

February 20, 2003

H 48. NORTH CAROLINA: MOVING AHEAD! TO IMPLEMENT NORTH CAROLINA: MOVING AHEAD! BY ALLOWING CASH BALANCES IN THE HIGHWAY TRUST FUND TO BE USED TO MEET CRUCIAL TRANSPORTATION NEEDS. Adds new GS 136-176(a2) to authorize the use of \$300 million in fiscal year 2003-2004 and \$400 million in fiscal year 2004-2005 from Highway Trust Fund cash balance for purpose of maintaining highways; modernizing roadway signs, signals and traffic control devices; resurfacing roadways; assisting municipalities with bicycle and pedestrian options; and improving regional, rural and urban transit systems, rail facilities and ferry system. Effective July 1, 2003.

Intro. by Crawford, Cole.

Ref. to Transportation	GS 136, APPROP
------------------------	----------------

April 23, 2003

H 48. MOVING AHEAD TRANSPORTATION INITIATIVE. Intro. 2/20/03. House committee substitute makes the following changes to 1st edition. Completely rewrites original bill as follows: Adds new GS 136-176(a3) to provide that Dep't of Transportation may obligate \$300 million in 2003-2004 and \$400 million in 2004-2005 of cash balance of Highway Trust Fund for following purposes: (1) \$630 million for highway system preservation, modernization, and maintenance; and (2) \$70 million for regional public transit systems, rural and urban public transportation system facilities, and other specified projects. Requires that funds be distributed in accordance with formula in GS 136-17.2A. Requires Dep't to report to Joint Legislative Transportation Oversight Committee on or before Sept. 1, 2003, of its intended use of these funds. Requires Dep't to report to Joint Transportation Appropriations Subcommittee on or before May 1, 2004, on its actual current and future use of these funds. Requires Dep't to certify to Oversight Committee each year, on or before Nov. 1, that use of Highway Trust Fund cash balances for purposes of these projects will not adversely affect delivery schedule of any Fund projects. Adds new GS 136-44.7B to provide that once Dep't of Environment and Natural Resources has received complete application for permit required for transportation construction project, Dep't must expedite review of application and issue or deny permit within 90 days of receipt of submission. Permit not denied within time limit is considered approved. Issued permit remains in effect until project is completed. Permit not to expire and may not be modified or cancelled unless at least one act specified in section occurs. Effective July 1, 2003.

April 29, 2003

H 48. MOVING AHEAD TRANSPORTATION INITIATIVE. Intro. 2/20/03. House committee substitute makes the following changes to 2nd edition. Establishes a Blue Ribbon Comm'n to study the unique mobility needs of urban areas in North Carolina and amends title accordingly. Comm'n to be composed of 27 members: 15 appointed by the Governor, 6 appointed by the Speaker of the House, and 6 appointed by the Pres. Pro Tem. of the Senate. The Comm'n must make an interim report to the 2004 regular Session of the 2003 General Assembly and a final report to the 2005 General Assembly. The Comm'n will terminate upon the issuance of the final report. The Legislative Services Comm'n is to allocate sufficient funds to cover the expenses of the new Comm'n. Provisions relating to the creation of the Blue Ribbon Comm'n are effective when act becomes law. Deletes provision adding new section GS 136-44.7B to provide for expedited permit issuance for transportation construction projects.

May 1, 2003

H 48. MOVING AHEAD TRANSPORTATION INITIATIVE. Intro. 2/20/03. House amendment adopted 4/30/03 makes the following changes to 3rd edition. Adds a new section to GS Ch. 136 providing that once Dept. of Environment and Natural Resources (DNER) or any agency thereof has issued a permit required for transportation construction undertaken by Dept. of Transportation (DOT), the permit is to remain in effect until project completed. Provides that permit may not be modified or cancelled and does not expire except for one of following reasons: (1) DOT requests modification or cancellation; (2) modification or cancellation clearly required by change in federal law and failure to modify or cancel will cost DNER or DOT federal money; (3) modification or

cancellation clearly required by change in state law, and new statute clearly states that it applies to ongoing projects; (4) court orders modification or cancellation; (5) scope or nature of project is significantly expanded or altered; or (6) federal law requires that the permit expire at end of specific number of years. Changes title accordingly.

House amendment adopted 5/1/03 makes the following changes to 3rd edition. Bill had provided that no funds from cash balances were to be expended on highway projects (up to \$630 million) that did not meet DOT standards for road design, materials, construction, and traffic flow. Amendment applies same prohibition to other projects (up to \$70 million) authorized by bill.

July 16, 2003

H 48. MOVING AHEAD TRANSPORTATION INITIATIVE. Intro. 2/20/03. House committee substitute makes the following changes to 4th edition. Deletes provision on period of effectiveness of permits issued by DENR for transportation construction projects. Adds following provisions: (1) funds transferred from Highway Trust Fund to General Fund must be repaid in five years beginning FY 2004-05 in accordance with repayment schedule in act; (2) escort and certification requirements in GS 20-119(f) do not apply to transportation of agricultural machinery until Oct. 1, 2004; (3) no flagman is required under GS 20-116(j) for moving farm equipment from any field to another field or from its normal place of storage to any field; (4) DOT must establish a new ferry service from Currituck terminal of Currituck-Knotts Island ferry to Corolla on or before May 1, 2004; DOT may use up to \$834,000 of funds available in act for such service and may not charge toll or fee for use of such ferry service.

July 16, 2003

H 48. MOVING AHEAD TRANSPORTATION INITIATIVE. Intro. 2/20/03. Senate amendments make the following changes to 5th edition. Require that the six members of the House and six members of the Senate appointed by the Speaker and President Pro Tem. to the Blue Ribbon Commission represent the diverse geographic regions of the state. Make technical changes.

July 20, 2003

H 48. MOVING AHEAD TRANSPORTATION INITIATIVE. Intro. 2/20/03. Conference report recommends the following changes to 5th edition to reconcile matters in controversy. Amends Sec. 29.20 of SL 2003-284 (Currituck-Corolla Ferry Service Funds) by deleting requirement that Dep't of Transportation establish a new ferry service on or before May 1, 2004, and deleting prohibition against charging a toll or other fee for ferry service. Makes technical changes.

August 8, 2003

SL 2003-383 (H 48). MOVING AHEAD TRANSPORTATION INITIATIVE. *AN ACT TO IMPLEMENT THE NORTH CAROLINA MOVING AHEAD TRANSPORTATION INITIATIVE BY ALLOWING CASH BALANCES IN THE HIGHWAY TRUST FUND TO BE USED TO MEET CRUCIAL TRANSPORTATION NEEDS, TO REQUIRE FUNDS DESIGNATED BY THIS ACT FOR PRESERVATION, MODERNIZATION, AND MAINTENANCE BE EXPENDED IN ACCORDANCE WITH THE EQUITY DISTRIBUTION FORMULA, TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO CERTIFY THAT USE OF FUNDS IN ACCORDANCE WITH THIS ACT WILL NOT DELAY CONSTRUCTION OF ANY HIGHWAY TRUST FUND PROJECT, TO REAFFIRM THE INTENT OF THE GENERAL ASSEMBLY THAT PROCEEDS FROM THE ISSUANCE OF BONDS UNDER AUTHORITY OF THE STATE HIGHWAY BOND ACT OF 1996 SHALL BE USED FOR THE PURPOSES STATED IN THAT ACT, AND FOR NO OTHER PURPOSE, TO ESTABLISH A BLUE RIBBON COMMISSION TO STUDY SOLUTIONS TO NORTH CAROLINA'S URBAN TRANSPORTATION NEEDS, TO REQUIRE FUNDS TRANSFERRED FROM THE HIGHWAY TRUST FUND TO THE GENERAL FUND TO BE REPAID, TO DELAY IMPLEMENTATION OF AGRICULTURAL VEHICLE ESCORT TRAINING AND CERTIFICATION, AND TO ALLOW FARMERS TO MOVE EQUIPMENT BETWEEN FARMS WITHOUT A FLAGMAN.* Summarized in *Daily Bulletin* 2/20/03, 4/23/03, 4/29/03, 5/1/03, 7/16/03, and 7/20/03. Enacted August 7, 2003. Effective July 1, 2003, except as otherwise provided.

