

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE BILL 1697*
Commerce, Small Business and Entrepreneurship Committee Substitute Adopted
6/10/08
Finance Committee Substitute Adopted 7/2/08

Short Title: Toll Enforcement Authority Changes.

(Public)

Sponsors:

Referred to:

May 21, 2008

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR THE ENFORCEMENT OF TOLLS ON TURNPIKE
PROJECTS OF THE NORTH CAROLINA TURNPIKE AUTHORITY, TO
MODIFY LAWS APPLICABLE TO THE NORTH CAROLINA TURNPIKE
AUTHORITY, AND TO CLARIFY THE AUTHORIZATION MADE IN A PRIOR
LAW TO TOLL AN EXISTING SEGMENT OF N.C. 540.

The General Assembly of North Carolina enacts:

SECTION 1. Article 6H of Chapter 136 of the General Statutes is amended
by designating the current sections in that Article as Part 1 with a heading that reads as
follows:

"Part 1. Turnpike Authority and Toll Projects."

SECTION 2. Article 6H of Chapter 136 of the General Statutes, as amended
by Section 1 of this act, is amended by adding a new Part to read:

"Part 2. Collection of Tolls on Turnpike Projects."

§ 136-89.210. Definitions.

The definitions in G.S. 136-89.181 and the following definitions apply in this Article:

(1) Reserved.

(2) Open road toll. – A toll payable under an open road tolling system.

(3) Open road tolling system. – A system of collecting a toll for the use of
a highway that does not provide a way to pay the toll in cash while
traveling on the highway.

§ 136-89.211. Tolls for use of Turnpike project.

In exercising its authority under G.S. 136-89.183 to set tolls for the use of a
Turnpike project, the Authority may not do any of the following:

(1) Set open road tolls that vary for the same class of motor vehicle
depending on the method by which the Authority identifies a motor
vehicle that drives on the Turnpike project. This does not preclude the

1 Authority from allowing a discount for a motor vehicle equipped with
2 an electronic toll collection transponder.

- 3 (2) Exempt a motor vehicle that is not a law enforcement vehicle, an
4 emergency fire or rescue vehicle, or an emergency medical services
5 vehicle from the requirement of paying a toll for the use of a Turnpike
6 project.

7 **"§ 136-89.212. Payment of toll required for use of Turnpike project.**

8 A motor vehicle that is driven on a Turnpike project is subject to a toll imposed by
9 the Authority for the use of the project. If the toll is an open road toll, the person who is
10 the registered owner of the motor vehicle is liable for payment of the toll unless the
11 registered owner establishes that the motor vehicle was in the care, custody, and control
12 of another person when it was driven on the Turnpike project.

13 A person establishes that a motor vehicle was in the care, custody, and control of
14 another person when it was driven on a Turnpike project by submitting to the Authority
15 a sworn affidavit stating one of the following:

- 16 (1) The name and address of the person who had the care, custody, and
17 control of the motor vehicle when it was driven. If the motor vehicle
18 was leased or rented under a long-term lease or rental, as defined in
19 G.S. 105-187.1, the affidavit must be supported by a copy of the lease
20 or rental agreement or other written evidence of the agreement.
21 (2) The motor vehicle was stolen. The affidavit must be supported by an
22 insurance or police report concerning the theft or other written
23 evidence of the theft.
24 (3) The person transferred the motor vehicle to another person by sale or
25 otherwise before it was driven on the Turnpike project. The affidavit
26 must be supported by insurance information, a copy of the certificate
27 of title, or other evidence of the transfer.

28 **"§ 136-89.213. Administration of tolls and requirements for open road tolls.**

29 (a) Administration. – The Authority is responsible for collecting tolls on
30 Turnpike projects. In exercising its authority under G.S. 136-89.183 to perform or
31 procure services required by the Authority, the Authority may contract with one or more
32 providers to perform part or all of the collection functions and may enter into
33 agreements with the Division of Motor Vehicles of the Department of Transportation
34 and with other states to exchange information that identifies motor vehicles and their
35 owners. Identifying information obtained by the Authority from the Division of Motor
36 Vehicles or another state is not a public record and is subject to the disclosure
37 limitations in 18 U.S.C. § 2721, the federal Driver's Privacy Protection Act.

38 (b) Open Road Tolls. – If a Turnpike project uses an open road tolling system,
39 the Authority must operate a facility that is in the vicinity of the Turnpike project and
40 that accepts cash payment of the toll and must place signs on the Turnpike project that
41 give drivers the following information:

- 42 (1) Notice that the driver is approaching a highway for which a toll is
43 required. Signs providing this information must be placed before the
44 toll is incurred.

- 1 (2) The methods by which the toll may be paid.
- 2 (3) Directions to the nearby facility that accepts cash payment of the toll.
- 3 (4) Notice that penalties apply to a person who does not pay a toll for
4 which the person is liable.

5 **"§ 136-89.214. Bill for unpaid open road toll.**

6 (a) Bill. – If a motor vehicle travels on a Turnpike project that uses an open road
7 tolling system and a toll for traveling on the project is not paid within 15 days after the
8 travel occurs, the Authority must send a bill by first class mail to the registered owner of
9 the motor vehicle for the amount of the unpaid toll. The Authority must send the bill
10 within 90 days after the travel occurs. If a bill is not sent within the required time, the
11 Authority waives collection of the toll. The Authority must establish billing periods for
12 unpaid open road tolls and must include all unpaid tolls incurred by the same person
13 during a billing period in the same bill.

14 (b) Information on Bill. – A bill sent under this section must include all of the
15 following information:

- 16 (1) The name and address of the registered owner of the motor vehicle that
17 traveled on the Turnpike project.
- 18 (2) The date the travel occurred, the approximate time the travel occurred,
19 and each segment of the Turnpike project on which the travel
20 occurred.
- 21 (3) An image of the registration plate of the motor vehicle, if the Authority
22 captured an electronic image of the motor vehicle when it traveled on
23 the Turnpike project.
- 24 (4) The amount of the toll due and the amount of any processing fee added
25 under subsection (c) of this section.
- 26 (5) The date by which payment must be made to avoid any additional
27 charges and an explanation of how payment may be made.
- 28 (6) A clear and concise explanation of how to contest liability for the toll.

29 (c) Fee. – The Authority may add a processing fee to a bill for an unpaid toll sent
30 under this section. The processing fee may not exceed fifteen dollars (\$15.00) and must
31 be set at an amount that does not exceed the costs of identifying the owner of a motor
32 vehicle that is subject to an unpaid toll and billing the owner for the unpaid toll. The fee
33 is a receipt of the Authority and must be applied to these costs.

34 (d) Action Required. – A person who receives a bill for an unpaid open road toll
35 must take one of the following actions within 30 days after receiving the bill:

- 36 (1) Pay the bill and any processing fee added to the bill.
- 37 (2) Send a written request to the Authority for a review of the toll.

38 **"§ 136-89.215. Civil penalty for failure to pay open road toll.**

39 (a) Penalty. – A person who receives a bill for an unpaid open road toll and who
40 does not take one of the actions described in G.S. 136-89.214 within the required time is
41 subject to a civil penalty. Each unpaid toll listed on a bill is subject to a civil penalty.

42 (b) Amount. – The amount of the civil penalty assessed against a person under
43 this section varies depending on the number of times the person has been assessed a

1 civil penalty under this section during the 12-month period before the date the person
 2 incurred the toll for which the current civil penalty is imposed.

<u>Number of Penalties in Previous 12 Months</u>	<u>Penalty Amount</u>
<u>Fewer than Five</u>	<u>\$25.00</u>
<u>At Least Five but Fewer Than 10</u>	<u>\$50.00</u>
<u>At Least Ten but Fewer Than 15</u>	<u>\$75.00</u>
<u>15 or More</u>	<u>\$100.00</u>

8 (c) Payment. – The Authority must send a notice by first class mail to a person
 9 who is assessed a civil penalty under this section. A person who is assessed a civil
 10 penalty must pay the unpaid toll for which the civil penalty was imposed, the amount of
 11 any processing fee due, and the civil penalty within 30 days after receiving the notice.

12 (d) Penalty Proceeds. – A civil penalty imposed under this section is payable to
 13 the Authority. The Authority must credit the clear proceeds of civil penalties imposed
 14 under this section to the Civil Penalty and Forfeiture Fund established in
 15 G.S. 115C-457.1. The guidelines used by the Office of State Budget and Management
 16 to determine an agency's actual costs of collecting civil penalties and the clear proceeds
 17 of the civil penalties apply to the Authority's determination of its costs of collecting
 18 civil penalties and the clear proceeds of the civil penalties.

19 **"§ 136-89.216. Vehicle registration renewal blocked for unpaid open road toll.**

20 Failure of a person to pay the amount due on a notice sent under G.S. 136-89.215 is
 21 grounds under G.S. 20-54 to withhold the registration renewal of a motor vehicle
 22 registered in that person's name. The Authority must notify the Commissioner of Motor
 23 Vehicles of a person who is assessed a civil penalty under G.S. 136-89.215 and who
 24 does not pay the civil penalty, the toll, and any processing fee due. When notified, the
 25 Commissioner of Motor Vehicles must withhold the registration renewal of any motor
 26 vehicle registered in that person's name. A notice of a civil penalty sent under
 27 G.S. 136-89.215 must include a statement that failure to pay the amount due on the
 28 notice will result in a block on the registration renewal of any motor vehicle registered
 29 in that person's name until the amount is paid.

30 **"§ 136-89.217. Procedures for contesting liability for unpaid open road toll.**

31 (a) Informal Review. – A person who receives a bill for an unpaid open road toll
 32 and who disputes liability for the toll may contest the toll by sending to the Authority a
 33 request for review of the toll. The person may include a sworn affidavit described in
 34 G.S. 136-89.213 that establishes that someone else had the care, custody, and control of
 35 the motor vehicle subject to the toll when the toll was incurred. The person must send
 36 the request for review to the Authority within 30 days after receiving the bill for the toll.
 37 A person who does not send a request for review to the Authority within this time limit
 38 waives the right to a review and must pay the toll and any processing fee added to the
 39 bill for the toll. If a person sends a timely request for review to the Authority, the
 40 Authority may not collect the disputed toll and any processing fee added to the bill for
 41 the toll until the conclusion of the review process in this section.

42 (b) Administrative Hearing. – If the Authority conducts an informal review under
 43 subsection (a) of this section and determines that the person who requested the review is
 44 liable for the toll, the Authority must send the person a notice informing the person of

1 the Authority's determination. The person may contest this determination by filing a
2 petition for a contested case hearing at the Office of Administrative Hearings in
3 accordance with Article 3 of Chapter 150B of the General Statutes.

4 (c) Judicial Review. – Article 4 of Chapter 150B of the General Statutes governs
5 judicial review of a final decision made in a contested case authorized under subsection
6 (b) of this section."

7 **SECTION 3.** G.S. 136-89.181 reads as rewritten:

8 "**§ 136-89.181. Definitions.**

9 The following definitions apply to this Article:

- 10 (1) "Department" means the Department. – The North Carolina
11 Department of Transportation.
- 12 (2) "Turnpike Authority" means the Turnpike Authority. – The public
13 agency created by this Article.
- 14 (3) "Authority Board" means the Authority Board. – The governing board
15 of the Turnpike Authority.
- 16 (4) "Turnpike Project" means a Turnpike project. – Either of the
17 following:
18 a. A road, bridge, or tunnel project planned, or planned and
19 constructed, in accordance with the provisions of this Article.
20 b. A segment of the State highway system the Authority Board
21 converts to a tolled highway pursuant to the authorization in
22 G.S. 136-89.187.
- 23 (5) "Turnpike System" means collectively all Turnpike Projects developed
24 in accordance with the provisions of this Article. Turnpike system. –
25 All Turnpike projects."

26 **SECTION 4.** G.S. 136-89.183(a) reads as rewritten:

27 "(a) The Authority shall have all of the powers necessary to execute the provisions
28 of this Article, including the following:

- 29 (1) The powers of a corporate body, including the power to sue and be
30 sued, to make contracts, to adopt and use a common seal, and to alter
31 the adopted seal as needed.
- 32 (2) To study, plan, develop, and undertake preliminary design work on up
33 to nine Turnpike Projects. At the conclusion of these activities, the
34 Turnpike Authority is authorized to design, establish, purchase,
35 construct, operate, and maintain the following projects:
- 36 a. Triangle Parkway Expressway, including segments also known
37 as N.C. 540, Triangle Parkway, and Western Wake Freeway in
38 Wake and Durham Counties.
- 39 b. Gaston East-West Connector Connector, also known as the
40 Garden Parkway.
- 41 c. Monroe Connector Connector/Bypass.
- 42 d. Cape Fear Skyway.

1 e. A bridge of more than two miles in length going from the
2 mainland to a peninsula bordering the State of
3 ~~Virginia.~~Virginia, pursuant to G.S. 136-89.183A.

4 f. ~~I-540 in Wake and Durham Counties.~~

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

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

13 (3) Repealed by Session Laws 2005-275, s. 2, effective August 12, 2005.

14 (4) To rent, lease, purchase, acquire, own, encumber, dispose of, or
15 mortgage real or personal property, including the power to acquire
16 property by eminent domain pursuant to G.S. 136-89.184.

17 (5) To fix, revise, charge, and collect tolls and fees for the use of the
18 Turnpike Projects. Prior to the effective date of any toll or fee for use
19 of a Turnpike Facility, the Authority shall submit a description of the
20 proposed toll or fee to the Board of Transportation, the Joint
21 Legislative Transportation Oversight Committee and the Joint
22 Legislative Commission on Governmental Operations for review.

23 (6) To issue bonds or notes of the Authority as provided in this Article.

24 (6a) To invest the proceeds of bonds or notes of the Authority that are
25 pending disbursement or other idle funds of the Authority in any
26 investment authorized by G.S. 159-30.

27 (7) To establish, construct, purchase, maintain, equip, and operate any
28 structure or facilities associated with the Turnpike System.

29 (8) To pay all necessary costs and expenses in the formation, organization,
30 administration, and operation of the Authority.

31 (9) To apply for, accept, and administer loans and grants of money or real
32 or personal property from any federal agency, the State or its political
33 subdivisions, local governments, or any other public or private sources
34 available.

35 (10) To adopt, alter, or repeal its own bylaws or rules implementing the
36 provisions of this Article, in accordance with the review and comment
37 requirements of G.S. 136-89.182(j).

38 (11) To utilize employees of the Department; to contract for the services of
39 consulting engineers, architects, attorneys, real estate counselors,
40 appraisers, and other consultants; to employ administrative staff as
41 may be required in the judgment of the Authority; and to fix and pay
42 fees or compensation to the Department, contractors, and
43 administrative employees from funds available to the Authority.

- 1 (12) To receive and use appropriations from the State and federal
2 government.
- 3 (13) To adopt procedures to govern its procurement of services and
4 delivery of Turnpike Projects.
- 5 (14) To perform or procure any portion of services required by the
6 Authority.
- 7 (15) To use officers, employees, agents, and facilities of the Department for
8 the purposes and upon the terms as may be mutually agreeable.
- 9 (16) To contract for the construction, maintenance, and operation of a
10 Turnpike Project.
- 11 (17) To enter into partnership agreements with the Department of
12 Transportation, agreements with political subdivisions of the State, and
13 agreements with private entities, and to expend such funds as it deems
14 necessary, pursuant to such agreements, for the purpose of financing
15 the cost of acquiring, constructing, equipping, operating, or
16 maintaining any Turnpike Project. An agreement entered under this
17 subdivision requires the concurrence of the Board of Transportation if
18 the Department of Transportation is a party to the agreement.
- 19 (18) To utilize incentives in any contract for development or construction
20 of a Turnpike Project, in order to promote expedited delivery of the
21 project."

22 **SECTION 5.** G.S. 136-89.187 reads as rewritten:

23 **"§ 136-89.187. Conversion of free highways prohibited.**

24 The Authority Board is prohibited from converting any segment of the nontolled
25 State Highway System to a toll facility, except for a segment of ~~Interstate N.C. 540~~
26 under construction as of July 1, 2006, located in Wake and Durham Counties, ~~County~~
27 and extending from I-40 southwest to N.C. 55, ~~the N.C. 54 exit on N.C. 540 to the N.C.~~
28 55 exit on N.C. 540. No segment may be converted to a toll route pursuant to this
29 section unless first approved by the Metropolitan Planning Organization (MPO) or
30 Rural Planning Organization (RPO) of the area in which that segment is located."

31 **SECTION 6.** G.S. 136-89.194 reads as rewritten:

32 **"§ 136-89.194. Laws applicable to the Authority; exceptions.**

33 (a) Motor Vehicle Laws. – The Turnpike System shall be considered a
34 "highway" as defined in G.S. 20-4.01(13) and a "public vehicular area" as defined in
35 G.S. 20-4.01(32). All law enforcement and emergency personnel, including the State
36 Highway Patrol and the Division of Motor Vehicles, shall have the same powers and
37 duties on the Turnpike System as on any other highway or public vehicular area.

38 (b) Applicable Contracting. – For the purposes of implementing this Article, the
39 Authority shall solicit competitive proposals for the construction of Turnpike Projects in
40 accordance with the provisions of Article 2 of this Chapter. Contracts for professional
41 engineering services and other kinds of professional or specialized services necessary in
42 connection with construction of Turnpike Projects shall be solicited in accordance with
43 procedures utilized by the Department of Transportation. Cost estimates prepared for

1 the purpose of comparing bids for a Turnpike project are confidential and may not be
2 disclosed until after the opening of bids for the project.

3 (c) Alternative Contracting Methods. – Notwithstanding the provisions of
4 subsection (b) of this section, the Authority may authorize the use of alternative
5 contracting methods if:

6 (1) The authorization applies to an individual project;

7 (2) The Authority has concluded, and documented in writing, that the
8 alternative contracting method is necessary because the project cannot
9 be completed utilizing the procedures of Article 2 of this Chapter
10 within the necessary time frame or available funding or for other
11 reasons the Authority deems in the public interest;

12 (3) The Authority has provided, to the extent possible, for the solicitation
13 of competitive proposals prior to awarding a contract; and

14 (4) The approved alternative contracting method provides for reasonable
15 compliance with the disadvantaged business participation goals of
16 G.S. 136-28.4.

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

20 (e) Plans and Contract Documents. – The requirements for registering
21 right-of-way plans set in G.S. 136-19.4 apply to right-of-way plans of the Turnpike
22 Authority. In applying G.S. 136-19.4 to the Authority, references to the "Department"
23 are considered references to the "Turnpike Authority" and references to the "Board" are
24 considered references to the "Authority Board."

25 Diaries and analyses for contracts of the Turnpike Authority are subject to the same
26 restrictions on disclosure that apply to diaries and analyses for contracts of the
27 Department under G.S. 136-28.5.

28 (f) Construction Claims. – G.S. 136-29 applies to the adjustment and resolution
29 of Turnpike project construction claims. In applying G.S. 136-29 to the Turnpike
30 Authority, references to the 'Department of Transportation,' the 'State Highway
31 Administrator,' and a 'State highway' are considered references to the 'Turnpike
32 Authority,' the 'chief engineer of the Turnpike Authority,' and a 'Turnpike project.'

33 (g) Contract Exemptions. – The following provisions concerning the purchase of
34 goods and services by a State agency do not apply to the Turnpike Authority:

35 (1) Article 3 of Chapter 143 of the General Statutes. The Authority may
36 use the services of the Department of Administration in procuring
37 goods and services that are not specific to establishing and operating a
38 toll revenue system.

39 (2) Article 3D of Chapter 147 of the General Statutes. The Authority may
40 use the services of the Office of Information Technology Services in
41 procuring goods and services that are not specific to establishing and
42 operating a toll revenue system. All contract information for contracts
43 for information technology are subject to disclosure in accordance with
44 G.S. 147-33.95.

1 (h) APA. – Chapter 150B of the General Statutes does not apply to the Turnpike
2 Authority, except as provided in this section and G.S. 136-89.217."

3 **SECTION 7.** G.S. 20-54 is amended by adding a new subdivision to read:

4 "(10) The North Carolina Turnpike Authority has notified the Division that
5 the owner of the vehicle has not paid the amount of tolls, fees, and
6 civil penalties the owner owes the Authority for use of a Turnpike
7 project."

8 **SECTION 8.** G.S. 20-63(g) reads as rewritten:

9 "(g) Alteration, Disguise, or Concealment of Numbers. – Any operator of a motor
10 vehicle who shall willfully mutilate, bend, twist, cover or cause to be covered or
11 partially covered by any bumper, light, spare tire, tire rack, strap, or other device, or
12 who shall paint, enamel, emboss, stamp, print, perforate, or alter or add to or cut off any
13 part or portion of a registration plate or the figures or letters thereon, or who shall place
14 or deposit or cause to be placed or deposited any oil, grease, or other substance upon
15 such registration plates for the purpose of making dust adhere thereto, or who shall
16 deface, disfigure, change, or attempt to change any letter or figure thereon, or who shall
17 display a number plate in other than a horizontal upright position, shall be guilty of a
18 Class 2 misdemeanor. Any operator of a motor vehicle who shall willfully cover or
19 cause to be covered any part or portion of a registration plate or the figures or letters
20 thereon by any device designed or intended to prevent or interfere with the taking of a
21 clear photograph of a registration plate by a traffic control or toll collection system
22 using cameras commits an infraction and shall be fined under G.S. 14-3.1. Any operator
23 of a motor vehicle who shall otherwise intentionally cover any number or registration
24 renewal sticker on a registration plate with any material that makes the number or
25 registration renewal sticker illegible commits an infraction and shall be fined under
26 G.S. 14-3.1. Nothing in this subsection shall prohibit the use of transparent covers that
27 are not designed or intended to prevent or interfere with the taking of a clear photograph
28 of a registration plate by a traffic control or toll collection system using cameras."

29 **SECTION 9.** G.S. 47-30(l) reads as rewritten:

30 "(l) ~~The provisions of this~~ This section shall does not apply to the registration of
31 highway right-of-way plans provided for in ~~G.S. 136-19.4~~ G.S. 136-19.4 or
32 G.S. 136-89.184, nor to the registration of roadway corridor official maps provided for
33 in Article 2E of Chapter ~~136~~, 136 of the General Statutes."

34 **SECTION 10.** G.S. 146-65 reads as rewritten:

35 "**§ 146-65. Exemptions from Chapter.**

36 ~~None of the provisions of Chapter 146 shall~~ This Chapter does not apply to: to any
37 of the following:

38 (1) The acquisition of highway rights-of-way, borrow pits, or other
39 interests or estates in land acquired for the same or similar purposes, or
40 to the disposition thereof, by the Board of ~~Transportation;~~ or
41 Transportation or the North Carolina Turnpike Authority.

42 (2) ~~The North Carolina State Ports Authority, the authority and powers~~
43 ~~thereof set forth or provided for by G.S. 143B 452 through~~
44 ~~G.S. 143B 467 or to the exercise of all or any of such authority and~~

1 ~~powers, Authority in exercising its powers under G.S. 143B-452~~
2 ~~through G.S. 143B-467.~~

3 ~~Nor shall the provisions of Chapter 146 abrogate or alter any otherwise valid~~
4 ~~contract or agreement heretofore made and entered into by the State of North Carolina~~
5 ~~or by any of its subdivisions or agencies during the term or period of such contract or~~
6 ~~agreement."~~

7 **SECTION 11.** G.S. 136-89.183A reads as rewritten:

8 "**§ 136-89.183A. Accelerated Pilot Toll Bridge Project.**

9 (a) Findings. – The General Assembly finds that there is a need for a bridge
10 connecting the Currituck County mainland to the Currituck County Outer Banks; that
11 the bridge should be implemented as a toll bridge; that the bridge should be
12 implemented in a manner that protects the natural environment and quality of life on the
13 Outer Banks; and that the character of the existing road system in Currituck County and
14 Dare County Outer Banks should be preserved.

15 ~~(a)(b)~~ Contract to Construct Accelerated Pilot Toll Bridge Project. – The Authority
16 shall contract with a single private firm to design, obtain all necessary permits for, and
17 construct the toll bridge described in G.S. 136-89.183(a)(2), known as the
18 Mid-Currituck Bridge, a bridge of more than two miles in length going from the
19 mainland to a peninsula bordering the State of Virginia, in order to provide accelerated,
20 efficient, and cost-effective completion of the project.

21 ~~(b)(c)~~ Preconstruction Participation. – In addition to the authority granted by
22 G.S. 136-89.191, the Department shall participate in the cost of preconstruction
23 activities related to the project described in this section, if requested by the Authority.

24 (d) Environmental Protection. – The Authority shall ensure that the
25 Mid-Currituck Bridge is implemented in a manner that accomplishes all of the
26 following:

27 (1) Ensures the preservation of water quality in Currituck Sound.

28 (2) Mitigates the environmental impact of the bridge on the Currituck
29 County mainland and the Outer Banks.

30 (3) Reduces traffic congestion and vehicle miles traveled, and preserves
31 the character of the existing road system, in Dare County and
32 Currituck County on the Outer Banks.

33 ~~(e)(e)~~ Report on Project. – The Authority shall report to the Joint Legislative
34 Transportation Oversight Committee on December 1, 2005, and each December 1
35 thereafter until completion, on the progress of the accelerated pilot toll bridge project
36 described in this section."

37 **SECTION 12.** Section 7 of this act becomes effective January 1, 2011.
38 Section 8 of this act becomes effective December 1, 2008. The remainder of this act is
39 effective when it becomes law.