

§ 160A-886. Rail Transportation Corridor Authority.

(a) The Authority shall have all powers necessary to execute the provisions of this Article, which shall include at least the following powers:

- (1) The powers of a corporate body, including the power to sue and be sued, to make contracts, to adopt and use a common seal, and to alter the adopted seal as needed.
- (2) To make rules and regulations and create and operate agencies, committees, and departments as needed to implement this Article.
- (3) To pay all necessary costs and expenses in the formation, organization, administration, and operation of the Authority.
- (4) To employ persons deemed necessary to carry out the functions and duties assigned to them by the Authority and to fix their compensation within the limit of available funds.
- (5) To retain and employ counsel, appraisers, auditors, architects, engineers, private consultants, and real estate counselors on an annual salary, contract basis, or otherwise for rendering professional or technical services from funds available to the Authority.
- (6) To operate a rail corridor and enter and perform contracts to provide and operate rail and rail corridor services and facilities within the rail corridor service area.
- (7) To charge and collect fees and rents for the use of the rail corridor or for services rendered in the operation of the rail corridor.
- (8) To develop and make data, plans, information, surveys, and studies within the territorial jurisdiction of the Authority and to prepare and make recommendations in regard thereto.
- (9) To enter in a reasonable manner lands, waters, or premises of the territorial jurisdiction for the purpose of making data, examinations, plans, surveys, and studies whereby such entry shall not be deemed a trespass except that the Authority shall be liable for any actual and consequential damages resulting from such entries.
- (10) To purchase or finance real or personal property in the manner provided for cities and counties under G.S. 160A-20.
- (11) To acquire, lease as lessee with or without option to purchase, hold, own, and use any property within the rail corridor service area, real or personal, tangible or intangible, or any interest therein, and to sell, lease as lessor with or without option to purchase, transfer, or dispose thereof, whenever the same is no longer required for purposes of the Authority, or exchange same for other property or rights that are useful for the Authority's purposes, including construction of bridges, buildings, cargo transfer systems, culverts, facilities, industrial track, main track, mass transit systems, maintenance yards, marshalling yards, rights-of-way, roadbed, sidings, structures, transfer yards, tunnels, and all other railroad appurtenances. Before constructing a bridge, the Authority shall consult with the Department of Transportation.
- (12) To acquire by gift, purchase, lease as lessee with or without option to purchase or otherwise to construct, improve, maintain, repair, operate, or administer any component parts of a rail corridor or to contract for the maintenance, operation, or administration thereof, or to lease as lessor the same for maintenance, operation, or administration by private parties.
- (13) To make or enter contracts, agreements, deeds, leases with or without option to purchase, conveyances, or other instruments, including contracts and

agreements with the United States, the State of North Carolina, units of local government, public transportation authorities, and private parties, to effectuate the purpose of this Article.

- (14) With the consent of the unit of local government that would otherwise have jurisdiction to exercise the powers enumerated in this subdivision, to issue certificates of public convenience and necessity, and to grant franchises and enter into franchise agreements, and in all respects to regulate the operation of rail, buses, trams, taxicabs, and other methods of public transportation that originate and terminate within the rail corridor as fully as the unit of local government is now or hereafter empowered to do within the jurisdiction of the unit of local government.
- (15) To finance the costs of a rail corridor project or any part thereof and to refund, whether or not in advance of maturity or the earliest redemption date, any such debt. The principal of and interest on the debt is payable solely from the revenues pledged to its payment and neither the State, municipality, or county is obligated to pay the principal or interest, except from such revenues.
- (16) To apply for, accept, and administer loans and grants of money from any federal agency, the State, or its political subdivisions, or from any other public or private sources available, to expend the money in accordance with the requirements imposed by the lender or donor, and to give any evidence of indebtedness that are required. No indebtedness of any kind incurred or created by the Authority shall constitute an indebtedness of the State or its political subdivisions, and no indebtedness of the Authority shall involve or be secured by the faith, credit, or taxing power of the State or its political subdivisions.

(b) To execute the powers provided in subsection (a) of this section, the Board of Trustees shall determine the policies of the Authority by majority vote of the members of the Board of Trustees present and voting, a quorum having been established. Once a policy is determined, the Board of Trustees shall communicate it to the chair, who shall have the sole and exclusive authority to execute the policy of the Authority. No member of the Board of Trustees shall have the responsibility or authority to give operational directives to any employee of the Authority other than the chair. (2024-45, s. 19.4(a).)