

**1999**

**SENATE  
TRANSPORTATION  
COMMITTEE**

**MINUTES**



**North Carolina General Assembly  
Senate Committee on Transportation  
State Legislative Building  
Raleigh, North Carolina 27601-2808**

**1999 Session**

**Senator Larry Shaw, Chair  
625 Legislative Office Building  
Raleigh, North Carolina 27601-2808  
Telephone: (919) 733-4809**

## **Transportation Committee Members**

**Chairman**                Senator Shaw of Cumberland

**Vice Chairman**        Senator Carpenter

**Vice Chairman**        Senator Gulley

**Vice Chairman**        Senator Lee

**Ranking Minority Member**    Senator Garwood

**Members**                Senators Carrington, Carter, Harris  
Hartsell, Hoyle, Martin of Pitt, Odom, Plyler, Rand, Rucho,  
Shaw of Guilford

NORTH CAROLINA GENERAL ASSEMBLY  
COMMITTEE SUMMARY REPORT  
SENATE: TRANSPORTATION

1999-2000 Biennium		Valid Through 28-SEP-1999			
BILL	INTRODUCER	SHORT TITLE	LATEST ACTION ON BILL	IN DATE	OUT DATE
H 303=	SAUNDERS	COMMERCIAL VEHICLE SAFETY	*R -CH. SL 99-0330	04-21-99	06-29-99
H 937	GRAY	REGIONAL TRANSPORTATION AUTH. AMD.	*R -CH. SL 99-0445	04-29-99	06-29-99
H1030	HACKNEY	TRAILER AMENDMENTS	*R -CH. SL 99-0281	04-26-99	06-22-99
H1054	MOSLEY	ACTIVITY BUSES STOP-RR CROSSINGS	*R -CH. SL 99-0274	04-28-99	06-24-99
H1085	MCMAHAN	TRANSITWAYS	*R -CH. SL 99-0350	04-29-99	07-12-99
H1263	THOMAS	RECOG. FEDERALLY ISSUED LICENSES	R -CH. SL 99-0276	04-26-99	06-24-99
H1288=	LUEBKE	ESTABLISH METROPOLITAN PLANNING BDS.	*S -REF TO COM ON TRANSPRT	05-03-99	
S 27	KERR	REPEAL DOT BERMUDA GRASS PROHIB.	R -CH. SL 99-0029	02-04-99	03-10-99
S 119	ALLRAN	SCHOOL BUS INSPECTION	S -REF TO COM ON TRANSPRT	02-17-99	
S 156	WELLONS	LAKE ROYALE MV REG. SUNSET OFF	R -CH. SL 99-0011	02-22-99	03-10-99
S 233	SHAW L	ROW PLANS/TIP FUNDING ALLOCATIONS	*R -CH. SL 99-0422	03-04-99	03-24-99
S 239	RAND	TIP FUNDING ALLOCATIONS/LOANS	S -REF TO COM ON TRANSPRT	03-04-99	
S 368	GULLEY W	PUBLIC ACCESS TO RIVERS AND STREAMS	*H -REF TO COM ON TRANSPOR	03-15-99	04-21-99
S 600	KERR	STOPLIGHTS ON US HIGHWAY 70	S -REF TO COM ON TRANSPRT	03-29-99	
S 787	SHAW L	DOT STUDY ROCKS FROM OVERPASSES	H -REF TO COM ON RULES	04-07-99	04-21-99
S 829	JORDAN	NO BILLBOARDS ON I-40 EAST	*R -CH. SL 99-0436	04-12-99	04-28-99
S 844	ALLRAN	CHARTER SCHOOLS/LICENSE PLATES	S -RE-REF COM ON FINANCE	04-13-99	06-15-99
S 954=	METCALF	COMMERCIAL VEHICLE SAFETY	S -REF TO COM ON TRANSPRT	04-14-99	
S 962	GULLEY W	REALIGNMENT OF HIGHWAY DIVISIONS	S -REF TO COM ON TRANSPRT	04-15-99	
S 964=	GULLEY W	CITY PARTICIPATION-ROAD BUILDING	S -REF TO COM ON TRANSPRT	04-15-99	
S1081	ALBERTSON	RECYCLED MATERIALS ROAD MAINTENANCE	*H -REF TO COM ON TRANSPOR	04-15-99	04-28-99
S1116	DALTON	C.C.P.S.-USE GREEN LIGHTS	H -REF TO COM ON JUDICIUI	04-15-99	04-28-99
S1164=	CLODFELTER	ESTABLISH METROPOLITAN PLANNING BDS	*S -RE-REF COM ON TRANSPRT	04-15-99	04-28-99
S1164=	CLODFELTER	ESTABLISH METROPOLITAN PLANNING BDS	*S -RE-REF COM ON TRANSPRT	04-29-99	

NOTES- = AFTER BILL NUMBER SHOWS THAT BILL IS IDENTICAL, AS INTRODUCED, TO ANOTHER BILL.  
 \* AFTER NUMBERS INDICATES THAT TEXT OF BILL WAS ALTERED BY ACTION ON THE BILL.  
 BOLDDED LINE INDICATES BILL INDEXED AS AFFECTING APPROPRIATIONS.

## **AGENDA**

**Transportation Committee Meeting  
Wednesday, February 24, 1999  
11:00 AM**

Call To Order

Senator Larry Shaw, Chairman

Presentation

Secretary, Norris Tolson,  
Department of Transportation\\\\\\\\\\

## Senate Transportation Committee Meeting

The Senate Committee on Transportation met at 11:00 a.m. on Wednesday, February 24, 1999, in Room 1027, of the Legislative Building. Fifteen members were present.

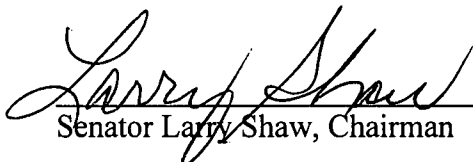
Senator Larry Shaw, Chairman, presided. No bills were considered at this Meeting.

Senator Larry Shaw recognized the following individuals: Mr. Chad Barnhill, of Raleigh, page sponsored by Senator Brad Miller. Mr. Mark Speed, Sergeant at Arms; Ms. Barbara Lee, Committee Clerk; Brenda Carter, General Counsel and Mrs. Dot Waugaman, Senate Legislative Assistants Office.

Senator Larry Shaw acknowledged Secretary Norris Tolson, Department of Transportation (DOT), for an overview of activities occurring in DOT. Secretary Norris Tolson commented on three significant priority issues:

- (1) Maintenance
- (2) Transit Rail
- (3) Truck Safety

Senator Larry Shaw thanked Secretary Tolson for attending this meeting and for his comments. There being further business for the committee, the meeting adjourned.

  
\_\_\_\_\_  
Senator Larry Shaw, Chairman

  
\_\_\_\_\_  
Barbara Lee, Committee Clerk

# VISITOR REGISTRATION SHEET

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

BERRY Jenkins

CAROLINAS AGC

Christie Barbee

Caroline Asphalt Paving Association

DANNY DEVANE

NC DOT

Jane Pinsky

AAA Carolinas

Mae Boxley

N.C. Aggregates Assoc.

Edthe Caldwell

H. McC+C, P.A.

Roger Clemens

NY, NY

Jan Rose

UNC

LYMAN COOPER

CST:

Charlie Diehl

NC Outdoor Advertising Association

*[Signature]*

*[Signature]*

# VISITOR REGISTRATION SHEET

Transportation Comm  
Name of Committee

2/24/99  
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
David Knight	NCPTA, CPT
VL McBride	<del>NCTA</del>
R. Paul Wilms	NCHBA
Samford Crow	NC Dept. of Transportation
Ruth Sappie	NC DOT
Angie Harris	DOT
Ernest Cella	DMV
Doug Rogers	DOT
JANET D'IGNAZIO	NC DOT
Walt Webb	NC DOT
Wayne Staley	NC DOT



VISITOR REGISTRATION SHEET

Transportation  
Name of Committee

2/24/99  
Date

May 22, 1998

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

WALTER PRICE

CHARLOTTE CHAMBER

DONALD BENSON

THE CAPITAL GROUP

BUTCH GUNNELLS

NCSDA

LUCIUS PULLEN

ATTORNEY

STEVE WOODSON

NC FARM BUREAU

## **AGENDA**

### **TRANSPORTATION COMMITTEE MEETING WEDNESDAY, MARCH 10, 1999 11:00 AM ROOM 1027, LB**

CALL TO ORDER

SENATOR LARRY SHAW, CHAIR

#### **BILLS TO BE CONSIDERED:**

SB 156	Lake Royale MV. Reg. Sunset Off.	Sen. Wellons
SB 233	DOT Regional Equity	Sen. Shaw
SB 27	Repeal DOT Bermuda Grass Prohib.	Sen. Kerr
SB 119	School Bus Inspection	Sen. Allran
SB 239	TIP Funding Allocations/Loans	Sen. Rand

ADJOURN

## Senate Transportation Committee Meeting

The Senate Committee on Transportation met at 11:00 a.m. on Wednesday, March 10, 1999, in Room 1027, Legislative Building. Fifteen members were present.

Senator Larry Shaw, Chairman, presided. The following bills were on the agenda for consideration:

SB 156 Lake Royale MV. Reg. Sunset Off.	Sen. Wellons
SB 233 DOT Regional Equity	Sen. Larry Shaw
SB 27 Repeal DOT Bermuda Grass Prohib.	Sen. Kerr
SB 119 School Bus Inspection	Sen. Allran
SB 239 TIP Funding Allocations/Loans	Sen. Rand

Senator Larry Shaw recognized Senator Kerr to explain SB 27. After much discussion Senator Carpenter moved favorable report of the bill. The motion carried unanimously.

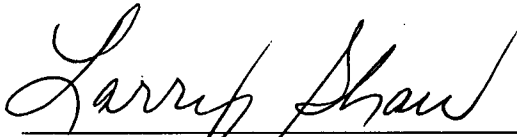
SB 119 was postponed until the next meeting.

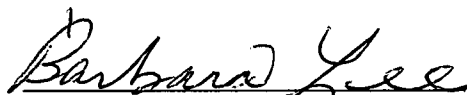
Senator Gulley chaired the meeting so Senator Larry Shaw could explain SB 233. Senator Rucho moved to adopt a committee substitute. After much discussion, Senator Carpenter moved to give committee substitute a favorable report.

SB 239 - No action was taken on this bill.

Senator Wellons was recognized to explain SB 156. Senator Garwood moved a favorable report. . The motion unanimously carried.

There being no further business the Transportation Committee adjourned.

  
Senator Larry Shaw, Chairman

  
Barbara Lee, Committee Clerk

**NORTH CAROLINA GENERAL ASSEMBLY  
SENATE**

**TRANSPORTATION COMMITTEE REPORT  
Senator Larry Shaw, Chair**

Wednesday, March 10, 1999

SENATOR LARRY SHAW,  
submits the following with recommendations as to passage:

**FAVORABLE**

S.B.	27	Repeal DOT Bermuda Grass Prohib.
		Sequential Referral: None
		Recommended Referral: None

S.B.	156	Lake Royale MV Reg. Sunset Off.
		Sequential Referral: None
		Recommended Referral: None

TOTAL REPORTED: 2

Committee Clerk Comment:

**NORTH CAROLINA GENERAL ASSEMBLY  
SENATE**

**TRANSPORTATION COMMITTEE REPORT  
Senator Larry Shaw, Chair**

Wednesday, March 24, 1999

SENATOR LARRY SHAW,  
submits the following with recommendations as to passage:

**UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO C.S. BILL**

S.B.	233	DOT Regional Equity.	
		Draft Number:	PCS1584
		Sequential Referral:	None
		Recommended Referral:	None
		Long Title Amended:	Yes

TOTAL REPORTED: 1

Committee Clerk Comment:

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

1

SENATE BILL 156

Short Title: Lake Royale MV Reg. Sunset Off.

(Local)

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Sponsors: Senator Wellons.

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Referred to: Transportation.

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February 22, 1999

1 A BILL TO BE ENTITLED

2 AN ACT TO REMOVE THE SUNSET ON THE AUTHORITY OF THE LAKE  
3 ROYALE COMMUNITY IN FRANKLIN AND NASH COUNTIES TO  
4 REGULATE THE OPERATION OF CERTAIN MOTOR VEHICLES AND TO  
5 ENHANCE THAT AUTHORITY.

6 The General Assembly of North Carolina enacts:

7 Section 1. Section 1.1 of S.L. 1997-294 reads as rewritten:

8 "Section 1.1. Chapter 96 of the 1995 Session Laws is amended by adding new  
9 section to read:

10 'Section 3.1. (a) The provisions of Chapter 20 of the General Statutes relating to  
11 the use of the highways of the State and the operation of motor vehicles are  
12 applicable to the streets, roadways, and alleys on the properties owned by or under  
13 the control of the Lake Royale Property Owners Association, Inc., or the members of  
14 the Lake Royale Property Owners Association, Inc. For purposes of this act, streets,  
15 roadways, and alleys in the Lake Royale Community shall have the same meaning as  
16 highways and public vehicular areas pursuant to G.S. 20-4.01. A violation of any of  
17 those laws is punishable as prescribed by those laws.

18 (b) This section is enforceable by any company policeman appointed under  
19 Chapter 74E of the General Statutes, certified by the North Carolina Criminal Justice  
20 Education and Training Standards Commission, and employed by the Lake Royale  
21 Property Owners Association, Inc.

22 (c) Golf carts, all terrain vehicles (ATVs), and dirt bikes may be operated within  
23 the confines of the Lake Royale Community only if all of the following conditions are  
24 met:

- (1) The vehicle displays a banner or pennant of not less than 24 square inches and which is attached to a support or antenna extending at least six feet above the pavement.
- (2) The vehicle is registered with the Lake Royale Property Owners Association, Inc., and has affixed to it a current Lake Royale registration sticker.
- (3) The vehicle is not operated between dusk and sunrise unless equipped with front and rear lights as described in G.S. 20-131.
- (4) The vehicle is operated on streets, roadways, alleys, and designated trails by a person holding a valid drivers license.

(e) (d) This section shall not be construed as in any way interfering with the ownership and control of the streets, roadways, and alleys of the Lake Royale Property Owners Association, Inc., or its members as is now vested by law in that association or its members. The speed limits within the Lake Royale Community shall be the same as those in effect at the time of ratification of this act. Any proposed change in the speed limit shall be submitted to and approved by the Boards of Commissioners of Franklin or Nash County, whichever has jurisdiction. Pursuant to G.S. 20-141, the Franklin and Nash County Boards of Commissioners may authorize by ordinance higher or lower speeds.

~~(d)~~ (e) This section applies only to the Lake Royale Community in Franklin and Nash Counties.'"

Section 2. Section 5 of Chapter 96 of the 1995 Session Laws, as amended by Section 1 of S.L. 1997-294, insofar as it applies to the Lake Royale Community in Franklin and Nash Counties, is repealed.

Section 3. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

1

SENATE BILL 233

Short Title: DOT Regional Equity.

(Public)

Sponsors: Senator Shaw of Cumberland.

Referred to: Transportation.

March 4, 1999

1 A BILL TO BE ENTITLED  
2 AN ACT TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO  
3 CARRY OVER ANY UNSPENT TRANSPORTATION IMPROVEMENT  
4 PROGRAM EQUITY REGION ALLOCATION TO THE NEXT YEAR AND  
5 TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO  
6 DEMONSTRATE COMPLIANCE WITH THE HIGHWAY TRUST FUND  
7 EQUITY REGION FORMULA BY SUBMITTING YEARLY REPORTS  
8 DOCUMENTING SPENDING BY EQUITY REGION.

9 The General Assembly of North Carolina enacts:  
10 Section 1. G.S 136-17.2A is amended by adding a new subsection to  
11 read:

12 "(g) If funds allocated to a distribution region in any year by the Transportation  
13 Improvement Program cannot be expended as scheduled, the Secretary shall add the  
14 amount of the unexpended allocation to the next year's allocation to that region.  
15 Funds allocated to a distribution region that cannot be expended as planned shall not  
16 be used in any other region, but may be used to advance construction of other  
17 transportation improvements in that region."

18 Section 2. G.S. 136-17.2A is amended by adding a new subsection to  
19 read:

20 "(h) On or before December 1, 1999, the Secretary shall submit a report of actual  
21 expenditures for each distribution region, per year, beginning with fiscal year 1989-90  
22 through fiscal year 1997-98. On or before December 1, 2000, and each year  
23 thereafter, the Secretary shall update the report with the next year's expenditures. If  
24 the report indicates that expenditures by distribution region do not comply with the



1 provisions of subsection (d) of this section, the Secretary shall also submit a plan to  
2 correct the imbalance."

3           Section 3. This act becomes effective July 1, 1999.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

D

S233-CSRV-001

PROPOSED COMMITTEE SUBSTITUTE

SENATE BILL 233

THIS IS A DRAFT 9-MAR-99 18:27:26

ATTENTION: LINE NUMBERS MAY CHANGE AFTER ADOPTION

Short Title: DOT Regional Equity.

(Public)

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Sponsors:

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Referred to:

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March 4, 1999

1 A BILL TO BE ENTITLED  
2 AN ACT TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO CARRY OVER  
3 ANY UNSPENT TRANSPORTATION IMPROVEMENT PROGRAM EQUITY REGION  
4 ALLOCATION TO THE NEXT YEAR AND TO REQUIRE THE DEPARTMENT OF  
5 TRANSPORTATION TO DEMONSTRATE COMPLIANCE WITH THE HIGHWAY TRUST  
6 FUND EQUITY REGION FORMULA BY SUBMITTING YEARLY REPORTS  
7 DOCUMENTING SPENDING BY EQUITY REGION.  
8 The General Assembly of North Carolina enacts:  
9 Section 1. G.S 136-17.2A is amended by adding a new  
10 subsection to read:  
11 "(g) When funds allocated to a distribution region by the  
12 Transportation Improvement Program cannot not be expended within  
13 the region as scheduled, the Secretary shall add the amount of  
14 the unexpended allocation to the region's allocation for the  
15 succeeding year. When funds allocated to a distribution region  
16 cannot be expended as planned, the funds shall not be used in any  
17 other region, but may be used to advance construction of other

1 transportation improvements within the region to which the funds  
2 are allocated."

3           Section 2. G.S. 136-17.2A is amended by adding a new  
4 subsection to read:

5       "(h) On or before December 1, 1999, the Secretary shall submit  
6 to the General Assembly a report of actual yearly expenditures  
7 for each distribution region, covering fiscal years 1989-90  
8 through 1997-98. On or before December 1, 2000, and annually  
9 thereafter, the Secretary shall submit to the General Assembly a  
10 report of actual expenditures for the preceding fiscal year. At  
11 any time in which the report indicates that expenditures by  
12 distribution region do not comply with the provisions of  
13 subsection (d) of this section, the Secretary shall also submit a  
14 plan to correct the imbalance."

15           Section 3. This act becomes effective July 1, 1999.

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1999**

**S**

**1**

**SENATE BILL 27**

Short Title: Repeal DOT Bermuda Grass Prohib.

(Public)

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Sponsors: Senator Kerr.

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Referred to: Transportation.

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February 4, 1999

- 1                                   A BILL TO BE ENTITLED  
2 AN ACT TO REPEAL THE PROHIBITION AGAINST THE DEPARTMENT OF  
3     TRANSPORTATION USING BERMUDA GRASS ALONG CERTAIN ROADS.  
4 The General Assembly of North Carolina enacts:  
5             Section 1. G.S. 136-18.1 is repealed.  
6             Section 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

1

SENATE BILL 119

Short Title: School Bus Inspection.

(Public)

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Sponsors: Senators Allran; Carpenter and Garwood.

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Referred to: Transportation.

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February 17, 1999

1 A BILL TO BE ENTITLED  
2 AN ACT TO CAUSE EACH SCHOOL BUS OWNED OR OPERATED BY SUCH  
3 LOCAL SCHOOL ADMINISTRATIVE UNIT TO BE INSPECTED AT LEAST  
4 ONCE EACH THIRTY-EIGHT DAYS DURING THE SCHOOL YEAR.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 115C-248(a) reads as rewritten:

7 "**§ 115C-248. Inspection of school buses and activity buses; report of defects by drivers;**  
8 **discontinuing use until defects remedied.**

9 (a) The superintendent of each local school administrative unit, shall cause each  
10 school bus owned or operated by such local school administrative unit to be  
11 inspected at least once each ~~30~~ 38 days during the school year for mechanical defects.  
12 or other defects which may affect the safe operation of such bus. A report of such  
13 inspection, together with the recommendations of the person making the inspection,  
14 shall be filed promptly in the office of the superintendent of such local school  
15 administrative unit, and a copy thereof shall be forwarded to the principal of the  
16 school to which such bus is assigned."

17 Section 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

1

SENATE BILL 239

Short Title: TIP Funding Allocations/Loans.

(Public)

Sponsors: Senators Rand; Carter, Cooper, East, Forrester, Garrou, Hartsell, Hoyle, Kerr, Metcalf, Perdue, Phillips, Plyler, Robinson, Soles, and Warren.

Referred to: Transportation.

March 4, 1999

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE THAT UNEXPENDED FUNDS DEDICATED TO A  
3 CERTAIN DISTRIBUTION REGION PURSUANT TO G.S. 136-17.2A SHALL  
4 BE USED FOR PROJECTS IN THAT DISTRIBUTION REGION OR MAY BE  
5 USED FOR LOANS TO OTHER DISTRIBUTION REGIONS.  
6 The General Assembly of North Carolina enacts:  
7 Section 1. G.S. 136-17.2A(a) reads as rewritten:  
8 "(a) Funds expended for the Intrastate System projects listed in G.S. 136-179 and  
9 both State and federal-aid funds expended under the Transportation Improvement  
10 Program, other than funds expended on an urban loop project listed in G.S. 136-180,  
11 shall be distributed throughout the State in accordance with this section. For  
12 purposes of this distribution, the counties of the State are grouped into seven  
13 distribution ~~regions~~ regions, each consisting of two divisions, as follows:  
14 (1) Distribution Region A consists of ~~the following counties: Bertie,~~  
15 ~~Camden, Chowan, Currituck, Dare, Edgecombe, Gates, Halifax,~~  
16 ~~Hertford, Hyde, Johnston, Martin, Nash, Northampton,~~  
17 ~~Pasquotank, Perquimans, Tyrrell, Washington, Wayne, and Wilson.~~  
18 Division 1 and Division 4.  
19 (2) Distribution Region B consists of ~~the following counties: Beaufort,~~  
20 ~~Brunswick, Carteret, Craven, Duplin, Greene, Jones, Lenoir, New~~  
21 ~~Hanover, Onslow, Pamlico, Pender, Pitt, and Sampson.~~ Division 2  
22 and Division 3.

- (3) ~~Distribution Region C consists of the following counties: Bladen, Columbus, Cumberland, Durham, Franklin, Granville, Harnett, Person, Robeson, Vance, Wake, and Warren. Division 5 and Division 6.~~
- (4) ~~Distribution Region D consists of the following counties: Alamance, Caswell, Davidson, Davie, Forsyth, Guilford, Orange, Rockingham, Rowan, and Stokes. Division 7 and Division 9.~~
- (5) ~~Distribution Region E consists of the following counties: Anson, Cabarrus, Chatham, Hoke, Lee, Mecklenburg, Montgomery, Moore, Randolph, Richmond, Scotland, Stanly, and Union. Division 8 and Division 10.~~
- (6) ~~Distribution Region F consists of the following counties: Alexander, Alleghany, Ashe, Avery, Caldwell, Catawba, Cleveland, Gaston, Iredell, Lincoln, Surry, Watauga, Wilkes, and Yadkin. Division 11 and Division 12.~~
- (7) ~~Distribution Region G consists of the following counties: Buncombe, Burke, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, Macon, Madison, McDowell, Mitchell, Polk, Rutherford, Swain, Transylvania, and Yancey. Division 13 and Division 14.~~

Section 2. G.S. 136-17.2A is amended by adding a new subsection to read:

"(g) Unexpended and unencumbered funds that have been designated pursuant to the allocation formula provisions of this section for projects to be constructed under the Transportation Improvement Program in a particular Division shall remain available, from year to year, for construction of projects in that Division and shall be used for projects in that Division. In order to make the most efficient use of available funds, the Highway Administrator may advance to one or more divisions another division's unexpended and unencumbered funds. Those divisions that received the advanced funds shall repay the amount received to the loaning division as soon as the loaning division has projects available for funds."

Section 3. This act is effective when it becomes law.

**TRANSPORTATION COMMITTEE MEETING**

**Wednesday, April 21, 1999**

**11:00 A.M.**

**ROOM 1027, LB**

**AGENDA**

**BILLS TO BE CONSIDERED:**

**SB 368    Public Access to Rivers and Streams**

**Senator Gulley**

**SB 600    Stoplights on U.S. Highway 70**

**Senator Kerr**

**SB 787    DOT To Study Rocks from Overpass**

**Senator L. Shaw**



## Senate Transportation Committee Meeting

The Senate Committee on Transportation met at 11:00 a.m., Wednesday, April 21, 1999, in Room 1027, Legislative Building. Ten members were present.

Senator Larry Shaw, Chairman, presided. The following bills were on the agenda for consideration:

SB 368 Public Access to Rivers and Streams

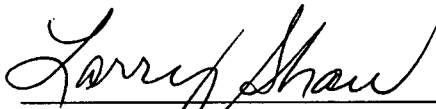
SB 600 Stoplights on U.S. Highway 70 (removed from agenda)

SB 787 DOT To Study Rocks from Overpass

Senator Larry Shaw recognized Senator Gulley who presented SB 368 -Public Access to Rivers and Streams. Mr. Cleo Smith, Carolina Canoe Club spoke in favor of this bill. After discussion Senator Gulley moved the adoption of an amendment motion carried.

Senator Larry Shaw turned meeting over to Senator Gulley to Chair. Senator Larry Shaw discussed Senate Bill 787 - DOT To Study Rocks from Overpass. After much discussion of the bill Senator Larry Shaw moved for a favorable report. The motion carried unanimously.

Senator Larry Shaw called for another meeting next week. There being no further business the meeting adjourned.

  
\_\_\_\_\_  
Senator Larry Shaw, Chairman

  
\_\_\_\_\_  
Barbara Lee, Committee Clerk

**NORTH CAROLINA GENERAL ASSEMBLY  
SENATE**

**TRANSPORTATION COMMITTEE REPORT  
Senator Larry Shaw, Chair**

Wednesday, April 21, 1999

SENATOR LARRY SHAW,  
submits the following with recommendations as to passage:

**FAVORABLE**

S.B. 787 DOT To Study Rocks from Overpasses.  
Sequential Referral: None  
Recommended Referral: None

**FAVORABLE, AS AMENDED**

S.B. 368 Public Access to Rivers and Streams.  
Sequential Referral: None  
Recommended Referral: None  
Long Title Amended: No

**TOTAL REPORTED: 2**

Committee Clerk Comment: None

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

1

SENATE BILL 368

Short Title: Public Access to Rivers and Streams.

(Public)

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Sponsors: Senators Gulley, Miller, Kinnaird; Horton and Hoyle.

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Referred to: Transportation.

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March 15, 1999

1 A BILL TO BE ENTITLED  
2 AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO  
3 CONSTRUCT ACCESS TO RIVERS AND STREAMS WHEN BUILDING  
4 BRIDGES.  
5 The General Assembly of North Carolina enacts:  
6 Section 1. G.S. 136-18(9) reads as rewritten:  
7 "(9) To employ appropriate means for properly selecting, planting and  
8 protecting trees, shrubs, vines, grasses or legumes in the highway  
9 right-of-way in the promotion of erosion control, landscaping and  
10 general protection of said highways; to acquire by gift or otherwise  
11 land for and to construct, operate and maintain roadside parks,  
12 picnic areas, picnic tables, scenic ~~overlooks~~ overlooks, public  
13 access to rivers and streams when building bridges, and other  
14 appropriate turnouts for the safety and convenience of highway  
15 users; and to cooperate with municipal or county authorities,  
16 federal agencies, civic bodies and individuals in the furtherance of  
17 those objectives. None of the roadside parks, picnic areas, picnic  
18 tables, scenic overlooks or other turnouts, or any part of the  
19 highway right-of-way shall be used for commercial purposes except  
20 (i) for materials displayed in welcome centers in accordance with  
21 G.S. 136-89.56, and (ii) for vending machines permitted by the  
22 Department of Transportation and placed by the Division of  
23 Services for the Blind, Department of Health and Human Services,  
24 as the State licensing agency designated pursuant to Section 2(a)(5)

1                   of the Randolph-Sheppard Act (20 USC 107a(a)(5)). The  
2                   Department of Transportation shall regulate the placing of the  
3                   vending machines in highway rest areas and shall regulate the  
4                   articles to be dispensed. Every other use or attempted use of any of  
5                   these areas for commercial purposes shall constitute a Class 1  
6                   misdemeanor and each day's use shall constitute a separate  
7                   offense."

8                   Section 2. This act is effective when it becomes law.

## NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. \_\_\_\_\_

H. B. No. \_\_\_\_\_

DATE 4-21-99S. B. No. 368Amendment No. 1

COMMITTEE SUBSTITUTE \_\_\_\_\_

(to be filled in by  
Principal Clerk)

Rep.)

Gurley

Sen.)

1 moves to amend the bill on page 1, line 13

2 ( ) WHICH CHANGES THE TITLE

3 by DELETING THE WORDS4 "WHEN BUILDING BRIDGES."

5 \_\_\_\_\_

6 \_\_\_\_\_

7 \_\_\_\_\_

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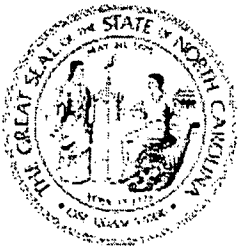
SIGNED W. B. A.

ADOPTED

FAILED

TABLED

*adopted 4/21/99 by Pruitt*  
*by Comm. on Transportation*



# SENATE BILL 368: Public Access to Rivers and Streams

## BILL ANALYSIS

**Committee:** Senate Transportation

**Date:** April 21, 1999

**Version:** 1st Edition

**Introduced by:** Senator Gulley

**Summary by:** Brenda J. Carter

Committee Co-Counsel

**SUMMARY:** *Senate Bill 368 authorizes the Department to construct, operate and maintain public access to rivers and streams when building bridges.*

**CURRENT LAW:** G. S. 136-18 sets out the powers of the Department of Transportation. The portion of that statute that is to be amended by this bill currently authorizes DOT to acquire by gift or otherwise land for and to construct, operate and maintain roadside parks, picnic areas, picnic tables, scenic overlooks and other appropriate turnouts for the safety and convenience of highway users.

**BILL ANALYSIS:** Senate Bill 368 amends a portion of the statute that delineates the powers of the Department of Transportation. It authorizes DOT to acquire land for and to construct public access to rivers and streams when building bridges.

**EFFECTIVE DATE:** The bill would be effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

1

SENATE BILL 787

Short Title: DOT To Study Rocks from Overpasses.

(Public)

---

Sponsors: Senators Shaw of Cumberland; Allran, Foxx, Lucas, and Weinstein.

---

Referred to: Transportation.

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April 7, 1999

1 A BILL TO BE ENTITLED  
2 AN ACT TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO  
3 STUDY THE NEED FOR RECONSTRUCTING OVERPASSES TO REDUCE  
4 OR ELIMINATE THE POSSIBILITY OF THROWING OBJECTS FROM  
5 THEM.

6 The General Assembly of North Carolina enacts:

7 Section 1. The Department of Transportation shall study the problem of  
8 persons maliciously throwing rocks and other material from overpasses in an attempt  
9 to damage vehicles or injure drivers and occupants of the vehicles on the highways  
10 below them. The Department shall:

- 11 (1) Determine the most cost-effective method of modifying highway  
12 overpasses to reduce or eliminate the possibility of persons  
13 throwing objects onto the highway.
- 14 (2) Identify the overpasses that need to be modified because the threat  
15 of malicious activity is the greatest.
- 16 (3) Present a multiyear program for the modification of existing  
17 overpasses that are identified.
- 18 (4) Develop a program to take the problem into consideration in the  
19 construction of all new overpasses.

20 The Department of Transportation shall report the results of this study to  
21 the Joint Legislative Transportation Oversight Committee by November 1999, along  
22 with any legislation necessary to implement the findings and recommendations of the  
23 study.

24 Section 2. This act is effective when it becomes law.



# SENATE BILL 787: DOT To Study Rocks from Overpasses

## BILL ANALYSIS

**Committee:** Senate Transportation  
**Date:** April 21, 1999  
**Version:** 1st Edition

**Introduced by:** Sen. Larry Shaw  
**Summary by:** Brenda J. Carter  
Committee Counsel

**SUMMARY:** *Senate Bill 787 would require the Department of Transportation to study the need for reconstructing highway overpasses to lessen the possibility of objects being thrown from the overpass onto the roadway.*

**BILL ANALYSIS:** Senate Bill 787 directs DOT to study the problem of persons maliciously throwing rocks and other material from overpasses in an attempt to damage vehicles or injure vehicle passengers. The Department is directed to determine the most cost-effective method of modifying overpasses to eliminate the threat, and to identify the overpasses where the threat of malicious activity is greatest. The Department is also directed to present a multiyear program for the modification of existing overpasses, and to develop a program that would address the concern with regard to construction of all new overpasses. The Department is directed to report its findings and recommendations to the Joint Legislative Transportation Oversight Committee by November, 1999.

**BACKGROUND:** Seven years ago, a Chapel Hill woman was killed when a basketball-sized boulder was thrown at her car on the Durham Freeway. A few weeks ago, a Canadian teenager suffered serious head injuries, lost an eye and broke his jaw when someone threw a 30-pound rock onto the Ford Explorer he was driving near Fayetteville. Other incidents have occurred on I-95, resulting in serious injury to the motorist involved. In late March, Durham police warned motorists using the Durham Freeway to beware of falling objects after four cars were hit by rocks near Duke University.

**EFFECTIVE DATE:** The bill would be effective when it becomes law.



GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

1

SENATE BILL 600

Short Title: Stoplights on U.S. Highway 70.

(Public)

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Sponsors: Senators Kerr; and Perdue.

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Referred to: Transportation.

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March 29, 1999

1 A BILL TO BE ENTITLED

2 AN ACT TO PROHIBIT THE DEPARTMENT OF TRANSPORTATION FROM  
3 INSTALLING ANY ADDITIONAL STOPLIGHTS ON A CERTAIN PORTION  
4 OF HIGHWAY U.S. 70.

5 The General Assembly of North Carolina enacts:

6 Section 1. Chapter 136 of the General Statutes is amended by adding a  
7 new section to read:

8 "**§ 136-18.7. No additional stoplights on U.S. 70.--**

9 The Department of Transportation shall not erect any additional traffic control  
10 stoplights on U.S. 70 between its intersection with Interstate 40 in Garner, North  
11 Carolina, and where it enters the municipal limits of Morehead City, North Carolina.  
12 The Department of Transportation shall use other traffic control structures such as  
13 turnouts and crossovers rather than traffic control stoplights and turn lanes to safely  
14 control traffic crossing U.S. 70 unless the Department has secured a study by an  
15 independent traffic engineer, approved by the Joint Legislative Commission on  
16 Governmental Operations, certifying that the stoplight is essential for highway safety."

17 Section 2. This act is effective when it becomes law.



# SENATE BILL 600: Stoplights on U.S. Highway 70

## BILL ANALYSIS

Committee: Senate Transportation  
Date: April 21, 1999  
Version: 1st Edition

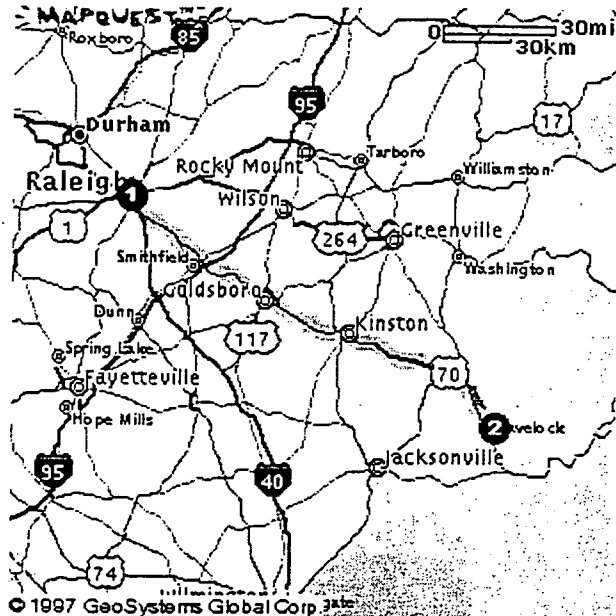
Introduced by: Senator Kerr  
Summary by: Brenda J. Carter  
Committee Counsel

**SUMMARY:** *Senate Bill 600 would prohibit the Department of Transportation from installing any additional stoplights on U.S. 70 between Garner and Morehead City.*

**CURRENT LAW:** Under G.S. 20-158, the Department of Transportation, with reference to State highways, and local authorities, with reference to highways under their jurisdiction, are authorized to control vehicles at intersections and other appropriate places by erecting or installing stoplights and other traffic control devices, signs, or signals.

**BILL ANALYSIS:** Senate Bill 600 would prohibit DOT from installing any additional stoplights on a specified portion of Highway 70 unless the Department first secures a study by an independent traffic engineer approved by the Joint Legislative Commission on Governmental Operations. The engineer would certify whether the proposed stoplight is essential for highway safety. The requirement applies to the portion of U.S. 70 between Interstate 40 in Garner (Southeast of Raleigh) through the municipal limits of Morehead City, a distance of about 150 miles. A map of the route is set out below.

**BACKGROUND:** The bill would be effective when it becomes law.



## VISITOR REGISTRATION SHEET

Transportation  
Name of Committee

4/21/99  
Date

VISITORS: Please sign below and return to Committee Clerk.

NAME

FIRM OR STATE AGENCY AND ADDRESS

David Husk	Motorola
Joel Watts	Motorola
Clay J. Smith	Carolina Canoe Club
Russ Condey	Carolina Canoe Club
Don Bearn	the Capital Group
Richard Whitbrook	UTU
Denny Rogers	NCDOT
Dale McKeel	Scenic NC
Jim Blackburn	Counties
KRISTIN DAVID	INTERN

**TRANSPORTATION COMMITTEE MEETING  
WEDNESDAY, APRIL 28, 1999  
1027 - LB**

**AGENDA**

<b>SB 829</b>	<b>No Billboards on I-40 East</b>	<b>Senator Jordan</b>
<b>SB 1081</b>	<b>Recyvled Materials in Road Maitenance</b>	<b>Senator Albertson</b>
<b>SB 1116</b>	<b>C.C.P.S. - Use Green Lights</b>	<b>Senator Dalton</b>
<b>SB 1164</b>	<b>Establish Metropolitan Planning Boards</b>	<b>Senator Clodfelter</b>

## SENATE TRANSPORTATION COMMITTEE MEETING

The Senate Transportation Committee Meeting met on Wednesday, April 28, 1999 in Room 1027 of the Legislative Building 14 members were present.

The following bills were on the agenda for consideration:

SB 829 No Billboards on I-40 East	Senator Jordan
SB 1081 Recycled Materials in Road Maintenance	Senator Albertson
SB 1116 C.C.P.S. - Use Green Lights	Senator Dalton
SB 1164 Establish Metropolitan Planning Boards	Senator Clodfelter

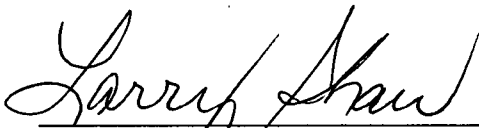
Senator Albertson was recognized to speak on SB 1081. After further discussion Senator Lee moved the adoption of an amendment. Motion carried. Senator Lee moved for a favorable report as amended. The motion carried unanimously.


Senator Larry Shaw recognized Senator Jordan to discuss SB 829. Mr. Dale McKeel, Scenic North Carolina, Inc also spoke supporting the bill. After further discussion Senator Hoyle moved the adoption of an amendment.

Senator Dalton was recognized to discuss SB 1116. After further discuss Senator Lee moved the adoption of a committee substitute. Motion carried The motion carried unanimously.

Senator Larry Shaw recognized Senator Clodfelter to discuss SB 1164. Senator Lee moved the adoption of a committee substitute. The motion carried. Senator Lee moved unfavorable as to bill, but favorable as to Committee Substitute bill. The motion carried.

There being no further business the meeting adjourned.

  
\_\_\_\_\_  
Senator Larry Shaw, Chairman

  
\_\_\_\_\_  
Barbara Lee, Committee Clerk

## SENATE TRANSPORTATION COMMITTEE MEETING

The Senate Transportation Committee Meeting met on Wednesday, April 28, 1999 in Room 1027 of the Legislative Building 14 members were present.

The following bills were on the agenda for consideration:

SB 829 No Billboards on I-40 East	Senator Jordan
SB 1081 Recycled Materials in Road Maintenance	Senator Albertson
SB 1116 C.C.P.S. - Use Green Lights	Senator Dalton
SB 1164 Establish Metropolitan Planning Boards	Senator Clodfelter

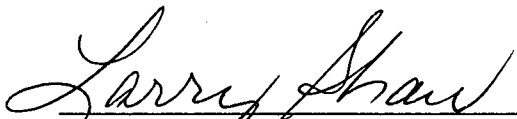
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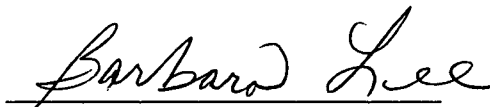
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There being no further business the meeting adjourned.

  
\_\_\_\_\_  
Senator Larry Shaw, Chairman

  
\_\_\_\_\_  
Barbara Lee, Committee Clerk

**NORTH CAROLINA GENERAL ASSEMBLY  
SENATE**

**TRANSPORTATION COMMITTEE REPORT  
Senator Larry Shaw, Chair**

Wednesday, April 28, 1999

SENATOR SHAW,  
submits the following with recommendations as to passage:

**FAVORABLE**

S.B.	1116	C.C.P.S.--Use Green Lights.	
		Sequential Referral:	None
		Recommended Referral:	None

**FAVORABLE, AS AMENDED**

S.B.	829	No Billboards on I-40 East.	
		Sequential Referral:	None
		Recommended Referral:	None
		Long Title Amended:	No

S.B.	1081	Recycled Materials in Road Maintenance.	
		Sequential Referral:	None
		Recommended Referral:	None
		Long Title Amended:	No

**UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO C.S. BILL**

S.B.	1164	Establish Metropolitan Planning Boards.	
		Draft Number:	PCS1731
		Sequential Referral:	None
		Recommended Referral:	None
		Long Title Amended:	Yes

TOTAL REPORTED: 4

Committee Clerk Comment:

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

1

SENATE BILL 829

Short Title: No Billboards on I-40 East.

(Public)

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Sponsors: Senators Jordan; Gulley and Kinnaird.

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Referred to: Transportation.

---

April 12, 1999

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROHIBIT THE ERECTION OF OUTDOOR ADVERTISING ON A  
3 PORTION OF INTERSTATE HIGHWAY 40.  
4 The General Assembly of North Carolina enacts:  
5 Section 1. No outdoor advertising, as defined in G.S. 136-128(3), that is  
6 visible and intended to be read from the right-of-way of the portion of Interstate  
7 Highway 40 from the Orange-Alamance county line to the municipal limits of the  
8 City of Wilmington shall be erected on or after the effective date of this act.  
9 Section 2. Section 1 of this act shall not apply to outdoor advertising  
10 described in G.S. 136-129(1), (2), or (3).  
11 Section 3. This act is effective when it becomes law.



GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

1

SENATE BILL 1081

Short Title: Recycled Materials in Road Maintenance.

(Public)

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Sponsors: Senators Albertson; and Metcalf.

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Referred to: Transportation.

---

April 15, 1999

1 A BILL TO BE ENTITLED  
2 AN ACT TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO  
3 EXPAND THE USE OF RECYCLED MATERIALS IN ROAD  
4 MAINTENANCE.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 136-28.8 reads as rewritten:

7 "§ 136-28.8. Use of recycled materials in construction.

8 (a) It is the intent of the General Assembly that the Department of Transportation  
9 continue to expand its use of recycled materials in its construction and maintenance  
10 programs.

11 (b) The General Assembly declares it to be in the public interest to find  
12 alternative ways to use certain recycled materials that currently are part of the solid  
13 waste stream and that contribute to problems of declining space in landfills. ~~To the~~  
14 ~~extent economically practicable, the Department shall use.~~ The Department shall,  
15 consistent with economic feasibility and applicable engineering and environmental  
16 quality standards, use:

17 (1) Rubber from tires in road pavements, subbase materials, or other  
18 appropriate ~~applications; and applications.~~

19 (2) Recycled materials for guard rail posts, right-of-way fence posts,  
20 and sign ~~supports supports.~~

21 (3) Recycling technology, including hot in-place recycling, in road and  
22 highway maintenance.

23 ~~so long as these materials meet all appropriate engineering standards.~~

1 (c) As a part of its scheduled projects, the Department shall conduct additional  
2 research, which may include demonstration projects, on the use of recycled materials  
3 in ~~construction~~ construction and maintenance.

4 (d) The Department shall review and revise existing bid procedures and  
5 specifications to eliminate any procedures and specifications that explicitly  
6 discriminate against recycled materials in ~~construction~~ construction and maintenance,  
7 except where the procedures and specifications are necessary to protect the health,  
8 safety, and welfare of the people of this State.

9 (e) The Department shall review and revise its bid procedures and specifications  
10 on a continuing basis to encourage the use of recycled materials in construction and  
11 maintenance and shall, to the extent economically practicable, require the use of  
12 recycled materials.

13 (f) All agencies shall cooperate with the Department in carrying out the  
14 provisions of this section.

15 (g) On or before October 1 of each year, the Department shall report to the  
16 Division of Pollution Prevention and Environmental Assistance of the Department of  
17 Environment and Natural Resources as to the amounts and types of recycled  
18 materials that were specified or used in contracts that were entered into during the  
19 previous fiscal year. On or before December 1 of each year, the Division of Pollution  
20 Prevention and Environmental Assistance shall prepare a summary of this report and  
21 submit the summary to the Joint Legislative Commission on Governmental  
22 ~~Operations and Operations~~ Operations, the Joint Legislative Transportation Oversight  
23 Commission, and the Environmental Review Commission.

24 (h) The Department, in consultation with the Department of Environment and  
25 Natural Resources, shall determine minimum content standards for recycled  
26 materials.

27 (i) This section is broadly applicable to all procurements by the Department if the  
28 quality of the product is consistent with the requirements of the bid specifications.

29 (j) The Department may adopt rules to implement this section."

30 Section 2. This act becomes effective July 1, 1999.



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 1081

AMENDMENT NO. 1  
(to be filled in by  
Principal Clerk)  
Page 1 of     

S1081-ARV-001

Date 4/28/, 1999

Comm. Sub. ☐  
Amends Title ☐

Senator Shaw

1 moves to amend the bill on page 2, line 23,  
2 by deleting the underlined word "Commission" and substituting the  
3 word "Committee".

SIGNED [Signature]  
Amendment Sponsor

SIGNED [Signature]  
Committee Chair if Senate Committee Amendment

ADOPTED                     

FAILED                     

TABLED

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

1

SENATE BILL 1164\*

Short Title: Establish Metropolitan Planning Boards.

(Public)

Sponsors: Senator Clodfelter.

Referred to: Transportation.

April 15, 1999

1 A BILL TO BE ENTITLED  
2 AN ACT TO ESTABLISH METROPOLITAN PLANNING BOARDS TO ASSIST  
3 THE DEPARTMENT OF TRANSPORTATION IN THE DEVELOPMENT OF  
4 TRANSPORTATION PLANS AND PROGRAMS FOR URBAN AREAS OF  
5 THE STATE.

6 The General Assembly of North Carolina enacts:

7 Section 1. Article 1 of Chapter 136 of the General Statutes is amended  
8 by adding a new section to read:

9 "§ 136-15.1. Metropolitan planning boards.

10 (a) As used in this section:

11 (1) 'Metropolitan planning board' has the same meaning as  
12 'metropolitan planning organization' as used in 23 U.S.C. § 134.

13 (2) 'Metropolitan area' has the same meaning as 'metropolitan area' as  
14 used in 23 U.S.C. § 134.

15 (b) The Governor, with the assistance of the Secretary of Transportation, shall  
16 designate a metropolitan planning board for each urban area of more than 50,000  
17 population in the State and shall determine the boundaries of each metropolitan area  
18 to be served by a metropolitan planning board. The Governor shall designate  
19 metropolitan planning boards and designate metropolitan areas in accordance with  
20 the requirements of 23 U.S.C. § 134.

21 (c) The boundaries of the area served by each metropolitan planning board shall  
22 be evaluated and adjusted in the year following each decennial federal census.

23 (d) Article 2A of Chapter 150B of the General Statutes applies to the designation  
24 of a metropolitan planning board and to the determination of a metropolitan area."

1           Section 2. The Governor shall designate initial metropolitan planning  
2 boards and determine initial metropolitan areas on the basis of data collected in the  
3 2000 federal census and shall complete all initial designations and determinations no  
4 later than 31 December 2001.

5           Section 3. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

1

SENATE BILL 1164\*  
PROPOSED COMMITTEE SUBSTITUTE  
S1164-PCSRV-001  
27-APR-99 18:23:21

Short Title: Establish Metropolitan Planning Boards. (Public)

Sponsors:

Referred to:

April 15, 1999

1 A BILL TO BE ENTITLED

2 AN ACT TO ESTABLISH CONSOLIDATED METROPOLITAN PLANNING  
3 ORGANIZATIONS UNDER STATE LAW.

4 Section 1. Article 1 of Chapter 136 of the General  
5 Statutes is amended by adding a new section to read:

6 §136-15.1 Metropolitan Planning Organizations.

7 (a) Metropolitan Planning Organizations, as defined by 23  
8 U.S.C. 134 are hereby established in this State.

9 (b) Purpose -- The purpose of this section is to implement 23  
10 U.S.C. 134 and Section 8 of the Federal Transit Act, as amended,  
11 which require that a Metropolitan Planning Organization (MPO) be  
12 designated for each urbanized area and that the designated  
13 metropolitan area have a continuing, cooperative, and  
14 comprehensive transportation planning process that results in  
15 plans and programs that consider all transportation modes and  
16 supports metropolitan community development and social goals.  
17 Plans and programs developed under this section shall lead to the  
18 development and operation of an integrated, intermodal

1 transportation system that facilitates the efficient, economic  
2 movement of people and goods.

3 (c) Boundaries of MPOs established under this section shall be  
4 determined by the Governor, under recommendation from the  
5 Secretary. The recommended boundaries of the MPOs shall reflect  
6 accurate and current urban economic regions, including areas of  
7 projected expansion over the next 20 years. To the extent  
8 possible, only one MPO shall be designated for each region. For  
9 geographic areas designated as non attainment or maintenance  
10 areas (as created by the Clean Air Act Amendments of 1990 (CAAA))  
11 for transportation related pollutants under the CAA, the  
12 boundaries of the MPO shall include at least the boundaries of  
13 the nonattainment or maintenance areas.

14 (d) Prior to making a recommendation to the Governor as  
15 provided in subsection (c) of this section, the Secretary shall  
16 provide for notice and comment to the public and to local  
17 governmental units.

18 (e) Boundaries of MPOs established under this section shall  
19 reflect:

- 20 (1) Areas that capture current and projected commuting  
21 patterns;  
22 (2) The major regional transportation facilities, such  
23 as regional rail, highways, greenways, airports,  
24 and ports, in their entirety; and  
25 (3) Consistency with federally-designated metropolitan  
26 statistical area boundaries.

27 (f) In preparing recommendations regarding MPO boundaries the  
28 Secretary shall review, in addition to the criteria in subsection  
29 (c) of this section, planning areas currently in use for all  
30 transportation modes. Where appropriate, adjustments should be  
31 made to reflect the most comprehensive boundary to foster an  
32 effective planning process that ensures connectivity between  
33 modes, reduces access disadvantages experienced by modal systems,  
34 and promotes efficient overall transportation investment  
35 strategies.

36 (g) Unless otherwise directed by federal statute, MPO  
37 boundaries shall be re-examined every ten years, in the year  
38 following each decennial federal census.

39 (h) The voting membership of an MPO shall include  
40 representation of local elected officials, officials of agencies

1 that administer or operate major modes or systems of  
2 transportation including, but not limited to, transit operators,  
3 sponsors of major local airports, maritime ports, rail operators,  
4 and appropriate State officials."

5           Section 2. This act is effective when it becomes law.



GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

D

SENATE BILL 1164\*  
Proposed Committee Substitute S1164-PCS1731-RV

Short Title: Establish Metropolitan Planning Boards.

(Public)

Sponsors:

Referred to:

April 15, 1999

1 A BILL TO BE ENTITLED  
2 AN ACT TO ESTABLISH CONSOLIDATED METROPOLITAN PLANNING  
3 ORGANIZATIONS UNDER STATE LAW.

4 Section 1. Article 1 of Chapter 136 of the General Statutes is amended  
5 by adding a new section to read:

6 "§ 136-15.1. Metropolitan Planning Organizations.

7 (a) Metropolitan Planning Organizations, as defined by 23 U.S.C. § 134 are  
8 hereby established in this State.

9 (b) Purpose. -- The purpose of this section is to implement 23 U.S.C. § 134 and  
10 section 8 of the Federal Transit Act, as amended, which require that a Metropolitan  
11 Planning Organization (MPO) be designated for each urbanized area and that the  
12 designated metropolitan area have a continuing, cooperative, and comprehensive  
13 transportation planning process that results in plans and programs that consider all  
14 transportation modes and supports metropolitan community development and social  
15 goals. Plans and programs developed under this section shall lead to the  
16 development and operation of an integrated, intermodal transportation system that  
17 facilitates the efficient, economic movement of people and goods.

18 (c) Boundaries of MPOs established under this section shall be determined by the  
19 Governor, under recommendation from the Secretary. The recommended  
20 boundaries of the MPOs shall reflect accurate and current urban economic regions,  
21 including areas of projected expansion over the next 20 years. To the extent possible,  
22 only one MPO shall be designated for each region. For geographic areas designated  
23 as nonattainment or maintenance areas (as created by the Clean Air Act

Amendments of 1990 (CAAA)) for transportation-related pollutants under the CAA, the boundaries of the MPO shall include at least the boundaries of the nonattainment or maintenance areas.

(d) Prior to making a recommendation to the Governor as provided in subsection (c) of this section, the Secretary shall provide for notice and comment to the public and to local governmental units.

(e) Boundaries of MPOs established under this section shall reflect:

(1) Areas that capture current and projected commuting patterns;

(2) The major regional transportation facilities, such as regional rail, highways, greenways, airports, and ports, in their entirety; and

(3) Consistency with federally designated metropolitan statistical area boundaries.

(f) In preparing recommendations regarding MPO boundaries, the Secretary shall review, in addition to the criteria in subsection (c) of this section, planning areas currently in use for all transportation modes. Where appropriate, adjustments should be made to reflect the most comprehensive boundary to foster an effective planning process that ensures connectivity between modes, reduces access disadvantages experienced by modal systems, and promotes efficient overall transportation investment strategies.

(g) Unless otherwise directed by federal statute, MPO boundaries shall be reexamined every 10 years, following each decennial federal census.

(h) The voting membership of an MPO shall include representation of local elected officials, officials of agencies that administer or operate major modes or systems of transportation including, but not limited to, transit operators, sponsors of major local airports, maritime ports, rail operators, and appropriate State officials."

Section 2. This act is effective when it becomes law.

VISITOR REGISTRATION SHEET

TRANSPORTATION  
Name of Committee

4-28-99  
Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

David Knight	NC State, NC Wildlife Fed
Nat Reed	Conservation of NC
GERALD TRAUB	Presentation NC
Dale McKeel	Scenic NC, Inc.
JACK LE SUEUR	SCENIC NC
Ruth Sappie	NC DOT
Justin Daniel	INTERN
Henry Hancock	EGHS
James E. Furlong	Applied Polymers, Inc.
W. J. Rogers	NC DOT
JANET D'IBMAZIO	NC DOT
Don Gomis	NC DOT.
BERRY JENKINS	CAROLINAS AGC
Charles Diehl	NC Outdoor Adv. Association
Jim Blackburn	NC Association of County Commissioners

**TRANSPORTATION COMMITTEE MEETING**

**WEDNESDAY, June 9, 1999**

**1027 - LB**

**AGENDA**

<b>HB 303</b>	<b>Commercial Vehicle Safety/AB</b>	<b>Representative Saunders</b>
<b>HB 937</b>	<b>Regional Transportation Authority</b>	<b>Representative Gray</b>
<b>HB 1030</b>	<b>Trailer Amendments</b>	<b>Representative Hackney</b>
<b>SB 844</b>	<b>Charter Schools/License Plates</b>	<b>Senator Allran</b>

## Senate Transportation Committee Meeting

The Senate Transportation Committee met at 11:00 a.m. on Wednesday, June 9, 1999, in Room 1027 of the Legislative Building. Eight members were present. Senator Wib Gulley, Vice Chair presided.

The following bills were on the agenda for consideration:

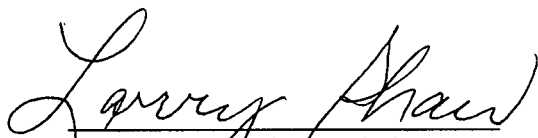
HB 303 Commercial Vehicle Safety/AB (removed from agenda) (removed from agenda)	Rep. Saunders
--	---------------

HB 937 Regional Transportation Authority	Rep. Gray
HB 1030 Trailer Amendments	Rep. Hackney
SB 844 Charter Schools/License Plates	Sen. Allran

Senator Gulley recognized Representative Lyons Gray to discuss - HB 937 - Regional Transportation Authority. Senator Robert Shaw moved adoption of Committee Substitute for purpose of discussion. Motion carried. Representative Gray discussed the committee substitute. Senator Harris moved for a favorable report of the committee substitute. The motion carried unanimously.

Senator Gulley recognized Representative Hackney to discuss HB 1030 - Trailer Amendments. After much discussion Senator Robert Shaw moved for a favorable report. The motion carried unanimously.

SB 844 - Charter Schools/License Plates - Senator Allran. After discussion Senator Carpenter moved for a favorable report and re-refer to Finance. The motion carried unanimously.

  
Senator Larry Shaw, Chairman

  
Barbara Lee, Committee Clerk

**NORTH CAROLINA GENERAL ASSEMBLY  
SENATE**

**TRANSPORTATION COMMITTEE REPORT  
Senator Larry Shaw, Chair**

Tuesday, June 22, 1999

SENATOR LARRY SHAW,  
submits the following with recommendations as to passage:

**UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 1,  
BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL**

H.B.(CS #1)1030

Trailer Amendments.

Draft Number:	PCS3439
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 1

Committee Clerk Comment:

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

4

HOUSE BILL 303\*  
Committee Substitute Favorable 4/7/99  
Third Edition Engrossed 4/14/99  
Corrected Copy 4/19/99

Short Title: Commercial Vehicle Safety/AB.

(Public)

Sponsors:

Referred to:

March 4, 1999

1 A BILL TO BE ENTITLED  
2 AN ACT TO AMEND THE LAWS RELATING TO COMMERCIAL VEHICLE  
3 HIGHWAY SAFETY AND WORK ZONE SAFETY.

4 The General Assembly of North Carolina enacts:

5 Section 1. Chapter 20 of the General Statutes is amended by adding a  
6 new section to read:

7 "§ 20-17.7. Commercial motor vehicle out-of-service fines authorized.

8 The Commissioner may adopt rules implementing fines for violation of out-of-  
9 service criteria as defined in 49 C.F.R. § 390.5. These fines may not exceed the  
10 schedule of fines adopted by the Commercial Motor Vehicle Safety Alliance that is in  
11 effect on the date of the violations."

12 Section 2. Chapter 20 of the General Statutes is amended by adding a  
13 new section to read:

14 "§ 20-138.2C. Possession of alcoholic beverages while operating a commercial motor  
15 vehicle.

16 A person commits the offense of operating a commercial motor vehicle while  
17 possessing alcoholic beverages if the person drives a commercial motor vehicle, as  
18 defined in G.S. 20-4.01(3d), upon any highway, any street, or any public vehicular  
19 area within the State while having an open or closed alcoholic beverage in the  
20 passenger area of the commercial motor vehicle. This section shall not apply to the  
21 driver of a commercial motor vehicle that is also an excursion passenger vehicle, a

1 for-hire passenger vehicle, a common carrier of passengers, or a motor home, if the  
2 alcoholic beverage is in possession of a passenger or is in the passenger area of the  
3 vehicle."

4 Section 3. G.S. 20-141(j2) reads as rewritten:

5 "(j2) A person who drives a motor vehicle in a highway work zone at a speed  
6 greater than the speed limit set and posted under ~~G.S. 20-141~~ is responsible for an  
7 infraction of "Speeding in a Highway Work Zone" and this section shall be required  
8 to pay a penalty of not less than one hundred dollars (\$100.00), but not more than  
9 two hundred fifty dollars (\$250.00). This penalty shall be imposed in addition to  
10 those penalties established in this Chapter. A "highway work zone" is the area  
11 between the first sign that informs motorists of the existence of a work zone on a  
12 highway and the last sign that informs motorists of the end of the work zone. This  
13 subsection applies only if a sign posted at the beginning of the highway work zone  
14 states the penalty for speeding in the work zone. The Secretary shall ensure that work  
15 zones shall only be posted with penalty signs if the Secretary determines, after  
16 engineering review, that the posting is necessary to ensure the safety of the traveling  
17 public due to a hazardous condition.

18 A law enforcement officer issuing a citation for a violation of this section while in  
19 a highway work zone shall indicate the vehicle speed and speed limit posted in the  
20 work zone. Upon an individual's conviction of a violation of this section while in a  
21 highway work zone, the clerk of court shall report that the vehicle was in a work  
22 zone at the time of the violation, the vehicle speed, and the speed limit of the work  
23 zone to the Division of Motor Vehicles."

24 Section 4. G.S. 20-309(a) reads as rewritten:

25 "(a) No ~~self-propelled~~ motor vehicle shall be registered in this State unless the  
26 owner at the time of registration has financial responsibility for the operation of such  
27 motor vehicle, as provided in this Article. The owner of each motor vehicle  
28 registered in this State shall maintain financial responsibility continuously throughout  
29 the period of registration.

30 An owner of a commercial motor vehicle, as defined in G.S. 20-4.01(3d), shall  
31 have financial responsibility for the operation of the motor vehicle as required by this  
32 section. The financial responsibility for a commercial motor vehicle shall be equal to  
33 that required in 49 C.F.R. §§ 387.3, 387.5, 387.7, and 387.11 for for-hire or private  
34 motor vehicles transporting property in interstate or intrastate commerce."

35 Section 4.1. G.S. 20-279.32 reads as rewritten:

36 "**§ 20-279.32. Exceptions.**

37 This Article does not apply to a motor vehicle registered under G.S. 20-382 ~~or~~  
38 ~~G.S. 20-382.1~~ by a for-hire motor carrier. This Article does not apply to any motor  
39 vehicle owned by the State of North Carolina, nor does it apply to the operator of a  
40 vehicle owned by the State of North Carolina who becomes involved in an accident  
41 while operating the state-owned vehicle if the Commissioner determines that the  
42 vehicle at the time of the accident was probably being operated in the course of the  
43 operator's employment as an employee or officer of the State. This Article does not  
44 apply to any motor vehicle owned by a county or municipality of the State of North



1 Carolina, nor does it apply to the operator of a vehicle owned by a county or  
2 municipality of the State of North Carolina who becomes involved in an accident  
3 while operating such vehicle in the course of the operator's employment as an  
4 employee or officer of the county or municipality. This Article does not apply to the  
5 operator of a vehicle owned by a political subdivision, other than a county or  
6 municipality, of the State of North Carolina who becomes involved in an accident  
7 while operating such vehicle if the Commissioner determines that the vehicle at the  
8 time of the accident was probably being operated in the course of the operator's  
9 employment as an employee or officer of the subdivision providing that the  
10 Commissioner finds that the political subdivision has waived any immunity it has  
11 with respect to such accidents and has in force an insurance policy or other method  
12 of satisfying claims which may arise out of the accident. This Article does not apply  
13 to any motor vehicle owned by the federal government, nor does it apply to the  
14 operator of a motor vehicle owned by the federal government who becomes involved  
15 in an accident while operating the government-owned vehicle if the Commissioner  
16 determines that the vehicle at the time of the accident was probably being operated  
17 in the course of the operator's employment as an employee or officer of the federal  
18 government."

19 Section 5. G.S. 20-140.3 reads as rewritten:

20 **"§ 20-140.3. Unlawful use of National System of Interstate and Defense Highways and**  
21 **other controlled-access highways.**

22 On those sections of highways which are or become a part of the National System  
23 of Interstate and Defense Highways and other controlled-access highways, it shall be  
24 unlawful for any person:

- 25 (1) To drive a vehicle over, upon, or across any curb, central dividing  
26 section or other separation or dividing line on said highways.
- 27 (2) To make a left turn or a semicircular or U-turn except through an  
28 opening provided for that purpose in the dividing curb, separation  
29 section, or line on said highways.
- 30 (3) To drive any vehicle except in the proper lane provided for that  
31 purpose and in the proper direction and to the right of the central  
32 dividing curb, separation section, or line on said highways.
- 33 (4) To drive a vehicle onto or from any controlled-access highway  
34 except at such entrances and exits as are established by public  
35 authority.
- 36 (5) To stop, park, or leave standing any vehicle, whether attended or  
37 unattended, on any part or portion of the right-of-way of said  
38 highways, except in the case of an emergency or as directed by a  
39 peace officer, or at designated parking areas.
- 40 (6) To fail to yield the right-of-way when entering the highway to any  
41 vehicle already travelling on the highway.
- 42 (7) Notwithstanding any other subdivision of this section, a ~~member of~~  
43 ~~the State Highway Patrol~~ law enforcement officer may cross the  
44 median of a divided highway when he has reasonable grounds to

believe that a felony is being or has been committed, has personal knowledge that a vehicle is being operated at a speed or in a manner which is likely to endanger persons or property, or the ~~patrol member~~ officer has reasonable grounds to believe that his presence is immediately required at a location which would necessitate his crossing a median of a divided highway for this purpose."

Section 6. G.S. 136-89.58 reads as rewritten:

**"§ 136-89.58. Unlawful use of National System of Interstate and Defense Highways and other controlled-access facilities.**

On those sections of highways which are or become a part of the National System of Interstate and Defense Highways and other controlled-access facilities it shall be unlawful for any person:

- (1) To drive a vehicle over, upon or across any curb, central dividing section or other separation or dividing line on said highways.
- (2) To make a left turn or a semicircular or U-turn except through an opening provided for that purpose in the dividing curb section, separation, or line on said highways.
- (3) To drive any vehicle except in the proper lane provided for that purpose and in the proper direction and to the right of the central dividing curb, separation section, or line on said highways.
- (4) To drive any vehicle into the main travel lanes or lanes of connecting ramps or interchanges except through an opening or connection provided for that purpose by the Department of Transportation.
- (5) To stop, park, or leave standing any vehicle, whether attended or unattended, on any part or portion of the right-of-way of said highways, except in the case of an emergency or as directed by a peace officer, or as designated parking areas.
- (6) To willfully damage, remove, climb, cross or breach any fence erected within the rights-of-way of said highways.
- ~~(7) Notwithstanding any other subdivision of this section, a member of the State Highway Patrol may cross the median of a divided highway when he has reasonable grounds to believe that a felony is being or has been committed, has personal knowledge that a vehicle is being operated at a speed or in a manner which is likely to endanger persons or property, or the patrol member has reasonable grounds to believe that his presence is immediately required at a location which would necessitate his crossing a median of a divided highway for this purpose.~~

Any person who violates any of the provisions of this section shall be guilty of a Class 2 misdemeanor."

Section 7. G.S. 20-16(c) reads as rewritten:

1    "(c) The Division shall maintain a record of convictions of every person licensed  
2 or required to be licensed under the provisions of this Article as an operator and  
3 shall enter therein records of all convictions of such persons for any violation of the  
4 motor vehicle laws of this State and shall assign to the record of such person, as of  
5 the date of commission of the offense, a number of points for every such conviction  
6 in accordance with the following schedule of convictions and points, except that  
7 points shall not be assessed for convictions resulting in suspensions or revocations  
8 under other provisions of laws: Further, any points heretofore charged for violation of  
9 the motor vehicle inspection laws shall not be considered by the Division of Motor  
10 Vehicles as a basis for suspension or revocation of driver's license:

11  
12                                   Schedule of Point Values  
13

14	Passing stopped school bus	5
15	Reckless driving	4
16	Hit and run, property damage only	4
17	Following too close	4
18	Driving on wrong side of road	4
19	Illegal passing	4
20	Running through stop sign	3
21	Speeding in excess of 55 miles per hour	3
22	Failing to yield right-of-way	3
23	Running through red light	3
24	No driver's license or license expired more than	
25	one year	3
26	Failure to stop for siren	3
27	Driving through safety zone	3
28	No liability insurance	3
29	Failure to report accident where such report is	
30	required	3
31	Speeding in a school zone in excess of the	
32	posted school zone speed limit	3
33	All other moving violations	2
34	Littering pursuant to G.S. 14-399 when the	
35	littering involves the use of a motor vehicle	1

36  
37                                   Schedule of Point Values for Violations While Operating a  
38                                   Commercial Motor Vehicle  
39

40	<u>Passing stopped school bus</u>	<u>8</u>
41	<u>Rail-highway crossing violation</u>	<u>6</u>
42	<u>Reckless driving</u>	<u>5</u>
43	<u>Hit and run, property damage only</u>	<u>5</u>
44	<u>Following too close</u>	<u>5</u>

1	<u>Driving on wrong side of road</u>	<u>5</u>
2	<u>Illegal passing</u>	<u>5</u>
3	<u>Running through stop sign</u>	<u>4</u>
4	<u>Speeding in excess of 55 miles per hour</u>	<u>4</u>
5	<u>Failing to yield right-of-way</u>	<u>4</u>
6	<u>Running through red light</u>	<u>4</u>
7	<u>No driver's license or license expired more than</u>	
8	<u>one year</u>	<u>4</u>
9	<u>Failure to stop for siren</u>	<u>4</u>
10	<u>Driving through safety zone</u>	<u>4</u>
11	<u>No liability insurance</u>	<u>4</u>
12	<u>Failure to report accident where such report is</u>	
13	<u>required</u>	<u>4</u>
14	<u>Speeding in a school zone in excess of the</u>	
15	<u>posted school zone speed limit</u>	<u>4</u>
16	<u>Possessing alcoholic beverages in the</u>	
17	<u>passenger area of a commercial motor</u>	
18	<u>vehicle</u>	<u>4</u>
19	<u>All other moving violations</u>	<u>3</u>
20	<u>Littering pursuant to G.S. 14-399 when the</u>	
21	<u>littering involves the use of a motor vehicle</u>	<u>1</u>
22		
23	The above provisions of this subsection shall only apply to violations and	
24	convictions which take place within the State of North Carolina.	
25	No points shall be assessed for conviction of the following offenses:	
26		
27	Overloads	
28	Over length	
29	Over width	
30	Over height	
31	Illegal parking	
32	Carrying concealed weapon	
33	Improper plates	
34	Improper registration	
35	Improper muffler	
36	<del>Public drunk within a vehicle</del>	
37	<del>Possession of alcoholic beverages</del>	
38	Improper display of license plates or dealers' tags	
39	Unlawful display of emblems and insignia	
40	Failure to display current inspection certificate.	
41		
42	In case of the conviction of a licensee of two or more traffic offenses committed on	
43	a single occasion, such licensee shall be assessed points for one offense only and if the	

1 offenses involved have a different point value, such licensee shall be assessed for the  
2 offense having the greater point value.

3 Upon the restoration of the license or driving privilege of such person whose  
4 license or driving privilege has been suspended or revoked because of conviction for  
5 a traffic offense, any points that might previously have been accumulated in the  
6 driver's record shall be cancelled.

7 Whenever any licensee accumulates as many as seven points or accumulates as  
8 many as four points during a three-year period immediately following reinstatement  
9 of his license after a period of suspension or revocation, the Division may request the  
10 licensee to attend a conference regarding such licensee's driving record. The Division  
11 may also afford any licensee who has accumulated as many as seven points or any  
12 licensee who has accumulated as many as four points within a three-year period  
13 immediately following reinstatement of his license after a period of suspension or  
14 revocation an opportunity to attend a driver improvement clinic operated by the  
15 Division and, upon the successful completion of the course taken at the clinic, three  
16 points shall be deducted from the licensee's conviction record; provided, that only  
17 one deduction of points shall be made on behalf of any licensee within any five-year  
18 period.

19 When a license is suspended under the point system provided for herein, the first  
20 such suspension shall be for not more than 60 days; the second such suspension shall  
21 not exceed six months and any subsequent suspension shall not exceed one year.

22 Whenever the driver's license of any person is subject to suspension under this  
23 subsection and at the same time also subject to suspension or revocation under other  
24 provisions of laws, such suspensions or revocations shall run concurrently.

25 In the discretion of the Division, a period of probation not to exceed one year may  
26 be substituted for suspension or for any unexpired period of suspension under  
27 subsections (a)(1) through (a)(10a) of this section. Any violation of probation during  
28 the probation period shall result in a suspension for the unexpired remainder of the  
29 suspension period. Any accumulation of three or more points under this subsection  
30 during a period of probation shall constitute a violation of the condition of  
31 probation."

32 Section 8. Chapter 20 of the General Statutes is amended by adding a  
33 new section to read:

34 "§ 20-16A. Double penalties for offenses committed while operating a commercial  
35 motor vehicle.

36 Any infraction or misdemeanor committed in violation of Chapter 20 while  
37 operating a commercial motor vehicle may be assessed double the amount of any fine  
38 or penalty authorized by statute."

39 Section 9. This act becomes effective December 1, 1999, and applies to  
40 violations occurring on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

2

HOUSE BILL 937  
Committee Substitute Favorable 4/28/99

Short Title: Regional Transportation Authority Amd.

(Public)

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Sponsors:

---

Referred to:

---

April 6, 1999

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO AMEND THE REGIONAL TRANSPORTATION AUTHORITY ACT  
3 CONCERNING JURISDICTION OF THE ENTIRE AREA OF THE COUNTY  
4 IN CERTAIN CIRCUMSTANCES AND MEMBERSHIP OF THE AUTHORITY.  
5 The General Assembly of North Carolina enacts:  
6 Section 1. G.S. 160A-634(a) reads as rewritten:  
7 "(a) The territorial jurisdiction and service area of the Authority shall be as  
8 determined by the Board of Trustees consistent with its purpose, but shall initially  
9 consist of those areas included within the Metropolitan Planning Organization  
10 boundaries. With the consent by resolution of the affected board of county  
11 commissioners, the jurisdiction and area may be expanded to include contiguous  
12 areas, but the total jurisdiction and service area shall not exceed part or all of 12  
13 counties. The jurisdiction and area include the entire area of the county if the Board  
14 of Trustees has been expanded to include the chairman or other member of the  
15 board of commissioners of that county pursuant to G.S. 160A-635(4)."  
16 Section 2. G.S. 160A-635(a) reads as rewritten:  
17 "(a) The governing body of an authority is the Board of Trustees. The Board of  
18 Trustees shall consist of:  
19 (1) The mayor of the four cities within the service area that have the  
20 largest population, or a member of the city council designated by  
21 the city council to serve in the absence of the mayor.

(2) Two members of the Board of Transportation appointed by the Secretary of Transportation, to serve as ex officio nonvoting members.

(3) The chair of each Metropolitan Planning Organization in the territorial jurisdiction.

(4) The chair of the board of commissioners of any county within the territorial jurisdiction or a member of the board of commissioners designated by the board to serve in the absence of the chair, but only if the Board of Trustees by resolution has expanded the Board of Trustees to include the chair of the board of commissioners of that county and the board of commissioners of that county has consented by resolution.

(5) The chair of the Forsyth County Airport Commission.

(6) The chair of the Piedmont Triad Airport Authority."

Section 3. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

D

H937-CSRW-002

PROPOSED COMMITTEE SUBSTITUTE

House Bill 937

THIS IS A DRAFT 9-JUN-99 10:37:46

ATTENTION: LINE NUMBERS MAY CHANGE AFTER ADOPTION

Short Title: Regional Transportation Authority Amd. (Public)

Sponsors:

Referred to: Transportation

April 6, 1999

1 A BILL TO BE ENTITLED  
2 AN ACT TO AMEND THE REGIONAL TRANSPORTATION AUTHORITY ACT  
3 CONCERNING JURISDICTION OF THE ENTIRE AREA OF THE COUNTY IN  
4 CERTAIN CIRCUMSTANCES AND MEMBERSHIP OF THE AUTHORITY.  
5 The General Assembly of North Carolina enacts:  
6 Section 1. G.S. 160A-634(a) reads as rewritten:  
7 "(a) The territorial jurisdiction and service area of the  
8 Authority shall be as determined by the Board of Trustees  
9 consistent with its purpose, but shall initially consist of  
10 those areas included within the Metropolitan Planning  
11 Organization boundaries. With the consent by resolution of the  
12 affected board of county commissioners, the jurisdiction and  
13 area may be expanded to include contiguous areas, but the total  
14 jurisdiction and service area shall not exceed part or all of  
15 12 counties. The jurisdiction and area include the entire area  
16 of the county if the Board of Trustees has been expanded to  
17 include the chairman or other member of the board of  
18 commissioners of that county pursuant to G.S. 160A-635(4)."  
19 Section 2 G.S. 160A-635(a) reads as rewritten:  
20 "(a) The governing body of an authority is the Board of  
21 Trustees. The Board of Trustees shall consist of:



- (1) The mayor of the four cities within the service area that have the largest population, or a member of the city council designated by the city council to serve in the absence of the mayor.
- (2) Two members of the Board of Transportation appointed by the Secretary of Transportation, to serve as ex officio nonvoting members.
- (3) The chair of each Metropolitan Planning Organization in the territorial jurisdiction.
- (4) The chair of the board of commissioners of any county within the territorial jurisdiction or a member of the board of commissioners designated by the board to serve in the absence of the chair, but only if the Board of Trustees by resolution has expanded the Board of Trustees to include the chair of the board of commissioners of that county and the board of commissioners of that county has consented by resolution.
- (5) The chair of the Forsyth County Airport Commission, or a designee of the chair. The designee is not required to be a member of the Commission.
- (6) The chair of the Piedmont Triad Airport Authority, or a designee of the chair. The designee is not required to be a member of the Authority.

Section 3. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

2

HOUSE BILL 1030  
Committee Substitute Favorable 4/21/99

Short Title: Trailer Amendments.

(Public)

Sponsors:

Referred to:

April 14, 1999

1 A BILL TO BE ENTITLED  
2 AN ACT TO CHANGE THE LIGHTING REQUIREMENTS FOR LIGHT  
3 TRAILERS AND EXEMPT CERTAIN ADDITIONAL FARM TRAILERS  
4 FROM THE REGISTRATION REQUIREMENTS.  
5 The General Assembly of North Carolina enacts:  
6 Section 1. G.S. 20-129(d) reads as rewritten:  
7 "(d) Rear Lamps. -- Every motor vehicle, and every trailer or semitrailer attached  
8 to a motor vehicle and every vehicle which is being drawn at the end of a  
9 combination of vehicles, shall have all originally equipped rear lamps or the  
10 equivalent in good working order, which lamps shall exhibit a red light plainly visible  
11 under normal atmospheric conditions from a distance of 500 feet to the rear of such  
12 vehicle. One rear lamp or a separate lamp shall be so constructed and placed that the  
13 number plate carried on the rear of such vehicle shall under like conditions be  
14 illuminated by a white light as to be read from a distance of 50 feet to the rear of  
15 such vehicle. Every trailer or semitrailer shall carry at the rear, in addition to the  
16 originally equipped lamps, a red reflector of the type which has been approved by the  
17 Commissioner and which is so located as to height and is so maintained as to be  
18 visible for at least 500 feet when opposed by a motor vehicle displaying lawful  
19 undimmed lights at night on an unlighted highway.  
20 Notwithstanding the provisions of the first paragraph of this subsection, it shall not  
21 be necessary for a trailer weighing less than ~~4,000~~ 6,500 pounds to carry or be  
22 equipped with a rear lamp, provided such vehicle is equipped with and carries at the  
23 rear two red reflectors of a diameter of not less than three inches, such reflectors to

1 be approved by the Commissioner, and which are so designed and located as to  
2 height and are maintained so that each reflector is visible for at least 500 feet when  
3 approached by a motor vehicle displaying lawful undimmed headlights at night on an  
4 unlighted highway.

5 The rear lamps of a motorcycle shall be lighted at all times while the motorcycle is  
6 in operation on highways or public vehicular areas."

7 Section 2. G.S. 20-51(6) reads as rewritten:

8 "§ 20-51. Exempt from registration.

9 The following shall be exempt from the requirement of registration and certificate  
10 of title:

11 . . .

12 (6) Any trailer or semitrailer attached to and drawn by a properly  
13 licensed motor vehicle when used by a farmer, his tenant, agent, or  
14 employee in transporting unginced cotton, peanuts, soybeans, corn,  
15 hay, tobacco, silage, cucumbers, potatoes, fertilizers or chemicals  
16 purchased or owned by ~~such the~~ farmer or tenant for personal use  
17 in implementing ~~husbandry or husbandry~~, irrigation ~~pipes and~~  
18 ~~pipes, loaders, or~~ equipment owned by ~~such the~~ farmer or tenant  
19 from place to place on the same farm, from one farm to another,  
20 from farm to gin, from farm to dryer, or from farm to market, and  
21 when not operated on a for-hire basis. The term "transporting" as  
22 used herein shall include the actual hauling of said products and  
23 all unloaded travel in connection therewith."

24 Section 3. This act becomes effective October 1, 1999.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

D

HOUSE BILL 1030  
Committee Substitute Favorable 4/21/99  
Proposed Senate Committee Substitute H1030-PCS3439-RV

Short Title: Trailer Amendments.

(Public)

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Sponsors:

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Referred to:

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April 14, 1999

1 A BILL TO BE ENTITLED  
2 AN ACT TO CHANGE THE LIGHTING REQUIREMENTS FOR LIGHT  
3 TRAILERS AND EXEMPT CERTAIN ADDITIONAL FARM TRAILERS  
4 FROM THE REGISTRATION REQUIREMENTS.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 20-129(d) reads as rewritten:

7 "(d) Rear Lamps. -- Every motor vehicle, and every trailer or semitrailer attached  
8 to a motor vehicle and every vehicle which is being drawn at the end of a  
9 combination of vehicles, shall have all originally equipped rear lamps or the  
10 equivalent in good working order, which lamps shall exhibit a red light plainly visible  
11 under normal atmospheric conditions from a distance of 500 feet to the rear of such  
12 vehicle. One rear lamp or a separate lamp shall be so constructed and placed that the  
13 number plate carried on the rear of such vehicle shall under like conditions be  
14 illuminated by a white light as to be read from a distance of 50 feet to the rear of  
15 such vehicle. Every trailer or semitrailer shall carry at the rear, in addition to the  
16 originally equipped lamps, a red reflector of the type which has been approved by the  
17 Commissioner and which is so located as to height and is so maintained as to be  
18 visible for at least 500 feet when opposed by a motor vehicle displaying lawful  
19 undimmed lights at night on an unlighted highway.

20 Notwithstanding the provisions of the first paragraph of this subsection, it shall not  
21 be necessary for a trailer weighing less than 4,000 ~~pounds~~ pounds, or a trailer  
22 described in G.S. 20-51(6) weighing less than 6,500 pounds, to carry or be equipped

1 with a rear lamp, provided such vehicle is equipped with and carries at the rear two  
2 red reflectors of a diameter of not less than three inches, such reflectors to be  
3 approved by the Commissioner, and which are so designed and located as to height  
4 and are maintained so that each reflector is visible for at least 500 feet when  
5 approached by a motor vehicle displaying lawful undimmed headlights at night on an  
6 unlighted highway.

7 The rear lamps of a motorcycle shall be lighted at all times while the motorcycle is  
8 in operation on highways or public vehicular areas."

9 Section 2. G.S. 20-51(6) reads as rewritten:

10 **"§ 20-51. Exempt from registration.**

11 The following shall be exempt from the requirement of registration and certificate  
12 of title:

13 . . .

14 (6) Any trailer or semitrailer attached to and drawn by a properly  
15 licensed motor vehicle when used by a farmer, his tenant, agent, or  
16 employee in transporting unginne cotton, peanuts, soybeans, corn,  
17 hay, tobacco, silage, cucumbers, potatoes, fertilizers or chemicals  
18 purchased or owned by ~~such the~~ farmer or tenant for personal use  
19 in implementing ~~husbandry or husbandry~~, irrigation ~~pipes and~~  
20 pipes, loaders, or equipment owned by ~~such the~~ farmer or tenant  
21 from place to place on the same farm, from one farm to another,  
22 from farm to gin, from farm to dryer, or from farm to market, and  
23 when not operated on a for-hire basis. The term "transporting" as  
24 used herein shall include the actual hauling of said products and  
25 all unloaded travel in connection therewith."

26 Section 3. This act becomes effective October 1, 1999.



## HOUSE BILL 1030: Trailer Amendments

### BILL ANALYSIS

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**Committee:** Senate Transportation  
**Date:** June 10, 1999  
**Version:** 2nd Edition

**Introduced by:** Representative Hackney  
**Summary by:** Brenda J. Carter  
Committee Counsel

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**SUMMARY:** *House Bill 1030 changes the lighting requirements for light trailers and exempts certain additional farm trailers from the registration requirements.*

**BILL ANALYSIS:** House Bill 1030 amends G.S. 20-129, which sets out the requirements regarding rear lamps on motor vehicles. Under current law, a trailer weighing less than 4,000 pounds may be equipped with two red reflectors rather than with rear lamps. The bill will increase the minimum weight of the lamp requirement from 4,000 to 6,500 pounds.

House Bill 1030 also amends G.S. 20-51, which specifies what vehicles are exempt from the requirement of registration and certificate of title. The bill will exempt from motor vehicle registration requirements a trailer drawn by a motor vehicle when the trailer is transporting loaders owned by the farmer.

This bill is effective October 1, 1999.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

1

SENATE BILL 844

Short Title: Charter Schools/License Plates.

(Public)

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Sponsors: Senator Allran.

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Referred to: Transportation.

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April 13, 1999

1 A BILL TO BE ENTITLED  
2 AN ACT TO ALLOW CHARTER SCHOOLS TO OBTAIN THE SAME  
3 PERMANENT LICENSE PLATES AS PUBLIC SCHOOLS.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 20-84 reads as rewritten:

6 "**§ 20-84. Vehicles owned by State, municipalities or orphanages, etc.; certain vehicles**  
7 **operated by the local chapters of American National Red Cross.**

8 The Division upon proper proof being filed with it that any motor vehicle for  
9 which registration is herein required is owned by the State or any department  
10 thereof, or by any county, township, city or town, or by any board of education, or by  
11 any orphanage or civil air patrol, or incorporated emergency rescue squad, or  
12 incorporated REACT ("Radio Emergency Association of Citizen Teams") Team, or  
13 for any motor vehicle involved exclusively in the support of a disaster relief effort,  
14 shall collect six dollars (\$6.00) for the registration of such motor vehicles, but shall  
15 not collect any fee for application for certificate of title in the name of the State or  
16 any department thereof, or by any county, township, city or town, or by any board of  
17 education or orphanage: Provided, that the term "owned" shall be construed to mean  
18 that such motor vehicle is the actual property of the State or some department  
19 thereof or of the county, township, city or town, or of the board of education, and no  
20 motor vehicle which is the property of any officer or employee of any department  
21 named herein shall be construed as being "owned" by such department. Provided,  
22 that the above exemptions from registration fees shall also apply to any church-owned  
23 bus used exclusively for transporting children and parents to Sunday school and  
24 church services and for no other purpose.

1    The Division also shall issue to any nonprofit corporation that is authorized under  
2 G.S. 115C-238.29D to operate a charter school, upon application of that nonprofit  
3 corporation and payment of a fee of six dollars (\$6.00) for each plate, a permanent  
4 registration plate for each vehicle that is owned by that corporation and is operated  
5 exclusively by that charter school.

6    In lieu of the annual six dollars (\$6.00) registration provided for in this section, the  
7 Division may for the license year 1950 and thereafter provide for a permanent  
8 registration of the vehicles described in this section and issue permanent registration  
9 plates for such vehicles. The permanent registration plates issued pursuant to this  
10 paragraph shall be of a distinctive color and shall bear thereon the word  
11 "permanent." Such plates may be transferred as provided in G.S. 20-78 to a  
12 replacement vehicle of the same classification. For the permanent registration and  
13 issuance of permanent registration plates provided for in this paragraph, the Division  
14 shall collect a fee of six dollars (\$6.00) for each vehicle so registered and licensed.

15    The provisions of this section are hereby made applicable to vehicles owned by a  
16 rural fire department, agency or association.

17    The Division of Motor Vehicles shall issue to the North Carolina Tuberculosis  
18 Association, Incorporated, or any local chapter or association of said corporation, for  
19 a fee of six dollars (\$6.00) for each plate a permanent registration plate which need  
20 not be thereafter renewed for each motor vehicle in the form of a mobile X-ray unit  
21 which is owned by said North Carolina Tuberculosis Association, Incorporated, or  
22 any local chapter or local association thereof and operated exclusively in this State  
23 for the purpose of diagnosis, treatment and discovery of tuberculosis. The initial six  
24 dollars (\$6.00) fee required by this section and for this purpose shall be in full  
25 payment of the permanent registration plates issued for such vehicle operated as a  
26 mobile X-ray unit, and such plates need not thereafter be renewed, and such plates  
27 may be transferred as provided in G.S. 20-78 to replacement vehicles to be used for  
28 the purposes above described and for which the plates were originally issued.

29    The Division of Motor Vehicles shall issue to the American National Red Cross,  
30 upon application of any local chapter thereof and payment of a fee of six dollars  
31 (\$6.00) for each plate, a permanent registration plate, which need not be thereafter  
32 renewed, for all disaster vans, bloodmobiles, handivans, and such sedans and station  
33 wagons as are used for emergency or disaster work, and operated by a local chapter  
34 in this State in the business of the American National Red Cross. Such plates may be  
35 transferred as provided in G.S. 20-78 to a replacement vehicle to be used for the  
36 purposes above described and for which the plates were originally issued. In the  
37 event of transfer of ownership to any other person, firm or corporation, or transfer or  
38 reassignment of any vehicle bearing such registration plate to any chapter or  
39 association of the American National Red Cross in any other state, territory or  
40 country, the registration plate assigned to such vehicle shall be surrendered to the  
41 Division of Motor Vehicles.

42    In lieu of all other registration requirements, the Commissioner shall each year  
43 assign to the State Highway Patrol, upon payment of six dollars (\$6.00) per  
44 registration plate, a sufficient number of regular registration plates of the same letter



1 prefix and in numerical sequence beginning with number 100 to meet the  
2 requirements of the State Highway Patrol for use on Division vehicles assigned to the  
3 State Highway Patrol. The commander of the Patrol shall, when such plates are  
4 assigned, issue to each member of the State Highway Patrol a registration plate for  
5 use upon the Division vehicle assigned to him pursuant to G.S. 20-190 and assign a  
6 registration plate to each Division service vehicle operated by the Patrol. An index of  
7 such assignments of registration plates shall be kept at each State Highway Patrol  
8 radio station and a copy thereof shall be furnished to the registration division of the  
9 Division. Information as to the individual assignments of such registration plates shall  
10 be made available to the public upon request to the same extent and in the same  
11 manner as regular registration information. The commander, when necessary, may  
12 reassign registration plates provided that such reassignment shall be made to appear  
13 upon the index required herein within 20 days after such reassignment.

14 The Division of Motor Vehicles shall, upon appropriate certification of financial  
15 responsibility, issue to sheltered workshops recognized or approved by the Division of  
16 Vocational Rehabilitation Services and to public and nonprofit agencies or  
17 organizations which provide transportation for or operate programs subject to and  
18 approved in accordance with standards adopted by the Commission for Mental  
19 Health, Developmental Disabilities, and Substance Abuse Services of the Department  
20 of Health and Human Services upon application and payment of a fee of six dollars  
21 (\$6.00) for each plate, a permanent registration plate for vehicles registered to and  
22 operated by such agencies. The initial six dollars (\$6.00) fee required by this section  
23 and for this purpose shall be in full payment of the permanent registration plate  
24 issued for such vehicle operated by a sheltered workshop and such plates need not  
25 thereafter be renewed, and such plates may be transferred as provided in G.S. 20-78  
26 to a replacement vehicle to be used by the sheltered workshop designated on the  
27 registration card.

28 On and after January 1, 1972, permanent registration plates used on all vehicles  
29 owned by the State of North Carolina or a department thereof shall be of a  
30 distinctive color and design which shall be readily distinguishable from all other  
31 permanent registration plates issued pursuant to this section or G.S. 20-84.1. For the  
32 purpose of carrying out the intent of this paragraph, all vehicles owned by the State  
33 of North Carolina or a department thereof in operation as of October 1, 1971, and  
34 bearing a permanent registration shall be reregistered during the months of October,  
35 November and December, 1971, and upon reregistration, registration plates issued for  
36 such vehicles shall be of a distinctive color and design as provided for hereinabove."

37 Section 2. This act becomes effective July 1, 1999.

## VISITOR REGISTRATION SHEET

## TRANSPORTATION

Name of Committee

6/9/99

Date \_\_\_\_\_

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

NAME \_\_\_\_\_

**FIRM OR AGENCY AND ADDRESS**

Natalie English

NC Agribusiness Council

**AGENDA**  
**TRANSPORTATION COMMITTEE**  
**WEDNESDAY, JUNE 23, 1999**  
**1027 – LB**

HB 303	--	Commercial Vehicle Safety/AB.	Rep. Saunders
HB 937	--	Regional Transportation Auth. Amd.	Rep. Gray
HB 1054	--	Activity Buses Stop – RR Crossings	Rep. Mosley
HB 1085		Transitways	Rep. McMahan
HB 1263		Recog.. Federally Issued Licenses	Rep. Thomas

## Senate Transportation Committee Meeting

The Senate Transportation Committee met on Wednesday, June 23, 1999 at 11:00 a.m. Legislative Building - 1027. Nine members were present. Senator Larry Shaw, Chairman presided.

The following bills were on the agenda for consideration:

HB 303 Commercial Vehicle Safety/A.B.  
HB 937 Regional Transportation Auth. Amd  
HB 1054 Activity Buses Stop - RR Crossings  
HB 1085 Transitways  
HB 1263 Recog. Federally Issued Licenses (removed from agenda)

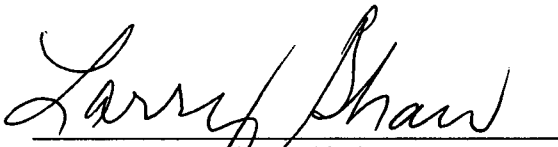
Senator L. Shaw recognized Senator Reeves on behalf of Representative Mosley. - HB 1054 - Activity Buses Stop - RR Crossings. The current law requires all school buses to stop at railroad crossings, but does not apply to school activity buses. School activity buses are those vehicles that are in between a van and a school bus. Also, this will not affect any vehicle with less than 15 passengers. Senator Carpenter moved for a favorable report. The motion carried unanimously.

Senator L. Shaw recognized Representative Thomas, to discuss HB 1263 - Recog.. Federally Issued Licenses. After discussion Senator Garwood moved for a favorable report. The motion carried unanimously.

Senator Larry Shaw recognized Representative Gray who discussed HB 937 - Regional Transportation Auth. Amd. Committee Substitutes were handed out to members for further discussion. Senator Carpenter moved adoption of Committee Substitute. Motion carried. Senator Carpenter moved for a favorable report of the Committee Substitute and recommended referral to the Finance Committee

Representative Saunders was recognized to discuss HB 303. Commercial Vehicle Safety/AB. After discussion Senator Hartsell moved the adoption of an amendment to the bill. Motion carried. Senator Hartsell moved the favorable report of the bill as amended and that it be engrossed into a Committee Substitute. Motion carried unanimously.

There being no further business the adjourned.

  
\_\_\_\_\_  
Senator Larry Shaw, Chairman

  
\_\_\_\_\_  
Barbara Lee, Committee Clerk

**NORTH CAROLINA GENERAL ASSEMBLY  
SENATE**

**TRANSPORTATION COMMITTEE REPORT  
Senator Larry Shaw, Chair**

Thursday, June 24, 1999

SENATOR LARRY SHAW,  
Submits the following with recommendations as to passage:

**FAVORABLE**

H.B. 1054	Activity Buses Stop-RR Crossings.
	Sequential Referral: None
	Recommended Referral: None

H.B. 1263	Recog.-Federally Issued Licenses.
	Sequential Referral: None
	Recommended Referral: None

**TOTAL REPORTED: 2**

Committee Clerk Comment:

**NORTH CAROLINA GENERAL ASSEMBLY  
SENATE**

**TRANSPORTATION COMMITTEE REPORT  
Senator Larry Shaw, Chair**

Tuesday, June 29, 1999

SENATOR LARRY SHAW,  
submits the following with recommendations as to passage:

**UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 1,  
BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL**

H.B.(CS #1)303	Commercial Vehicle Safety/AB.
	Draft Number: PCS3449
	Sequential Referral: None
	Recommended Referral: None
	Long Title Amended: No

H.B.(CS #1)937	Regional Transportation Authority Amd.
	Draft Number: PCS4273
	Sequential Referral: None
	Recommended Referral: Finance
	Long Title Amended: No

TOTAL REPORTED: 2

Committee Clerk Comment:

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

4

HOUSE BILL 303\*  
Committee Substitute Favorable 4/7/99  
Third Edition Engrossed 4/14/99  
Corrected Copy 4/19/99

Short Title: Commercial Vehicle Safety/AB.

(Public)

Sponsors:

Referred to:

March 4, 1999

1 A BILL TO BE ENTITLED  
2 AN ACT TO AMEND THE LAWS RELATING TO COMMERCIAL VEHICLE  
3 HIGHWAY SAFETY AND WORK ZONE SAFETY.  
4 The General Assembly of North Carolina enacts:  
5 Section 1. Chapter 20 of the General Statutes is amended by adding a  
6 new section to read:  
7 "§ 20-17.7. Commercial motor vehicle out-of-service fines authorized.  
8 The Commissioner may adopt rules implementing fines for violation of out-of-  
9 service criteria as defined in 49 C.F.R. § 390.5. These fines may not exceed the  
10 schedule of fines adopted by the Commercial Motor Vehicle Safety Alliance that is in  
11 effect on the date of the violations."  
12 Section 2. Chapter 20 of the General Statutes is amended by adding a  
13 new section to read:  
14 "§ 20-138.2C. Possession of alcoholic beverages while operating a commercial motor  
15 vehicle.  
16 A person commits the offense of operating a commercial motor vehicle while  
17 possessing alcoholic beverages if the person drives a commercial motor vehicle, as  
18 defined in G.S. 20-4.01(3d), upon any highway, any street, or any public vehicular  
19 area within the State while having an open or closed alcoholic beverage in the  
20 passenger area of the commercial motor vehicle. This section shall not apply to the  
21 driver of a commercial motor vehicle that is also an excursion passenger vehicle, a

1 for-hire passenger vehicle, a common carrier of passengers, or a motor home, if the  
2 alcoholic beverage is in possession of a passenger or is in the passenger area of the  
3 vehicle."

4 Section 3. G.S. 20-141(j2) reads as rewritten:

5 "(j2) A person who drives a motor vehicle in a highway work zone at a speed  
6 greater than the speed limit set and posted under ~~G.S. 20-141 is responsible for an~~  
7 ~~infraction of "Speeding in a Highway Work Zone" and this section shall be required~~  
8 ~~to pay a penalty of not less than one hundred dollars (\$100.00), but not more than~~  
9 ~~two hundred fifty dollars (\$250.00). This penalty shall be imposed in addition to~~  
10 ~~those penalties established in this Chapter.~~ A "highway work zone" is the area  
11 between the first sign that informs motorists of the existence of a work zone on a  
12 highway and the last sign that informs motorists of the end of the work zone. This  
13 subsection applies only if a sign posted at the beginning of the highway work zone  
14 states the penalty for speeding in the work zone. The Secretary shall ensure that work  
15 zones shall only be posted with penalty signs if the Secretary determines, after  
16 engineering review, that the posting is necessary to ensure the safety of the traveling  
17 public due to a hazardous condition.

18 A law enforcement officer issuing a citation for a violation of this section while in  
19 a highway work zone shall indicate the vehicle speed and speed limit posted in the  
20 work zone. Upon an individual's conviction of a violation of this section while in a  
21 highway work zone, the clerk of court shall report that the vehicle was in a work  
22 zone at the time of the violation, the vehicle speed, and the speed limit of the work  
23 zone to the Division of Motor Vehicles."

24 Section 4. G.S. 20-309(a) reads as rewritten:

25 "(a) No ~~self-propelled~~ motor vehicle shall be registered in this State unless the  
26 owner at the time of registration has financial responsibility for the operation of such  
27 motor vehicle, as provided in this Article. The owner of each motor vehicle  
28 registered in this State shall maintain financial responsibility continuously throughout  
29 the period of registration.

30 An owner of a commercial motor vehicle, as defined in G.S. 20-4.01(3d), shall  
31 have financial responsibility for the operation of the motor vehicle as required by this  
32 section. The financial responsibility for a commercial motor vehicle shall be equal to  
33 that required in 49 C.F.R. §§ 387.3, 387.5, 387.7, and 387.11 for for-hire or private  
34 motor vehicles transporting property in interstate or intrastate commerce."

35 Section 4.1. G.S. 20-279.32 reads as rewritten:

36 "§ 20-279.32. Exceptions.

37 This Article does not apply to a motor vehicle registered under G.S. 20-382 ~~or~~  
38 ~~G.S. 20-382.1~~ by a for-hire motor carrier. This Article does not apply to any motor  
39 vehicle owned by the State of North Carolina, nor does it apply to the operator of a  
40 vehicle owned by the State of North Carolina who becomes involved in an accident  
41 while operating the state-owned vehicle if the Commissioner determines that the  
42 vehicle at the time of the accident was probably being operated in the course of the  
43 operator's employment as an employee or officer of the State. This Article does not  
44 apply to any motor vehicle owned by a county or municipality of the State of North



1 Carolina, nor does it apply to the operator of a vehicle owned by a county or  
2 municipality of the State of North Carolina who becomes involved in an accident  
3 while operating such vehicle in the course of the operator's employment as an  
4 employee or officer of the county or municipality. This Article does not apply to the  
5 operator of a vehicle owned by a political subdivision, other than a county or  
6 municipality, of the State of North Carolina who becomes involved in an accident  
7 while operating such vehicle if the Commissioner determines that the vehicle at the  
8 time of the accident was probably being operated in the course of the operator's  
9 employment as an employee or officer of the subdivision providing that the  
10 Commissioner finds that the political subdivision has waived any immunity it has  
11 with respect to such accidents and has in force an insurance policy or other method  
12 of satisfying claims which may arise out of the accident. This Article does not apply  
13 to any motor vehicle owned by the federal government, nor does it apply to the  
14 operator of a motor vehicle owned by the federal government who becomes involved  
15 in an accident while operating the government-owned vehicle if the Commissioner  
16 determines that the vehicle at the time of the accident was probably being operated  
17 in the course of the operator's employment as an employee or officer of the federal  
18 government."

19 Section 5. G.S. 20-140.3 reads as rewritten:

20 **"§ 20-140.3. Unlawful use of National System of Interstate and Defense Highways and**  
21 **other controlled-access highways.**

22 On those sections of highways which are or become a part of the National System  
23 of Interstate and Defense Highways and other controlled-access highways, it shall be  
24 unlawful for any person:

- 25 (1) To drive a vehicle over, upon, or across any curb, central dividing  
26 section or other separation or dividing line on said highways.
- 27 (2) To make a left turn or a semicircular or U-turn except through an  
28 opening provided for that purpose in the dividing curb, separation  
29 section, or line on said highways.
- 30 (3) To drive any vehicle except in the proper lane provided for that  
31 purpose and in the proper direction and to the right of the central  
32 dividing curb, separation section, or line on said highways.
- 33 (4) To drive a vehicle onto or from any controlled-access highway  
34 except at such entrances and exits as are established by public  
35 authority.
- 36 (5) To stop, park, or leave standing any vehicle, whether attended or  
37 unattended, on any part or portion of the right-of-way of said  
38 highways, except in the case of an emergency or as directed by a  
39 peace officer, or at designated parking areas.
- 40 (6) To fail to yield the right-of-way when entering the highway to any  
41 vehicle already travelling on the highway.
- 42 (7) Notwithstanding any other subdivision of this section, a ~~member of~~  
43 ~~the State Highway Patrol~~ law enforcement officer may cross the  
44 median of a divided highway when he has reasonable grounds to

believe that a felony is being or has been committed, has personal knowledge that a vehicle is being operated at a speed or in a manner which is likely to endanger persons or property, or the ~~patrol member~~ officer has reasonable grounds to believe that his presence is immediately required at a location which would necessitate his crossing a median of a divided highway for this purpose."

Section 6. G.S. 136-89.58 reads as rewritten:

**"§ 136-89.58. Unlawful use of National System of Interstate and Defense Highways and other controlled-access facilities.**

On those sections of highways which are or become a part of the National System of Interstate and Defense Highways and other controlled-access facilities it shall be unlawful for any person:

- (1) To drive a vehicle over, upon or across any curb, central dividing section or other separation or dividing line on said highways.
- (2) To make a left turn or a semicircular or U-turn except through an opening provided for that purpose in the dividing curb section, separation, or line on said highways.
- (3) To drive any vehicle except in the proper lane provided for that purpose and in the proper direction and to the right of the central dividing curb, separation section, or line on said highways.
- (4) To drive any vehicle into the main travel lanes or lanes of connecting ramps or interchanges except through an opening or connection provided for that purpose by the Department of Transportation.
- (5) To stop, park, or leave standing any vehicle, whether attended or unattended, on any part or portion of the right-of-way of said highways, except in the case of an emergency or as directed by a peace officer, or as designated parking areas.
- (6) To willfully damage, remove, climb, cross or breach any fence erected within the rights-of-way of said highways.
- ~~(7) Notwithstanding any other subdivision of this section, a member of the State Highway Patrol may cross the median of a divided highway when he has reasonable grounds to believe that a felony is being or has been committed, has personal knowledge that a vehicle is being operated at a speed or in a manner which is likely to endanger persons or property, or the patrol member has reasonable grounds to believe that his presence is immediately required at a location which would necessitate his crossing a median of a divided highway for this purpose.~~

Any person who violates any of the provisions of this section shall be guilty of a Class 2 misdemeanor."

Section 7. G.S. 20-16(c) reads as rewritten:

1    "(c) The Division shall maintain a record of convictions of every person licensed  
2    or required to be licensed under the provisions of this Article as an operator and  
3    shall enter therein records of all convictions of such persons for any violation of the  
4    motor vehicle laws of this State and shall assign to the record of such person, as of  
5    the date of commission of the offense, a number of points for every such conviction  
6    in accordance with the following schedule of convictions and points, except that  
7    points shall not be assessed for convictions resulting in suspensions or revocations  
8    under other provisions of laws: Further, any points heretofore charged for violation of  
9    the motor vehicle inspection laws shall not be considered by the Division of Motor  
10   Vehicles as a basis for suspension or revocation of driver's license:

### Schedule of Point Values

14	Passing stopped school bus	5
15	Reckless driving	4
16	Hit and run, property damage only	4
17	Following too close	4
18	Driving on wrong side of road	4
19	Illegal passing	4
20	Running through stop sign	3
21	Speeding in excess of 55 miles per hour	3
22	Failing to yield right-of-way	3
23	Running through red light	3
24	No driver's license or license expired more than	
25	one year	3
26	Failure to stop for siren	3
27	Driving through safety zone	3
28	No liability insurance	3
29	Failure to report accident where such report is	
30	required	3
31	Speeding in a school zone in excess of the	
32	posted school zone speed limit	3
33	All other moving violations	2
34	Littering pursuant to G.S. 14-399 when the	
35	littering involves the use of a motor vehicle	1

### Schedule of Point Values for Violations While Operating a Commercial Motor Vehicle

40	<u>Passing stopped school bus</u>	8
41	<u>Rail-highway crossing violation</u>	6
42	<u>Reckless driving</u>	5
43	<u>Hit and run, property damage only</u>	5
44	<u>Following too close</u>	5

1	<u>Driving on wrong side of road</u>	5
2	<u>Illegal passing</u>	5
3	<u>Running through stop sign</u>	4
4	<u>Speeding in excess of 55 miles per hour</u>	4
5	<u>Failing to yield right-of-way</u>	4
6	<u>Running through red light</u>	4
7	<u>No driver's license or license expired more than</u>	
8	<u>one year</u>	4
9	<u>Failure to stop for siren</u>	4
10	<u>Driving through safety zone</u>	4
11	<u>No liability insurance</u>	4
12	<u>Failure to report accident where such report is</u>	
13	<u>required</u>	4
14	<u>Speeding in a school zone in excess of the</u>	
15	<u>posted school zone speed limit</u>	4
16	<u>Possessing alcoholic beverages in the</u>	
17	<u>passenger area of a commercial motor</u>	
18	<u>vehicle</u>	4
19	<u>All other moving violations</u>	3
20	<u>Littering pursuant to G.S. 14-399 when the</u>	
21	<u>littering involves the use of a motor vehicle</u>	1
22		
23	The above provisions of this subsection shall only apply to violations and	
24	convictions which take place within the State of North Carolina.	
25	No points shall be assessed for conviction of the following offenses:	
26		
27	Overloads	
28	Over length	
29	Over width	
30	Over height	
31	Illegal parking	
32	Carrying concealed weapon	
33	Improper plates	
34	Improper registration	
35	Improper muffler	
36	<del>Public drunk within a vehicle</del>	
37	<del>Possession of alcoholic beverages</del>	
38	Improper display of license plates or dealers' tags	
39	Unlawful display of emblems and insignia	
40	Failure to display current inspection certificate.	
41		
42	In case of the conviction of a licensee of two or more traffic offenses committed on	
43	a single occasion, such licensee shall be assessed points for one offense only and if the	

1 offenses involved have a different point value, such licensee shall be assessed for the  
2 offense having the greater point value.

3 Upon the restoration of the license or driving privilege of such person whose  
4 license or driving privilege has been suspended or revoked because of conviction for  
5 a traffic offense, any points that might previously have been accumulated in the  
6 driver's record shall be cancelled.

7 Whenever any licensee accumulates as many as seven points or accumulates as  
8 many as four points during a three-year period immediately following reinstatement  
9 of his license after a period of suspension or revocation, the Division may request the  
10 licensee to attend a conference regarding such licensee's driving record. The Division  
11 may also afford any licensee who has accumulated as many as seven points or any  
12 licensee who has accumulated as many as four points within a three-year period  
13 immediately following reinstatement of his license after a period of suspension or  
14 revocation an opportunity to attend a driver improvement clinic operated by the  
15 Division and, upon the successful completion of the course taken at the clinic, three  
16 points shall be deducted from the licensee's conviction record; provided, that only  
17 one deduction of points shall be made on behalf of any licensee within any five-year  
18 period.

19 When a license is suspended under the point system provided for herein, the first  
20 such suspension shall be for not more than 60 days; the second such suspension shall  
21 not exceed six months and any subsequent suspension shall not exceed one year.

22 Whenever the driver's license of any person is subject to suspension under this  
23 subsection and at the same time also subject to suspension or revocation under other  
24 provisions of laws, such suspensions or revocations shall run concurrently.

25 In the discretion of the Division, a period of probation not to exceed one year may  
26 be substituted for suspension or for any unexpired period of suspension under  
27 subsections (a)(1) through (a)(10a) of this section. Any violation of probation during  
28 the probation period shall result in a suspension for the unexpired remainder of the  
29 suspension period. Any accumulation of three or more points under this subsection  
30 during a period of probation shall constitute a violation of the condition of  
31 probation."

32 Section 8. Chapter 20 of the General Statutes is amended by adding a  
33 new section to read:

34 **"§ 20-16A. Double penalties for offenses committed while operating a commercial**  
35 **motor vehicle.**

36 **Any infraction or misdemeanor committed in violation of Chapter 20 while**  
37 **operating a commercial motor vehicle may be assessed double the amount of any fine**  
38 **or penalty authorized by statute."**

39 Section 9. This act becomes effective December 1, 1999, and applies to  
40 violations occurring on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

SENATE  
COMMITTEE SUBSTITUTE

SESSION 1999

JUN 29 1999

H

ADOPTED

D

HOUSE BILL 303\*  
Committee Substitute Favorable 4/7/99  
Third Edition Engrossed 4/14/99  
Corrected Copy 4/19/99  
Proposed Senate Committee Substitute H303-PCS3449-RV

Short Title: Commercial Vehicle Safety/AB.

(Public)

Sponsors:

Referred to:

March 4, 1999

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO AMEND THE LAWS RELATING TO COMMERCIAL VEHICLE  
3 HIGHWAY SAFETY AND WORK ZONE SAFETY.  
4 The General Assembly of North Carolina enacts:  
5 Section 1. Chapter 20 of the General Statutes is amended by adding a  
6 new section to read:  
7 "§ 20-17.7. Commercial motor vehicle out-of-service fines authorized.  
8 The Commissioner may adopt rules implementing fines for violation of out-of-  
9 service criteria as defined in 49 C.F.R. § 390.5. These fines may not exceed the  
10 schedule of fines adopted by the Commercial Motor Vehicle Safety Alliance that is in  
11 effect on the date of the violations."  
12 Section 2. Chapter 20 of the General Statutes is amended by adding a  
13 new section to read:  
14 "§ 20-138.2C. Possession of alcoholic beverages while operating a commercial motor  
15 vehicle.  
16 A person commits the offense of operating a commercial motor vehicle while  
17 possessing alcoholic beverages if the person drives a commercial motor vehicle, as  
18 defined in G.S. 20-4.01(3d), upon any highway, any street, or any public vehicular  
19 area within the State while having an open or closed alcoholic beverage in the  
20 passenger area of the commercial motor vehicle. This section shall not apply to the  
21 driver of a commercial motor vehicle that is also an excursion passenger vehicle, a

1 for-hire passenger vehicle, a common carrier of passengers, or a motor home, if the  
2 alcoholic beverage is in possession of a passenger or is in the passenger area of the  
3 vehicle."

4 Section 3. G.S. 20-141(j2) reads as rewritten:

5 "(j2) A person who drives a motor vehicle in a highway work zone at a speed  
6 greater than the speed limit set and posted under G.S. 20-141 is responsible for an  
7 ~~infraction of "Speeding in a Highway Work Zone"~~ and this section shall be required  
8 to pay a penalty of ~~not less than one hundred dollars (\$100.00), but not more than~~  
9 two hundred fifty dollars (\$250.00). This penalty shall be imposed in addition to  
10 those penalties established in this Chapter. A "highway work zone" is the area  
11 between the first sign that informs motorists of the existence of a work zone on a  
12 highway and the last sign that informs motorists of the end of the work zone. This  
13 subsection applies only if a sign posted at the beginning of the highway work zone  
14 states the penalty for speeding in the work zone. The Secretary shall ensure that work  
15 zones shall only be posted with penalty signs if the Secretary determines, after  
16 engineering review, that the posting is necessary to ensure the safety of the traveling  
17 public due to a hazardous condition.

18 A law enforcement officer issuing a citation for a violation of this section while in  
19 a highway work zone shall indicate the vehicle speed and speed limit posted in the  
20 work zone. Upon an individual's conviction of a violation of this section while in a  
21 highway work zone, the clerk of court shall report that the vehicle was in a work  
22 zone at the time of the violation, the vehicle speed, and the speed limit of the work  
23 zone to the Division of Motor Vehicles."

24 Section 4. G.S. 20-309(a) reads as rewritten:

25 "(a) No ~~self-propelled~~ motor vehicle shall be registered in this State unless the  
26 owner at the time of registration has financial responsibility for the operation of such  
27 motor vehicle, as provided in this Article. The owner of each motor vehicle  
28 registered in this State shall maintain financial responsibility continuously throughout  
29 the period of registration.

30 An owner of a commercial motor vehicle, as defined in G.S. 20-4.01(3d), shall  
31 have financial responsibility for the operation of the motor vehicle as required by this  
32 section. The financial responsibility for a commercial motor vehicle shall be equal to  
33 that required in 49 C.F.R. §§ 387.3, 387.5, 387.7, and 387.11 for for-hire or private  
34 motor vehicles transporting property in interstate or intrastate commerce."

35 Section 4.1. G.S. 20-279.32 reads as rewritten:

36 "§ 20-279.32. Exceptions.

37 This Article does not apply to a motor vehicle registered under G.S. 20-382 ~~or~~  
38 ~~G.S. 20-382.1~~ by a for-hire motor carrier. This Article does not apply to any motor  
39 vehicle owned by the State of North Carolina, nor does it apply to the operator of a  
40 vehicle owned by the State of North Carolina who becomes involved in an accident  
41 while operating the state-owned vehicle if the Commissioner determines that the  
42 vehicle at the time of the accident was probably being operated in the course of the  
43 operator's employment as an employee or officer of the State. This Article does not  
44 apply to any motor vehicle owned by a county or municipality of the State of North

1 Carolina, nor does it apply to the operator of a vehicle owned by a county or  
2 municipality of the State of North Carolina who becomes involved in an accident  
3 while operating such vehicle in the course of the operator's employment as an  
4 employee or officer of the county or municipality. This Article does not apply to the  
5 operator of a vehicle owned by a political subdivision, other than a county or  
6 municipality, of the State of North Carolina who becomes involved in an accident  
7 while operating such vehicle if the Commissioner determines that the vehicle at the  
8 time of the accident was probably being operated in the course of the operator's  
9 employment as an employee or officer of the subdivision providing that the  
10 Commissioner finds that the political subdivision has waived any immunity it has  
11 with respect to such accidents and has in force an insurance policy or other method  
12 of satisfying claims which may arise out of the accident. This Article does not apply  
13 to any motor vehicle owned by the federal government, nor does it apply to the  
14 operator of a motor vehicle owned by the federal government who becomes involved  
15 in an accident while operating the government-owned vehicle if the Commissioner  
16 determines that the vehicle at the time of the accident was probably being operated  
17 in the course of the operator's employment as an employee or officer of the federal  
18 government."

19 Section 5. G.S. 20-140.3 reads as rewritten:

20 "§ 20-140.3. Unlawful use of National System of Interstate and Defense Highways and  
21 other controlled-access highways.

22 On those sections of highways which are or become a part of the National System  
23 of Interstate and Defense Highways and other controlled-access highways, it shall be  
24 unlawful for any person:

- 25 (1) To drive a vehicle over, upon, or across any curb, central dividing  
26 section or other separation or dividing line on said highways.
- 27 (2) To make a left turn or a semicircular or U-turn except through an  
28 opening provided for that purpose in the dividing curb, separation  
29 section, or line on said highways.
- 30 (3) To drive any vehicle except in the proper lane provided for that  
31 purpose and in the proper direction and to the right of the central  
32 dividing curb, separation section, or line on said highways.
- 33 (4) To drive a vehicle onto or from any controlled-access highway  
34 except at such entrances and exits as are established by public  
35 authority.
- 36 (5) To stop, park, or leave standing any vehicle, whether attended or  
37 unattended, on any part or portion of the right-of-way of said  
38 highways, except in the case of an emergency or as directed by a  
39 peace officer, or at designated parking areas.
- 40 (6) To fail to yield the right-of-way when entering the highway to any  
41 vehicle already travelling on the highway.
- 42 (7) Notwithstanding any other subdivision of this section, a ~~member of~~  
43 ~~the State Highway Patrol~~ law enforcement officer may cross the  
44 median of a divided highway when ~~he~~ the officer has reasonable



1 grounds to believe that a felony is being or has been committed,  
2 has personal knowledge that a vehicle is being operated at a speed  
3 or in a manner which is likely to endanger persons or property, or  
4 the ~~patrol member~~ officer has reasonable grounds to believe that  
5 ~~his~~ the officer's presence is immediately required at a location  
6 which would necessitate ~~his~~ crossing a median of a divided  
7 highway for this purpose. Fire department vehicles and public or  
8 private ambulances and rescue squad emergency service vehicles  
9 traveling in response to a fire alarm or other emergency call may  
10 cross the median of a divided highway when assistance is  
11 immediately required at a location which would necessitate the  
12 vehicle crossing a median of a divided highway for this purpose."

13 Section 6. G.S. 136-89.58 reads as rewritten:

14 "**§ 136-89.58. Unlawful use of National System of Interstate and Defense Highways**  
15 **and other controlled-access facilities.**

16 On those sections of highways which are or become a part of the National System  
17 of Interstate and Defense Highways and other controlled-access facilities it shall be  
18 unlawful for any person:

- 19 (1) To drive a vehicle over, upon or across any curb, central dividing  
20 section or other separation or dividing line on said highways.
- 21 (2) To make a left turn or a semicircular or U-turn except through an  
22 opening provided for that purpose in the dividing curb section,  
23 separation, or line on said highways.
- 24 (3) To drive any vehicle except in the proper lane provided for that  
25 purpose and in the proper direction and to the right of the central  
26 dividing curb, separation section, or line on said highways.
- 27 (4) To drive any vehicle into the main travel lanes or lanes of  
28 connecting ramps or interchanges except through an opening or  
29 connection provided for that purpose by the Department of  
30 Transportation.
- 31 (5) To stop, park, or leave standing any vehicle, whether attended or  
32 unattended, on any part or portion of the right-of-way of said  
33 highways, except in the case of an emergency or as directed by a  
34 peace officer, or as designated parking areas.
- 35 (6) To willfully damage, remove, climb, cross or breach any fence  
36 erected within the rights-of-way of said highways.
- 37 ~~(7) Notwithstanding any other subdivision of this section, a member of~~  
38 ~~the State Highway Patrol may cross the median of a divided~~  
39 ~~highway when he has reasonable grounds to believe that a felony is~~  
40 ~~being or has been committed, has personal knowledge that a~~  
41 ~~vehicle is being operated at a speed or in a manner which is likely~~  
42 ~~to endanger persons or property, or the patrol member has~~  
43 ~~reasonable grounds to believe that his presence is immediately~~

1                   ~~required at a location which would necessitate his crossing a~~  
2                   ~~median of a divided highway for this purpose.~~

3       Any person who violates any of the provisions of this section shall be guilty of a  
4 Class 2 misdemeanor."

5               Section 7. G.S. 20-16(c) reads as rewritten:

6       "(c) The Division shall maintain a record of convictions of every person licensed  
7 or required to be licensed under the provisions of this Article as an operator and  
8 shall enter therein records of all convictions of such persons for any violation of the  
9 motor vehicle laws of this State and shall assign to the record of such person, as of  
10 the date of commission of the offense, a number of points for every such conviction  
11 in accordance with the following schedule of convictions and points, except that  
12 points shall not be assessed for convictions resulting in suspensions or revocations  
13 under other provisions of laws: Further, any points heretofore charged for violation of  
14 the motor vehicle inspection laws shall not be considered by the Division of Motor  
15 Vehicles as a basis for suspension or revocation of driver's license:

16

17

#### Schedule of Point Values

18

19	Passing stopped school bus	5
20	Reckless driving	4
21	Hit and run, property damage only	4
22	Following too close	4
23	Driving on wrong side of road	4
24	Illegal passing	4
25	Running through stop sign	3
26	Speeding in excess of 55 miles per hour	3
27	Failing to yield right-of-way	3
28	Running through red light	3
29	No driver's license or license expired more than	
30	one year	3
31	Failure to stop for siren	3
32	Driving through safety zone	3
33	No liability insurance	3
34	Failure to report accident where such report is	
35	required	3
36	Speeding in a school zone in excess of the	
37	posted school zone speed limit	3
38	All other moving violations	2
39	Littering pursuant to G.S. 14-399 when the	
40	littering involves the use of a motor vehicle	1

41

#### Schedule of Point Values for Violations While Operating a Commercial Motor Vehicle

43

44

1	<u>Passing stopped school bus</u>	8
2	<u>Rail-highway crossing violation</u>	6
3	<u>Reckless driving</u>	5
4	<u>Hit and run, property damage only</u>	5
5	<u>Following too close</u>	5
6	<u>Driving on wrong side of road</u>	5
7	<u>Illegal passing</u>	5
8	<u>Running through stop sign</u>	4
9	<u>Speeding in excess of 55 miles per hour</u>	4
10	<u>Failing to yield right-of-way</u>	4
11	<u>Running through red light</u>	4
12	<u>No driver's license or license expired more than</u>	
13	<u>one year</u>	4
14	<u>Failure to stop for siren</u>	4
15	<u>Driving through safety zone</u>	4
16	<u>No liability insurance</u>	4
17	<u>Failure to report accident where such report is</u>	
18	<u>required</u>	4
19	<u>Speeding in a school zone in excess of the</u>	
20	<u>posted school zone speed limit</u>	4
21	<u>Possessing alcoholic beverages in the</u>	
22	<u>passenger area of a commercial motor</u>	
23	<u>vehicle</u>	4
24	<u>All other moving violations</u>	3
25	<u>Littering pursuant to G.S. 14-399 when the</u>	
26	<u>littering involves the use of a motor vehicle</u>	1

28 The above provisions of this subsection shall only apply to violations and  
 29 convictions which take place within the State of North Carolina.

30 No points shall be assessed for conviction of the following offenses:

- 31
- 32 Overloads
- 33 Over length
- 34 Over width
- 35 Over height
- 36 Illegal parking
- 37 Carrying concealed weapon
- 38 Improper plates
- 39 Improper registration
- 40 Improper muffler
- 41 ~~Public drunk within a vehicle~~
- 42 ~~Possession of alcoholic beverages~~
- 43 Improper display of license plates or dealers' tags
- 44 Unlawful display of emblems and insignia

1 Failure to display current inspection certificate.

2  
3 In case of the conviction of a licensee of two or more traffic offenses committed on  
4 a single occasion, such licensee shall be assessed points for one offense only and if the  
5 offenses involved have a different point value, such licensee shall be assessed for the  
6 offense having the greater point value.

7 Upon the restoration of the license or driving privilege of such person whose  
8 license or driving privilege has been suspended or revoked because of conviction for  
9 a traffic offense, any points that might previously have been accumulated in the  
10 driver's record shall be cancelled.

11 Whenever any licensee accumulates as many as seven points or accumulates as  
12 many as four points during a three-year period immediately following reinstatement  
13 of his license after a period of suspension or revocation, the Division may request the  
14 licensee to attend a conference regarding such licensee's driving record. The Division  
15 may also afford any licensee who has accumulated as many as seven points or any  
16 licensee who has accumulated as many as four points within a three-year period  
17 immediately following reinstatement of his license after a period of suspension or  
18 revocation an opportunity to attend a driver improvement clinic operated by the  
19 Division and, upon the successful completion of the course taken at the clinic, three  
20 points shall be deducted from the licensee's conviction record; provided, that only  
21 one deduction of points shall be made on behalf of any licensee within any five-year  
22 period.

23 When a license is suspended under the point system provided for herein, the first  
24 such suspension shall be for not more than 60 days; the second such suspension shall  
25 not exceed six months and any subsequent suspension shall not exceed one year.

26 Whenever the driver's license of any person is subject to suspension under this  
27 subsection and at the same time also subject to suspension or revocation under other  
28 provisions of laws, such suspensions or revocations shall run concurrently.

29 In the discretion of the Division, a period of probation not to exceed one year may  
30 be substituted for suspension or for any unexpired period of suspension under  
31 subsections (a)(1) through (a)(10a) of this section. Any violation of probation during  
32 the probation period shall result in a suspension for the unexpired remainder of the  
33 suspension period. Any accumulation of three or more points under this subsection  
34 during a period of probation shall constitute a violation of the condition of  
35 probation."

36 Section 8. Chapter 20 of the General Statutes is amended by adding a  
37 new section to read:

38 "§ 20-16A. Double penalties for offenses committed while operating a commercial  
39 motor vehicle.

40 Any infraction or misdemeanor committed in violation of Chapter 20 while  
41 operating a commercial motor vehicle may be assessed double the amount of any fine  
42 or penalty authorized by statute."

43 Section 9. This act becomes effective December 1, 1999, and applies to  
44 violations occurring on or after that date.

## **Fact Sheet for HB 303 Amendment**

The amendment will rectify the problem that utility workers such as telephone and power company workers that drive bucket trucks are included in this bill.

There has been no testimony or data offered that shows utility company trucks being a problem or having any unusual amount of accidents or citations.

These workers use line trucks and bucket trucks primarily as a tool in which to perform their jobs. Since these trucks are not used to transport goods or products, there is no economic motivation to increase speed or decrease time to its destination.

The use of utility trucks is usually in a local area and therefore there are fewer road miles or road hours performed by these vehicles especially when compared to commercial tractor-trailer rigs.



**BILL ANALYSIS**

**HOUSE BILL 303:  
Commercial Vehicle Safety/AB**

**Committee:** Senate Transportation  
**Date:** June 10, 1999  
**Version:** 4th Edition

**Introduced by:** Representative Saunders  
**Summary by:** Brenda J. Carter  
Esther Manheimer  
Staff Counsel

**SUMMARY:** *House Bill 303 amends the laws relating to commercial vehicle safety so as to provide for fines for out-of-service violations, define the offense of possession of alcoholic beverages while operating a commercial motor vehicle, require \$750,000 of liability insurance for all commercial motor vehicles, increase the points violations for commercial motor vehicles, and double the penalties for offenses committed by drivers of commercial motor vehicles. In addition, HB 303 allows the Department of Transportation to charge individuals speeding in a work zone with speeding and assess a penalty of \$250 against the speeder. Finally, the bill allows all law enforcement officers to cross the median of a divided highway in certain situations.*

**BILL ANALYSIS:**

**Out-of-Service Fines.**

**Section 1.** Amends Chapter 20 by adding a new section, G.S. 20-17.7. **Commercial Motor Vehicle Out-of-Service Fines Authorized.** Under current law, the Department of Transportation (the Department) can place a commercial motor vehicle "out-of-service" when the vehicle is found to be in violation of any of a number of various criteria, but there is no fine that accompanies the violation. HB 303 would allow the Department to impose a fine for a violation of the out-of-service criteria.

**Possession of Alcohol.**

**Section 2.** Amends Chapter 20 by adding a new section, G.S. 20-138.2C. **Possession of alcoholic beverages while operating a commercial motor vehicle.** This section conforms North Carolina law to the federal law regarding alcohol possession. A person commits the offense of operating a commercial motor vehicle while possessing alcoholic beverages if the person drives a commercial motor vehicle while having alcoholic beverages in the passenger area of the commercial vehicle, unless the vehicle is an excursion passenger vehicle, a for-hire passenger vehicle, a common carrier of passengers, or a motor home, and the drink is in possession of a passenger or in the passenger area.

**Speeding in a Highway Work Zone.**

**Section 3.** Amends G.S. 20-141(j2). Under current law, a person who speeds in a highway work zone is either charged with speeding (which carries a drivers license points assessment) or with speeding in a highway work zone (which carries no drivers license points assessment but carries a penalty of \$100-\$250). HB 303 would allow the Department to charge a person speeding in a work zone with speeding (with the points violation) and require the speeder to pay a fine of \$250 in addition to the fines associated with speeding.

**Commercial Vehicle Insurance Requirements.**

**Section 4.** Amends G.S. 20-309(a) to require that all commercial motor vehicles operating in North Carolina have a minimum level of financial responsibility (insurance). HB 303 would require all commercial vehicles operating in the State to have \$750,000 of liability insurance.

**Section 4.1.** Eliminates financial responsibility exception under GS 20-279.32 regarding for-hire intrastate motor carriers registered under GS 20-382.1.

**Crossing the Median of a Divided Highway.**

**Sections 5 and 6.** Amends G.S. 20-140.3 and G.S. 136-89.56 to allow all law enforcement officers to cross the median of a divided highway. Under current law, this right is limited to members of the State Highway Patrol.

**Schedule of Point Values for Violations while Operating a Commercial Motor Vehicle.**

**Section 7.** Amends G.S. 20-16(c). Under current law, the Division of Motor Vehicles assigns the same number of drivers license points to the license of violators of the motor vehicle laws without distinguishing between drivers who were operating a commercial motor vehicle at the time of the offense and those who were not. HB 303 would require the Division of Motor Vehicles to assign a higher number of points for all offenses but littering to the license of a driver that commits the violation while operating a commercial motor vehicle.

In addition, illegally crossing railroad tracks in a commercial motor vehicle is a drivers license points violation (6 points).

Under current law, there are certain offenses for which no points are assessed against an offender's license. The bill deletes from this list the following: public drunk within a vehicle (the offense of "public drunk" no longer exists), and possession of alcoholic beverages (this is now a points offense).

**Penalties Doubled for Offenses Committed While Operating a Commercial Motor Vehicle.**

**Section 8.** Amends Chapter 20 by adding a new section, G.S. 20-16A. Any infraction or misdemeanor committed in violation of Chapter 20 while operating a commercial motor vehicle may be assessed double the amount of any penalty required by statute.

**Effective Date:** (Section 9.) This act applies to violations occurring on or after December 1, 1999.

H303-SMRV-002

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

2

HOUSE BILL 937  
Committee Substitute Favorable 4/28/99

Short Title: Regional Transportation Authority Amd.

(Public)

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Sponsors:

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Referred to:

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April 6, 1999

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO AMEND THE REGIONAL TRANSPORTATION AUTHORITY ACT  
3 CONCERNING JURISDICTION OF THE ENTIRE AREA OF THE COUNTY  
4 IN CERTAIN CIRCUMSTANCES AND MEMBERSHIP OF THE AUTHORITY.  
5 The General Assembly of North Carolina enacts:  
6 Section 1. G.S. 160A-634(a) reads as rewritten:  
7 "(a) The territorial jurisdiction and service area of the Authority shall be as  
8 determined by the Board of Trustees consistent with its purpose, but shall initially  
9 consist of those areas included within the Metropolitan Planning Organization  
10 boundaries. With the consent by resolution of the affected board of county  
11 commissioners, the jurisdiction and area may be expanded to include contiguous  
12 areas, but the total jurisdiction and service area shall not exceed part or all of 12  
13 counties. The jurisdiction and area include the entire area of the county if the Board  
14 of Trustees has been expanded to include the chairman or other member of the  
15 board of commissioners of that county pursuant to G.S. 160A-635(4)."  
16 Section 2. G.S. 160A-635(a) reads as rewritten:  
17 "(a) The governing body of an authority is the Board of Trustees. The Board of  
18 Trustees shall consist of:  
19 (1) The mayor of the four cities within the service area that have the  
20 largest population, or a member of the city council designated by  
21 the city council to serve in the absence of the mayor.



(2) Two members of the Board of Transportation appointed by the Secretary of Transportation, to serve as ex officio nonvoting members.

(3) The chair of each Metropolitan Planning Organization in the territorial jurisdiction.

(4) The chair of the board of commissioners of any county within the territorial jurisdiction or a member of the board of commissioners designated by the board to serve in the absence of the chair, but only if the Board of Trustees by resolution has expanded the Board of Trustees to include the chair of the board of commissioners of that county and the board of commissioners of that county has consented by resolution.

(5) The chair of the Forsyth County Airport Commission.

(6) The chair of the Piedmont Triad Airport Authority."

Section 3. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 1999

H

HOUSE BILL 937  
Committee Substitute Favorable 4/28/99  
Proposed Senate Committee Substitute H937-PCS4273-RV

SENATE  
COMMITTEE SUBSTITUTE  
JUN 29 1999

ADOPTED

Short Title: Regional Transportation Authority Amd.

(Public)

Sponsors:

Referred to:

April 6, 1999

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO AMEND THE REGIONAL TRANSPORTATION AUTHORITY ACT  
3 CONCERNING JURISDICTION OF THE ENTIRE AREA OF THE COUNTY  
4 IN CERTAIN CIRCUMSTANCES AND MEMBERSHIP OF THE AUTHORITY.  
5 The General Assembly of North Carolina enacts:  
6 Section 1. G.S. 160A-634(a) reads as rewritten:  
7 "(a) The territorial jurisdiction and service area of the Authority shall be as  
8 determined by the Board of Trustees consistent with its purpose, but shall initially  
9 consist of those areas included within the Metropolitan Planning Organization  
10 boundaries. With the consent by resolution of the affected board of county  
11 commissioners, the jurisdiction and area may be expanded to include contiguous  
12 areas, but the total jurisdiction and service area shall not exceed part or all of 12  
13 counties. The jurisdiction and area include the entire area of the county if the Board  
14 of Trustees has been expanded to include the chairman or other member of the  
15 board of commissioners of that county pursuant to G.S. 160A-635(4)."  
16 Section 2. G.S. 160A-635(a) reads as rewritten:  
17 "(a) The governing body of an authority is the Board of Trustees. The Board of  
18 Trustees shall consist of:  
19 (1) The mayor of the four cities within the service area that have the  
20 largest population, or a member of the city council designated by  
21 the city council to serve in the absence of the mayor.

(2) Two members of the Board of Transportation appointed by the Secretary of Transportation, to serve as ex officio nonvoting members.

(3) The chair of each Metropolitan Planning Organization in the territorial jurisdiction.

(4) The chair of the board of commissioners of any county within the territorial jurisdiction or a member of the board of commissioners designated by the board to serve in the absence of the chair, but only if the Board of Trustees by resolution has expanded the Board of Trustees to include the chair of the board of commissioners of that county and the board of commissioners of that county has consented by resolution.

(5) The chair of the principal airport authority or airport commission of each of the two most populous counties within the territorial jurisdiction, as determined by the most recent decennial federal census. The chair of the airport authority or airport commission may appoint a designee. The designee is not required to be a member of the airport authority or airport commission."

Section 3. This act is effective when it becomes law.



## HOUSE BILL 937: Regional Transportation Authority Amendment

### BILL ANALYSIS

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**Committee:** Senate Transportation  
**Date:** June 23, 1999  
**Version:** Proposed Comm. Sub.

**Introduced by:** Representative Gray  
**Summary by:** Brenda J. Carter  
Committee Counsel

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**SUMMARY:** *House Bill 937 amends the Regional Transportation Authority Act which affects the Triad area of Winston-Salem, Greensboro, and High Point.*

**BILL ANALYSIS:** House Bill 937 provides that a Regional Transportation Authority may extend its territorial jurisdiction to the entire area of the county if the Authority's board of trustees has been expanded to include the chairman or other member of the board of county commissioners of that county. The proposed committee substitute provides that the board of trustees of a regional transportation authority will include the chairs of the principal airport authority or airport commission in the two most populous counties within the territorial jurisdiction.

The bill is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 1054

Short Title: Activity Buses Stop-RR Crossings.

(Public)

Sponsors: Representatives Mosley (By Request); and Cox.

Referred to: Highway Safety.

April 15, 1999

1 A BILL TO BE ENTITLED  
2 AN ACT TO REQUIRE ALL ACTIVITY BUSES TO STOP AT ALL RAILROAD  
3 CROSSINGS.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 20-142.3(a) reads as rewritten:

6 "(a) Before crossing at grade any track or tracks of a railroad, the driver of any  
7 school bus, any activity bus, any motor vehicle carrying passengers for compensation,  
8 any property-hauling motor vehicle over 10,000 pounds which is carrying hazardous  
9 materials, and any motor vehicle with a capacity of 16 or more persons shall stop the  
10 vehicle within 50 feet but not less than 15 feet from the nearest rail of the railroad.  
11 While stopped, the driver shall listen and look in both directions along the track for  
12 any approaching train and shall not proceed until he can do so safely. Upon  
13 proceeding, the driver of the vehicle shall cross the track in a gear that allows the  
14 driver to cross the track without changing gears and the driver shall not change gears  
15 while crossing the track or tracks."

16 Section 2. G.S. 20-142.3(b) reads as rewritten:

17 "(b) Except for school ~~buses~~, buses and activity buses, the provisions of this  
18 section shall not require the driver of a vehicle to stop:

- 19 (1) At railroad tracks used exclusively for industrial switching  
20 purposes within a business district.  
21 (2) At a railroad grade crossing which a police officer or crossing  
22 flagman directs traffic to proceed.

- 1           (3)    At a railroad grade crossing protected by a gate or flashing signal  
2               designed to stop traffic upon the approach of a train, when the  
3               gate or flashing signal does not indicate the approach of a train.  
4           (4)    At an abandoned railroad grade crossing which is marked with a  
5               sign indicating that the rail line is abandoned.  
6           (5)    At an industrial or spur line railroad grade crossing marked with a  
7               sign reading "Exempt" erected by or with the consent of the  
8               appropriate State or local authority."

9           Section 3. This act is effective when it becomes law.



## HOUSE BILL 1054: Activity Buses Stop-RR Crossings

### BILL ANALYSIS

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**Committee:** Senate Transportation  
**Date:** June 23, 1999  
**Version:** 2nd Edition

**Introduced by:** Representative Mosley  
**Summary by:** Brenda J. Carter  
Committee Counsel

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**SUMMARY:** *House Bill 1054 would require activity buses to stop at all RR crossings.*

**CURRENT LAW:** Under G.S. 20-142.3 (a), the driver of any school bus, motor vehicle carrying passengers for compensation, vehicle with a capacity of 16 or more persons, or property-hauling vehicle over 10,000 pounds carrying hazardous materials is required to stop before crossing any railroad track. Subsection (b) of G.S. 20-142.3 provides that, with the exception of school buses, there are five circumstances under which the other named vehicles are not required to stop at every railroad crossing – at tracks used exclusively for industrial switching within a business district, where a police officer or crossing flagman directs traffic to proceed, where there is a gate or flashing signal, at crossing with a sign indicating that it has been abandoned and at certain crossings marked exempt.

**BILL ANALYSIS:** House Bill 1054 would treat activity buses the same as regular school buses, by requiring that activity buses stop at all railroad crossings.

**EFFECTIVE DATE:** The act would become effective August 1, 1999 and apply to offenses occurring on or after that date.

H1054-CSRV-002

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 1085

Short Title: Transitways.

(Public)

Sponsors: Representative McMahan.

Referred to: Transportation.

April 15, 1999

1 A BILL TO BE ENTITLED  
2 AN ACT TO PERMIT THE USE OF TRANSITWAYS.

3 The General Assembly of North Carolina enacts:

4 Section 1. G.S. 20-146.2 is amended by adding a new subsection to read:

5 "(a1) The Department of Transportation may designate one or more travel lanes  
6 as a transitway on streets and highways on the State Highway System and cities may  
7 designate one or more travel lanes as a transitway on streets on the Municipal Street  
8 System. Transitways shall be reserved for public transportation vehicles as  
9 determined by the Department of Transportation or the city having jurisdiction over  
10 the street or highway. When transitways have been designated, and they have been  
11 appropriately marked with signs or other markers, they shall be reserved for privately  
12 or publicly operated transportation vehicles."

13 Section 2. This act is effective when it becomes law.





## HOUSE BILL 1085: Transitways

### BILL ANALYSIS

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**Committee:** Senate Transportation  
**Date:** June 23, 1999  
**Version:** 1st Edition

**Introduced by:** Representative McMahan  
**Summary by:** Brenda J. Carter  
Committee Counsel

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**SUMMARY:** *House Bill 1085 authorizes the Department of Transportation to designate one or more travel lanes as a transitway on streets and highways on the state highway system. Cities are authorized to designate one or more travel lanes as a transitway on streets on the municipal street system.*

**CURRENT LAW:** G.S. 20-146.2 (a) currently authorizes rush hour traffic lanes. The existing law authorizes the Department of Transportation to designate (HOV) lanes on streets and highways on the State Highway System and cities to designate (HOV) lanes on streets on the Municipal Street System.

**BILL ANALYSIS:** House Bill 1085 adds a new subsection to the existing law, to permit transitways which will be reserved for public transportation vehicles as determined by DOT or the city having jurisdiction over the street or highway.

**EFFECTIVE DATE:** The bill would be effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 1263

Short Title: Recog.-Federally Issued Licenses.

(Public)

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Sponsors: Representative Thomas.

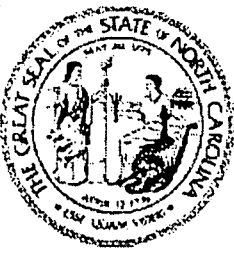
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Referred to: Judiciary IV.

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April 15, 1999

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE THAT A PERSON BETWEEN SIXTEEN AND  
3 EIGHTEEN YEARS OF AGE WITH A DRIVERS LICENSE ISSUED BY THE  
4 FEDERAL GOVERNMENT MAY BE ISSUED THE PROPER DRIVERS  
5 PERMIT UNDER THE GRADUATED DRIVERS LICENSE PROGRAM.  
6 The General Assembly of North Carolina enacts:  
7 Section 1. G.S. 20-11 is amended by adding a new subsection to read:  
8 "(h3) Exception for Persons Less Than Age 18. Who Have a Federally Issued  
9 Unrestricted or Restricted License. -- A person who is less than age 18, who has an  
10 unrestricted or restricted drivers license issued by the federal government, and who  
11 becomes a resident of this State may obtain a limited provisional license or a  
12 provisional license if the person has completed a drivers education program  
13 substantially equivalent to the drivers education program that meets the requirements  
14 of the Superintendent of Public Instruction. A person who qualifies for a limited  
15 provisional license or a provisional license under this subsection and whose parent or  
16 guardian certifies that the person has not been convicted of a moving violation in the  
17 preceding six months shall be deemed to have held a limited provisional license or a  
18 provisional license in this State for each month the person held an unrestricted or  
19 restricted license issued by the federal government."  
20 Section 2. This act is effective when it becomes law.



# HOUSE BILL 1263: Recog.-Federally Issued Licenses

## BILL ANALYSIS

**Committee:** Senate Transportation Committee  
**Date:** June 23, 1999  
**Version:** First Edition

**Introduced by:** Representative Thomas  
**Summary by:** Brenda Carter & Tim Hovis  
Staff Counsel

**SUMMARY:** *House Bill 1263 authorizes the Division of Motor Vehicles to issue a limited provisional license or a provisional license, as applicable, to a person between the ages of 16 and 18 who has an unrestricted or restricted drivers license issued by the federal government.*

**CURRENT LAW:** To ensure that a person who is less than 18 years old has both instruction and experience before obtaining a drivers license, driving privileges are granted first on a limited basis and are then expanded in accordance with the following process:

- (1) Level 1. - Driving with a limited learner's permit.
- (2) Level 2. - Driving with a limited provisional license.
- (3) Level 3. - Driving with a full provisional license.

The current law contains exceptions for persons between the ages of 16 and 18 who have restricted and unrestricted licenses issued by another state. The law contains no exception for federally issued licenses.

Under the current law, a provisional license is issued to a 16-18 year olds who have held a limited provisional license for at least 6 months.

**BILL ANALYSIS:** To obtain the limited provisional license or provisional license based on the federally issued license, the person must have completed a drivers education program that meets the requirements of the Superintendent of Public Instruction. The person will be deemed to have held the limited provisional license or provisional license for each month the person held a restricted or unrestricted federal license.

**TRANSPORTATION COMMITTEE MEETING**

**Thursday, July 08, 1999  
IMMEDIATELY AFTER SENATE SESSION  
SENATE CHAMBER**

HB 1085

Transitways

Representative McMahan

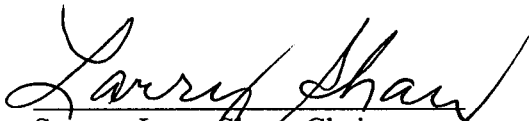
### **Senate Committee on Transportation**

The Senate Transportation Committee met on Thursday, July 08, 1999, in the Senate Chamber, (at Senator Larry Shaw's seat).

Eleven (11) members of the Committee were present.

House Bill 1085. Entitled Transitways sponsored by Representative McMahan was considered. Senator Carpenter moved a favorable report of the bill. Motion carried.

With the business complete, Senator Larry Shaw adjourned the meeting.

  
Senator Larry Shaw, Chairman

  
Barbara Lee, Committee Clerk

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 1085

Short Title: Transitways.

(Public)

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Sponsors: Representative McMahan.

---

Referred to: Transportation.

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April 15, 1999

A BILL TO BE ENTITLED

AN ACT TO PERMIT THE USE OF TRANSITWAYS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-146.2 is amended by adding a new subsection to read:

"(a1) The Department of Transportation may designate one or more travel lanes as a transitway on streets and highways on the State Highway System and cities may designate one or more travel lanes as a transitway on streets on the Municipal Street System. Transitways shall be reserved for public transportation vehicles as determined by the Department of Transportation or the city having jurisdiction over the street or highway. When transitways have been designated, and they have been appropriately marked with signs or other markers, they shall be reserved for privately or publicly operated transportation vehicles."

Section 2. This act is effective when it becomes law.

**NORTH CAROLINA GENERAL ASSEMBLY  
SENATE**

**TRANSPORTATION COMMITTEE REPORT  
Senator Larry Shaw, Chair**

Monday, July 12, 1999

SENATOR LARRY SHAW,  
submits the following with recommendations as to passage:

**FAVORABLE**

H.B. 1085	Transitways	
	Sequential Referral:	None
	Recommended Referral:	None

TOTAL REPORTED: 1

Committee Clerk Comment:

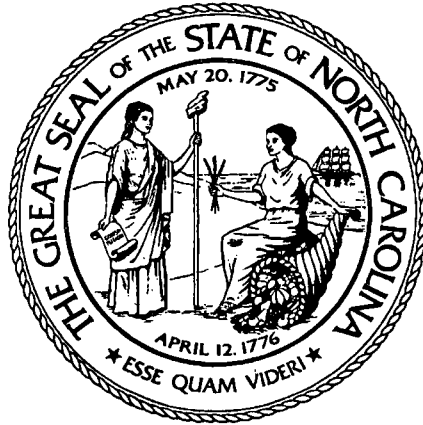
**2000**

**SENATE  
TRANSPORTATION  
COMMITTEE**

**MINUTES**



STATE OF NORTH CAROLINA  
**NORTH CAROLINA GENERAL ASSEMBLY**  
STATE LEGISLATIVE BUILDING  
RALEIGH, NORTH CAROLINA 27601



**SENATE TRANSPORTATION COMMITTEE**

**2000 SESSION**

**Senator Larry Shaw, Chair**

**Vice-Chairs**

**Senator Carpenter  
Senator Gulley  
Senator Lee**

**COMMITTEE ASSISTANT**

**Barbara Lee**

## **Transportation Committee Members**

**Chairman**                      Senator Shaw of Cumberland

**Vice Chairman**            Senator Carpenter

**Vice Chairman**            Senator Gulley

**Vice Chairman**            Senator Lee

**Ranking Minority Member**    Senator Garwood

**Members**                      Senators Carrington, Carter, Harris  
Hartsell, Hoyle, Martin of Pitt, Odom, Plyler, Rand, Rucho,  
Shaw of Guilford

NORTH CAROLINA GENERAL ASSEMBLY  
COMMITTEE SUMMARY REPORT  
SENATE: TRANSPORTATION

1999-2000 Biennium		Valid Through 28-AUG-2000			
BILL	INTRODUCER	SHORT TITLE	LATEST ACTION ON BILL	IN DATE	OUT DATE
H 303=	SAUNDERS	COMMERCIAL VEHICLE SAFETY	*R -CH. SL 99-0330	04-21-99	06-29-99
H 815	HENSLEY	<b>LEFT TURN ON RED</b>	<b>S -RE-REF COM ON TRANSPRT</b>	<b>00-07-10</b>	
H 937	GRAY	REGIONAL TRANSPORTATION AUTH. AMD.	*R -CH. SL 99-0445	04-29-99	06-29-99
H1030	HACKNEY	TRAILER AMENDMENTS	*R -CH. SL 99-0281	04-26-99	06-22-99
H1054	MOSLEY	ACTIVITY BUSES STOP-RR CROSSINGS	*R -CH. SL 99-0274	04-28-99	06-24-99
H1085	MCMAHAN	TRANSITWAYS	*R -CH. SL 99-0350	04-29-99	07-12-99
H1263	THOMAS	RECOG. FEDERALLY ISSUED LICENSES	R -CH. SL 99-0276	04-26-99	06-24-99
H1288=	LUEBKE	ESTABLISH METROPOLITAN PLANNING BDS.	*R -CH. SL 00-0080	05-03-99	00-06-15
H1498=	CRAWFORD	BUTNER/POWELL BILL CHANGE	*R -CH. SL 00-0165	00-06-01	00-07-06
H1557=	MELTON	DOT ESTABLISH RURAL PLANNING ORGS.	*S -REF TO COM ON TRANSPRT	00-06-12	
S 27	KERR	REPEAL DOT BERMUDA GRASS PROHIB.	R -CH. SL 99-0029	02-04-99	03-10-99
S 119	ALLRAN	SCHOOL BUS INSPECTION	S -REF TO COM ON TRANSPRT	02-17-99	
S 156	WELLONS	LAKE ROYALE MV REG. SUNSET OFF	R -CH. SL 99-0011	02-22-99	03-10-99
S 233	SHAW L	ROW PLANS/TIP FUNDING ALLOCATIONS	*R -CH. SL 99-0422	03-04-99	03-24-99
S 239	RAND	TIP FUNDING ALLOCATIONS/LOANS	S -REF TO COM ON TRANSPRT	03-04-99	
S 368	GULLEY W	PUBLIC ACCESS TO RIVERS AND STREAMS	*HF-REPTD UNFAY	03-15-99	04-21-99
S 600	KERR	STOPLIGHTS ON US HIGHWAY 70	S -REF TO COM ON TRANSPRT	03-29-99	
S 787	SHAW L	2000 STUDIES	*R -CH. SL 00-0138	04-07-99	04-21-99
S 829	JORDAN	NO BILLBOARDS ON I-40 EAST	*R -CH. SL 99-0436	04-12-99	04-28-99
S 844	ALLRAN	CHARTER SCHOOLS/LICENSE PLATES	S -RE-REF COM ON FINANCE	04-13-99	06-15-99
S 954=	METCALF	COMMERICAL VEHICLE SAFETY	S -REF TO COM ON TRANSPRT	04-14-99	
S 962	GULLEY W	REALIGNMENT OF HIGHWAY DIVISIONS	S -REF TO COM ON TRANSPRT	04-15-99	
S 964=	GULLEY W	CITY PARTICIPATION-ROAD BUILDING	S -REF TO COM ON TRANSPRT	04-15-99	
S1081	ALBERTSON	AGGREGATE WEIGHT CHANGE	*R -CH. SL 00-0057	04-15-99	04-28-99
S1116	DALTON	C.C.P.S.-USE GREEN LIGHTS	H -REF TO COM ON JUDICIARY	04-15-99	04-28-99
S1164=	CLODFELTER	ESTABLISH METROPOLITAN PLANNING BDS	*S -RE-REF COM ON TRANSPRT	04-15-99	04-28-99
S1164=	CLODFELTER	ESTABLISH METROPOLITAN PLANNING BDS	*S -RE-REF COM ON TRANSPRT	04-29-99	
S1195=	GULLEY W	DOT ESTABLISH RURAL PLANNING ORGS	*R -CH. SL 00-0123	00-05-10	00-06-01
S1198=	GULLEY W	BUTNER/POWELL BILL CHANGE	S -REF TO COM ON TRANSPRT	00-05-10	
S1365	SHAW L	EXPAND INTERSTATE HIGHWAYS	S -REF TO COM ON TRANSPRT	00-05-22	

NOTES- = AFTER BILL NUMBER SHOWS THAT BILL IS IDENTICAL, AS INTRODUCED, TO ANOTHER BILL.

\* AFTER NUMBERS INDICATES THAT TEXT OF BILL WAS ALTERED BY ACTION ON THE BILL.

BOLDDED LINE INDICATES BILL INDEXED AS AFFECTING APPROPRIATIONS.

NORTH CAROLINA GENERAL ASSEMBLY  
COMMITTEE SUMMARY REPORT

1999-2000 Biennium

Valid Through 28-AUG-2000

SENATE: TRANSPORTATION

BILL	INTRODUCER	SHORT TITLE	LATEST ACTION ON BILL	IN DATE	OUT DATE
S1526=	FOXX	GOOD ROADS FOR NORTH CAROLINA	S -REF TO COM ON TRANSPRT	00-05-30	
S1545	SHAW L	OFFICERS MEMORIAL SIGN FUNDS	H -RE-REF COM ON APPROP	00-06-20	00-06-21

NOTES- = AFTER BILL NUMBER SHOWS THAT BILL IS IDENTICAL, AS INTRODUCED, TO ANOTHER BILL.  
\* AFTER NUMBERS INDICATES THAT TEXT OF BILL WAS ALTERED BY ACTION ON THE BILL.  
BOLDED LINE INDICATES BILL INDEXED AS AFFECTING APPROPRIATIONS.

**Senate Transportation Committee**

**Agenda**

**Wednesday, May 31, 2000**

**The following bills will be considered:**

**SB 1195, DOT Establish Rural Planning Orgs**

**Senator Gulley**

**SB 1198, Butner/Powell BillChange**

**Senator Gulley**

**Senator Larry Shaw, Chair**

## MINUTES

### SENATE TRANSPORTATION COMMITTEE

The Senate Committee on Transportation met at 11:00 a.m. on Wednesday, May 31, 2000 in Room 1027 Legislative Building. Ten members were present.


Senator Shaw, Chairman, presided and welcomed members and visitors. Pages: Jacob Robet and Haddon Mackie. Sergeant at Arms: Mary Perry and Chad Essick.

Senator Gulley bill sponsor was recognized to explain **SB 1198 Butner/Powell Bill Changes**. Funds for Butner are administered through Transportation Board Members. Senate Bill 1198 would authorize the Town Manager to administer Butner's Powell Bill funds. Senator Gulley moved to withdraw this bill from today's calendar since this bill was on the House Calendar.

Senator Gulley bill sponsor explained **SB 1195, DOT Establish Rural Planning Orgs.** Janet D'Ignazio, Chief Planning and Environmental Officer, N.C. Department of Transportation. Ms. D'Ignazio mentioned that there has been considerable discussion regarding relationships between existing MPO's and RPO's. Senator Hoyle moved the adoption of a committee substitute. The motion carried. After much discussion Senator Rand moved to amend the proposed committee substitute. After some further discussion Senator Rand moved to engross the changes into a new committee substitute and give it a favorable report. The motion carried unanimously.

There being no further business Senator Shaw adjourned the meeting.

Respectfully submitted,

  
Senator Larry Shaw, Chair

  
Barbara Lee, Committee Clerk

**NORTH CAROLINA GENERAL ASSEMBLY  
SENATE**

**TRANSPORTATION COMMITTEE REPORT  
Senator Larry Shaw, Chair**

Thursday, June 01, 2000

SENATOR WIB GULLEY, VICE CHAIR,  
submits the following with recommendations as to passage:

**UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO C.S. BILL**

S.B. 1195	DOT Establish Rural Planning Orgs.
	Draft Number: PCS7775
	Sequential Referral: None
	Recommended Referral: None
	Long Title Amended: No

TOTAL REPORTED: 1

Committee Clerk Comment:

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

1

SENATE BILL 1195

Short Title: DOT Establish Rural Planning Orgs.

(Public)

Sponsors: Senators Gulley; and Horton.

Referred to: Transportation.

May 10, 2000

1 A BILL TO BE ENTITLED

2 AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION, IN  
3 COOPERATION WITH LOCAL ELECTED OFFICIALS, TO ESTABLISH  
4 RURAL TRANSPORTATION PLANNING ORGANIZATIONS TO PLAN  
5 RURAL TRANSPORTATION SYSTEMS AND TO ADVISE THE  
6 DEPARTMENT ON RURAL TRANSPORTATION POLICY.

7 The General Assembly of North Carolina enacts:

8 Section 1. G.S. 136-18 is amended by adding a new subdivision to read:

9 "(35) To establish rural planning organizations, as provided in Article 17  
10 of this Chapter."

11 Section 2. Chapter 136 of the General Statutes is amended by adding a  
12 new Article to read:

13 "ARTICLE 17.

14 "Rural Transportation Planning Organizations.

15 "§ 136-210. Definitions.

16 As used in this Article, 'Rural Transportation Planning Organization' means a  
17 voluntary organization of local elected officials or their designees and representatives  
18 of local transportation systems formed by a memorandum of understanding with the  
19 Department of Transportation to work cooperatively with the Department to plan  
20 rural transportation systems and to advise the Department on rural transportation  
21 policy.

22 "§ 136-211. Department authorized to establish Rural Public Transportation Planning  
23 Organizations.



1 (a) Authorization. -- The Department of Transportation is authorized to form  
2 Rural Transportation Planning Organizations.

3 (b) Area Represented. -- Rural Transportation Planning Organizations shall  
4 include representatives from contiguous areas in three to fifteen counties, with a total  
5 population of the entire area represented of at least 50,000 persons according to the  
6 latest population estimate of the Office of State Planning. Areas already included in a  
7 Metropolitan Planning Organization shall not be included in the area represented by  
8 a Rural Planing Organization.

9 (c) Membership. -- The Rural Transportation Planning Organization shall consist  
10 of local elected officials or their designees and representatives of local transportation  
11 systems in the area as agreed to by all parties in a memorandum of understanding.

12 (d) Formation; Memorandum of Understanding. -- The Department shall notify  
13 local elected officials and representatives of local transportation systems around the  
14 State of the opportunity to form Rural Transportation Planning Organizations. The  
15 Department shall work cooperatively with interested local elected officials, their  
16 designees, and representatives of local transportation systems to develop a proposed  
17 area, membership, functions, and responsibilities of a Rural Transportation Planning  
18 Organization. The agreement of all parties shall be included in a memorandum of  
19 understanding approved by the membership of a proposed Rural Transportation  
20 Planning Organization and the Secretary of the Department of Transportation.

21 **"§ 136-212. Duties of Rural Transportation Planning Organizations.**

22 The duties of a Rural Transportation Planning Organization shall include, but not  
23 be limited to:

24 (1) Developing, in cooperation with the Department, long-range local  
25 and regional multimodal transportation plans.

26 (2) Providing a forum for public participation in the transportation  
27 planning process.

28 (3) Developing and prioritizing suggestions for transportation projects  
29 the organization believes should be included in the State's  
30 Transportation Improvement Program.

31 (4) Providing transportation-related information to local governments  
32 and other interested organizations and persons.

33 **"§ 136-213. Administration and staff.**

34 (a) Administrative Entity. -- Each Rural Transportation Planning Organization,  
35 working in cooperation with the Department, shall select an appropriate  
36 administrative entity for the organization. Eligible administrative entities include, but  
37 are not limited to, regional economic development agencies, regional councils of  
38 government, chambers of commerce, and local governments.

39 (b) Professional Staff. -- The Department and each Rural Transportation Planning  
40 Organization shall cooperatively determine the appropriate professional planning staff  
41 needs of the organization.

42 (c) Funding. -- If funds are appropriated for that purpose, the Department may  
43 make grants to Rural Transportation Planning Organizations for professional planning  
44 staff. The members of the Rural Transportation Planning Organization shall

1 contribute at least twenty percent (20%) of the cost of any staff resources employed  
2 by the organization. The Department may make additional planning grants to  
3 economically distressed counties, as designated by the North Carolina Department of  
4 Commerce."

5           Section 3. Nothing in this act shall require the General Assembly to  
6 appropriate funds to implement it.

7           Section 4. The Department shall report to the Joint Legislative  
8 Transportation Oversight Committee on the implementation of this act on or before  
9 December 1, 2000.

10           Section 5. This act becomes effective July 1, 2000.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

D

SENATE BILL 1195  
Proposed Committee Substitute S1195-PCS7775-RU001

Short Title: DOT Establish Rural Planning Orgs.

(Public)

Sponsors:

Referred to:

May 10, 2000

1 A BILL TO BE ENTITLED  
2 AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION, IN  
3 COOPERATION WITH LOCAL ELECTED OFFICIALS, TO ESTABLISH  
4 RURAL TRANSPORTATION PLANNING ORGANIZATIONS TO PLAN  
5 RURAL TRANSPORTATION SYSTEMS AND TO ADVISE THE  
6 DEPARTMENT ON RURAL TRANSPORTATION POLICY.

7 The General Assembly of North Carolina enacts:

8 Section 1. G.S. 136-18 is amended by adding a new subdivision to read:

9 "(35) To establish rural planning organizations, as provided in Article 17  
10 of this Chapter."

11 Section 2. Chapter 136 of the General Statutes is amended by adding a  
12 new Article to read:

13 "ARTICLE 17.

14 "Rural Transportation Planning Organizations.

15 "§ 136-210. Definitions.

16 As used in this Article, 'Rural Transportation Planning Organization' means a  
17 voluntary organization of local elected officials or their designees and representatives  
18 of local transportation systems formed by a memorandum of understanding with the  
19 Department of Transportation to work cooperatively with the Department to plan  
20 rural transportation systems and to advise the Department on rural transportation  
21 policy.

22 "§ 136-211. Department authorized to establish Rural Transportation Planning  
23 Organizations.

1 (a) Authorization. -- The Department of Transportation is authorized to form  
2 Rural Transportation Planning Organizations.

3 (b) Area Represented. -- Rural Transportation Planning Organizations shall  
4 include representatives from contiguous areas in three to fifteen counties, with a total  
5 population of the entire area represented of at least 50,000 persons according to the  
6 latest population estimate of the Office of State Planning. Areas already included in a  
7 Metropolitan Planning Organization shall not be included in the area represented by  
8 a Rural Transportation Planning Organization.

9 (c) Membership. -- The Rural Transportation Planning Organization shall consist  
10 of local elected officials or their designees and representatives of local transportation  
11 systems in the area as agreed to by all parties in a memorandum of understanding.

12 (d) Formation; Memorandum of Understanding. -- The Department shall notify  
13 local elected officials and representatives of local transportation systems around the  
14 State of the opportunity to form Rural Transportation Planning Organizations. The  
15 Department shall work cooperatively with interested local elected officials, their  
16 designees, and representatives of local transportation systems to develop a proposed  
17 area, membership, functions, and responsibilities of a Rural Transportation Planning  
18 Organization. The agreement of all parties shall be included in a memorandum of  
19 understanding approved by the membership of a proposed Rural Transportation  
20 Planning Organization and the Secretary of the Department of Transportation.

21 **"§ 136-212. Duties of Rural Transportation Planning Organizations.**

22 The duties of a Rural Transportation Planning Organization shall include, but not  
23 be limited to:

- 24       (1) Developing, in cooperation with the Department, long-range local  
25       and regional multimodal transportation plans.  
26       (2) Providing a forum for public participation in the transportation  
27       planning process.  
28       (3) Developing and prioritizing suggestions for transportation projects  
29       the organization believes should be included in the State's  
30       Transportation Improvement Program.  
31       (4) Providing transportation-related information to local governments  
32       and other interested organizations and persons.

33 **"§ 136-213. Administration and staff.**

34 (a) Administrative Entity. -- Each Rural Transportation Planning Organization,  
35 working in cooperation with the Department, shall select an appropriate  
36 administrative entity for the organization. Eligible administrative entities include, but  
37 are not limited to, regional economic development agencies, regional councils of  
38 government, chambers of commerce, and local governments.

39 (b) Professional Staff. -- The Department, each Rural Transportation Planning  
40 Organization, and any adjacent Metropolitan Planning Organization shall  
41 cooperatively determine the appropriate professional planning staff needs of the  
42 organization.

43 (c) Funding. -- If funds are appropriated for that purpose, the Department may  
44 make grants to Rural Transportation Planning Organizations for professional planning



# SENATE BILL 1195: DOT Establish Rural Planning Organizations

## *BILL ANALYSIS*

**Committee:** Senate Transportation  
**Date:** May 31, 2000  
**Version:** First Edition

**Introduced by:** Senator Gulley  
**Summary by:** Brenda J. Carter &  
Giles S. Perry, Staff Attorneys

### **BACKGROUND:**

The 1998 General Assembly, as a part of its Board of Transportation reform bill, directed the Board of Transportation, with the assistance of the Secretary and the Department, to develop a plan for establishing Rural Planning Organizations (RPOs), and report to the Joint Legislative Transportation Oversight Committee.

Senate Bill 1195 is a recommendation of the Joint Legislative Transportation Oversight Committee.

### **SUMMARY:**

**Section 1** of the bill authorizes the Department of Transportation to establish Rural Planning Organizations.

**Section 2** sets out the details for how the RPOS are to be established:

--new G.S. 136-210 defines RPOs as voluntary organizations of local elected officials and representatives of local transit systems formed by agreement with the Department.

--new G.S. 136-211 authorizes the Department to establish RPOs by memorandum of understanding with interested local elected officials and representatives of local transit systems, and requires the area of any RPO created to include 3 to 15 counties, and at least 50,000 persons.

--new G.S. 136-212 sets out the duties of an RPO, to include: (1) developing long range transportation plans; (2) providing a forum for public participation in rural transportation planning; (3) developing and prioritizing suggestions for TIP projects; and (4) providing transportation-related information to local governments.

--new G.S. 136-213 provides a procedure to set up the administration of any RPO formed pursuant to the act, and authorizes DOT to make grants to RPOs for planning staff if funds are appropriated for that purpose.

**Section 3** of the bill provides that nothing in the act shall require the General Assembly to appropriate funds to implement it.

**Section 4** requires DOT to report to the Joint Legislative Transportation Oversight Committee on the implementation of the act on or before December 1, 2000.

**Section 5** provides that the act becomes effective July 1, 2000.

# NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. \_\_\_\_\_

H. B. No. \_\_\_\_\_

S. B. No. 1195

COMMITTEE SUBSTITUTE \_\_\_\_\_

DATE 5-31-00

Amendment No. \_\_\_\_\_

(to be filled in by  
Principal Clerk)

Rep.) RAND  
Sen.) \_\_\_\_\_

1 moves to amend the bill on page 2, line 39

2 ( ) WHICH CHANGES THE TITLE

3 by DELETING THE WORDS "DEPARTMENT AND" AND

4 SUBSTITUTING "DEPARTMENT," AND

6 ON PAGE 2, LINE 40

7 BY INSERTING BETWEEN THE WORDS "ORGANIZATION"

8 AND "SHALL" THE WORDS "AND ANY ADJACENT

9 METROPOLITAN PLANNING ORGANIZATION".

10 \_\_\_\_\_

11 \_\_\_\_\_

12 \_\_\_\_\_

13 \_\_\_\_\_

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15 \_\_\_\_\_

16 \_\_\_\_\_

17 \_\_\_\_\_

18 \_\_\_\_\_

19 \_\_\_\_\_

SIGNED \_\_\_\_\_

*Tracy Bond*

ADOPTED X

FAILED \_\_\_\_\_

TABLED \_\_\_\_\_

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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1

SENATE BILL 1198\*

Short Title: Butner/Powell Bill Change.

(Public)

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Sponsors: Senators Gulley; and Lucas.

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Referred to: Transportation.

---

May 10, 2000

1 A BILL TO BE ENTITLED

2 AN ACT TO AUTHORIZE THE TOWN MANAGER OF BUTNER TO  
3 ADMINISTER ITS ANNUAL POWELL BILL STATE STREET AID  
4 ALLOCATION.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 136-41.1(c) reads as rewritten:

7 "(c) Notwithstanding the provisions of subsections (a) and (b) of this section and  
8 of G.S. 136-41.2, the unincorporated area known as Butner qualifies in all respects for  
9 allocation of funds under this section and certification of the population and street  
10 mileage of Butner by the North Carolina Department of Health and Human Services  
11 is acceptable. Funds allocated to the area for this purpose shall be administered by  
12 the ~~member of the State Board of Transportation administering the Highway Fund in~~  
13 ~~Granville County.~~ Butner Town Manager."

14 Section 2. This act becomes effective July 1, 2000, and applies to  
15 allocations authorized under G.S. 136-41.1 that occur on or after the effective date.



# SENATE BILL 1198: Butner/Powell Bill Change

## *BILL ANALYSIS*

**Committee:** Senate Transportation  
**Date:** May 31, 2000  
**Version:** First Edition

**Introduced by:** Senator Gulley  
**Summary by:** Brenda J. Carter &  
Giles S. Perry  
Staff Attorneys

### ***SUMMARY:***

Under current law, the unincorporated area known as Butner is eligible for State street aid to municipalities commonly referred to as "Powell Bill" funds. Butner's funds are administered through the Board of Transportation member from the Butner area. Butner's 1999 Powell Bill allocation was \$143,000.

Senate Bill 1198 would authorize the Butner Town Manager (who is under the direction of the Secretary of the Department of Health and Human Services) to administer Butner's Powell Bill funds.

Senate Bill 1198 becomes effective July 1, 2000, and applies to allocations that occur on or after that date.



# VISITOR REGISTRATION SHEET

Transportation

May 31, 2000

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

John Phelps	NCLM
Ed Regan	N.C. Assoc. of Co Commissioners
David Knight	NC Sierra Club
<i>[Signature]</i>	Vocans
S. Long	Martin Luther
JANET D'IGNAZIO	NC DOT
Jeff Miller	Sen. Rand
John Leaston	Purchase & Contract
Nat Muro	CCNC
Emily Meeker	CCNC
<i>[Signature]</i>	NC Sierra Club

## VISITOR REGISTRATION SHEET

Transportation
Name of Committee

May 31, 2000  
Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

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**Senate Transportation Committee**

**AGENDA**

**Wednesday, June 14, 2000**

**11:00 A.M.**

**ROOM 1027, LB**

**SB 1526 Good Roads for North Carolina**  
**HB 1288 Establish Metropolitan Planning Bds**  
**HB 1498 Butner/Powell Bill Change**

**Sen. Foxx**  
**Rep. Luebke**  
**Rep. Crawford**

**MINUTES**  
**SENATE TRANSPORTATION COMMITTEE**

The Senate Committee on Transportation met at 11:00 a.m. on Wednesday, June 14, 2000 in Room 1027 Legislative Building. Nine members were present.

Senator Shaw, Chairman presided. Senator Shaw called meeting to order and introduced Pages: Parks Tarkton, Jr., and Stephen Bishop, Jr., Sergeant at Arms: Richard Telfair and Chad Essick.

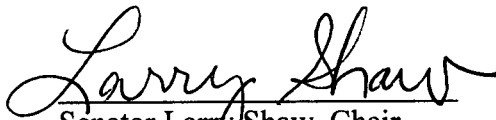
Senator Shaw recognized Representative Paul Leubke, bill sponsor along with Senator Dan Clodfelter who lead the discussion on **House Bill 1288, Metropolitan Planning Organizations**. This bill recognizes existing Metropolitan Planning Organizations in State law, and provides a process for evaluation of MPO boundaries, structure and governance. The bill clarifies existing statutory definitions, and recognizes MPOs in State law. Requirements of MPOs located in non-attainment areas are to adopt a single conformity plan. A motion was made to adopt a Committee Substitute. Motion carried. Senator Hoyle moved to give the bill an unfavorable report, but favorable as to senate committee substitute bill. The motion carried unanimously.

Senator Shaw recognized Senator Foxx, bill sponsor to explain **SB 1526, Good Roads for North Carolina**. After some discussion Senator Rand moved that the bill be rescheduled indefinitely. Motion carried unanimously.

**HB 1498 Butner/Powell Bill Change** sponsored by Representative Crawford was removed from calendar to be heard at a later date.

There being no further business Senator Shaw thanked everyone for attending and adjourned the meeting.

Respectfully submitted,

  
Senator Larry Shaw, Chair

  
Barbara Lee, Committee Clerk

**NORTH CAROLINA GENERAL ASSEMBLY  
SENATE**

**TRANSPORTATION COMMITTEE REPORT  
Senator Larry Shaw, Chair**

Thursday, June 15, 2000

SENATOR WIB GULLEY, Vice Chair,  
submits the following with recommendations as to passage:

**UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO SENATE C.S. BILL**

H.B.	1288	Establish Metropolitan Planning Boards.
		Draft Number: PCS8203
		Sequential Referral: None
		Recommended Referral: None
		Long Title Amended: Yes

TOTAL REPORTED: 1

Committee Clerk Comment:

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

3

HOUSE BILL 1288\*  
Second Edition Engrossed 4/29/99  
Corrected Copy 4/29/99

Short Title: Establish Metropolitan Planning Boards.

(Public)

Sponsors: Representative Luebke.

Referred to: Transportation.

April 15, 1999

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO ESTABLISH METROPOLITAN PLANNING BOARDS TO ASSIST  
3 THE DEPARTMENT OF TRANSPORTATION IN THE DEVELOPMENT OF  
4 TRANSPORTATION PLANS AND PROGRAMS FOR URBAN AREAS OF  
5 THE STATE.  
6 The General Assembly of North Carolina enacts:  
7 Section 1. Article 1 of Chapter 136 of the General Statutes is amended  
8 by adding a new section to read:  
9 "§ 136-15.1. Metropolitan planning boards.  
10 (a) As used in this section:  
11 (1) 'Metropolitan planning board' has the same meaning as  
12 'metropolitan planning organization' as used in 23 U.S.C. § 134.  
13 (2) 'Metropolitan area' has the same meaning as 'metropolitan area' as  
14 used in 23 U.S.C. § 134.  
15 (b) The Governor, with the assistance of the Secretary of Transportation, shall  
16 designate a metropolitan planning board for each urban area of more than 50,000  
17 population in the State and shall determine the boundaries of each metropolitan area  
18 to be served by a metropolitan planning board. The Governor shall designate  
19 metropolitan planning boards and designate metropolitan areas in accordance with  
20 the requirements of 23 U.S.C. § 134.  
21 (c) The boundaries of the area served by each metropolitan planning board shall  
22 be evaluated and adjusted in the year following each decennial federal census.

1     (d) Article 2A of Chapter 150B of the General Statutes applies to the designation  
2     of a metropolitan planning board and to the determination of a metropolitan area."

3             Section 2. The Governor shall designate initial metropolitan planning  
4 boards and determine initial metropolitan areas on the basis of data collected in the  
5 2000 federal census and shall complete all initial designations and determinations no  
6 later than 31 December 2001.

7             Section 2.1. No State funds of any kind shall be used to carry out the  
8 provisions of this act.

9             Section 3. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

D

H1288-CSRU-001  
PROPOSED SENATE COMMITTEE SUBSTITUTE  
HOUSE BILL 1288  
THIS IS A DRAFT 13-JUN-00 23:37:44  
ATTENTION: LINE NUMBERS MAY CHANGE AFTER ADOPTION

Short Title: Metropolitan Planning Orgs.

(Public)

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Sponsors:

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Referred to:

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April 15, 1999

1 A BILL TO BE ENTITLED  
2 AN ACT TO RECOGNIZE METROPOLITAN PLANNING ORGANIZATIONS IN STATE  
3 LAW AND TO PROVIDE A PROCESS FOR VOLUNTARY EVALUATION OF  
4 METROPOLITAN PLANNING ORGANIZATION BOUNDARIES, STRUCTURE, AND  
5 GOVERNANCE.  
6 The General Assembly of North Carolina enacts:  
7 Section 1. G.S. 136-200(2) is rewritten to read:  
8 " (2) 'Department' means the North Carolina Department of  
9 Transportation."  
10 Section 2. G.S. 136-200(4) is rewritten to read:  
11 "(4) 'Metropolitan Planning Organization' or 'MPO' means  
12 an agency that is designated or redesignated by a  
13 memorandum of understanding as a Metropolitan  
14 Planning Organization in accordance with 23 U.S.C.  
15 § 134."  
16 Section 3. Article 16 of Chapter 136 of the General  
17 Statutes is amended by adding a new section to read:  
18 "§136-200.1. Metropolitan planning organizations recognized.  
19 Metropolitan planning organizations established pursuant to the  
20 provisions of 23 U.S.C. §134 are hereby recognized under the law  
21 of the State. Metropolitan planning organizations in existence



1 on the effective date of this section continue unaffected until  
2 redesignated or restructured in accordance with the provisions of  
3 and according to the procedures established by 23 U.S.C. §134 and  
4 this Article. The provisions of this Article are intended to  
5 supplement the provisions of 23 U.S.C. §134. In the event any  
6 provision of this Article is deemed inconsistent with the  
7 requirements of 23 U.S.C. §134, the provisions of federal law  
8 shall control."

9 Section 4. Article 16 of Chapter 136 of the General  
10 Statutes is amended by adding a new section to read:

11 "§136-200.2. Decennial review of metropolitan planning  
12 organization boundaries, structure and governance.

13 (a) Evaluation.-- Following each decennial census, and more  
14 frequently if requested by an individual metropolitan planning  
15 organization, the Governor and the Secretary of Transportation in  
16 consultation with the affected metropolitan planning organization  
17 or organizations shall initiate an evaluation of the boundaries,  
18 structure, and governance of each metropolitan planning  
19 organization in the State. The goal of the evaluation shall be  
20 to examine the need for and to make recommendations for  
21 adjustments to metropolitan planning organization boundaries,  
22 structure, or governance in order to insure compliance with the  
23 objectives of 23 U.S.C. §134. The Secretary shall submit a  
24 report of the evaluation process to the Governor and to the Joint  
25 Legislative Transportation Oversight Committee.

26 (b) Factors for evaluation.-- The evaluation of the area,  
27 structure, and governance of each metropolitan planning  
28 organization shall include all of the following factors:

- 29 (1) Existing and projected future commuting and travel  
30 patterns and urban growth projections.
- 31 (2) Integration of planning with existing regional  
32 transportation facilities, such as airports,  
33 seaports, and major interstate and intrastate road  
34 and rail facilities.
- 35 (3) Conformity with and support for existing or  
36 proposed regional transit and mass transportation  
37 programs and initiatives.
- 38 (4) Boundaries of existing or proposed federally  
39 designated air quality non-attainment areas or air-  
40 quality management regions.
- 41 (5) Metropolitan Statistical Area boundaries.
- 42 (6) Existing or proposed cooperative regional planning  
43 structures.

1           (7) Administrative efficiency, availability of  
2           resources, and complexity of management.

3           (8) Feasibility of the creation of interstate  
4           metropolitan planning organizations.

5           (9) Governance structures, as provided in subsection  
6           (c) of this section.

7    (c) Metropolitan planning organization structures.-- The  
8    Governor and Secretary of Transportation, in consultation with  
9    existing metropolitan planning organizations and local elected  
10   officials, may consider the following changes to the structure of  
11   existing metropolitan planning organizations:

12           (1) Expansion of existing metropolitan planning  
13           organization boundaries to include areas specified  
14           in 23 U.S.C. §134(c).

15           (2) Consolidation of existing contiguous metropolitan  
16           planning organizations in accordance with the  
17           redesignation procedure specified in 23 U.S.C.  
18           §134(b).

19           (3) Creation of metropolitan planning organization  
20           subcommittees with responsibility for matters that  
21           affect a limited number of constituent  
22           jurisdictions, as specified in a memorandum of  
23           understanding redesignating a metropolitan planning  
24           organization in accordance with the provisions of  
25           23 U.S.C. §134.

26           (4) Formation of joint committees or working groups  
27           among contiguous non-consolidated metropolitan  
28           planning organizations, with such powers and  
29           responsibilities as may be delegated to such joint  
30           committees pursuant to their respective memoranda  
31           of understanding.

32           (5) Creation of interstate compacts pursuant to 23  
33           U.S.C. 134(d) to address coordination of planning  
34           among metropolitan planning organizations located  
35           in this State and contiguous metropolitan planning  
36           organizations located in adjoining states.

37    (d) Optional governance provisions.-- In addition to any other  
38    provisions permitted or required pursuant to 23 U.S.C. §134, the  
39    memorandum of understanding creating, enlarging, modifying, or  
40    restructuring a metropolitan planning organization may also  
41    include any of the following provisions relating to governance:

42           (1) Distribution of voting power among the constituent  
43           counties, municipal corporations and other

1 participating organizations on a basis or bases  
2 other than population.

3 (2) Membership and representation of regional transit  
4 or transportation authorities or other regional  
5 organizations in addition to membership of counties  
6 and municipal corporations.

7 (3) Requirements for weighted voting or supermajority  
8 voting on some or all issues.

9 (4) Provisions authorizing or requiring the delegation  
10 of certain decisions or approvals to less than the  
11 full voting membership of the metropolitan planning  
12 organization in matters that affect only a limited  
13 number of constituent jurisdictions.

14 (5) Requirements for rotation and sharing of officer  
15 positions and committee chair positions in order to  
16 protect against concentration of authority within  
17 the metropolitan planning organization.

18 (6) Any other provision agreed to by the requisite  
19 majority of jurisdictions constituting the  
20 metropolitan planning organization.

21 (e) Effect of evaluation.-- Upon completion of the evaluation  
22 required under this section, a metropolitan planning organization  
23 may be restructured in accordance with the procedure contained in  
24 23 U.S.C. §134(b)(5).

25 (f) Assistance.-- The Department may provide staff assistance  
26 to metropolitan planning organizations in existence prior to  
27 January 1, 2001 that are considering consolidation on or after  
28 January 1, 2001. In addition, the Department may provide funding  
29 assistance to metropolitan planning organizations considering  
30 consolidation, upon receipt of a letter of intent from  
31 jurisdictions representing seventy-five percent (75%) of the  
32 affected population, including the central city, in each  
33 metropolitan planning organization considering consolidation."

34 Section 5. Article 16 of Chapter 136 of the General  
35 Statutes is amended by adding a new section to read:

36 "§136-200.3. Additional provisions applicable to consolidated  
37 metropolitan planning organizations.

38 Beginning with the 2004 State Transportation Improvement  
39 Program, neither the State nor a metropolitan planning  
40 organization created by a memorandum of understanding on or after  
41 January 1, 2001 by consolidation of two or more metropolitan  
42 planning organizations in existence prior to that date shall have  
43 a basis to object to a project that is proposed for funding in  
44 the Transportation Improvement Plan, provided that the project

1 does not affect projects previously programmed, if the project is  
2 included in a mutually adopted plan developed pursuant to G.S.  
3 136-66.2, and is consistent with the project selection criteria  
4 contained in the memorandum of understanding creating the  
5 consolidated metropolitan planning organization."

6 Section 6. Article 16 of Chapter 136 of the General  
7 Statutes is amended by adding a new section to read:

8 "§136-200.4. Additional requirements for metropolitan planning  
9 organizations located in non-attainment areas.

10 (a) Consultation and single conformity plan required.-- When  
11 the boundaries of any area designated as non-attainment under the  
12 federal Clean Air Act (42 U.S.C. 7401 et seq.) encompass, in  
13 whole or in part, the area of more than one metropolitan planning  
14 organization, the affected metropolitan planning organizations  
15 shall consult on appropriate emissions reduction strategies and  
16 shall adopt a single, unified plan for achieving conformity. The  
17 strategies set forth in the unified plan shall be incorporated by  
18 each affected metropolitan planning organization into their  
19 respective long range transportation plan developed pursuant to  
20 23 U.S.C. 134(g).

21 (b) Effect of failure to adopt required plan.-- If a  
22 metropolitan planning organization does not comply with the  
23 provisions of subsection (a) of this section, the Department  
24 shall not allocate any of the following funds to projects within  
25 the metropolitan planning organization area:

26 (1) One-hundred percent (100%) State-funded road  
27 construction funds.

28 (2) State matching funds for any road construction or  
29 transit capital project.

30 (3) Federal congestion mitigation and air quality  
31 improvement program funds.

32 (c) Mandatory evaluation and report.-- Each metropolitan  
33 planning organization located in whole or in part in areas  
34 designated as non-attainment under the federal Clean Air Act (42  
35 U.S.C. §§7401 et seq.) shall complete the evaluation process  
36 provided for in G.S. 136-200.2 and submit its findings and  
37 recommendations to the Department of Transportation within one  
38 year of the effective date of designation as non-attainment. A  
39 metropolitan planning organization may request and be granted by  
40 the Department an extension if the metropolitan planning  
41 organization can show cause for the extension. Extensions shall  
42 be granted in no more than one year increments."

43 Section 7. This act becomes effective January 1, 2001.



# HOUSE BILL 1288: Metropolitan Planning Organizations

## BILL ANALYSIS

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<b>Committee:</b>	Senate Transportation	<b>Introduced by:</b>	Rep. Leubke
<b>Date:</b>	June 14, 2000	<b>Summary by:</b>	Giles S. Perry
<b>Version:</b>	Proposed Committee Substitute		Committee Counsel

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**SUMMARY:** *House Bill 1228 recognizes existing Metropolitan Planning Organizations in State law, provides a process for evaluation of MPO boundaries, structure and governance.*

### BILL ANALYSIS:

Section 1 and 2 of the bill clarify existing statutory definitions.

Section 3 of the bill recognizes MPOs in State law.

Section 4 of the bill provides a procedure for the Governor and Secretary of Transportation, in consultation with affected MPOs, to evaluate the boundaries, structure and governance of each MPO in the State. Factors to be considered in evaluation are set out, as well as optional structural changes that may be considered by the MPOs.

Section 5 of the bill provides for a new project selection process, if existing MPOs voluntarily choose to consolidate.

Section 6 requires MPOs located in non-attainment areas to adopt a single conformity plan, and to complete a boundary, structure and governance evaluation within one year of the effective date of the designation as non-attainment. Consequences for failure to comply with this section are set out.

Section 7 provides that the act becomes effective January 1, 2001.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

1

SENATE BILL 1526

Short Title: Good Roads for North Carolina.

(Public)

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Sponsors: Senators Foxx, Carpenter; Allran, Cochrane, Forrester, Garwood, Hartsell, Moore, and Webster.

---

Referred to: Transportation.

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May 30, 2000

1 A BILL TO BE ENTITLED  
2 AN ACT TO APPROPRIATE FUNDS FOR GOOD ROADS FOR NORTH  
3 CAROLINA TO ENHANCE CONTRACT RESURFACING OF ROADS ON A  
4 BASIS OF PAVEMENT NEEDS AND TO REQUIRE THE DEPARTMENT OF  
5 TRANSPORTATION TO STUDY INCORPORATING MEASURES OF  
6 MAINTENANCE NEEDS IN THE ALLOCATION FORMULAS FOR ALL  
7 MAINTENANCE FUNDS.

8 The General Assembly of North Carolina enacts:

9 Section 1. There is appropriated from the Highway Fund to the  
10 Department of Transportation the sum of forty-five million dollars (\$45,000,000) for  
11 the 2000-2001 fiscal year which shall be expended, in addition to the funds already  
12 budgeted, for contract resurfacing. The funds appropriated by this section shall be  
13 expended by the Highway Divisions based only on the pavement condition survey  
14 component of the current formula for allocation of contract resurfacing funds  
15 developed pursuant to G.S. 136-44.6.

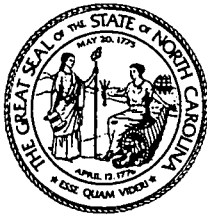
16 Section 2. The Department of Transportation shall study ways of  
17 incorporating measures of maintenance needs into the allocation formulas for all  
18 maintenance funds, including funds for contract resurfacing and funds for maintaining  
19 the primary, secondary, and urban systems.

20 In making its recommendations, the Department should consider among  
21 other relevant measures of maintenance needs: pavement structure and conditions,  
22 bridge conditions, passenger vehicle traffic, commercial vehicle traffic, climate and

1 weather conditions, and any other measures the Department considers relevant to  
2 measuring maintenance needs.

3           The Department shall report its findings and recommendations to the  
4 Joint Legislative Transportation Oversight Committee and the Fiscal Research  
5 Division no later than December 1, 2000.

6           Section 3. This act is effective when it becomes law.



## SB 1526: Good Roads for North Carolina

### BILL ANALYSIS

**Committee:** Senate Transportations  
**Date:** June 14, 2000  
**Version:** First Edition

**Introduced by:** Senator Foxx  
**Summary by:** Erika Churchill  
Walker Reagan  
Staff Counsel

**SUMMARY:** *This bill would allocate \$45 million from the Highway Fund during FY 2000-01, in addition to funds already allocated for contract resurfacing, to be expended based only on the pavement condition survey component of the current resurfacing allocation formula. The bill would also require DOT to study ways of incorporating maintenance needs into the allocation formulas for all maintenance funds.*

### BILL ANALYSIS:

- ♦ The bill appropriates \$45 million from the Highway Fund for fiscal year 2000-01, in addition to funds already budgeted, for the purpose of contract resurfacing with the funds to be expended based only on the pavement condition survey component of the current formula for allocation of contract resurfacing funds.
- ♦ The bill requires the Department of Transportation to study ways of incorporating maintenance needs into the allocation formulas for all maintenance funds. The results of the study are to be reported to the Joint Legislative Transportation Oversight Committee and the Fiscal Research Division by December 1, 2000.

**EFFECTIVE DATE:** The bill would become effective when it becomes law.



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 1999

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HOUSE BILL 1498\*

Short Title: Butner/Powell Bill Change.

(Public)

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Sponsors: Representatives Crawford; Allen, Bowie, Buchanan, Cole, Dedmon,  
Dockham, Melton, and Saunders.

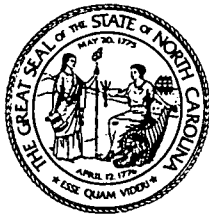
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Referred to: Transportation.

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May 10, 2000

1                                   A BILL TO BE ENTITLED  
2 AN ACT TO AUTHORIZE THE TOWN MANAGER OF BUTNER TO  
3 ADMINISTER ITS ANNUAL POWELL BILL STATE STREET AID  
4 ALLOCATION.  
5 The General Assembly of North Carolina enacts:  
6           Section 1. G.S. 136-41.1(c) reads as rewritten:  
7       "(c) Notwithstanding the provisions of subsections (a) and (b) of this section and  
8 of G.S. 136-41.2, the unincorporated area known as Butner qualifies in all respects for  
9 allocation of funds under this section and certification of the population and street  
10 mileage of Butner by the North Carolina Department of Health and Human Services  
11 is acceptable. Funds allocated to the area for this purpose shall be administered by  
12 the ~~member of the State Board of Transportation administering the Highway Fund in~~  
13 ~~Granville County.~~ Butner Town Manager."  
14           Section 2. This act becomes effective July 1, 2000, and applies to  
15 allocations authorized under G.S. 136-41.1 that occur on or after the effective date.



## HB 1498: Butner/Powell Bill Change

### BILL ANALYSIS

**Committee:** Senate Finance  
**Date:** June 14, 2000  
**Version:** First Edition

**Introduced by:** Representative Crawford  
**Summary by:** Erika Churchill  
Walker Reagan

Staff Counsel

**SUMMARY:** *This bill would amend the process of administering the "Powell Bill" funds allocated to Butner.*

**CURRENT LAW:** Butner is an unincorporated area whose administration is overseen by the State of North Carolina. Butner is eligible to receive money commonly known as "Powell Bill" funds. These funds are collected as part of the gasoline tax, and then distributed to municipalities pursuant a formula based upon population and miles of non-State streets within the municipality. For the Town of Butner, administration of these funds is currently done by the Board of Transportation member from the Butner area.

**BILL ANALYSIS:** The bill would grant the Town Manager the authority to administer the Powell Bill funds for Butner.

**EFFECTIVE DATE:** July 1, 2000, and applies to allocations on or after that date.

# VISITOR REGISTRATION SHEET

Senate Transportation

June 14, 2000

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

JANET D'IGNAZIO	NCDOT
Beau Mills	Governor's Office
Walter English	Charlotte Chamber
Nat Mond	CCNC
Emily Meeker	CCNC
Russell Hageman	DENR, Div. of Air Quality
LYMAN COOPER	CSX Corp.
R. Paul Wilms	NCMBA
George Everett	Duke Energy
Phil Conrad	Lt. Governor's Office
JP Coates	Sen. Foxx

# VISITOR REGISTRATION SHEET

## TRANSPORTATION

Name of Committee

6/14/00  
Date

Date \_\_\_\_\_

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

Reginald A. Bondhus

Intern San Jose

John Ponder

Am. Assoc. of NC

Scott Wickerson

12 64 65 66

Dear Dennis

12 13 14 15

Mark Benson

Capital Group

**Senate Transportation Committee**

**AGENDA**

**Wednesday, June 21, 2000**

**2:55 p.m. - Senate Chamber**

**Desk of Senator Larry Shaw**

**SB 1545 - Officer Memorial Sign Funds**

**Senator Larry Shaw**

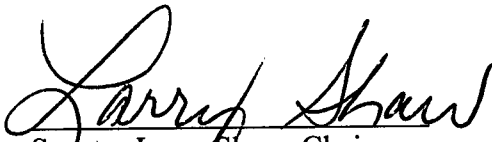
**MINUTES**  
**SENATE TRANSPORTATION COMMITTEE MEETING**


The Senate Transportation Committee met on Wednesday, June 21, 2000, 2:55 p.m. at the desk of Senator Shaw in the Senate Chamber. Ten members were present.

There was one bill on the Agenda **SB 1545 - Officer Memorial Sign Funds**, sponsored by Senator Shaw. Senator Shaw explained the bill after some discussion. Senator Garwood moved for a favorable report. Senator Carpenter seconded the motion carried unanimously.

There being no further business Senator Shaw adjourned the meeting.

Respectfully submitted,

  
Senator Larry Shaw, Chair

  
Barbara Lee, Committee Clerk

**NORTH CAROLINA GENERAL ASSEMBLY  
SENATE**

**TRANSPORTATION COMMITTEE REPORT  
Senator Larry Shaw, Chair**

Wednesday, June 21, 2000

SENATOR SHAW,  
submits the following with recommendations as to passage:

**FAVORABLE**

S.B. 1545	Officers Memorial Sign Funds.	
	Sequential Referral:	None
	Recommended Referral:	None

TOTAL REPORTED: 1

Committee Clerk Comment:

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 1545

Short Title: Officers Memorial Sign Funds.

(Public)

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Sponsors: Senator Shaw of Cumberland.

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Referred to: Appropriations/Base Budget.

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May 30, 2000

A BILL TO BE ENTITLED

1  
2 AN ACT TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO  
3 ERECT MEMORIAL SIGNS ALONG HIGHWAYS FOR STATE HIGHWAY  
4 PATROL MEMBERS AND OTHER LAW ENFORCEMENT PERSONNEL  
5 KILLED IN THE LINE OF DUTY.

6 The General Assembly of North Carolina enacts:

7 Section 1. The Department of Transportation shall erect signs along  
8 North Carolina's highways memorializing members of the State Highway Patrol and  
9 other law enforcement personnel who have died in the line of duty. The Department  
10 of Transportation shall coordinate the placement and contents of these memorial  
11 signs with the Department of Crime Control and Public Safety.

12 Section 2. This act becomes effective July 1, 2000.



# NORTH CAROLINA GENERAL ASSEMBLY

## LEGISLATIVE FISCAL NOTE

**BILL NUMBER:** SB 1545

**SHORT TITLE:** Officers Memorial Sign Funds

**SPONSOR(S):** Senator Shaw of Cumberland

### FISCAL IMPACT

Yes ()

No ()

No Estimate Available (X)

FY 2000-01

FY 2001-02

FY 2002-03

FY 2003-04

FY 2004-05

**REVENUES**

**EXPENDITURES**

**POSITIONS:**

**PRINCIPAL DEPARTMENT(S) &  
PROGRAM (S) AFFECTED:**

Department of Transportation

Department of Crime Control & Public Safety

**EFFECTIVE DATE:** July 1, 2000

**BILL SUMMARY:** The Department of Transportation is to erect memorial signs along highways for members of the State Highway Patrol and other law enforcement personnel who have died in the line of duty.

**ASSUMPTIONS AND METHODOLOGY:** On average, four law enforcement officers are killed in the line of duty every year. Depending on the place in which the officer was killed, the cost of the sign could range from \$1,600 to \$4,300. A sign for a conventional road, where the speed limit is 55 mph or less, would be considerably less expensive than one erected along an interstate highway where the sign would have to be much larger for drivers at higher speeds to see without straining.

There is no estimate available because the bill is not clear as to whether the act is to be retroactive and if so, how far back. Forty-six (46) officers have been killed in the line of duty in

the past eleven (11) years. If the Department were directed to erect signs for all past officers killed in the line of duty, the cost would be considerable. Funding for this bill would have to come from the Department's maintenance budget, which is already limited. Therefore, if the Department were expected to absorb the cost of the bill within its existing resources, it would be at the expense of other projects normally paid for out of the maintenance budget.

**TECHNICAL CONSIDERATIONS:** The bill is unclear as to whether the act is to be for law enforcement officers killed in the future only or if it is to be retroactive and if so, how many years back.

**FISCAL RESEARCH DIVISION 733-4910**

**PREPARED BY:** Kelly Little and Evan Rodewald

**APPROVED BY:** James D. Johnson

A handwritten signature in black ink, appearing to read "James D. Johnson", with a stylized flourish at the end.

**DATE:** June 19, 2000

**Senate Transportation Committee**

**AGENDA**

**WEDNESDAY, July 5, 2000**

**5 MINUTES BEFORE SESSION**

**Time:1:25 PM - Senate Chamber  
Desk of Senator Larry Shaw**

**The following bill will be considered:**

**HB 1498 BUTNER/POWELL BILL CHANGE**

**REP. CRAWFORD**

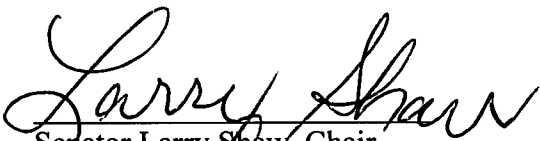
**MINUTES**  
**SENATE TRANSPORTATION COMMITTEE**


The Senate Transportation Committee met Wednesday, July 5, 2000 at 1:25 p.m. at the desk of Senator Shaw in the Senate Chamber. Eight members were present.

**HB 1498 Butner/Powell Bill Change** sponsored by Representative Crawford. Representative Crawford explained the bill. After some discussion, a motion was made for a favorable report, the bill passed unanimously.

There being no other bills Senator Shaw adjourned the meeting.

Respectfully submitted,

  
Senator Larry Shaw, Chair

  
Barbara Lee, Committee Clerk

**NORTH CAROLINA GENERAL ASSEMBLY  
SENATE**

**TRANSPORTATION COMMITTEE REPORT  
Senator Larry Shaw, Chair**

Thursday, July 06, 2000

SENATOR LARRY SHAW, CHAIR

Submits the following with recommendations as to passage:

**FAVORABLE**

H.B. 1498	Butner/Powell Bill Change.	
	Sequential Referral:	None
	Recommended Referral:	None

TOTAL REPORTED: 1

Committee Clerk Comment:

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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