

February 11, 2009

H 148. CONGESTION RELIEF/INTERMODAL TRANSPORT FUND (=S 151). Filed 2/11/09. TO ESTABLISH A CONGESTION RELIEF AND INTERMODAL TRANSPORTATION 21ST CENTURY FUND, TO PROVIDE FOR ALLOCATION OF THOSE FUNDS TO: (1) LOCAL GOVERNMENTS AND TRANSPORTATION AUTHORITIES FOR PUBLIC TRANSPORTATION PURPOSES, (2) SHORT-LINE RAILROADS, FOR ASSISTANCE IN MAINTAINING AND EXPANDING FREIGHT SERVICE STATEWIDE, (3) RAILROADS FOR INTERMODAL FACILITIES, MULTIMODAL FACILITIES, AND INLAND PORTS, (4) MAKE CAPITAL IMPROVEMENTS ON RAIL LINES TO ALLOW IMPROVED FREIGHT SERVICE TO THE PORTS AND MILITARY INSTALLATIONS, (5) EXPAND INTERCITY PASSENGER RAIL SERVICE, TO EXTEND LEVELS OF LOCAL TRANSIT FUNDING AUTHORIZATION TO THREE URBAN REGIONS, AND ALLOW OTHER LOCAL GOVERNMENTS OPTIONS FOR LOCAL TRANSIT FUNDING.

Identical to S 151, filed 2/11/09.

Intro. by Carney, Allen, Ross, McGee.

GS 105, 136

March 11, 2009

H 148. CONGESTION RELIEF/INTERMODAL TRANSPORT FUND. Filed 2/11/09. House committee substitute to be summarized in tomorrow's *Daily Bulletin*.

March 12, 2009

H 148. CONGESTION RELIEF/INTERMODAL TRANSPORT FUND. Filed 2/11/09. House committee substitute makes the following changes to 1st edition.

Changes to the Proposed Public Transportation Sales Tax for the Triangle and Triad.

Amends GS 105-506 to clarify the proposed definition of *transportation authority* as: (1) for the purposes of *Parts 3 and 3A*, a regional public transportation authority created pursuant to Article 26 of GS Chapter 160A and (2) for the purposes of *Parts 3 and 3B*, a regional transportation authority created pursuant to Article 27 of GS Chapter 160A.

Reorganizes proposed Part 3 and enacts a new Part 3A [Regional Public Transportation Authority (Triangle)] and a new Part 3B [Regional Transportation Authority (Triad)] to proposed amended Article 43 of GS Chapter 105 to clarify the authorization, as applied to these specific transportation authorities and counties, to levy a ½% sales tax for public transportation purposes. Specifies that the financial plan developed by a transportation authority must provide for equitable use of the net proceeds within *or to benefit* the special district *created under Part 3A or Part 3B*. Provides that the Secretary of Revenue (Secretary) must allocate the net proceeds to each *special district* (was, transportation authority) and specifies the use of the proceeds by the *special district*. Provides that the board of trustees of the transportation authority may not serve ex officio as the governing body of a special district in the case of a single county district, but instead the board of commissioners of that county serves ex officio as the governing body. Requires the transportation authority creating the special district to (1) name it and file the documents creating the district with the Secretary of State and (2) file notice of the addition to and removal from the district of any counties, or of the abolition of the special district. In proposed GS 105-510.7, specifies that if a referendum in a district fails *in all counties* in the district, the transportation may abolish the special district. Provides that a county that does not approve the referendum to levy the tax is removed from the special district upon certification of the election result and the county or counties that approved the referendum remain in the special district. Clarifies that a tax may not be levied without voter approval. Makes technical and conforming changes.

Changes to the Proposed Public Transportation Sales Tax in Other Counties. Amends proposed Part 4 of Article 43 of GS Chapter 105 to clarify that operation of a public transportation system includes a contract *or an interlocal agreement for operation of the public transportation system by another county or municipality, or by a transportation authority created under (1) a municipal charter or (2) Article 25, 26, or 27 of GS Chapter 160A, and a contract with a private entity for operation of the public transportation system.* Deletes the requirement that a county must develop a financial plan prior to levying the tax. Specifies that the Secretary distribute the net proceeds of the tax levied by a county on a per capita basis among the county and local

government units in the county that operate a public transportation system *to the county based on the population of the county that is not in an incorporated area, and to the municipalities within the county based on the population of the municipality that is located within that county*. Excludes municipalities that do not operate nor contract to operate public transportation systems from the per capita calculations (was, prohibited proceeds from being distributed to a county or local government unit that does not operate a public transportation system). Allows a county or municipality that does not receive an allocation because it does not operate a public transportation system to begin receiving funds beginning on the first day of July that is more than 30 days after the county or municipality begins operation of a public transportation system. Makes conforming and technical changes.

Amends GS 105-164.14(c) to add that a special district created under Article 43 of GS Chapter 105 is a governmental entity allowed an annual refund of sales and use taxes paid by it on direct purchases of tangible personal property and services, other than electricity, telecommunications service, and ancillary service. Amends GS 159-81(1) (related to revenue bonds) and GS 160A-460 (related to interlocal cooperation) to add a special district created under Article 43 of GS Chapter 105 to the definitions of *municipality* and *unit or unit of local government*, respectively.

Changes to Local Vehicle Registration Charge Adjusted for Inflation. Effective July 1, 2010, raises the cap on the vehicle registration fee that may be levied by Triangle Transit Authority and the Piedmont Authority for Regional Transportation from \$7 to \$8.

Changes to the Proposed County Vehicle Registration Tax. Deletes the provision that any city, located wholly within a county that does not levy the maximum \$7 amount, may levy an amount as if it were an authority, such that the gross levy of the city and county does not exceed the \$7 maximum amount. Provides that a county may not levy a tax under this Article unless the county or at least one unit of government in the county operates a public transportation system. Provides that after the receipt of funds from the Division of Motor Vehicles, the county may retain or distribute the net proceeds of the tax levied by a county on a per capita basis as follows: pro rata (1) retained by the county based on the population of the county that is not in an incorporated area and (2) distributed to the municipalities within the county based on the population of the municipality that is located within that county. Excludes municipalities or counties that do not operate nor contract to operate public transportation systems from the per capita calculations. Allows a county that does not retain funds or a municipality that does not receive an allocation, because it does not operate a public transportation system, to begin receiving funds beginning on the first day of July that is more than 30 days after the county or municipality begins operation of a public transportation system. Adds that the operation of a public transportation system includes an interlocal agreement (was, only described *contracts* with certain parties to operate a public transportation system). Provides that an interlocal agreement may also deal with the allocation of funds between a municipality and county for operation of a human services public transportation system within the municipality when the municipality also operates a public transportation system. Makes a conforming change to the caption.

April 15, 2009

H 148. CONGESTION RELIEF/ INTERMODAL TRANSPORT FUND. Filed 2/11/09. House committee substitute makes the following changes to 2nd edition.

Amends proposed GS 136-252, (regarding grants to local governments and transportation authorities from the Congestion Relief and Intermodal Transportation 21st Century Fund (Fund)) to expand the required conditions to be met in a grant applicant's approved transit plan. Sets as an additional condition of grant approval that a grant applicant include, with its grant application, any assessments or plans approved by another unit or units of local government within its service area that includes specified elements. Directs that the assessments and plans information submitted by the applicant must include a strategy to increase the stock of affordable housing to at least 15% (was, 30%) within a one-half mile radius of each transit station and bus hub. Additionally provides that the applicant must agree to provide a periodic update of the implementation of the transit plan and the housing needs and that the Metropolitan Planning

Organization receiving the update provide an opportunity for interested parties to comment on the update.

Amends proposed GS 136-253 to clarify that grants from the fund may be made to any railroad for the construction of rail improvements, intermodal or multimodal facilities, or restorations to (1) serve ports, military installations, and inland ports, or (2) improve rail infrastructure to reduce or mitigate truck traffic on the highway system.

Amends proposed Part 3A, Regional Public Transportation Authority (Triangle), and Part 3B, Regional Transportation Authority (Triad), to modify the ballot question presented in a special election concerning the levy of a tax authorized under Article 43 of GS Chapter 105 to be for or against a ½% local sales and use taxes, in addition to the current local sales and use taxes (was, ½% local sales and use taxes), to be used only for public transportation systems. Also amends proposed Part 3A and Part 3B to direct that the special election concerning the tax levy is to be held on a date jointly agreed upon by the regional transportation authority, the county board or boards of commissioners, and the county board or boards of elections (was, the regional transportation authority and the county board or boards of elections).

Amends Section 7 of SL 1997-417 to provide that a tax levied under Article 43 of GS Chapter 105, (was, a tax levied under Article 43 of GS Chapter 105 as enacted by this act), does not apply to certain purchases and contracts regarding construction materials.

Amends GS 105-562(a) to conform the vehicle registration tax to the new registration deadlines, providing that the effective date for a registration tax or tax increase may not be earlier than the first day of the sixth (was, third) calendar month after the board of trustees adopts the resolution. Also amends GS 105-563, (regarding the modification or repeal of tax) to provide that the effective date for a registration tax repeal or tax decrease may not be earlier than the first day of the sixth (was, third) calendar month after the board of trustees adopts the resolution.

Amends GS 153A-317 to provide that a county may levy property taxes within a research and production service district in addition to those levied throughout the county upon the recommendation of the advisory committee established pursuant to GS 153A-313. Provides that for the purpose of constructing, maintaining, or operating public transportation as defined in GS 153A-149(c)(27) a county may, upon recommendation of the advisory committee, levy additional property taxes within any service district (established pursuant to GS Chapter 153A, Article 16) in an amount not in excess of a rate of 10¢ on each \$100 value of property subject to taxation. Restricts use of the property taxes for certain public transportation purposes within the service district.

Makes additional organizational and technical changes.

April 21, 2009

H 148. CONGESTION RELIEF/INTERMODAL TRANSPORT FUND. Filed 2/11/09. House amendments make the following changes to 3rd edition. Amendment #1 provides in proposed amended GS 105-505 that Article 43 of GS Chapter 105 provides counties and transportation authorities with the authority to levy sales and use taxes (was, ½% sales and use taxes).

Amendment #2 enacts a new GS 136-254.1 to prohibit any funds from being expended from the Congestion Relief and Intermodal Transportation 21st Century Fund until appropriated by the General Assembly.

Amendment #3 amends proposed GS 105-510.8 (related to the Regional Public Transportation Authority), GS 105-510.10 (related to the Regional Transportation Authority), and GS 105-510.14 (related to other counties) to provide that an election to authorize the levy of a tax may be held only on one of the following dates: (1) Tuesday after the first Monday of November in the even-numbered year, the date of the general election under GS 163-1; (2) the date of the primary election in the even-numbered year under GS 163-1(b); (3) Tuesday after the first Monday in November of the odd-numbered year; or (4) a date in September or October of the odd-numbered year as listed in GS 163-279(a)(2), (3), or (4) but only if at least one municipality in the county is holding a primary or election on that date.

August 4, 2009

H 148. CONGESTION RELIEF/INTERMODAL TRANSPORT FUND. Filed 2/11/09. Senate committee amendment makes the following changes to 4th edition. Amends proposed GS 136-252(b)(3)d. by clarifying that the conditions that are to be met for a grant includes that the applicant has approved a housing needs assessment and plan, or includes such assessment and plan approved by another unit or units of local governments within its service area that includes, in addition to other specified information, identification of potential resources and a strategy to provide replacement housing for low-income residents displaced by transit development and to create incentives for the purposes of increasing the stock of affordable housing (was, to increase stock of affordable housing) as specified.

September 1, 2009

SL 2009-527 (H 148). CONGESTION RELIEF/INTERMODAL TRANSPORTATION FUND.
AN ACT TO ESTABLISH A CONGESTION RELIEF AND INTERMODAL TRANSPORTATION 21ST CENTURY FUND; TO PROVIDE FOR ALLOCATION OF THOSE FUNDS TO: (1) LOCAL GOVERNMENTS AND TRANSPORTATION AUTHORITIES FOR PUBLIC TRANSPORTATION PURPOSES, (2) SHORT-LINE RAILROADS, FOR ASSISTANCE IN MAINTAINING AND EXPANDING FREIGHT SERVICE STATEWIDE, (3) RAILROADS FOR INTERMODAL FACILITIES, MULTIMODAL FACILITIES, AND INLAND PORTS, (4) MAKE CAPITAL IMPROVEMENTS ON RAIL LINES TO ALLOW IMPROVED FREIGHT SERVICE TO THE PORTS AND MILITARY INSTALLATIONS, (5) EXPAND INTERCITY PASSENGER RAIL SERVICE; TO EXTEND LEVELS OF LOCAL TRANSIT FUNDING AUTHORIZATION TO THREE URBAN REGIONS; AND TO ALLOW OTHER LOCAL GOVERNMENTS OPTIONS FOR LOCAL TRANSIT FUNDING. Summarized in *Daily Bulletin* 2/11/09, 3/12/09, 4/15/09, 4/21/09, and 8/4/09. Enacted August 27, 2009. Effective August 27, 2009.