

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023

H.B. 656  
Apr 17, 2023  
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40210-STf-30

Short Title: Reg. Public Trans. Authority Service Area. (Public)

Sponsors: Representative Reives.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO ALLOW A REGIONAL PUBLIC TRANSPORTATION AUTHORITY TO  
3 OPERATE A BUSPOOL MORE THAN TEN MILES BEYOND ITS TERRITORIAL  
4 JURISDICTION.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 160A-610 reads as rewritten:

7 "§ 160A-610. General powers of the Authority.

8 The general powers of the Authority shall include any or all of the following:

- 9 (1) To sue and be ~~sued~~;sued.  
10 (2) To have a ~~seal~~;seal.  
11 (3) To make rules and regulations, not inconsistent with this Chapter, for its  
12 organization and internal ~~management~~;management.  
13 (4) To employ persons deemed necessary to carry out the functions and duties  
14 assigned to them by the Authority and to fix their compensation, within the  
15 limit of available ~~funds~~;funds.  
16 (5) With the approval of the unit of local government's chief administrative  
17 official, to use officers, employees, agents and facilities of the unit of local  
18 government for such purposes and upon such terms as may be mutually  
19 ~~agreeable~~;agreeable.  
20 (6) To retain and employ counsel, auditors, engineers and private consultants on  
21 an annual salary, contract basis, or otherwise for rendering professional or  
22 technical services and ~~advice~~;advice.  
23 (7) To acquire, lease as lessee with or without option to purchase, hold, own, and  
24 use any franchise, property, real or personal, tangible or intangible, or any  
25 interest therein and to sell, lease as lessor with or without option to purchase,  
26 transfer (or dispose thereof) whenever the same is no longer required for  
27 purposes of the Authority, or exchange same for other property or rights which  
28 are useful for the Authority's purposes, including but not necessarily limited  
29 to parking ~~facilities~~;facilities.  
30 (7a) To enhance mobility within the region and promote sound growth patterns  
31 through joint transit development projects as generally described by Federal  
32 Transit Administration (FTA) policy at 62 Fed. Reg. 12266 (1997) and  
33 implementing guidelines in FTA Circular 9300.1A, Appendix B, as the policy  
34 and guidance may be amended; and, with respect to the planning,  
35 construction, and operation of joint transit development projects, upon the  
36 governing board's adoption of policies and procedures to ensure fair and open



- 1 competition, to select developers or development teams in substantially the  
2 same manner as permitted by G.S. 143-129(h); and to enter into development  
3 agreements with public, private, or nonprofit entities to undertake the  
4 planning, construction, and operation of joint transit development projects.
- 5 (8) To acquire by gift, purchase, lease as lessee with or without option to purchase  
6 or otherwise to construct, improve, maintain, repair, operate or administer any  
7 component parts of a public transportation system or to contract for the  
8 maintenance, operation or administration thereof or to lease as lessor the same  
9 for maintenance, operation, or administration by private parties, including but  
10 not necessarily limited to parking ~~facilities;~~facilities.
- 11 (9) To make or enter into contracts, agreements, deeds, leases with or without  
12 option to purchase, conveyances or other instruments, including contracts and  
13 agreements with the United States, the State of North Carolina, and units of  
14 local ~~government;~~government.
- 15 (9a) To purchase or finance real or personal property in the manner provided for  
16 cities and counties under ~~G.S. 160A-20;~~G.S. 160A-20.
- 17 (10) To surrender to the State of North Carolina any property no longer required  
18 by the ~~Authority;~~Authority.
- 19 (11) To develop and make data, plans, information, surveys and studies of public  
20 transportation facilities within the ~~territorial jurisdiction service area~~ of the  
21 Authority, to prepare and make recommendations in regard ~~thereto;~~thereto.
- 22 (12) To enter in a reasonable manner lands, waters or premises for the purpose of  
23 making surveys, soundings, drillings, and examinations whereby such entry  
24 shall not be deemed a trespass except that the Authority shall be liable for any  
25 actual and consequential damages resulting from such ~~entries;~~entries.
- 26 (13) To develop and carry out demonstration ~~projects;~~projects.
- 27 (14) To make, enter into, and perform contracts with private parties, and public  
28 transportation companies with respect to the management and operation of  
29 public passenger ~~transportation;~~transportation.
- 30 (15) To make, enter into, and perform contracts with any public utility, railroad or  
31 transportation company for the joint use of property or rights, for the  
32 establishment of through routes, joint fares or transfer of  
33 ~~passengers;~~passengers.
- 34 (16) To make, enter into, and perform agreements with governmental entities for  
35 payments to the Authority for the transportation of persons for whom the  
36 governmental entities desire ~~transportation;~~transportation.
- 37 (17) With the consent of the unit of local government which would otherwise have  
38 jurisdiction to exercise the powers enumerated in this subdivision: to issue  
39 certificates of public convenience and necessity; and to grant franchises and  
40 enter into franchise agreements and in all respects to regulate the operation of  
41 buses, taxicabs and other methods of public passenger transportation which  
42 originate and terminate within the territorial jurisdiction of the Authority as  
43 fully as the unit of local government is now or hereafter empowered to do  
44 within the territorial jurisdiction of the unit of local ~~government;~~government.
- 45 (18) To operate public transportation systems and to enter into and perform  
46 contracts to operate public transportation services and facilities and to own or  
47 lease property, facilities and equipment necessary or convenient therefor, and  
48 to rent, lease or otherwise sell the right to do so to any person, public or  
49 private; further, to obtain grants, loans and assistance from the United States,  
50 the State of North Carolina, any public body, or any private source  
51 whatsoever, but may not operate or contract for the operation of public

- 1 transportation systems outside the territorial jurisdiction of the Authority  
2 except as provided by subdivision (20) of this ~~section~~section.
- 3 (19) To enter into and perform contracts and agreements with other public  
4 transportation authorities, regional public transportation authorities or units of  
5 local government pursuant to the provisions of G.S. 160A-460 through  
6 160A-464 (Part 1 of Article 20 of Chapter 160A of the General Statutes);  
7 further to enter into contracts and agreements with private transportation  
8 companies, but this subdivision does not authorize the operation of, or  
9 contracting for the operation of, service of a public transportation system  
10 outside the service area of the ~~Authority~~Authority.
- 11 (20) To operate public transportation systems extending service into any political  
12 subdivision of the State of North Carolina unless a particular unit of local  
13 government operating its own public transportation system or franchising the  
14 operation of a public transportation system by majority vote of its governing  
15 board, shall deny ~~consent, but such service consent~~. Service provided under  
16 this subdivision may not extend more than 10 miles outside of the territorial  
17 jurisdiction of the authority, except that ~~vanpool~~vanpool, buspool, and  
18 carpool service shall not be subject to that mileage ~~limitation~~limitation.
- 19 (21) Except as restricted by covenants in bonds, notes, or equipment trust  
20 certificates, to set in its sole discretion rates, fees and charges for use of its  
21 public transportation ~~system~~system.
- 22 (22) To do all things necessary or convenient to carry out its purpose and to  
23 exercise the powers granted to the ~~Authority~~Authority.
- 24 (23) To collect or contract for the collection of taxes which it is authorized by law  
25 to ~~levy~~levy.
- 26 (24) To issue bonds or other obligations of the Authority as provided by law and  
27 apply the proceeds thereof to the financing of any public transportation system  
28 or any part thereof and to refund, whether or not in advance of maturity or the  
29 earliest redemption date, any such bonds or other ~~obligations, and obligations~~.
- 30 (25) To contract for, or to provide and maintain, with respect to the facilities and  
31 property owned, leased with or without option to purchase, operated or under  
32 the control of the Authority, and within the territory thereof, a security force  
33 to protect persons and property, dispense unlawful or dangerous assemblages  
34 and assemblages which obstruct full and free passage, control pedestrian and  
35 vehicular traffic, and otherwise preserve and protect the public peace, health,  
36 and safety; for these purposes a member of such force shall be a peace officer  
37 and, as such, shall have authority equivalent to the authority of a police officer  
38 of the city or county in which said member of such force is discharging such  
39 duties.
- 40 (26) To contract for the purchase, lease, or other acquisition of any apparatus,  
41 supplies, materials, or equipment for public transit purposes with any person  
42 or entity that, within the previous 60 months, after having completed a public  
43 formal bid process substantially similar to that required by Article 8 of  
44 Chapter 143 of the General Statutes or through the competitive proposal  
45 method provided in G.S. 143-129(h), has contracted to furnish the apparatus,  
46 supplies, materials, or equipment to any unit or agency approved in  
47 G.S. 143-129(g) if the person or entity is willing to furnish the items at the  
48 same or more favorable prices, terms, and conditions as those provided under  
49 the contract with the other unit or agency. Any purchase made under this  
50 section shall be approved by the Board of Trustees as provided in  
51 G.S. 143-129(g)."

1           **SECTION 2.** G.S. 160A-601(4) reads as rewritten:

2           "(4) "Public transportation" means transportation of passengers whether or not for  
3           hire by any means of conveyance, including but not limited to a street or  
4           elevated railway or ~~guideway, subway, guideway; subway;~~ motor vehicle or  
5           motor ~~bus, carpool bus; carpool, buspool, or vanpool, vanpool;~~ either publicly  
6           or privately owned and operated, holding itself out to the general public for  
7           the transportation of persons within or working within the ~~territorial~~  
8           ~~jurisdiction~~ service area of the Authority, excluding charter, tour, or  
9           sight-seeing service."

10           **SECTION 3.** This act becomes effective July 1, 2023.