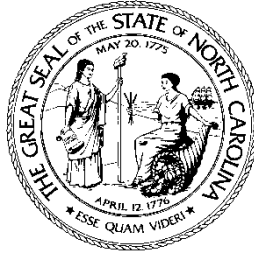


GENERAL ASSEMBLY OF NORTH CAROLINA



SPECIAL PROVISIONS
HOUSE APPROPRIATIONS, TRANSPORTATION REPORT

APRIL 25, 2019

Report Last Updated: April 25, 2019 6:49 p.m.

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GENERAL ASSEMBLY OF NORTH CAROLINA

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2019-TRANS-H1-P

Department of Transportation
House Appropriations, Transportation

Requested by

CASH FLOW HIGHWAY FUND AND HIGHWAY TRUST FUND APPROPRIATIONS

SECTION #.(a) Subsections (b) and (c) of Section 34.1 of S.L. 2018-5 are repealed.

SECTION #.(b) The General Assembly authorizes and certifies anticipated revenues for the Highway Fund as follows:

For Fiscal Year 2021-2022 \$ 2,436 million

For Fiscal Year 2022-2023 \$ 2,473 million

For Fiscal Year 2023-2024 \$ 2,506 million

For Fiscal Year 2024-2025 \$ 2,605 million

SECTION #.(c) The General Assembly authorizes and certifies anticipated revenues for the Highway Trust Fund as follows:

For Fiscal Year 2021-2022 \$ 1,689 million

For Fiscal Year 2022-2023 \$ 1,727 million

For Fiscal Year 2023-2024 \$ 1,760 million

For Fiscal Year 2024-2025 \$ 1,811 million

SECTION #.(d) The Department of Transportation, in collaboration with the Office of State Budget and Management, shall develop a four-year revenue forecast. The first fiscal year in the four-year revenue forecast shall be the 2025-2026 fiscal year. The four-year revenue forecast developed under this subsection shall be used (i) to develop the four-year cash flow estimates included in the biennial budgets, (ii) to develop the Strategic Transportation Improvement Program, and (iii) by the Department of the State Treasurer to compute transportation debt capacity.

GENERAL ASSEMBLY OF NORTH CAROLINA

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2019-TRANS-H2-P

Department of Transportation
House Appropriations, Transportation

Requested by

1 **CONTINGENCY FUNDS**

2 **SECTION #.(a)** Of the funds appropriated in this act to the Department of
3 Transportation, twelve million dollars (\$12,000,000) for each fiscal year of the 2019-2021 fiscal
4 biennium shall be allocated statewide for rural or small urban highway improvements and related
5 transportation enhancements to public roads and public facilities, industrial access roads, railroad
6 infrastructure, and spot safety projects, including pedestrian walkways that enhance highway
7 safety. Projects funded pursuant to this subsection require prior approval by the Secretary of
8 Transportation. Funds allocated under this subsection shall not revert at the end of the applicable
9 fiscal year but shall remain available until expended. The use of funds that do not revert under
10 this subsection is not restricted to the fiscal year in which the funds were allocated.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2019

Proofed
SPECIAL PROVISION



2019-TRANS-H8-P

Department of Transportation
House Appropriations, Transportation

Requested by

1 **CAPITAL, REPAIRS, AND RENOVATIONS**

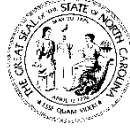
2 **SECTION #.** There is appropriated from the Highway Fund to the Department of
3 Transportation for the 2019-2021 fiscal biennium the following amounts for capital, repairs, and
4 renovations:

| 5 | | 2019-2020 | 2020-2021 |
|----|---|---------------------|---------------------|
| 6 | Capital – Highway Fund | | |
| 7 | Polk Maintenance Shop Replacement | \$2,484,117 | \$0 |
| 8 | Ocracoke Ferry Quarters | \$1,190,000 | \$0 |
| 9 | Currituck Maintenance & Storage | \$1,491,914 | \$0 |
| 10 | Northampton County Jackson Sub-shop | \$0 | \$5,239,960 |
| 11 | | | |
| 12 | Repairs and Renovations – Highway Fund | | |
| 13 | Statewide Roof Repairs/Replacement | \$1,500,000 | \$1,500,000 |
| 14 | Statewide Demolition of Obsolete Buildings | \$500,000 | \$500,000 |
| 15 | Statewide Water and Sewer | \$750,000 | \$750,000 |
| 16 | Statewide Asbestos Abatement | \$500,000 | \$500,000 |
| 17 | Statewide ADA Compliance | \$750,000 | \$750,000 |
| 18 | Statewide Small Office Repair and Renovation | \$1,750,000 | \$2,075,000 |
| 19 | Statewide Security Upfits | \$400,000 | \$500,000 |
| 20 | Replace 20 Rooftop HVAC Units at Century Center | \$150,000 | \$150,000 |
| 21 | Art Museum Basement Concrete Repair | \$250,000 | \$0 |
| 22 | | | |
| 23 | TOTAL CAPITAL, REPAIRS, AND | | |
| 24 | RENOVATIONS – HIGHWAY FUND | \$11,716,031 | \$11,964,960 |

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2019

Proofed
SPECIAL PROVISION



2019-TRANS-H17-P

Department of Transportation
House Appropriations, Transportation

Requested by

1 ***ADDITIONAL POWELL BILL FUNDS TO BE USED PRIMARILY FOR RESURFACING***
2 ***OF STREETS***

3 **SECTION #.** Of the funds appropriated from the Highway Fund in this act to the
4 Department of Transportation for State Aid to Municipalities the sum of fourteen million seven
5 hundred fifty thousand dollars (\$14,750,000) in recurring funds for fiscal year 2019-2020 and
6 the sum of twenty-nine million five hundred thousand dollars (\$29,500,000) in recurring funds
7 for fiscal year 2020-2021 shall be used by municipalities as follows: (i) at least eighty percent
8 (80%) shall be used on the resurfacing of streets within the corporate limits of the municipality
9 and (ii) the remaining funds may be used as authorized under G.S. 136-41.3(a).

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2019

Proofed
SPECIAL PROVISION



2019-TRANS-H10-P

Department of Transportation
House Appropriations, Transportation

Requested by

1 **AIRPORT IMPROVEMENT PROGRAM**

2 SECTION #.(a) Article 7 of Chapter 63 of the General Statutes is amended by adding
3 a new section to read:

4 **"§ 63-74. Airport Improvement Program.**

5 (a) Purpose. – There is established an Airport Improvement Program (AIP) that shall
6 serve to (i) fund improvements at eligible airports and (ii) pay debt service or related financing
7 costs and expenses on revenue bonds or notes issued by eligible airports. The Department of
8 Transportation shall allocate funds appropriated to this program to eligible airports based on the
9 findings in the biennial economic impact study, as described in this section. The Department
10 shall adopt rules governing the distribution and use of these funds.

11 (b) Eligible Airport. – Any publicly owned, commercial service airport with more than
12 10,000 passenger boardings during the two calendar years preceding the fiscal year in which
13 funds are allocated is eligible to apply for Airport Improvement Program funds.

14 (c) Economic Impact Study and Distribution Formula. – The Department of
15 Transportation shall conduct a biennial economic impact study that examines the annual
16 economic impact of each commercial service airport in North Carolina. The Department shall
17 disburse AIP funds appropriated in a year to each eligible airport in proportion to the total
18 economic impact of the airport, adjusted as provided in this subsection.

19 (1) For an eligible airport with one of the three largest economic impacts, the
20 airport's distribution amount shall be reduced by a percentage equal to the
21 lesser of twenty percent (20%) or five percent (5%) multiplied by each full ten
22 percent (10%) of economic impact calculated for that airport. The aggregate
23 amount of the reduction to the eligible airports with the three largest economic
24 impacts is the amount to be redistributed to the remaining eligible airports as
25 provided in subdivision (2) of this subsection.

26 (2) For an eligible airport that does not have one of the three largest economic
27 impacts, the airport's distribution amount shall be increased based upon the
28 following formula:

29 a. Twenty-five percent (25%) of the redistribution amount shall be
30 distributed equally.

31 b. Seventy-five percent (75%) of the redistribution amount shall be based
32 upon the airport's share of passenger boardings compared to the total
33 number of passenger boardings used for all airports receiving a
34 distribution pursuant to this subdivision.

35 (d) Permissible Uses, Reporting, and Return of Funds. – The Department of
36 Transportation shall not allocate funds to an airport under this section until that airport has
37 provided a report outlining how the airport will use the funds in conformance with the purposes
38 of the program. No later than 45 days from the date the Department receives the report required
39 under this subsection, the Department shall make a determination whether the intended use of
40 the funds matches the purposes of the program and, if so, allocate funds under this section to the

1 compliant airport. An airport that receives funds under this section shall return the funds to the
2 Department if the funds are in the possession or control of the airport and not expended or
3 encumbered by August 31 of the year following the fiscal year in which the Department makes
4 the allocation. All funds returned to the Department under this section, or retained by the
5 Department for failure of an eligible airport to submit a report under this subsection, shall be
6 credited to the fund from which they were appropriated and shall remain unexpended and
7 unencumbered until appropriated by the General Assembly.

8 (e) Limitation. – Notwithstanding any provision of law to the contrary, the allocation of
9 funds under this section to eligible airports, the enactment of this section, and the issuance of
10 bonds or notes by the airports in reliance thereon, shall not in any manner constitute a pledge of
11 the full faith and credit and taxing power of the State. Additionally, allocations under this section
12 are subject to the availability of funds appropriated to the Airport Improvement Program. A
13 security interest shall not be granted in funds allocated under this section."

14 **SECTION #.(b)** Section 34.19(b) of S.L. 2017-57 is repealed.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2019

Proofed
SPECIAL PROVISION



2019-TRANS-H38-P

Department of Transportation
House Appropriations, Transportation

Requested by

1 **COMMISSION ON AEROSPACE AND INTELLIGENT TRANSPORTATION**

2 **SECTION #.(a)** Findings. – The General Assembly finds that opportunities exist for
3 North Carolina to build on its rich aviation history, strong university research history, established
4 aviation marketplace, as well as its unique geography for testing. North Carolina also boasts a
5 demographic cross section for market testing that is unique and well-suited to examine urban and
6 rural mobility needs. The State also has a strong military and National Guard presence, which
7 could prove productive in expediting unmanned flight. The General Assembly recognizes that
8 there are many unknown factors in this new aerospace and intelligent transportation sector.

9 **SECTION #.(b)** Commission Established. – There is established the Commission
10 on Aerospace and Intelligent Transportation (Commission) to be located administratively in the
11 Department of Transportation, Division of Aviation. However, the Commission shall exercise all
12 its prescribed powers and duties independently of the Department of Transportation.

13 **SECTION #.(c)** Commission Membership. – The Commission shall consist of the
14 following members:

- 15 (1) The Lieutenant Governor or the Lieutenant Governor's designee.
- 16 (2) Two members of the House of Representatives appointed by the Speaker of
17 the House of Representatives.
- 18 (3) Two members of the Senate appointed by the President Pro Tempore of the
19 Senate.
- 20 (4) The Secretary of the Department of Commerce or the Secretary's designee.
- 21 (5) The Secretary of the Department of Transportation or the Secretary's designee.

22 **SECTION #.(d)** Commission Organization. – The Commission shall be organized
23 as follows:

- 24 (1) Chair. – The Lieutenant Governor or the Lieutenant Governor's designee shall
25 serve as Chair of the Commission.
- 26 (2) Staff and consultants. – The Chair of the Commission may, with the approval
27 of the Commission, hire staff and consultants to assist the Commission in
28 performing the Commission's purpose and duties.
- 29 (3) Travel and subsistence. – Members, staff, and consultants of the Commission
30 shall receive travel and subsistence expenses in accordance with the
31 provisions of G.S. 138-5 and G.S. 138-6 from funds made available to the
32 Commission.
- 33 (4) Meeting space. – With the approval of the Legislative Services Commission,
34 space in the Legislative Building and the Legislative Office Building may be
35 made available to the Commission.
- 36 (5) Frequency of meetings and quorum. – The Commission shall meet upon the
37 call of the Chair and shall have its first meeting no later than September 1,
38 2019. The Commission shall meet at least quarterly. A majority of the
39 members of the Commission shall constitute a quorum for the transaction of
40 business.

1 **SECTION #.(e) Duties.** – The duties of the Commission shall include the following:

- 2 (1) Recommend State goals and a framework for achieving the benchmarks
3 prescribed by the study authorized in subsection (f) of this section, and to
4 ensure that by 2021 the appropriate funding and economic development exist
5 in North Carolina to cultivate a culture for aerospace and intelligent
6 transportation.
7 (2) The Commission shall review the progress made toward the recommended
8 goals, evaluate the strategies developed and used toward attaining those goals,
9 and may make additional recommendations above and beyond those laid out
10 in the study.

11 **SECTION #.(f) Study.** – The Commission shall study the following:

- 12 (1) Examine the feasibility and economic impact of creating an eVTOL (Electric
13 Vertical Takeoff and Landing) and UAS (Unmanned Aircraft Systems)
14 corridor in the State of North Carolina focused on research, development, and
15 commercialization and use the emerging technology to serve the citizens of
16 the State to improve safety, health, and overall well-being.
17 (2) Gather information that is available in the eVTOL and UAS fields, including
18 commercial developments and technology initiatives, to (i) estimate the
19 market potential, (ii) develop a point of view on opportunities, threats, and
20 ecosystem requirements, and (iii) create a strategic advisory group to inform
21 the strategic discussion and direction to assist the State of North Carolina in
22 its approach to compete and win in the next generation of mobility.
23 (3) Conduct expert interviews with sector leaders in aviation,
24 telecommunications, first responders, education, health, transportation, fuel
25 technologies, emergency management, military, agriculture, city planning,
26 state planning, and relevant venture capital entities to inform and define
27 value-creation opportunities.
28 (4) Explore suppliers, demand sources (first responders, education, health care,
29 other target industries, and individual citizens), regulatory issues, and current
30 and emerging competitors.
31 (5) Consider current trends and forward-looking insights, with a focus on impact
32 to include the following key areas: legislative or regulatory, suppliers, demand
33 and users, participants, competitors, supporting technologies (such as fuel,
34 connectivity, and vehicles), and infrastructure requirements.

35 **SECTION #.(g) Authorization to Contract Vendor to Perform Study.** – The
36 Commission may contract with any qualified vendor to perform the study authorized in
37 subsection (f) of this section without complying with the provisions of Article 3, Article 3C, and
38 Article 3D of Chapter 143 of the General Statutes or any other provision of law to the contrary.

39 **SECTION #.(h) EVTOL Summit.** – Based on the findings from the study authorized
40 under subsection (f) of this section, the Commission shall by July 31, 2020, organize and
41 implement an eVTOL Summit in North Carolina. The Summit will coordinate with stakeholders
42 who have verified Federal Aviation Administration (FAA) proof of concept eVTOL vehicles that
43 meet the criteria of viable vehicles for North Carolina that are recommended in the study.

44 **SECTION #.(i) Report.** – By October 1, 2020, the Commission shall report the
45 findings from the study required under subsection (f) of this section and the eVTOL Summit
46 authorized under subsection (h) of this section, including any legislative recommendations, to
47 the chairs of the Joint Legislative Transportation Oversight Committee and the Fiscal Research
48 Division.

49 **SECTION #.(j) Funds.** – Of the funds appropriated in this act from the Highway
50 Fund to the Department of Transportation, the sum of seven hundred fifty thousand dollars
51 (\$750,000) in nonrecurring funds for fiscal year 2019-2020 may be used for the study authorized

1 in subsection (f) of this section, and the sum of five hundred thousand dollars (\$500,000) in
2 nonrecurring funds for fiscal year 2019-2020 may be used by the Commission to implement the
3 eVTOL Summit and pay for administrative costs, stipends, travel, and public relation costs
4 associated with the Commission's duties.

5 **SECTION #.(k) Reversion.** – Any unexpended or unencumbered funds in subsection
6 (j) of this section shall not revert to the Highway Fund on June 30, 2020, but shall remain
7 available to the Commission for the purposes authorized in this section until November 1, 2020.

8 **SECTION #.(l) Expiration.** – This section expires November 1, 2020.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2019

Proofed
SPECIAL PROVISION



2019-TRANS-H4-P

Department of Transportation
House Appropriations, Transportation

Requested by

1 ***BUDGETING DOT LEGISLATIVE SALARY INCREASES***

2 **SECTION #.(a)** The amount of funds appropriated for legislative salary increases
3 for employees of the Department of Transportation (Department) shall be budgeted on a recurring
4 basis in the correct Fund Code that corresponds to the positions in which it supports. Any transfer
5 and use of the funds for any other purpose shall be done on a nonrecurring basis.

6 **SECTION #.(b)** The Department shall report to the Joint Legislative Oversight
7 Committee on Transportation the amount allocated to each division or unit no more than 30 days
8 after an allocation has occurred.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2019

Proofed
SPECIAL PROVISION



2019-TRANS-H30-P

Department of Transportation
House Appropriations, Transportation

Requested by

1 **BRIDGE NAMING**

2 **SECTION #.** Notwithstanding any provision of law to the contrary, the Department
3 of Transportation shall designate the bridge described in the subdivision below as follows:

- 4 (1) The bridge over Stanley Creek on Black Snake Road between Millman Road
5 and Chestnut Street Extension located in the Town of Stanley in Gaston
6 County as the "Lance Corporal Nicholas S. O'Brien, U.S.M.C. Bridge."

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2019

Proofed
SPECIAL PROVISION



2019-TRANS-H13-P

Department of Transportation
House Appropriations, Transportation

Requested by

1 ***CODIFY MOBILITY/MODERNIZATION FUND***

2 SECTION #.(a) Chapter 136 of the General Statutes is amended by adding a new
3 Article to read:

4 "Article 14C.

5 "Mobility/Modernization Fund.

6 **"§ 136-189.20. Spot Mobility Program.**

7 (a) Of the funds appropriated to the Mobility/Modernization Fund in the Highway Fund,
8 forty percent (40%) of the funds shall be used for a Spot Mobility Program that shall be managed
9 by the State Traffic Engineer of the Department of Transportation. The purpose of the Spot
10 Mobility Program is to provide funding for small projects that will reduce traffic congestion and
11 vehicular delay times. The Department shall develop a quantitative, evidence-based formula to
12 use in selecting projects to receive funding from the Spot Mobility Program. At a minimum, the
13 Department shall consider all of the following in developing the formula required by this section:

- 14 (1) The travel-time savings resulting from the proposed project.
15 (2) Reductions to motor vehicle queues resulting from the proposed project.
16 (3) The service life of the proposed project.
17 (4) The benefit-cost ratio of the proposed project.

18 (b) In selecting projects to receive funding from the Spot Mobility Program, the
19 Department shall give preference to projects that will improve access from the State highway
20 system to a school. For purposes of this section, the term "school" means any facility engaged in
21 the educational instruction of children in any grade or combination of grades from kindergarten
22 through the twelfth grade at which attendance satisfies the compulsory attendance law and
23 includes charter schools as authorized under G.S. 115C-218.5.

24 **"§ 136-189.21. Economic development; small construction; industrial access.**

25 Of the funds appropriated to the Mobility/Modernization Fund in the Highway Fund, twelve
26 percent (12%) of the funds shall be used for the following purposes:

- 27 (1) To allocate to the Economic Development Fund to be used for prioritized
28 transportation improvements and infrastructure that expedite commercial
29 growth as well as either job creation or job retention.
30 (2) For small construction projects recommended by the Chief Engineer in
31 consultation with the Chief Operating Officer and approved by the Secretary
32 of Transportation. Funds used in accordance with this subdivision shall be
33 allocated equally among the 14 Highway Divisions for small construction
34 projects.
35 (3) To use for the development and expansion of access roads to industrial
36 facilities.

37 **"§ 136-189.22. High-impact and low-cost construction projects.**

38 Of the funds appropriated to the Mobility/Modernization Fund in the Highway Fund,
39 forty-eight percent (48%) of the funds shall be used for construction projects that are high impact
40 and low cost. The funds shall be allocated equally among the 14 Highway Divisions. Projects

1 funded under this section include intersection improvement projects, minor widening projects,
2 and operational improvement projects. The Department shall develop a quantitative,
3 evidence-based formula to use in selecting projects to receive funding under this section. At a
4 minimum, the Department shall consider all of the following in developing the formula required
5 by this section:

6 (1) The average daily traffic volume of a roadway and whether the proposed
7 project will generate additional traffic.

8 (2) Any restrictions on a roadway.

9 (3) Any safety issues with a roadway.

10 (4) The condition of the lanes, shoulders, and pavement on a roadway.

11 (5) The site distance and radius of any intersection on a roadway.

12 **"§ 136-189.23. Annual report.**

13 The Department shall submit to the Joint Legislative Transportation Oversight Committee
14 and to Fiscal Research Division an annual report beginning March 1, 2020, detailing: (i) the
15 formulas developed under this article, (ii) the types of projects funded under this article, and (iii)
16 the total amount of funding allocated to each project funded under this article."

17 **SECTION #.(b)** Conforming Repeal. – Subsections (a) through (d) of Section 34.7
18 of S.L. 2017-57 are repealed.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2019

Proofed
SPECIAL PROVISION



2019-TRANS-H31-P

Department of Transportation
House Appropriations, Transportation

Requested by

1 *STI/AUTHORIZE DOT TO PROVIDE FINANCIAL SUPPORT FOR BICYCLE AND*
2 *PEDESTRIAN IMPROVEMENTS*

3 SECTION #. G.S. 136-189.11(d)(3)c. reads as rewritten:

4 "c. Bicycle and pedestrian limitation. – The Department ~~shall not be~~
5 authorized to provide financial support for independent bicycle and
6 pedestrian improvement projects, ~~except for projects as a proportional~~
7 match to federal funds administered by the Department for that
8 purpose. Eligibility is determined by the population listed in the most
9 recent State Aid to Municipalities report or, if the municipality is not
10 included in the report, by certified letter:

- 11 1. Municipalities with a population of 25,000 or less are eligible
12 for a fifteen percent (15%) State match of total project cost.
13 The required local match is five percent (5%).
- 14 2. Municipalities with a population of more than 25,000 but less
15 than or equal to 50,000 shall be eligible for a ten percent (10%)
16 State match of total project cost. The required local match is
17 ten percent (10%).
- 18 3. Municipalities with a population of greater than 50,000 are
19 ineligible for State matching funds.

20 This sub-subdivision shall not apply to funds allocated to a
21 municipality pursuant to G.S. 136-41.1 that are committed by the
22 municipality as matching funds for federal funds administered by the
23 Department and used for bicycle and pedestrian improvement projects.
24 This limitation shall not apply to funds authorized for projects in the
25 State Transportation Improvement Program that are scheduled for
26 construction as of October 1, 2013, in State fiscal year 2012-2013,
27 2013-2014, or 2014-2015."

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2019

Proofed
SPECIAL PROVISION



2019-TRANS-H29-P

Department of Transportation
House Appropriations, Transportation

Requested by

1 *STI/REVISE LIGHT RAIL LIMITATIONS*

2 SECTION #.(a) G.S. 136-189.10 reads as rewritten:

3 "§ 136-189.10. Definitions.

4 ...

5 (2) Division needs projects. – Includes only the following:

6 ...

7 e. Public transportation service not included in subdivision (3) or (4) of
8 this section. This sub-subdivision includes commuter rail, intercity
9 rail, and light rail. ~~Nothing in this sub-subdivision shall be construed
10 as authorizing total State funding in excess of the maximum
11 established in sub-subdivision g. of subdivision (3) of this section for
12 commuter rail and light rail projects.~~

13 ...

14 (3) Regional impact projects. – Includes only the following:

15 ...

16 g. Public transportation service that spans two or more counties and that
17 serves more than one municipality. Programmed funds pursuant to this
18 sub-subdivision shall not exceed ten percent (10%) of any distribution
19 region allocation. This sub-subdivision includes commuter rail,
20 intercity rail, and light rail. ~~Total State funding for a commuter rail or
21 light rail project shall not exceed the lesser of ten percent (10%) of the
22 distribution region allocation or ten percent (10%) of the estimated
23 total project costs used during the prioritization scoring process. The
24 State shall not be responsible or liable for any project costs in excess
25 of the maximum established under this sub-subdivision. Any
26 agreement entered into by the State to fund a commuter rail or light
27 rail project shall include language setting out the limitations set forth
28 in this sub-subdivision.~~

29"

30 SECTION #.(b) G.S. 136-189.11(d1) is repealed.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2019

Proofed
SPECIAL PROVISION



2019-TRANS-H12-P

Department of Transportation
House Appropriations, Transportation

Requested by

1 *DMV/HEARINGS UNIT ALIGNMENT*

2 **SECTION #.(a)** Revised Budget. – The Office of State Budget and Management, in
3 consultation with the Division of Motor Vehicles, shall adjust the Hearing Unit's certified budget
4 for the 2019-2020 fiscal year to correctly align total requirements and receipts to reflect the
5 requirement set forth in Section 34.9 of S.L. 2014-100, as amended by Section 29.30A of S.L.
6 2015-241 and Section 34.32 of S.L. 2017-57, that all functions, activities, and personnel
7 associated with administering and conducting the hearings be fully receipt-supported from the
8 fee proceeds collected by the Hearings Unit.

9 **SECTION #.(b)** Report. – The Division of Motor Vehicles is required to report on
10 any organizational changes occurring on or after October 1, 2018, to the Joint Legislative
11 Transportation Oversight Committee, the House of Representatives Appropriations Committee
12 on Transportation, the Senate Appropriations Committee on the Department of Transportation,
13 and the Fiscal Research Division. This report shall be submitted by November 1, 2019, and shall
14 include the following:

- 15 (1) The role and responsibilities of each full-time equivalent (FTE) moved in or
16 out of Fund Code 1304.
17 (2) The budgeted salary and benefits of each FTE moved in or out of Fund Code
18 1304.
19 (3) Justification of movement in or out of Fund Code 1304.
20 (4) Funding source before and after move, including Fund Code.
21 (5) The certified budget for the 2019-2020 fiscal year with total requirements,
22 receipts, and FTEs.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2019

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SPECIAL PROVISION



2019-TRANS-H5-P

Department of Transportation
House Appropriations, Transportation

Requested by

1 *DMV/ONLINE PERFORMANCE DASHBOARD TO INCLUDE DMV REGISTRATIONS*
2 *OF HYBRID AND ELECTRIC VEHICLES*

3 **SECTION #.(a)** Expand Performance Dashboard. – The Department of
4 Transportation shall expand its performance dashboard available on the Department's home page
5 of the Department's Web site to track the following information about the Division of Motor
6 Vehicles:

- 7 (1) The number of hybrid vehicle registrations issued per month and year-to-date.
- 8 (2) The number of hybrid vehicle registrations renewed per month and
9 year-to-date.
- 10 (3) The number of plug-in electric vehicle registrations issued per month and
11 year-to-date.
- 12 (4) The number of plug-in electric vehicle registrations renewed per month and
13 year-to-date.

14 **SECTION #.(b)** Definitions. – For purposes of this section, (i) a hybrid vehicle is
15 one that is capable of being propelled, at least in part by electricity, but is also capable of using
16 motor fuel to propel the vehicle and (ii) a plug-in electric motor vehicle is as defined in
17 G.S. 20-4.01.

18 **SECTION #.(c)** Implementation Date. – The expansion of the Department's
19 performance dashboard required under subsection (a) of this section shall be completed by
20 October 1, 2019.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2019

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SPECIAL PROVISION



2019-TRANS-H21-P

Department of Transportation
House Appropriations, Transportation

Requested by

1 *DMV/REDUCE NUMBER OF YEARS FOR A VEHICLE TO QUALIFY FOR AN*
2 *ANTIQUE REGISTRATION PLATE*

3 **SECTION #.** G.S. 20-79.4(b)(94) reads as rewritten:

4 "(94) Historic Vehicle Owner. – Issuable for a motor vehicle that is at least ~~35 years~~
5 ~~old~~ 25 years old measured from the date of manufacture. The plate for an
6 historic vehicle shall bear the word "Antique" unless the vehicle is a model
7 year 1943 or older. The plate for a vehicle that is a model year 1943 or older
8 shall bear the word "Antique" or the words "Horseless Carriage", at the option
9 of the vehicle owner."

GENERAL ASSEMBLY OF NORTH CAROLINA

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SPECIAL PROVISION



2019-TRANS-H23-P

Department of Transportation
House Appropriations, Transportation

Requested by

1 ***DMV/REGISTRATION FEES FOR ELECTRIC AND HYBRID VEHICLES***

2 **SECTION #.(a)** Effective January 1, 2020, and applicable to initial registrations and
3 registrations due for renewal on or after that date, G.S. 20-87 reads as rewritten:

4 **"§ 20-87. Passenger vehicle registration fees.**

5 These fees shall be paid to the Division annually for the registration and licensing of
6 passenger vehicles, according to the following classifications and schedules:

7 ...

8 (13) Additional fee for certain electric vehicles. – At the time of an initial
9 registration or registration renewal, the owner of a plug-in electric vehicle that
10 is not a low-speed vehicle and that does not rely on a nonelectric source of
11 power shall pay a fee in the amount of ~~one hundred thirty dollars (\$130.00)~~
12 one hundred seventy dollars (\$170.00) in addition to any other required
13 registration fees.

14 (14) Additional fee for hybrid vehicles. – At the time of an initial registration or
15 registration renewal, the owner of a hybrid vehicle shall pay a fee in the
16 amount of eighty-seven dollars and fifty cents (\$87.50) in addition to any other
17 required registration fees. For purposes of this subdivision, a hybrid vehicle is
18 one that is capable of being propelled, at least in part by electricity, but is also
19 capable of using motor fuel to propel the vehicle."

20 **SECTION #.(b)** Effective January 1, 2021, and applicable to initial registrations and
21 registrations due for renewal on or after that date, G.S. 20-87, as rewritten by subsection (a) of
22 this section, reads as rewritten:

23 **"§ 20-87. Passenger vehicle registration fees.**

24 These fees shall be paid to the Division annually for the registration and licensing of
25 passenger vehicles, according to the following classifications and schedules:

26 ...

27 (13) Additional fee for certain electric vehicles. – At the time of an initial
28 registration or registration renewal, the owner of a plug-in electric vehicle that
29 is not a low-speed vehicle and that does not rely on a nonelectric source of
30 power shall pay a fee in the amount of ~~one hundred seventy dollars (\$170.00)~~
31 two hundred dollars (\$200.00) in addition to any other required registration
32 fees.

33 (14) Additional fee for hybrid vehicles. – At the time of an initial registration or
34 registration renewal, the owner of a hybrid vehicle shall pay a fee in the
35 amount of ~~eighty seven dollars and fifty cents (\$87.50).~~ one hundred twelve
36 dollars and fifty cents (\$112.50) in addition to any other required registration
37 fees. For purposes of this subdivision, a hybrid vehicle is one that is capable
38 of being propelled at least in part by electricity but is also capable of using
39 motor fuel to propel the vehicle."

1 **SECTION #.(c)** Effective January 1, 2022, and applicable to initial registrations and
2 registrations due for renewal on or after that date, G.S. 20-87, as rewritten by subsection (b) of
3 this section, reads as rewritten:

4 **"§ 20-87. Passenger vehicle registration fees.**

5 These fees shall be paid to the Division annually for the registration and licensing of
6 passenger vehicles, according to the following classifications and schedules:

7 ...

8 (14) Additional fee for hybrid vehicles. – At the time of an initial registration or
9 registration renewal, the owner of a hybrid vehicle shall pay a fee in the
10 amount of ~~one hundred twelve dollars and fifty cents (\$112.50)~~ one hundred
11 thirty-seven dollars and fifty cents (\$137.50) in addition to any other required
12 registration fees. For purposes of this subdivision, a hybrid vehicle is one that
13 is capable of being propelled at least in part by electricity but is also capable
14 of using motor fuel to propel the vehicle."

15 **SECTION #.(d)** G.S. 20-4.02 reads as rewritten:

16 **"§ 20-4.02. ~~Quadrennial adjustment~~ Adjustment of certain fees and rates.**

17 (a) Quadrennial Adjustment for Inflation. – Beginning July 1, 2020, and every four years
18 thereafter, the Division shall adjust the fees and rates imposed pursuant to the statutes listed in
19 this subsection for inflation in accordance with the Consumer Price Index computed by the
20 Bureau of Labor Statistics. The adjustment for per transaction rates in subdivision (8a) of this
21 subsection shall be rounded to the nearest cent and all other adjustments under this subsection
22 shall be rounded to the nearest twenty-five cents (25¢):

23 ...

24 (11) G.S. 20-87, except for the additional fee set forth in G.S. 20-87(6) for private
25 motorcycles, G.S. 20-87(13) for electric vehicles, and
26 G.S. 20-87(14) for hybrid vehicles.

27 ...

28 **(b1) Annual Adjustment of Registration Fees for Electric and Hybrid Vehicles.** –
29 Beginning January 1, 2023, and every year thereafter, the Division shall adjust the registration
30 fee imposed by G.S. 20-87(13) and G.S. 20-87(14) pursuant to the following formula. The
31 registration fee shall be the amount for the preceding calendar year, multiplied by a percentage.
32 The percentage is one hundred percent (100%) plus or minus the sum of the following:

33 (1) The percentage change in population for the applicable calendar year, as
34 estimated under G.S. 143C-2-2, multiplied by seventy-five percent (75%).

35 (2) The annual percentage change in the Consumer Price Index for All Urban
36 Consumers, multiplied by twenty-five percent (25%). For purposes of this
37 subdivision, "Consumer Price Index for All Urban Consumers" means the
38 United States city average for energy index contained in the detailed report
39 released in the October prior to the applicable calendar year by the Bureau of
40 Labor Statistics of the United States Department of Labor, or data determined
41 by the Secretary to be equivalent.

42 ...

43 (d) Consultation and Publication. – At least 90 days prior to making an adjustment
44 pursuant to subsection (a) and subsection (b)(1) of this section, and notwithstanding any
45 provision of G.S. 12-3.1 to the contrary, the Division shall (i) consult with the Joint Legislative
46 Commission on Governmental Operations, (ii) provide a report to the chairs of the Senate
47 Appropriations Committee on Department of Transportation and the House of Representatives
48 Appropriations Committee on Transportation, and (iii) publish notice of the fees that will be in
49 effect in the offices of the Division and on the Division's Web site.

50 "

1 **SECTION #.(e)** Except as otherwise provided, this section is effective January 1,
2 2020.

GENERAL ASSEMBLY OF NORTH CAROLINA

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2019-TRANS-H6-P

Department of Transportation
House Appropriations, Transportation

Requested by

1 ***DMV/RFP FOR NEW OFFICE SPACE FOR DMV RALEIGH STATE LICENSE PLATE***
2 ***AGENCY AND REPORTS RELATED TO MOVE FROM NEW BERN AVENUE***
3 ***BUILDING***

4 **SECTION #.(a)** The Department of Administration (Department) is directed to
5 review the inventory of State-owned office space in the City of Raleigh for purposes of relocating
6 the Division of Motor Vehicles State License Plate Agency located on New Bern Avenue. If by
7 November 1, 2019, the Department is unable to locate suitable office space, the Department shall
8 issue a Request for Proposal (RFP) within 30 days seeking new office space for lease or purchase
9 for the State License Plate Agency. The geographic scope of the RFP shall be the City of Raleigh.

10 **SECTION #.(b)** By January 15, 2020, the Department, in consultation with the
11 Division of Motor Vehicles (Division), shall submit a report to the Joint Legislative
12 Transportation Oversight Committee, the House of Representatives Appropriations Committee
13 on Transportation, the Senate Appropriations Committee on the Department of Transportation,
14 and the Fiscal Research Division containing the following information: (i) results of the review
15 of State-owned office space in the City of Raleigh suitable for the State License Plate Agency,
16 (ii) the RFP issued and a summary of all responses to the RFP, and (iii) the estimated cost to
17 relocate the State License Plate Agency.

18 **SECTION #.(c)** At least 30 days prior to approval by the Council of State of the
19 lease or purchase of new office space for the State License Plate Agency, the Department of
20 Administration shall submit a report to the Joint Legislative Transportation Oversight
21 Committee, the House of Representatives Appropriations Committee on Transportation, the
22 Senate Appropriations Committee on the Department of Transportation, and the Fiscal Research
23 Division detailing the agreement.

24 **SECTION #.(d)** By January 15, 2021, the Division shall submit a report to the Joint
25 Legislative Transportation Oversight Committee, the House of Representatives Appropriations
26 Committee on Transportation, the Senate Appropriations Committee on the Department of
27 Transportation, and the Fiscal Research Division containing the following information: (i) an
28 itemized list of expenses associated with the Division Headquarters relocation, (ii) an itemized
29 list of expenses associated with State License Plate Agency relocation, and (iii) lease rates and
30 agreements for both locations.

GENERAL ASSEMBLY OF NORTH CAROLINA

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SPECIAL PROVISION



2019-TRANS-H20-P

Department of Transportation
House Appropriations, Transportation

Requested by

1 *DMV/TOWN OF MARSHALL*

2 **SECTION #.** The Division of Motor Vehicles is directed to reopen a Division office
3 in the Town of Marshall, with the same hours of operation and services the office had provided
4 before it closed, by September 1, 2019.

GENERAL ASSEMBLY OF NORTH CAROLINA

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SPECIAL PROVISION



2019-TRANS-H16-P

Department of Transportation
House Appropriations, Transportation

Requested by

1 ***FERRY/PASSENGER FERRY FUNDS***

2 **SECTION #.** The Department of Transportation, Ferry Division, may enter into a
3 contract to lease a ferry vessel for operation between Hatteras and Ocracoke from May 24, 2019,
4 to September 2, 2019, without complying with the provisions of Article 8 of Chapter 143 of the
5 General Statutes, G.S. 136-28.1, or any other provision of law to the contrary.

GENERAL ASSEMBLY OF NORTH CAROLINA

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SPECIAL PROVISION



2019-TRANS-H37-P

Department of Transportation
House Appropriations, Transportation

Requested by

1 **TRANSPORTATION NETWORK COMPANY PRIVILEGE TAX**

2 SECTION #.(a) Chapter 105 of the General Statutes is amended by adding a new
3 Article to read:

4 "Article 5J.

5 "Transportation Network Company Tax.

6 "**§ 105-187.91. Definitions.**

7 The definitions in G.S. 105-164.3 apply to this Article, and the following definition applies
8 to this Article:

9 (1) Transportation network company. – Defined in G.S. 20-280.1.

10 "**§ 105-187.92. Tax imposed.**

11 A privilege tax is imposed on a transportation network company at a rate of seven percent
12 (7%) of the gross receipts derived from intrastate services rendered by the company. These taxes
13 are in addition to all other taxes.

14 "**§ 105-187.93. Administration.**

15 The taxes imposed in this Article shall be collected and administered in the same manner as
16 the State sales and use taxes imposed by Article 5 of this Chapter.

17 "**§ 105-187.94. Exemptions and refunds.**

18 Except for the exemption for sales a state cannot constitutionally tax, the exemptions and
19 refunds allowed in Article 5 of this Chapter do not apply to the taxes imposed by this Article.

20 "**§ 105-187.95. Use of tax proceeds.**

21 The Secretary must credit the taxes collected under this Article, less the Department of
22 Revenue's allowance for administrative expenses, to the Highway Fund. The Secretary may
23 retain the Department's cost of collection, not to exceed one hundred thousand dollars (\$100,000)
24 a year, as reimbursement to the Department."

GENERAL ASSEMBLY OF NORTH CAROLINA

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SPECIAL PROVISION



2019-TRANS-H33-P

Department of Transportation
House Appropriations, Transportation

Requested by

1 **REPORT ON FUNDS APPROPRIATED FOR USE ON RAIL INFRASTRUCTURE**

2 **SECTION #.(a)** On or before March 1, 2020, and every year thereafter until the
3 project is complete, the Department of Transportation shall submit an itemized report detailing
4 the use of the funds appropriated for the Global TransPark Connector to the Joint Legislative
5 Transportation Oversight Committee, the House of Representatives Appropriations Committee
6 on Transportation, the Senate Appropriations Committee on the Department of Transportation,
7 and the Fiscal Research Division.

8 **SECTION #.(b)** On or before March 1, 2020, the Department of Transportation shall
9 submit an itemized report detailing the use of the funds appropriated for the Piedmont
10 locomotives and cars to the Joint Legislative Transportation Oversight Committee, the House of
11 Representatives Appropriations Committee on Transportation, the Senate Appropriations
12 Committee on the Department of Transportation, and the Fiscal Research Division. The report
13 shall include the overhaul policy for locomotives, a locomotives overhaul schedule with budget
14 requirements, and amount of funds expended and/or committed for overhaul activities.

15 **SECTION #.(c)** On or before March 1, 2020, the Department of Transportation shall
16 submit an itemized report detailing the use of the funds appropriated for the train station
17 maintenance needs to the Joint Legislative Transportation Oversight Committee, the House of
18 Representatives Appropriations Committee on Transportation, the Senate Appropriations
19 Committee on the Department of Transportation, and the Fiscal Research Division. The report
20 shall include the eligibility requirements of stations, methodology in allocating funds to stations,
21 allowed uses of funds, and amount of funds expended and/or committed for projects.