

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H.B. 672
Apr 13, 2015
HOUSE PRINCIPAL CLERK

H

D

HOUSE DRH20236-MLf-100 (03/02)

Short Title: STI and Ferry Tolling Revisions.

(Public)

Sponsors: Representative Tine.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE PRIORITIZATION WORKGROUP TO INCLUDE CERTAIN CRITERIA WHEN DEVELOPING FORMULAS TO USE IN RANKING HIGHWAY AND NONHIGHWAY PROJECTS, TO ADJUST THE DEFINITION OF THE LOCAL INPUT FOR PURPOSES OF THE TRANSPORTATION INVESTMENT STRATEGY FORMULA, TO MOVE THE REPLACEMENT OF STATE-MAINTAINED FERRY VESSELS TO THE BRIDGE PROGRAM, TO ADJUST THE DISTRIBUTION OF THE PROCEEDS FROM TOLLS COLLECTED ON NORTH CAROLINA FERRY SYSTEM ROUTES, AND TO MAKE OTHER CONFORMING CHANGES.

The General Assembly of North Carolina enacts:

SECTION 1. The Prioritization 4.0 Workgroup, established in accordance with G.S. 136-189.11(h), shall (i) include peak average daily traffic data in the Congestion formula, (ii) expand consideration in Multimodal formula given to projects abutting a multimodal terminal to include projects within a certain proximity of a multimodal terminal, and (iii) include the improvement of hurricane evacuation routes and procedures in the Safety formula.

SECTION 2. G.S. 136-189.11(d) reads as rewritten:

"(d) Transportation Investment Strategy Formula. – Funds subject to the Formula shall be distributed as follows:

...
(2) Regional Impact Projects. – Thirty percent (30%) of the funds subject to this section shall be used for Regional Impact Projects and allocated by population of Distribution Regions based on the most recent estimates certified by the Office of State Budget and Management:

a. Criteria. – A combination of transportation-related quantitative criteria, qualitative criteria, and local input shall be used to rank Regional Impact Projects involving highways that address cost-effective needs from a region-wide perspective and promote economic growth. Local input is defined as the rankings identified by the ~~Department's Transportation Division Engineers~~, Metropolitan Planning ~~Organizations~~, Organizations and Rural Transportation Planning Organizations. The Metropolitan Planning Organizations and Rural Transportation Planning Organizations shall consult with the Department's Transportation Division Engineer local Engineers, whose input scoring shall take into account public comments. The Department shall ensure that the public has a full opportunity to submit public comments, by widely available notice to the public, an



* D R H 2 0 2 3 6 - M L F - 1 0 0 *

adequate time period for input, and public hearings. Board of Transportation input shall be in accordance with G.S. 136-189.11(g)(1) and G.S. 143B-350(g). The criteria utilized for selection of Regional Impact Projects shall be based thirty percent (30%) on local input and seventy percent (70%) on consideration of a numeric scale of 100 points based on the following quantitative criteria:

1. Benefit cost.
2. Congestion.
3. Safety.
4. Freight.
5. Multimodal.
6. Pavement condition.
7. Lane width.
8. Shoulder width.
9. Accessibility and connectivity to employment centers, tourist destinations, or military installations.

(3) Division Need Projects. – Thirty percent (30%) of the funds subject to this section shall be allocated in equal share to each of the Department divisions, as defined in G.S. 136-14.1, and used for Division Need Projects.

a. Criteria. – A combination of transportation-related quantitative criteria, qualitative criteria, and local input shall be used to rank Division Need Projects involving highways that address cost-effective needs from a Division-wide perspective, provide access, and address safety-related needs of local communities. Local input is defined as the rankings identified by the ~~Department's Transportation Division Engineers, Metropolitan Planning Organizations, Organizations~~ and Rural Transportation Planning Organizations. The Metropolitan Planning Organizations and Rural Transportation Planning Organizations shall consult with the Department's Transportation Division Engineer local Engineers, whose input scoring shall take into account public comments. The Department shall ensure that the public has a full opportunity to submit public comments, by widely available notice to the public, an adequate time period for input, and public hearings. Board of Transportation input shall be in accordance with G.S. 136-189.11(g)(1) and G.S. 143B-350(g). The criteria utilized for selection of Division Need Projects shall be based fifty percent (50%) on local input and fifty percent (50%) on consideration of a numeric scale of 100 points based on the following quantitative criteria, except as provided in sub-subdivision b. of this subdivision:

1. Benefit cost.
2. Congestion.
3. Safety.
4. Freight.
5. Multimodal.
6. Pavement condition.
7. Lane width.
8. Shoulder width.
9. Accessibility and connectivity to employment centers, tourist destinations, or military installations.

- 1 b. Alternate criteria. – Funding from the following programs shall be
2 included in the computation of each of the Department division equal
3 shares but shall be subject to alternate quantitative criteria:
4 1. Federal Surface Transportation Program-Direct Attributable
5 funds expended on eligible projects in the Division Need
6 Projects category.
7 2. Federal Transportation Alternatives funds appropriated to the
8 State.
9 3. Federal Railway-Highway Crossings Program funds
10 appropriated to the State.
11 4. Projects requested from the Department in support of a
12 time-critical job creation opportunity, when the opportunity
13 would be classified as transformational under the Job
14 Development Investment Grant program established pursuant
15 to G.S. 143B-437.52, provided that the total State investment
16 in each fiscal year for all projects funded under this
17 sub-subdivision shall not exceed ten million dollars
18 (\$10,000,000) in the aggregate and five million dollars
19 (\$5,000,000) per project.
20 5. Federal funds for municipal road projects.
- 21 c. Bicycle and pedestrian limitation. – The Department shall not
22 provide financial support for independent bicycle and pedestrian
23 improvement projects, except for federal funds administered by the
24 Department for that purpose. This sub-subdivision shall not apply to
25 funds allocated to a municipality pursuant to G.S. 136-41.1 that are
26 committed by the municipality as matching funds for federal funds
27 administered by the Department and used for bicycle and pedestrian
28 improvement projects. This limitation shall not apply to funds
29 authorized for projects in the State Transportation Improvement
30 Program that are scheduled for construction as of October 1, 2013, in
31 State fiscal year 2012-2013, 2013-2014, or 2014-2015.
- 32 (4) Criteria for nonhighway projects. – Nonhighway projects subject to this
33 subsection shall be evaluated through a separate prioritization process
34 established by the Department that complies with all of the following:
35 a. The criteria used for selection of projects for a particular
36 transportation mode shall be based on a minimum of four
37 quantitative criteria.
38 b. Local input shall include rankings of projects identified by the
39 Department's ~~Transportation Division Engineers,~~ Metropolitan
40 Planning ~~Organizations,~~ Organizations and Rural Transportation
41 Planning Organizations. The Metropolitan Planning Organizations
42 and Rural Transportation Planning Organizations shall consult with
43 the Department's Transportation Division Engineer local Engineers
44 input ~~scoring~~ shall take into account public comments. The
45 Department shall ensure that the public has a full opportunity to
46 submit public comments, by widely available notice to the public, an
47 adequate time period for input, and public hearings. Board of
48 Transportation input shall be in accordance with
49 G.S. 136-189.11(g)(1) and G.S. 143B-350(g).

- c. The criteria shall be based on a scale not to exceed 100 points that includes no bonus points or other alterations favoring any particular mode of transportation."

SECTION 3. G.S. 136-189.10 reads as rewritten:

"§ 136-189.10. Definitions.

The following definitions apply in this Article:

- ...
 - (2) Division needs projects. – Includes only the following:
 - a. Projects listed in subdivision (3) or (4) of this section, subject to the limitations noted in those subsections.
 - b. State highway routes not included in subdivision (3) or (4) of this section.
 - c. Airports included in the NPIAS that are not included in subdivision (3) or (4) of this section, provided that the State's total annual financial participation under this sub-subdivision shall not exceed eighteen million five hundred thousand dollars (\$18,500,000).
 - d. Rail lines not included in subdivision (3) or (4) of this section. This sub-subdivision does not include short-line railroads.
 - e. Public transportation service not included in subdivision (3) or (4) of this section. This sub-subdivision includes commuter rail, intercity rail, and light rail.
 - f. Multimodal terminals and stations serving passenger transit systems.
 - g. Federally funded independent bicycle and pedestrian improvements.
 - ~~h. Replacement of State-maintained ferry vessels.~~
 - i. Federally funded municipal road projects.
 - (3) Regional impact projects. – Includes only the following:
 - a. Projects listed in subdivision (4) of this section, subject to the limitations noted in that subdivision.
 - b. U.S. highway routes not included in subdivision (4) of this section.
 - c. N.C. highway routes not included in subdivision (4) of this section.
 - d. Commercial service airports included in the NPIAS that are not included in subdivision (4) of this section, provided that the State's annual financial participation in any single airport project included in this subdivision may not exceed three hundred thousand dollars (\$300,000).
 - e. The State-maintained ferry system, excluding passenger vessel replacement.
 - f. Rail lines that span two or more counties not included in subdivision (4) of this section. This sub-subdivision does not include short-line railroads.
 - g. Public transportation service that spans two or more counties and that serves more than one municipality. Programmed funds pursuant to this sub-subdivision shall not exceed ten percent (10%) of any distribution region allocation. This sub-subdivision includes commuter rail, intercity rail, and light rail.

...."

SECTION 4. Section 34.18(a) of S.L. 2014-100 reads as rewritten:

"SECTION 34.18.(a) The Department of Transportation shall rename the "system preservation program" (fund center 1500/157839) the "bridge program." Funds allocated to this program shall be used for (i) improvements to structurally deficient and functionally obsolete bridges and (ii) ferry passenger vessel replacement projects. All projects funded under

1 this program, with the exception of inspection, pre-engineering, contract preparation, contract
2 administration and oversight, ~~and planning activities, activities, and ferry passenger vessel~~
3 ~~replacement~~, shall be outsourced to private contractors."

4 **SECTION 5.** G.S. 136-82(d) reads as rewritten:

5 "(d) Use of Toll Proceeds. – The Department of Transportation shall credit the proceeds
6 from tolls collected on North Carolina Ferry System routes and receipts generated under
7 subsection (f) of this section to ~~reserve accounts within the Highway Fund for each of the~~
8 ~~Highway Divisions in which system terminals are located and fares are earned. For the~~
9 ~~purposes of this subsection, fares are earned based on the terminals from which a passenger trip~~
10 ~~originates and terminates. Commuter pass receipts shall be credited proportionately to each~~
11 ~~reserve account based on the distribution of trips originating and terminating in each Highway~~
12 ~~Division. The proceeds credited to each reserve account~~the bridge program under the
13 Department of Transportation in the highway maintenance program, and the proceeds shall be
14 used exclusively for prioritized North Carolina Ferry System ferry passenger vessel
15 replacement ~~projects in the Division in which the proceeds are earned.~~projects. Proceeds may
16 be used to fund ferry passenger vessel replacement projects or supplement funds allocated for
17 ferry passenger vessel replacement projects approved in the Transportation Improvement
18 Program."

19 **SECTION 6.** The reserve accounts within the Highway Fund in which the
20 proceeds from tolls collected on North Carolina Ferry System routes are credited under
21 G.S. 136-82 shall be closed and the remaining unencumbered fund balance shall be transferred
22 to the bridge program (Fund Code 84210-7839).

23 **SECTION 7.** This act becomes effective July 1, 2015.