9) (provisions concerning reasonable restrictions that would prevent state or dep't from constructing competitive transportation facilities during term of license).