2001

HOUSE TRANSPORTATION

MINUTES

NORTH CAROLINA HOUSE OF REPRESENTATIVES

TRANSPORTATION COMMITTEE

2001 SESSION

NORTH CAROLINA GENERAL ASSEMBLY

CHAIRS

Representative Cary Allred
Representative Drew P. Saunders

STAFF ATTORNEYS

Giles Perry
Wendy Graf

COMMITTEE ASSISTANTS

Jean Allred
Ruth Fish

ATTENDANCE

HOUSE COMMITTEE ON TRANSPORTATION

(Name of Committee)

DATES	2/27	2/28	3/7	3/21	3/28	4/4	4/11	4/18	4/24	5/2	5/9	5/16	5/23	5/30	6/6
ALLRED, Cary, Chair	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	X	✓	✓	✓	✓
SAUNDERS, Drew, Chair	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
BARNHART, Jeff, Vice Chair	✓	✓	✓	✓	✓	✓	X	✓	✓	✓	✓	✓	✓	X	X
ALLEN, Gordon	✓	✓	X	✓	✓	✓	✓	✓	X	✓	✓	X	X	✓	X
BUCHANAN, Monroe	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
CLARY, Debbie	X	X	X	✓	✓	✓	✓	X	✓	X	X	X	✓	✓	✓
COLE, Nelson	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
CRAWFORD, Jim	✓	✓	X	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
CULP, Arlie	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	X	✓	✓
DEDMON, Andy	✓	X	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	X	✓	✓
EARLE, Beverly	✓	X	X	X	X	X	✓	X	X	✓	X	X	X	X	X
EDDINS, Rick	✓	✓	✓	✓	✓	✓	✓	✓	X	✓	X	✓	✓	✓	✓
GIBSON, Pryor	X	X	X	✓	X	X	X	✓	✓	✓	X	✓	X	✓	✓
GILLESPIE, Mitch	X	X	X	✓	✓	X	✓	✓	✓	X	✓	✓	✓	✓	X
HILL, Dewey	X	X	X	✓	✓	X	✓	✓	X	✓	✓	✓	X	✓	✓
HOLLIMAN, Hugh	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	X	✓
LUCAS, Marvin	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
LUEBKE, Paul	X	X	X	✓	X	X	X	✓	X	✓	✓	X	X	✓	X
McCOMAS, Danny	✓	X	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
McLAWHORN, Marian	X	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
NYE, Edd	✓	✓	✓	✓	X	X	✓	X	X	✓	✓	X	X	✓	✓
SEXTON, Wayne	X	✓	✓	X	✓	✓	✓	✓	✓	✓	X	✓	X	X	✓
SHERRILL, Wilma	X	X	✓	✓	X	✓	✓	✓	✓	✓	✓	✓	✓	X	✓
SHUBERT, Fern	X	X	✓	✓	✓	✓	✓	✓	✓	✓	✓	X	✓	✓	✓
SUTTON, Ronnie	X	X	✓	✓	✓	✓	X	✓	✓	✓	✓	X	✓	✓	✓
TEAGUE, Junior	X	X	✓	✓	✓	✓	X	✓	X	✓	✓	✓	X	X	✓

ATTENDANCE

HOUSE COMMITTEE ON TRANSPORTATION – Page 2

(Name of Committee)

DATES	2/27	2/28	3/7	3/21	3/28	4/4	4/11	4/18	4/24	5/2	5/9	5/16	5/23	5/30	6/6
WALKER, Tracy	✓	✓	X	X	✓	✓	✓	X	✓	✓	✓	✓	✓	X	✓
WARWICK, Nurham	✓	✓	✓	✓	X	X	✓	✓	✓	X	✓	X	✓	X	✓
WILSON, Connie	✓	✓	✓	X	✓	✓	✓	X	✓	X	✓	X	X	✓	✓
Ex-Officio Members:															
HACKNEY, Joe, Speaker Tempore									✓						
BADDOUR, Philip, Majority Leader															
CUNNINGHAM, Pete															
Giles Perry, Counsel	✓	✓	✓	✓	✓	✓	✓	✓	X	✓	✓	✓	✓	✓	✓
Wendy Graf, Counsel	✓	✓	✓	X	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Jean Allred, Committee Assistant	X	✓	✓	✓	✓	X	✓	X	✓	X	X	X	✓	X	✓
Ruth Fish, Committee Assistant	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

HOUSE COMMITTEE ON TRANSPORTATION
2001 SESSION

MEMBER	ASSISTANT	PHONE	OFFICE
ALLRED, Cary, Chair	Jean Allred	733-5878	611LOB
SAUNDERS, Drew, Chair	Ruth Fish	733-5606	2217 LB
BARNHART, Jeff	Melanie McNeely	733-5661	1019 LB
ALLEN, Gordon	Lillie Pearce	733-5995	532 LOB
BUCHANAN, Monroe	Glenda Jones	733-5825	536 LOB
CLARY, Debbie	Elena Askey	733-5654	1211 LB
COLE, Nelson	Suzanne Smith	733-5779	1218 LB
CRAWFORD, Jim	Linda Winstead	733-5824	1301 LB
CULP, Arlie	Waneta Lord	733-5865	1010 LB
DEDMON, Andy	Donna Abu Harb	733-5732	2213 LB
EARLE, Beverly	Ann Raeford	733-5747	535 LOB
EDDINS, Rick	Dorie Monroe	733-5800	1319 LB
GIBSON, Pryor	Shirlyn MacPherson	715-3007	419A LOB
GILLESPIE, Mitch	Cindy Hobbs	733-5987	1201LB
HILL, Dewey	Ginny McCann	733-5830	1309 LB
HOLLIMAN, Hugh	Carol Bowers	733-5827	1211 LB
LUCAS, Marvin	Audrey Ray	733-5775	1323 LB
LUEBKE, Paul	Joyce Harris	733-7663	529 LOB
McCOMAS, Danny	Jayne Walton	733-5786	606 LOB
McLAWHORN, Marian	Susan Burleson	715-3017	417B LOB

NYE, Edd	Jo Bobbitt	733-5477	639 LOB
SEXTON, Wayne	Debbie Turner	733-5905	508 LOB
SHERRILL, Wilma	Rosa Kelley	715-3026	403 LOB
SHUBERT, Fern	Carol Wilson	733-5602	1426 LB
SUTTON, Ron	Juanita Coley	715-0875	1321 LB
TEAGUE, Worthy	Anna Kidd	733-5530	1017 LB
WALKER, Tracy	Barbara Powell	733-5935	1111 LB
WARWICK, Nurham	Linda Uzzle	715-3003	419C LOB
WILSON, Connie	Chris Floyd	733-5903	501 LOB

Giles Perry, Committee Counsel
Wendy Graf, Committee Counsel

Jean Allred, Committee Assistant
Ruth Fish, Committee Assistant

2001-2002 Biennium

Leg. Day: H-175/S-169

Bill	Introducer	Short Title		Latest Action	In Date	Out Date
H0043	Cansler	NONBETTERMENT RELOCATION COSTS.	H	Assigned To Appropriations Subcommittee on Transportation	02-05-01	03-07-01
$ H0069=	**Bowie**	**REPEAL HIGHWAY USE TAX TRANSFER-3 YRS.**	***H**	**Assigned To Appropriations Subcommittee on Transportation**	**02-07-01**	**03-28-01**
H0076	Russell	PURPLE HEART MEMORIAL HIGHWAY.	*H	Ref To Com On Transportation	02-20-01	07-11-01
H0112=	McComas	CORNING ACCESS BRIDGE (NC 132).	H	Ref To Com On Transportation	02-14-01	
H0114	Warner	AMERICAN EX-PRISONERS OF WAR HIGHWAY.	HR	Ch. SL 2001-196	02-15-01	02-27-01
H0289	Wilson, C	HIGHWAY USE TAX EXEMPTION-ADD SPOUSE.	H	Ref to the Com on Transportation and, if favorable, to the Com on Finance	02-28-01	
H0340	Tolson	AFV'S-HOV USE/PRIME PARKING.	H	Ref to the Com on Transportation and, if favorable, to the Com on Finance	03-01-01	
H0432	Saunders	LICENSING SELLING OF CARS.	*HR	Ch. SL 2001-345	03-01-01	03-22-01
H0455	McCombs	SHP REIMBURSEMENT FOR SPECIAL EVENTS.	H	Re-ref Com On Finance	03-28-01	04-11-01
H0460	Ellis	DRIVING WHILE IMPAIRED ROADSIDE MEMORIAL MARKERS	*H	Ref To Com On Appropriations/ Base Budget	03-05-01	04-19-01
H0552	Allred	OPTIONAL TWO YEAR LICENSE PLATES.	*H	Re-ref Com On Finance	03-12-01	04-05-01
H0600	Brubaker	NCDL APPOINTMENT RENEWALS/COUNTY RESIDENTS.	*H	Ref To Com On Transportation	03-14-01	04-05-01
$ H0617	**Luebke**	**FREEZE CERTAIN HIGHWAY FUNDS.**	**H**	**Re-ref Com On Environment and Natural Resources**	**03-14-01**	**06-28-01**
H0644=	Crawford, J.	TOLL ROAD AND BRIDGE AUTHORITY CREATED.	*H	Ref To Com On Finance	03-15-01	06-18-01
H0686	Gibson	RECREATION VEHICLES-WIDTH/LENGTH CHANGES.	*HR	Ch. SL 2001-341	03-19-01	04-24-01
H0809	Alexander	MUNICIPAL ETJ ROADWAY IMPROVEMENTS.	H	Ref To Com On Transportation	03-26-01	
H0821	Nye	STUDY OF INEXPERIENCED DRIVERS.	H	Ref to the Com on Transportation and, if favorable, to the Com on Rules, Calendar, and Operations of the House	03-27-01	
H0907=	Weiss	CARY ROADWAY EXPENDITURES.	H	Ref To Com On Transportation	03-29-01	
H0945	Barnhart	TRANSPORTATION	H	Re-ref Com On	04-11-01	

'$' indicates the bill is an appropriation bill.
A bold line indicates the bill is an appropriation bill.
'*' indicates that the text of the original bill was changed by some action.
'=' indicates that the original bill is identical to another bill.

2001-2002 Biennium

Bill	Introducer	Short Title		Latest Action	In Date	Out Date
		FUNDING EQUITY COMMISSION.		Transportation		
H1089	Russell	REVISE HIGHWAY EQUITY FUNDING FORMULA.	H	Ref To Com On Transportation	04-11-01	
H1130	Decker	MUNICIPAL SECONDARY ROADS PAVED.	*H	Amend Pending #1	04-12-01	07-11-01
H1130	Decker	MUNICIPAL SECONDARY ROADS PAVED.	*H	Amend Pending #1	07-30-01	07-30-01
H1175	Howard	EMISSIONS INSP.-NOT FOR 25 YEAR OLD VEHICLES.	H	Ref To Com On Transportation	04-12-01	
H1226	Hackney	IMPROVE AIR QUALITY WITH LOCAL PLAN.	H	Ref To Com On Transportation	04-12-01	
H1229	Shubert	HIGHWAY MAINTENANCE FUNDS-SOURCES/ DISTRIBUTION.	H	Assigned To Appropriations Subcommittee on Transportation	04-12-01	04-25-01
H1309	Gibson	REDUCE LITTER/ INCREASE STATE RECYCLING.	*H	Re-ref Com On State Government	04-12-01	06-04-01
H1328	Blust	AIRPORT CORRIDOR OFFICIAL MAP ACT.	H	Ref To Com On Transportation	04-12-01	
H1333	Hensley	WINDSHIELDS REQUIRED AND INSPECTED.	H	Ref To Com On Transportation	04-12-01	
S0009	Wib Gulley	INTERSTATE HIGH-SPEED RAIL COMMISSION.	*HR	Ch. SL 2001-266	03-29-01	06-13-01
S0029=	Patrick J. Balla	CORNING ACCESS BRIDGE (NC132).	HR	Ch. SL 2001-1	02-21-01	02-27-01
S0091	David W. Hoyle	DEALER PLATE CHANGES.	*HR	Ch. SL 2001-212	04-19-01	05-24-01
S0148	Larry Shaw	LAW OFFICERS MEMORIAL SIGNS.	*H	Re-ref Com On Transportation	03-01-01	06-04-01
S0148	Larry Shaw	LAW OFFICERS MEMORIAL SIGNS.	*H	Re-ref Com On Transportation	06-06-01	
S0206	Aaron W. Plyler	TOURIST DIRECTIONAL SIGN PROGRAM.	*HR	Ch. SL 2001-383	04-12-01	06-20-01
S0249	John H. Kerr III	TRUST FUND TRANSFERS ALLOWED.	*H	Ref To Com On Transportation	04-30-01	
S0380	Daniel G. Clodfe	COUNTY ROAD NAMES.	HR	Ch. SL 2001-145	04-25-01	05-16-01
S0600	Wib Gulley	MV TECHNICAL CHANGES.	*H	Re-ref Com On Appropriations	04-30-01	06-14-01
S0614=	Wib Gulley	VARIOUS CITIES' ROADWAY EXPENSES.	*HR	Ch. SL 2001-245	04-03-01	06-13-01
S0719	Wib Gulley	TTA EMINENT DOMAIN.	*HR	Ch. SL 2001-239	04-19-01	05-15-01
S0731	Daniel G. Clodfe	TRANSPORTATION PLANNING.	*HR	Ch. SL 2001-168	04-25-01	05-21-01
S0942	Charles Carter	TRANSPORTER PLATES TO COUNTIES.	*HR	Ch. SL 2001-147	04-30-01	05-16-01

'$' indicates the bill is an appropriation bill.
A bold line indicates the bill is an appropriation bill.
'*' indicates that the text of the original bill was changed by some action.
'=' indicates that the original bill is identical to another bill.

AGENDA

HOUSE COMMITTEE ON TRANSPORTATION

February 27, 2001
Room 643 LOB
10:00 A.M.

OPENING REMARKS

Representative Drew Saunders, Chair
Transportation Committee

AGENDA ITEMS

SB 29 CORNING ACCESS BRIDGE (NC 132)
Senator Patrick Ballantine, Sponsor

HB 114 AMERICAN EX-PRISONERS OF WAR HIGHWAY
Representatives Warner, Hurley, Lucas, Sponsors

ADJOURNMENT

MINUTES

HOUSE COMMITTEE ON TRANSPORTATION

February 27, 2001

The House Committee on Transportation met on Tuesday, February 27, 2001, in Room 643 of the Legislative Office Building at 10:00 A.M. The following members were present: Chairman Drew Saunders, Chairman Cary Allred, Vice-Chair Jeff Barnhart, Representatives Allen, Buchanan, Cole, Crawford, Culp, Dedmon, Earle, Eddins, Holliman, Lucas, Nye, Walker, Warwick, and C. Wilson. Staff Counsel Giles Perry and Wendy Graf were also in attendance. Pages in attendance were Chad Giles of Wake County, sponsored by Speaker Black, and Alex Alston of Wake County, sponsored by Representative Blue.

Representative Saunders, Chair, called the meeting to order and called on new members to introduce themselves and state the counties they represented.

Senator Ballantine, bill sponsor, was recognized to explain SB 29 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO PERMIT PRIVATE ENCROACHMENT ON THE HIGHWAY RIGHT-OF-WAY OF NC 132 I NEW HANOVER COUNTY FOR CONSTRUCTION OF A CORNING ACCESS BRIDGE. Upon motion made by Representative McComas, the bill received a favorable report.

The next order of business was HB 114, A BILL TO BE ENTITLED AN ACT TO DESIGNATE U.S. HIGHWAY 70 IN NORTH CAROLINA AS THE "BLUE STAR MEMORIAL AND AMERICAN EX-PRISONERS OF WAR HIGHWAY." Representative Warner, bill sponsor, explained the bill. A question and answer period followed the explanation. Ms. Ruth Sappie with the North Carolina Department of Transportation assisted in answering questions. Upon motion by Representative McComas, the bill received a favorable report.

There being no further business, the chair adjourned the meeting at 10:25 A.M.

Respectfully submitted,

Representative Drew Saunders
Presiding Chair

Ruth Fish
Committee Assistant

Allred and

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative **SAUNDERS** (Chair) for the Committee on **TRANSPORTATION**.

☐ Committee Substitute for
S.B. 29 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO PERMIT PRIVATE ENCROACHMENT ON THE HIGHWAY RIGHT-OF-WAY OF NC 132 IN NEW HANOVER COUNTY FOR CONSTRUCTION OF A CORNING ACCESS BRIDGE.

☒ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

Allred and

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative) **SAUNDERS** (Chair) for the Committee on **TRANSPORTATION**.

☐ Committee Substitute for
H.B. 114 A BILL TO BE ENTITLED AN ACT TO DESIGNATE U.S. HIGHWAY 70 IN NORTH CAROLINA AS THE "BLUE STAR MEMORIAL AND AMERICAN EX-PRISONERS OF WAR HIGHWAY".

☒ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 1

SENATE BILL 29

Short Title:	Corning Access Bridge (NC 132).	(Public)
Sponsors:	Senators Ballantine; Jordan and Soles.	
Referred to:	Transportation.	

February 5, 2001

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO PERMIT PRIVATE ENCROACHMENT ON THE HIGHWAY RIGHT-OF-WAY OF NC 132 IN NEW HANOVER COUNTY FOR CONSTRUCTION OF A CORNING ACCESS BRIDGE.

The General Assembly of North Carolina enacts:

SECTION 1. The Department of Transportation may permit private encroachment on the highway right-of-way of NC 132 in New Hanover County for a bridge to provide access for pedestrians and light vehicular traffic from the Corning, Incorporated property on the north side of NC 132 to the Corning, Incorporated property located on the south side of NC 132. The Department shall approve the location, plans, and specifications for the access bridge. The encroachment shall not unreasonably interfere with or obstruct the public use of NC 132 and shall be subject to all other rules, regulations, and conditions of the Department of Transportation for encroachments.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

HOUSE BILL 114

Short Title:	American Ex-Prisoners of War Highway.	(Public)
Sponsors:	Representatives Warner, Hurley, Lucas; Barefoot, Esposito, Justus, Morris, and Wainwright.	
Referred to:	Transportation.	

February 15, 2001

A BILL TO BE ENTITLED

AN ACT TO DESIGNATE U.S. HIGHWAY 70 IN NORTH CAROLINA AS THE "BLUE STAR MEMORIAL AND AMERICAN EX-PRISONERS OF WAR HIGHWAY".

Whereas, many patriotic North Carolina citizens have served meritoriously in the armed forces of the United States of America in conflicts necessary to preserve the liberty and independence of this nation and to promote and project the democratic, freedom-loving values championed by this country; and

Whereas, some of these North Carolina soldiers suffered wounds, often with imminent danger to their lives and with grievous pain, while engaged in combat with and being held prisoner by the enemy; and

Whereas, in many cases, these soldiers continued heroic determination and effectiveness, while ignoring their intense physical pain and the constant threat to their lives; they staunchly refused to divulge information to aid the enemy; and

Whereas, the United States of America reserves a special combat decoration for these held prisoners of war, The Prisoner of War Medal; and

Whereas, many ex-prisoners of war have been awarded The Prisoner of War Medal for their sacrifice in service to America, their fellow citizens, their combat unit and their comrades, and in recognition of their personal suffering and their fierce determination never to capitulate; and

Whereas, North Carolina ex-prisoners of war should be remembered across this great State for their personal endurance without food, without heat, without the essentials of health, and without communication; and

Whereas, these courageous soldiers, who suffered great stress and hardship to their minds and bodies while rendering heroic service to their country, should also be specially honored for their patriotic valor in combat; and

Whereas, other states along United States Highway 70 have designated the highway within their borders as the "American Ex-Prisoners of War Highway"; and

Whereas, currently, United States Highway 70 within the borders of North Carolina is designated as the "Blue Star Memorial Highway" which pays tribute to those killed during World War II; and

Whereas, it is appropriate that this legislative body also recognize with the most profound gratitude the heroic, patriotic service of all North Carolina ex-prisoners of war across this great State; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-102.1 reads as rewritten:

"**§ 136-102.1. Blue Star Memorial and American Ex-Prisoners of War Highway.**

All of the United States Highway #70, wherever located in North ~~Carolina, shall, from enactment and ratification of this section,~~ Carolina shall be known and designated as the "Blue Star Memorial and American Ex-Prisoners of War Highway." The designation shall pay tribute to the many North Carolinians killed during World War II and to all North Carolina's ex-prisoners of war.

~~No State highway funds may be expended for the erection of signs designating the highway as provided in this section.~~"

SECTION 2. The Department of Transportation shall, with the assistance of the Division of Veterans Affairs, design and place appropriate signage consistent with State and federal regulations near U.S. Highway 70 within the borders of North Carolina implementing Section 1 of this act.

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

CORNING ACCESS BRIDGE:
Senate Bill 29

BILL ANALYSIS

Committee:	House Transportation	**Introduced by:**	Senators Ballentine; Jordon and Soles
Date:	February 27, 2001		
Version:	First Edition	**Summary by:**	Giles S. Perry Committee Counsel

SUMMARY: ***Senate Bill 29 authorizes the construction of a privately owned bridge over North Carolina State Highway 132 in New Hanover County.***

CURRENT LAW: Under current law, NC DOT has authority to authorize utility encroachments across State highways and roads (G.S. 136-18(10)). The Department does not have general authority to authorize bridge encroachments.

BILL ANALYSIS: Senate Bill 29 authorizes the construction of one bridge encroachment across NC 132 in New Hanover County. The Department is required to approve the location, plans, and specifications for the bridge. The Department is also authorized to apply other conditions to the encroachment agreement.

Senate Bill 29 would become effective when it becomes law.

S29-SMRW-001

HOUSE BILL 114:
American Ex-Prisoners of War Highway

BILL ANALYSIS

Committee:	House Transportation Committee	**Introduced by:**	Rep. Warner, Hurley, and Lucas
Date:	February 27, 2001		
Version:	First Edition	**Summary by:**	Wendy Graf Committee Counsel

SUMMARY: ***House Bill 114 designates all portions of United States Highway 70 located in North Carolina as the "Blue Star Memorial and American Ex-Prisoners of War Highway". The bill would take effect when it becomes law.***

BACKGROUND AND BILL ANALYSIS: Under current G.S. 136-102.1, all portions of U.S. Highway 70 located in North Carolina are designated as the "Blue Star Memorial Highway" in recognition of those who were killed during World War II. This bill amends G.S. 136-102.1 to designate those portions of U.S. Highway 70 as the "Blue Star Memorial and American Ex-Prisoners of War Highway" to also recognize North Carolina soldiers who are ex-prisoners of war. The bill was modeled after Tennessee's statute, which designates portions of the highway within its borders as the "American Ex-Prisoners of War Highway".

AGENDA

HOUSE COMMITTEE ON TRANSPORTATION

February 28, 2001
Room 643 LOB
11:00 A.M.

OPENING REMARKS

Representative Drew Saunders, Chair
Transportation Committee

AGENDA ITEMS

Report From North Carolina Department of Transportation
Mr. Lyndo Tippett, Secretary
North Carolina Department of Transportation

ADJOURNMENT

MINUTES

HOUSE COMMITTEE ON TRANSPORTATION

February 28, 2001

The House Committee on Transportation met on Wednesday, February 28, 2001, in Room 643 of the Legislative Office Building at 11:00 A.M. The following members were present: Chair Drew Saunders, Chair Cary Allred, Vice-Chair Jeff Barnhart, Representatives Allen, Buchanan. Cole, Crawford, Culp, Eddins, Holliman, Lucas, McLawhorn, Nye, Sexton, Walker, Warwick, and C. Wilson. Giles Perry and Wendy Graf, Staff Counsel were in attendance. A Visitor Registration list is attached and made part of these minutes.

Representative Saunders, Chair, called the meeting to order and introduced Dusty Rhodes and Walter Spell with the Sergeant At Arms Office and Pages: Chad Giles of Wake County, sponsored by Speaker Black, and Alex Alston of Wake County, sponsored by Representative Blue.

Mr. Lyndo Tippett, Secretary of North Carolina Department of Transportation, was recognized to report on the Department agenda. A question and answer period followed the report. Mr. Tippett stated that the Department would improve operations and expand its efforts in environmental planning and local government affairs. Agenda items focused on the following:

1. Highway maintenance needs
2. Mass transit
3. Highway construction
4. Urban areas – Use of HOV lanes to alleve traffic jams and save on construction costs
5. Rural needs – must have arteries of access to major highways to better attract industry
6. Expanding and improving the Department's environmental efforts – Mr. Roger Sheats has been named as a Deputy Secretary to assist in these efforts. He will work with Rural Planning Organizations to protect the environment in planning roads.
7. Improve rail, aviation, bicycles, ferries, and other means of moving people safely.

Secretary Tippett introduced Mr. Gene Conti, who will be assisting him as Chief Deputy.

The meeting adjourned at 10:50 A.M.

Respectfully submitted,

Representative Drew Saunders
Presiding Chair

Ruth Fish
Committee Assistant

VISITOR REGISTRATION SHEET

TRANSPORTATION — Feb. 28, 2001

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Craig Deal	DENR
Chris Fitzsimon	Common Sense Foundation
Leigh Angres	Common Sense Foundation
Steve Woodson	NC Farm Bureau
Robert Glazer	NC Auto Dlrs Assn.
John Cyrus	N.C. State Grange
Mary Carmilia	REBIC
Lucius Pullen	Attorney
Lyman Cooper	CSX Corp.
	Parker, Poe, [illegible] & Bernstein LLP
K.C. Jones	Danville
Ron M Killian	Moore & Van Allen
Warren Wakeland	Wilm Cape Fear HBA

VISITOR REGISTRATION SHEET

TRANSPORTATION — Feb. 28, 2001

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Doug Lassiter	Lassiter Enterprise
Charlie Diehl	NC Trucking Assoc.
[illegible]	NCBTC
Paul Stocie	NC Bankers Assn.
Eddie Caldwell	Hafer Caldwell & Ferrell, P.A.
[illegible]	[illegible]
[illegible]	Charlotte Candidate Board of Governors

AGENDA

HOUSE COMMITTEE ON TRANSPORTATION

March 7, 2001
Room 643, Legislative Office Building

OPENING REMARKS

Representative Drew Saunders, Chair

BILLS TO BE DISCUSSED

HB 43 Nonbetterment Relocations Costs

Bill Sponsor, Representative Lanier Cansler

ADJOURNMENT

MINUTES

HOUSE COMMITTEE ON TRANSPORTATION

March 7, 2001

The House Committee on Transportation met on Wednesday, March 7, 2001, in Room 643 of the Legislative Office Building at 11:00 A.M. The following members were present: Chairman Cary Allred, Chairman Drew Saunders, Vice Chair Jeff Barnhart, Representatives Buchanan, Cole, Culp, Dedmon, Eddins, Holliman, Lucas, McComas, McLawhorn, Nye, Sexton, Sherrill, Shubert, Sutton, Teague, Warwick, and C. Wilson. Giles Perry and Wendy Graf, Staff Counsel, were in attendance. A Visitor Registration list is attached and made part of these minutes.

Representative Saunders, Chair, called the meeting to order and introduced Sergeant At Arms staff, Martha Parrish and Dusty Rhodes. He also recognized Pages: Jade Adams of Wake County, sponsored by Representative Ellis, and Lindsay Fisher of Wake County, sponsored by Representative Eddins.

Representative Cansler, bill sponsor, was recognized to explain HB 43 A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION SHALL PAY THE NONBETTERMENT COSTS OF UTILITY RELOCATIONS FOR WATER AND SEWER LINES OWNED BY A SYSTEM CREATED PURSUANT TO ARTICLE 20 OF CHAPTER 160A OF THE GENERAL STATUTES. Representative Sherrill, Co-sponsor of the bill, also spoke in support of the bill. Discussion followed the explanation, and Ruth Sappie with the Department of Transportation spoke in opposition to the bill. Mr. Aydren Flowers with the Department of Transportation assisted Ms. Sappie in the discussion. Upon motion by Representative Sexton, the Committee voted to give HB 43 a favorable report and be re-referred to the Appropriations Committee.

There being no further business, Representative Saunders adjourned the meeting at 11:26 A.M.

Respectfully submitted,

Representative Drew Saunders
Presiding Chair

Ruth Fish
Committee Assistant

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **ALLRED AND SAUNDERS** (Chair/Chairs) for the Committee on **TRANSPORTATION**.

☐ Committee Substitute for
H.B. 43 A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION SHALL PAY THE NONBETTERMENT COSTS OF UTILITY RELOCATIONS FOR WATER AND SEWER LINES OWNED BY A SYSTEM CREATED PURSUANT TO ARTICLE 20 OF CHAPTER 160A OF THE GENERAL STATUTES.

☐ With a favorable report.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☒ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H 1

HOUSE BILL 43

Short Title:	Nonbetterment Relocation Costs.	(Local)
Sponsors:	Representatives Cansler; Nesbitt, Sherrill, and Walend.	
Referred to:	Transportation.	

February 5, 2001

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION SHALL PAY THE NONBETTERMENT COSTS OF UTILITY RELOCATIONS FOR WATER AND SEWER LINES OWNED BY A SYSTEM CREATED PURSUANT TO ARTICLE 20 OF CHAPTER 160A OF THE GENERAL STATUTES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-27.1 reads as rewritten:

"**§ 136-27.1. Relocation of water and sewer lines of municipalities and nonprofit water or sewer corporations or associations.**

The Department of Transportation shall pay the nonbetterment cost for the relocation of water and sewer lines, located within the existing State highway right-of-way, that are necessary to be relocated for a State highway improvement project and that are owned by: (i) a municipality with a population of 5,500 or less according to the latest decennial census; (ii) a nonprofit water or sewer association or corporation; (iii) any water or sewer system organized pursuant to Chapter 162A of the General Statutes; (iv) a rural water system operated by county as an enterprise system; (v) any sanitary district organized pursuant to Part 2 of Article 2 of Chapter 130A of the General Statutes; ~~or~~ (vi) constructed by a water or sewer system organized pursuant to Chapter 162A of the General Statutes and then sold or transferred to a municipality with a population of greater than 5,500 according to the latest decennial ~~census.~~ census; or (vii) constructed by a water or sewer system organized pursuant to Article 20 of Chapter 160A of the General Statutes."

SECTION 2. This act applies to Buncombe County and Henderson County only.

SECTION 3. This act shall not apply to any funds due to the Department of Transportation for any project completed or for which a contract has been let prior to the effective date of this act.

SECTION 4. Funds expended by the Department of Transportation pursuant to this act shall be credited against Department projects in Buncombe and Henderson Counties only and shall not affect or delay projects in the other counties of Transportation Divisions 13 and 14.

SECTION 5. This act is effective when it becomes law and shall not affect pending litigation.

HOUSE BILL 43:
Nonbetterment Relocation Costs

BILL ANALYSIS

Committee:	House Transportation	**Introduced by:**	Reps. Cansler; Nesbitt, Sherrill, and Walend
Date:	March 7, 2001		
Version:	First Edition	**Summary by:**	Giles S.Perry Committee Counsel

SUMMARY: ***House Bill 43 provides that DOT must pay for the relocation (but not improvement) of utility lines located on a DOT right of way and owned by a water and sewer system created pursuant to Article 20 of Chapter 160A.***

CURRENT LAW: Current law requires DOT to reimburse the following six types of entities for the cost of moving (but not improving) their utility lines located on DOT right-of-way:

--a municipality with a population of 5,500 or less

--a nonprofit water or sewer association

--a water or sewer system organized under Chapter 162A

--a rural water system operated by a county as an enterprise system

--a sanitary district organized under Chapter 130A, Art 2, Part 2

--a water or sewer system constructed under Chapter 162A, and sold to a municipality with a population greater than 5,500

HOUSE BILL 43: House Bill 43 would require DOT to pay the cost of moving (but not improving) water and sewer lines on a DOT right-of-way owned by a water and sewer system created pursuant o Article 20 of Chapter 160A of the General Statutes.

House Bill 43 also provides that:

--the bill only applies to Buncombe and Henderson Counties;

--the bill only applies to future relocation projects; and

--funds expended pursuant to this act would be credited against Department projects in Buncombe and Henderson Counties, and could not affect or delay projects in the other counties of Transportation Divisions 13 and 14.

House Bill 43 would become effective when it becomes law, and would not affect pending litigation.

H43-SMRW-001

VISITOR REGISTRATION SHEET

HOUSE COMMITTEE ON TRANSPORTATION — March 7, 2001

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Craig Deal	DENR
Lyman Cooper	CSF
Bill	
Kim Hibbard	NCLM
Bean Mills	NCMC
Ken Melton	Alley Associates
Natalie English	Charlotte Chamber
Eddie Caldwell	Hafer Caldwell + Ferrell, P.A.
Ruth Sappie	NCDOT
Aydren Flowers	NCDOT
John Long	Martin Marietta

VISITOR REGISTRATION SHEET

HOUSE COMMITTEE ON TRANSPORTATION — March 7, 2001

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
John Cyrus	N.C. state Grange

AGENDA

COMMITTEE ON TRANSPORTATION

March 21, 2001

OPENING REMARKS

Representative Cary Allred, Chair

BILLS TO BE DISCUSSED

HB 69 **Repeal Highway Use Tax Transfer—3Yrs.**
Representative Joni Bowie, Bill Sponsor

HB 432 **Licensing Selling of Cars**
Representative Drew Saunders, Bill Sponsor

ADJOURNMENT

MINUTES

HOUSE COMMITTEE ON TRANSPORTATION

March 21, 2001

The HOUSE COMMITTEE ON TRANSPORTATION met on Wednesday, March 21, 2001, in Room 643 of the Legislative Office Building at 11:00 A.M. The following members were present: Chairman Cary Allred, Chairman Drew Saunders, Vice-Chairman Jeff Barnhart, Representatives Allen, Buchanan, Clary, Cole, Crawford, Culp, Dedmon, Eddins, Gibson, Gillespie, Hill, Holliman, Lucas, Luebke, McComas, McLawhorn, Nye, Sherrill, Shubert, Sutton, Teague, Walker and Warwick. Giles Perry, Staff Attorney was in attendance. Also attending were Juliana Berde and Monica Hodges, House Pages and Dusty Rhodes, House Sergeant-at-Arms and Donnell Leathers, Sergeant-at-Arms. A Visitors Registration list is attached and made part of these minutes.

Representative Allred, Chair, called the meeting to order and introduced Pages, Juliana Berde, Wake County, sponsored by Representative Eddins and Monica Hodges, Wake County, sponsored by Representative Capps and the Sergeants-at Arms, Dusty Rhodes and Donnell Leathers.

The first order of business was adopting a proposed committee substitute for **HB 432 A BILL TO BE ENTITLED AN ACT TO ESTABLISH PENALTIES FOR SELLING CARS IN VIOLATION OF THE MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSING LAW, TO ESTABLISH EDUCATIONAL REQUIREMENTS REQUIRED FOR ISSUANCE AND RENEWAL OF LICENSURE FOR USED MOTOR VEHICLE DEALERS, AND TO INCREASE FEES.** Representative Buchanan so moved and the committee substitute was adopted for discussion.

Representative Saunders, bill sponsor, was recognized to explain the Committee Substitute. Representative Saunders explained the Committee Substitute.

Chairman Allred called upon Giles Perry, Staff Attorney, to explain the differences between the current law verses the Committee Substitute.

Jim Edwards, Executive Director, of Carolinas Independent Automobile Dealers Association (CIADA) addressed the committee and stated that that the members of CIADA strongly endorsed this bill and that eight states have already enacted continuing education requirements with an additional eleven states considering the same. The Chair expressed concern to Mr. Edwards over alerting dealers to the proposed changes if the Committee Substitute passes into law.

Discussion followed as Chairman Allred called upon members to ask questions or speak on the Committee Substitute. Representative Sherrill spoke in favor stating that continuing education was needed, consumers would be protected and that the profession wants the bill.

Representative Luebke raised concern over whether dealers who are not members of CIADA must abide the law. Representative Sutton questioned the CS as did Representative Nye. The following members spoke in favor of the Committee Substitute: Representatives Cole, Culp, Shubert, McComas, Eddins and Sherrill.

Representative Clary spoke in favor of the Committee Substitute but questioned if the "kitchen table dealers" would be informed when the law changed. Ruth Sappie, Department of Transportation, addressed the committee stating that DOT would indeed notify dealers when the law is changed.

Roger Bone, CIADA Lobbyist, spoke in favor of the bill.

Chairman Allred called for a vote on Representative Cole's motion to give the Committee Substitute a favorable report, which changes the title, unfavorable as to original bill. The motion passed and the meeting was adjourned at 11:55 A.M.

Note: The fee was removed from the original bill, HB432, therefore the CS which was adopted will not have to be referred to Finance as originally stated...Giles Perry, Staff Attorney.

Respectfully submitted,

Representative Cary Allred
Presiding Chair

Jean Allred
Committee Assistant

Committee Report
Attachments
Visitors Registration

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representatives **Allred** and **Saunders**, Chairs for the Committee on **TRANSPORTATION**.

☐ Committee Substitute for
H.B. 432 A BILL TO BE ENTITLED AN ACT TO ESTABLISH PENALTIES FOR SELLING CARS IN VIOLATION OF THE MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSING LAW, TO ESTABLISH EDUCATIONAL REQUIREMENTS REQUIRED FOR ISSUANCE AND RENEWAL OF LICENSURE FOR USED MOTOR VEHICLE DEALERS, AND TO INCREASE FEES.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

X With a favorable report as to committee substitute bill, which changes the title, unfavorable as to original bill.

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

HOUSE BILL 432

Short Title:	Licensing Selling of Cars.	(Public)
Sponsors:	Representatives Saunders; Cole and Weatherly.	
Referred to:	Transportation, if favorable, Finance.	

March 1, 2001

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH PENALTIES FOR SELLING CARS IN VIOLATION OF THE MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSING LAW, TO ESTABLISH EDUCATIONAL REQUIREMENTS REQUIRED FOR ISSUANCE AND RENEWAL OF LICENSURE FOR USED MOTOR VEHICLE DEALERS, AND TO INCREASE FEES.

Whereas, not only the setting of standards to protect purchasers of motor vehicles but also the enforcement of substantial penalties applicable when those standards are not met is one of the most effective means to obtain this protection; and

Whereas, more complex laws governing regulation of the sale and distribution of motor vehicles such as the titling of a vehicle, warranties, collection of consumer debt pursuant to Federal Trade Commission regulations, and applicable tax provisions impose a greater number of duties upon independent automobile dealers; and

Whereas, the most effective and consistent means of informing both applicants for licensure and experienced, licensed motor vehicle dealers of major changes and increasing complexities in the law is to develop a program insuring the development and requirement of appropriate continuing education; and

Whereas, to better effect these policies, it is necessary to increase to more appropriate levels the fees for those persons regulated by the Motor Vehicle Dealers and Manufacturers Licensing Law; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-287 reads as rewritten:

"**§ 20-287. Licenses ~~required.~~ required; penalties.**

(a) It shall be unlawful for any new motor vehicle dealer, used motor vehicle dealer, motor vehicle sales representative, manufacturer, factory branch, factory representative, distributor, distributor branch, distributor representative, or wholesaler to engage in business in this State without first obtaining a license as provided in this Article. If any motor vehicle dealer acts as a motor vehicle sales representative, the

dealer shall obtain a motor vehicle sales representative's license in addition to a motor vehicle dealer's license. A sales representative may have only one license. The license shall show the name of each dealer or wholesaler employing the sales representative. The following license holders may operate as a motor vehicle dealer without obtaining a motor vehicle dealer's license or paying an additional fee: a manufacturer, a factory branch, a distributor, and a distributor branch. Any of these license holders who operates as a motor vehicle dealer may sell motor vehicles at retail only at an established salesroom.

(b) Any person who violates any provision of this section shall be guilty of a Class 2 misdemeanor.

(c) In addition to any other punishment or remedy under the law for any violation of this section, the Division may levy and collect a civil penalty, in an amount not to exceed one thousand dollars ($1,000) for each violation, against any person who has obtained a license pursuant to this section, if it finds that the licensee has violated any provisions of this section or of any rules adopted by the Division relating to the sale of vehicles, vehicle titling, or vehicle registration. The Division may levy and collect a civil penalty, in an amount not to exceed five thousand dollars ($5,000) for each violation of any provision of this section, against any person who has not obtained a license as prescribed by this section."

SECTION 2. G.S. 20-288 reads as rewritten:

"**§ 20-288. Application for license; license requirements; expiration of license; bond.**

(a) A ~~person~~ new motor vehicle dealer, motor vehicle sales representative, manufacturer, factory branch, factory representative, distributor, distributor branch, distributor representative, or wholesaler may obtain a license by filing an application with the Division. An application must be on a form provided by the Division and contain the information required by the Division. An application for a license must be accompanied by the required fee and by an application for a dealer license plate.

(a1) A used motor vehicle dealer may obtain a license by filing an application, as prescribed in subsection (a) of this section, and providing the following:

(1) The required fee.

(2) Proof that the applicant, within the last 12 months has completed a 12-hour licensing course approved by the Division if the applicant is seeking an initial license and a six-hour course approved by the Division if the applicant is seeking a renewal license. The requirements of G.S. 20-288(a1)(2) do not apply to a used motor vehicle dealer the primary business of which is the sale of salvage vehicles on behalf of insurers.

(3) If the applicant is an individual, proof that the applicant is at least 18 years of age, and proof that all salespersons employed by the dealer are at least 18 years of age.

(4) The application for a dealer license plate.

(b) The Division shall require in such application, or otherwise, information relating to matters set forth in G.S. 20-294 as grounds for the refusing of licenses, and to

other pertinent matters commensurate with the safeguarding of the public interest, all of which shall be considered by the Division in determining the fitness of the applicant to engage in the business for which he seeks a license.

(c) All licenses that are granted shall expire unless sooner revoked or suspended, on June 30 of the year following date of issue.

(d) To obtain a license as a wholesaler, an applicant who intends to sell or distribute self-propelled vehicles must have an established office in this State, and an applicant who intends to sell or distribute only trailers or semitrailers of less than 2500 pounds unloaded weight must have a place of business in this State where the records required under this Article are kept.

To obtain a license as a motor vehicle dealer, an applicant who intends to deal in self-propelled vehicles must have an established salesroom in this State, and an applicant who intends to deal in only trailers or semitrailers of less than 2500 pounds unloaded weight must have a place of business in this State where the records required under this Article are kept.

An applicant for a license as a manufacturer, a factory branch, a distributor, a distributor branch, a wholesaler, or a motor vehicle dealer must have a separate license for each established office, established salesroom, or other place of business in this State. An application for any of these licenses shall include a list of the applicant's places of business in this State.

(e) Each applicant approved by the Division for license as a motor vehicle dealer, manufacturer, factory branch, distributor, distributor branch, or wholesaler shall furnish a corporate surety bond or cash bond or fixed value equivalent of the bond. The amount of the bond for an applicant for a motor vehicle dealer's license is twenty-five thousand dollars ($25,000) for one established salesroom of the applicant and ten thousand dollars ($10,000) for each of the applicant's additional established salesrooms. The amount of the bond for other applicants required to furnish a bond is twenty-five thousand dollars ($25,000) for one place of business of the applicant and ten thousand dollars ($10,000) for each of the applicant's additional places of business.

A corporate surety bond shall be approved by the Commissioner as to form and shall be conditioned that the obligor will faithfully conform to and abide by the provisions of this Article and Article 15. A cash bond or fixed value equivalent thereof shall be approved by the Commissioner as to form and terms of deposits as will secure the ultimate beneficiaries of the bond; and such bond shall not be available for delivery to any person contrary to the rules of the Commissioner. Any purchaser of a motor vehicle who shall have suffered any loss or damage by any act of a license holder subject to this subsection that constitutes a violation of this Article or Article 15 shall have the right to institute an action to recover against the license holder and the surety. Every license holder against whom an action is instituted shall notify the Commissioner of the action within 10 days after served with process. A corporate surety bond shall remain in force and effect and may not be canceled by the surety unless the bonded person stops engaging in business or the person's license is denied, suspended, or revoked under G.S. 20-294. Such cancellation may be had only upon 30 days' written notice to the Commissioner and shall not affect any liability incurred or accrued prior to the

termination of such 30-day period. This subsection does not apply to a license holder who deals only in trailers having an empty weight of 4,000 pounds or less. This subsection does not apply to manufacturers of, or dealers in, mobile or manufactured homes who furnish a corporate surety bond, cash bond, or fixed value equivalent thereof, pursuant to G.S. 143-143.12."

SECTION 3. G.S. 20-289(a) reads as rewritten:

"(a) The license fee for each fiscal year, or part thereof, shall be as follows:

(1) For motor vehicle dealers, distributors, distributor branches, and wholesalers, fifty dollars ($50.00) for each place of business.

(2) For manufacturers, one hundred dollars ($100.00), and for each factory branch in this State, seventy dollars ($70.00).

(3) For motor vehicle sales representatives, ~~ten dollars ($10.00).~~ fifteen dollars ($15.00).

(4) For factory representatives, or distributor representatives, ten dollars ($10.00).

(5) Repealed."

SECTION 4. This act becomes effective June 30, 2001.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE BILL 432
PROPOSED COMMITTEE SUBSTITUTE H432-PCS3240-RW-5

Short Title: Licensing Selling of Cars. (Public)

Sponsors:

Referred to:

March 1, 2001

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH CIVIL PENALTIES FOR SELLING CARS IN VIOLATION OF THE MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSING LAW, AND TO ESTABLISH EDUCATIONAL REQUIREMENTS FOR ISSUANCE AND RENEWAL OF LICENSURE FOR USED MOTOR VEHICLE DEALERS.

Whereas, not only the setting of standards to protect purchasers of motor vehicles but also the enforcement of substantial penalties applicable when those standards are not met is one of the most effective means to obtain this protection; and

Whereas, more complex laws governing regulation of the sale and distribution of motor vehicles such as the titling of a vehicle, warranties, collection of consumer debt pursuant to Federal Trade Commission regulations, and applicable tax provisions impose a greater number of duties upon independent automobile dealers; and

Whereas, the most effective and consistent means of informing both applicants for licensure and experienced, licensed motor vehicle dealers of major changes and increasing complexities in the law is to develop a program insuring the development and requirement of appropriate continuing education; and

Whereas, to better effect these policies, it is necessary to increase to more appropriate levels the fees for those persons regulated by the Motor Vehicle Dealers and Manufacturers Licensing Law; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-287 reads as rewritten:

"**§ 20-287. Licenses ~~required.~~ required; penalties.**

(a) License Required. -- It shall be unlawful for any new motor vehicle dealer, used motor vehicle dealer, motor vehicle sales representative, manufacturer, factory branch, factory representative, distributor, distributor branch, distributor representative, or wholesaler to engage in business in this State without first obtaining a license as provided in this Article. If any motor vehicle dealer acts as a motor vehicle sales representative, the dealer shall obtain a motor vehicle sales representative's license in

addition to a motor vehicle dealer's license. A sales representative may have only one license. The license shall show the name of each dealer or wholesaler employing the sales representative. The following license holders may operate as a motor vehicle dealer without obtaining a motor vehicle dealer's license or paying an additional fee: a manufacturer, a factory branch, a distributor, and a distributor branch. Any of these license holders who operates as a motor vehicle dealer may sell motor vehicles at retail only at an established salesroom.

(b) Criminal Penalty for Violation. -- Any person who violates any provision of this section shall be guilty of a Class 1 misdemeanor, as provided in G.S. 20-308.

(c) Civil Penalty for Violations by Licensee. -- In addition to any other punishment or remedy under the law for any violation of this section, the Division may levy and collect a civil penalty, in an amount not to exceed one thousand dollars ($1,000) for each violation, against any person who has obtained a license pursuant to this section, if it finds that the licensee has violated any of the provisions of this Article, Article 15 of this Chapter, or any statute or rule adopted by the Division relating to the sale of vehicles, vehicle titling, or vehicle registration.

(d) Civil Penalty for Violations by Person Without a License. -- The Division may levy and collect a civil penalty, in an amount not to exceed five thousand dollars ($5,000) for each violation, against any person who is required to obtain a license under this section and has not obtained the license, if it finds that the person has violated any of the provisions of this Article, Article 15 of this Chapter, or any statute or rule adopted by the Division relating to the sale of vehicles, vehicle titling, or vehicle registration."

SECTION 2. G.S. 20-288 reads as rewritten:

"**§ 20-288. Application for license; license requirements; expiration of license; bond.**

(a) A ~~person~~ new motor vehicle dealer, motor vehicle sales representative, manufacturer, factory branch, factory representative, distributor, distributor branch, distributor representative, or wholesaler may obtain a license by filing an application with the Division. An application must be on a form provided by the Division and contain the information required by the Division. An application for a license must be accompanied by the required fee and by an application for a dealer license plate.

(a1) A used motor vehicle dealer may obtain a license by filing an application, as prescribed in subsection (a) of this section, and providing the following:

(1) The required fee.

(2) Proof that the applicant, within the last 12 months has completed a 12-hour licensing course approved by the Division if the applicant is seeking an initial license and a six-hour course approved by the Division if the applicant is seeking a renewal license. The requirements of G.S. 20-288(a1)(2) do not apply to a used motor vehicle dealer the primary business of which is the sale of salvage vehicles on behalf of insurers.

(3) If the applicant is an individual, proof that the applicant is at least 18 years of age and proof that all salespersons employed by the dealer are at least 18 years of age.

(4) The application for a dealer license plate.

(b) The Division shall require in such application, or otherwise, information relating to matters set forth in G.S. 20-294 as grounds for the refusing of licenses, and to other pertinent matters commensurate with the safeguarding of the public interest, all of which shall be considered by the Division in determining the fitness of the applicant to engage in the business for which he seeks a license.

(c) All licenses that are granted shall expire unless sooner revoked or suspended, on June 30 of the year following date of issue.

(d) To obtain a license as a wholesaler, an applicant who intends to sell or distribute self-propelled vehicles must have an established office in this State, and an applicant who intends to sell or distribute only trailers or semitrailers of less than 2500 pounds unloaded weight must have a place of business in this State where the records required under this Article are kept.

To obtain a license as a motor vehicle dealer, an applicant who intends to deal in self-propelled vehicles must have an established salesroom in this State, and an applicant who intends to deal in only trailers or semitrailers of less than 2500 pounds unloaded weight must have a place of business in this State where the records required under this Article are kept.

An applicant for a license as a manufacturer, a factory branch, a distributor, a distributor branch, a wholesaler, or a motor vehicle dealer must have a separate license for each established office, established salesroom, or other place of business in this State. An application for any of these licenses shall include a list of the applicant's places of business in this State.

(e) Each applicant approved by the Division for license as a motor vehicle dealer, manufacturer, factory branch, distributor, distributor branch, or wholesaler shall furnish a corporate surety bond or cash bond or fixed value equivalent of the bond. The amount of the bond for an applicant for a motor vehicle dealer's license is twenty-five thousand dollars ($25,000) for one established salesroom of the applicant and ten thousand dollars ($10,000) for each of the applicant's additional established salesrooms. The amount of the bond for other applicants required to furnish a bond is twenty-five thousand dollars ($25,000) for one place of business of the applicant and ten thousand dollars ($10,000) for each of the applicant's additional places of business.

A corporate surety bond shall be approved by the Commissioner as to form and shall be conditioned that the obligor will faithfully conform to and abide by the provisions of this Article and Article 15. A cash bond or fixed value equivalent thereof shall be approved by the Commissioner as to form and terms of deposits as will secure the ultimate beneficiaries of the bond; and such bond shall not be available for delivery to any person contrary to the rules of the Commissioner. Any purchaser of a motor vehicle who shall have suffered any loss or damage by any act of a license holder subject to this subsection that constitutes a violation of this Article or Article 15 shall have the right to

institute an action to recover against the license holder and the surety. Every license holder against whom an action is instituted shall notify the Commissioner of the action within 10 days after served with process. A corporate surety bond shall remain in force and effect and may not be canceled by the surety unless the bonded person stops engaging in business or the person's license is denied, suspended, or revoked under G.S. 20-294. Such cancellation may be had only upon 30 days' written notice to the Commissioner and shall not affect any liability incurred or accrued prior to the termination of such 30-day period. This subsection does not apply to a license holder who deals only in trailers having an empty weight of 4,000 pounds or less. This subsection does not apply to manufacturers of, or dealers in, mobile or manufactured homes who furnish a corporate surety bond, cash bond, or fixed value equivalent thereof, pursuant to G.S. 143-143.12."

SECTION 3. G.S. 20-294 (2) reads as rewritten:

"(2) Willfully and intentionally failing to comply with this Article, Article 15 of this Chapter, or G.S. 20-52.1, 20-75, ~~20-82,~~ 20-79.1, 20-108, 20-109, or a rule adopted by the Division under this Article."

SECTION 4. G.S. 20-294 is amended by adding a new subdivision to read:

"(13) Failure to pay a civil penalty imposed under G.S. 20-287."

SECTION 5. This act becomes effective July 1, 2002, and applies to offenses committed on or after that date.

HOUSE BILL 432:
Licensing Selling of Cars

BILL ANALYSIS

Committee:	House Transportation	**Introduced by:**	Rep. Saunders
Date:	March 21, 2001	**Summary by:**	Giles S. Perry
Version:	Proposed Committee Substitute		Committee Counsel

SUMMARY: ***House Bill 432 would make the following changes concerning motor vehicle dealers:***

--establish a civil penalty of up to $1000 for violations by any licensed dealer

--establish a civil penalty of up to $5000 for violations by an unlicensed person acting as a dealer

--require used motor vehicle dealers to complete a licensing course

CURRENT LAW: Under current law, motor vehicle dealers, sales representatives, manufacturers, factory and distributor branches and representatives, and wholesalers are required to be licensed by the State. A violation of the motor vehicle dealer and manufacturers licensing laws constitutes a Class 1 misdemeanor.

BILL ANALYSIS: House Bill 432 makes several changes to the motor vehicle dealer and manufacturer licensing law.

Section 1 restates the existing law providing that any violation of the dealer and manufacturer licensing law constitutes a Class 1 misdemeanor. Section 1 adds a new provision authorizing DMV to impose a civil penalty of up to $1000 for violation by a licensed dealer of the dealer licensing law (Article 12 of Chapter 20), the odometer law (Article 15 of Chapter 20), or any other statute or rule relating to sale of vehicles, vehicle titling, or vehicle registration.

Section 1 also adds a new provision authorizing DMV to impose a civil penalty of up to $5000 for violation by an unlicensed person acting as a dealer of the dealer licensing law (Article 12 of Chapter 20), the odometer law (Article 15 of Chapter 20), or any other statute or rule relating to sale of vehicles, vehicle titling, or vehicle registration.

Section 2 imposes a new twelve-hour initial licensing and a six-hour renewal licensing course requirement for used motor vehicle dealers. The Division must approve the course. This requirement would not apply to used motor vehicle dealers engages primarily in the business of sale of salvage vehicles for insurers.

Section 2 also requires all individual applicants for a used motor vehicle dealer license to prove that the applicant and all salespersons are 18 years of age or older, and requires the applicant to submit an application for a dealer license plate.

(continued on other side)

Section 3 corrects a technical error in the list of grounds for revocation of a dealer's or manufacturer's license, and authorizes suspension of a license for misuse of temporary registration plates.

Section 4 authorizes suspension of a dealer's or manufacturer's license for failure to pay a civil penalty imposed for violation of the licensure laws (as authorized in Section 1 of the bill).

House Bill 432 would become effective July 1, 2002, and apply to offenses occurring on or after that date.

Affiliated with the
National Independent Automobile
Dealers Association

"Serving Professional Automobile Dealers Since 1955"

Post Office Box 67
Harrisburg, North Carolina 28075-0067
Telephone: (704) 455-2117
1-800-432-4232 Fax 1-800-992-4232
email: ciada@ciada.net

James L. (Jim) Edwards
Executive Director

21 March 2001

To: **Members, House Transportation Committee**
North Carolina House of Representatives

Re: **H 432, Continuing Education-Independent Dealers**

The Carolinas Independent Automobile Dealers Association (CIADA) is the only trade association representing independent automobile dealers in North and South Carolina. Over 800 business members strong, this Association strongly endorses a statutorily approved, continuing education program for both pre-licensure and renewal for licensed dealers in North Carolina.

Respectfully,

James L. (Jim) Edwards
Executive Director

H432
TALKING POINTS
CONTINUING EDUCATION

1) **Numerous states have enacted CE requirements for independent motor vehicle dealers designed to increase awareness of and compliance with, relevant laws and regulations. These states include:**
   - **Georgia**
   - **Florida**
   - **Virginia**
   - **Louisiana**
   - **Utah**
   - **Colorado**
   - **Oregon**
   - **California**
   - **Eleven state legislatures have considered similar requirements during 2000. Similar legislation will soon be introduced in South Carolina.**

2) **All States passing CE legislation have done so with the backing of the Independent Automobile Dealer Associations in those states.**

3) **The purchase of a motor vehicle usually represents the second largest purchase made by an individual or family.**

4) **There is currently no educational, testing or continuing education requirements for licensed independent motor vehicle dealers. Franchised dealers and their employees are required under their franchise contract to participate in regular training programs designed by the manufacturers. Furthermore, the very size of the average franchised (new car) dealer allows employees to specialize, e.g. sales, advertising, warranty adjudication, title work, financing, disclosure, etc. This is NOT TRUE of the typically much-smaller independent dealer.**

5) Independent motor vehicle dealers operate in a very complicated commercial environment that is governed by many state and federal laws and regulations:
   a. Titles
   b. Registrations
   c. Warranties and service contracts
   d. Insurance
   e. Financing
   f. Auctions
   g. By-products of the primary sale
   h. FTC disclosure rules
   i. Repossession laws

6) In most states, such occupations as cosmetologists, auctioneers, foresters, funeral directors, insurance agents and massage therapists are required to participate in and provide proof of continuing education completion.

7) The National Independent Automobile Dealers Association is actively supportive of state-level mandatory continuing education and to that end, has initiated a "master dealer" certification program to be unveiled in April 2001 at the annual convention of that Association. In conjunction with an accredited University, NIADA will provide dealers an opportunity to enhance their education and knowledge of their craft and gain college credits in the process. NIADA's program could be one of the sources of meeting the requirements for North Carolina's continuing education requirement.

8) CIADA anticipates that there will be no lack of individuals and/or Firms wishing to provide approved course of study designed to meet these CE credits; e.g. Community Colleges, Dealer Associations, etc.

9) The Board of Directors and the Executive Committee of CIADA whole-heartedly endorse this legislation.



THE ECONOMIC IMPACT OF THE USED CAR INDUSTRY IN THE CAROLINAS

Compiled By:

Carolina's Independent Automobile Dealers Association
(Established 1955)

"Serving Independent Auto Dealers in Both Carolinas"

Purpose of Study

The USED CAR INDUSTRY serves a very important function in the economy, acting as a broker for those wishing to trade in the automobile market. The group which this industry serves is also a very special segment of the total population. Buyers in this market are disproportionately younger and lower income households who rely heavily upon their vehicle as a means of transportation to work, and for whom access to a vehicle is central to their employability.

In short, the USED CAR INDUSTRY serves a vital role in the efficient operation of the economy. At the same time, the industry has been buffeted by a series of regulatory reforms which have added to the cost of doing business and, consequently, to the cost of each used car which is sold. The industry operates in an increasingly hostile environment and the service which this industry provides is threatened. Those who will be most harmed will be those lower income households who would find private transportation more expensive and less available.

The USED CAR INDUSTRY is primarily made up of small businesses. It is these smaller businesses which have borne the brunt of the country's economic restructuring. Since these smaller firms have become an increasingly important source of entrepreneurial opportunity for workers in this economy, the implications of regulations adversely impacting them have become more important to the long term viability of the nation's working environment.

The USED CAR INDUSTRY contributes to the growth in the economy in several different ways. First, the industry contributes directly to generate an increased level of economic activity. The operation of the industry requires interaction among many different segments of the economy—Auto Wholesalers, Wholesale and Retail Auto Auctions, Maintenance of Vehicles, Suppliers of Parts and Equipment, Insurers, Construction Activity, etc.

Given the important role of the industry and the degree to which the industry is threatened, it is important that the economic implications of this industry be better understood. It is the intent of this report to illustrate the ECONOMIC IMPORTANCE of the USED CAR INDUSTRY in the Carolinas.

—North Carolina—



In North Carolina there are 11,188 licensed motor vehicle dealers. Of this amount, Approximately **8,200** of these dealers are **RETAIL USED CAR DEALERS.** Some of the Economic Highlights affecting the State's Economy are as follows.

Total Vehicles Sold: Retail Used Car Dealers sold **398,642** used cars in the state during this past year. This represents **35.4%** of all motor vehicle sales.

Employment: North Carolina's Retail Used Car Dealers employ **41,000** people across the state. Indirectly, the industry supports another **36,000** in other allied industries. Therefore, the Retail Used Car Dealer, both directly and indirectly, creates employment for **77,000 PEOPLE.**

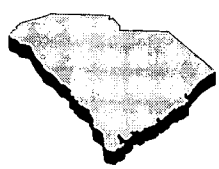
Payroll: The Retail Used Car Industry, in employing 41,000 people across the state, spent **$1.08 BILLION** on payroll.

Retail Sales Volume: Total retail sales generated by Used Car Dealers for North Carolina was **$2.4 BILLION.**

Use Tax Collected: Total Retail Vehicle Use Tax collected by Used Car Dealers and placed in state coffers amounted to **$55.1 MILLION.**

Property Tax Paid: Used Car Dealers paid **$7.4 MILLION** in commercial property taxes and business property taxes to municipal and county governments throughout the state.

—South Carolina—



In South Carolina there are 6,169 licensed motor vehicle dealers. Of this amount, Approximately **3,800** of these dealers are **RETAIL USED CAR DEALERS.** Some of the Economic Highlights affecting the State's Economy are as follows.

Total Vehicles Sold: Retail Used Car Dealers sold **356,639** used cars in the state during this past year. This represents **31.3%** of all motor vehicle sales.

Employment: South Carolina's Retail Used Car Dealers employ **19,000** people across the state. Indirectly, the industry supports another **24,000** in other allied industries. Therefore, the Retail Used Car Dealer, both directly and indirectly, creates employment for **43,000 PEOPLE.**

Payroll: The Retail Used Car Industry, in employing 19,000 people across the state, spent **$501.6 MILLION** on payroll.

Retail Sales Volume: Total retail sales generated by Used Car Dealers for South Carolina was **$2.2 BILLION.**

Sales Tax Collected: Total retail vehicle sales tax collected by Used Car Dealers and placed in state coffers amounted to **$54.7 MILLION.**

Property Tax Paid: Used Car Dealers paid **$3.5 MILLION** in commercial property taxes and business property taxes to municipal and county governments throughout the state.

—UNITED STATES—



The Used Car Industry was responsible for generating **OVER $130 BILLION** in retail sales throughout the United States last year. The Economic Significance of the Used Car Industry is not only important to the Carolinas, but to each and every state throughout the country.

Direct Any Questions Or Comments To: CIADA
Michael R. Linn, Executive Director
P.O. Box 67
Harrisburg, NC 28075-0067
800-432-4232 / Fax: 800-992-4232

Lobbyists: NC - Roger Bone, Bone & Associates, Raleigh, NC - 919-832-0207; SC - Furman Buchanan, Don Fowler Communications, Columbia, SC - 803-799-7550.

Sources For This Study: CNW Market Research, Branon, OR; DTN, Omaha, NE; North Carolina Division of Motor Vehicles; South Carolina Division of Motor Vehicles; North Carolina Department of Revenue; South Carolina Department of Revenue; NIADA, Arlington, TX.

VISITOR REGISTRATION SHEET

TRANSPORTATION
Name of Committee

3/21/01
Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME	FIRM OR AGENCY AND ADDRESS
Jane Pinsky	AAA Carolinas
Jim Edwards	Carolinas Independent Auto Dealers
Natalie Englisk	Charlotte Chamber
Phil L Barbee	CAPA
Ruth Sapphire	NCDOT
Milton Alford	OSBPM
John Long	Martin Marietta
RETZ	NCADA
MAJ J. L. Edwards	DAV
Raiford Trautman	CIADA
Rep. Marge Carpenter	General Assembly
Wayne Saul	CIADA - (
Ken Hearn	CIADA
Lawrence Tuttle	CIADA
Eric Alther	CIADA

VISITOR REGISTRATION SHEET

TRANSPORTATION — 3/21/01
Name of Committee — Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME	FIRM OR AGENCY AND ADDRESS
Don Anderton	Bone International Inc.
Criss Porter	Bone & Associates
Roger Bone	
Arthy Fullbright	Hunton & Williams
Michelle Cook	Weyerhaeuser
Kim Hibbard	NCLM

AGENDA

HOUSE COMMITTEE ON TRANSPORTATION

March 28, 2001

OPENING REMARKS

Representative Drew Saunders, Chair

BILLS TO BE DISCUSSED

HB 69 Repeal Highway Use Tax Transfer – 3 Years

Bill Sponsor, Representative Joanne Bowie

ADJOURNMENT

MINUTES

HOUSE COMMITTEE ON TRANSPORTATION

March 28, 2001

The House Committee on Transportation met at 11:00 A.M. on March 28, 2001, in Room 643 of the Legislative Office Building. Members present were: Representative Cary Allred, Chair, Representative Drew Saunders, Chair, Representative Jeff Barnhart, Vice Chair, and Representatives Allen, Buchanan, Clary, Cole, Crawford, Culp, Dedmon, Eddins, Gillespie, Hill, Holliman, Lucas, McComas, McLawhorn, Sexton, Shubert, Sutton, Teague, Walker, and C. Wilson. Staff Counsel members Giles Perry and Wendy Graf were also in attendance. A Visitor Registration Sheet is attached and made a part of the minutes. (See Attachment #1.)

Representative Drew Saunders, Chair, called the meeting to order and introduced Pages: Katie Phillips of Mitchell County, sponsored by Representative Buchanan, and Talon McMillan of Guilford County, sponsored by Representative Adams. He also introduced Sergeant At Arms staff members: Dusty Rhodes, Walter Spell, and Ann Lassiter.

The only bill on the agenda to be discussed was **HB 69 A BILL TO BE ENTITLED AN ACT TO REPEAL, WITH A THREE-YEAR PHASEOUT, THE ANNUAL TRANSFER OF ONE HUNDRED SEVENTY MILLION DOLLARS IN HIGHWAY USE TAX COLLECTIONS FROM THE HIGHWAY TRUST FUND FOR THREE YEARS AND TO PROVIDE THAT THOSE FUNDS SHALL BE USED BY THE DEPARTMENT OF TRANSPORTATION FOR HIGHWAY MAINTENANCE.** Representative Buchanan moved to adopt a committee substitute, and the committee substitute was adopted for discussion. Representative Bowie, Bill Sponsor, was recognized and explained the committee substitute. She reviewed a Report of the Transportation Finance Committee to the North Carolina General Assembly, dated January 2001, and a Blue Ribbon Committee Report on Statewide Annual Maintenance Funding. (See Attachment 2.) A question and answer period followed the explanation. Representative Cole reported additional information that was not included in the reports. Representative Sutton moved that the committee substitute bill be given a favorable report, unfavorable as to original bill, and recommendation that the committee substitute be re-referred to the Committee on Appropriations. A vote was taken and the motion was approved.

The meeting adjourned at 11:20 A.M.

Representative Drew Saunders
Presiding Chair

Ruth Fish
Committee Assistant

Attachments

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **ALLRED & SAUNDERS** (Chair/Chairs) for the Committee on **TRANSPORTATION**.

☐ Committee Substitute for
H.B. 69 A BILL TO BE ENTITLED AN ACT TO REPEAL, WITH A THREE-YEAR PHASEOUT, THE ANNUAL TRANSFER OF ONE HUNDRED SEVENTY MILLION DOLLARS IN HIGHWAY USE TAX COLLECTIONS FROM THE HIGHWAY TRUST FUND TO THE GENERAL FUND FOR THREE YEARS AND TO PROVIDE THAT THOSE FUNDS SHALL BE USED BY THE DEPARTMENT OF TRANSPORTATION FOR HIGHWAY MAINTENANCE.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☒ With a favorable report as to committee substitute bill ~~(# ——)~~, ☒ which changes the title, unfavorable as to (original bill) ~~(Committee Substitute Bill # ——)~~, (and recommendation that the committee substitute bill ~~# ——~~) be re-referred to the Committee on Appropriations.)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

HOUSE BILL 69

Short Title:	Repeal Highway Use Tax Transfer--3 Yrs.	(Public)
Sponsors:	Representatives Bowie; Allred, Barbee, Barnhart, Blust, Brubaker, Cansler, Capps, Carpenter, Clary, Cole, Crawford, Culp, Daughtry, Davis, Decker, Esposito, Fox, Grady, Gray, Gulley, Hilton, Holmes, Johnson, Justus, McAllister, McComas, McCombs, McMahan, Mitchell, Morris, Pope, Preston, Setzer, Sexton, Sherrill, Shubert, Smith, Walend, Warner, C. Wilson, and G. Wilson.	
Referred to:	Transportation, if favorable, Finance.	

February 7, 2001

A BILL TO BE ENTITLED

AN ACT TO REPEAL, WITH A THREE-YEAR PHASEOUT, THE ANNUAL TRANSFER OF ONE HUNDRED SEVENTY MILLION DOLLARS IN HIGHWAY USE TAX COLLECTIONS FROM THE HIGHWAY TRUST FUND TO THE GENERAL FUND FOR THREE YEARS AND TO PROVIDE THAT THOSE FUNDS SHALL BE USED BY THE DEPARTMENT OF TRANSPORTATION FOR HIGHWAY MAINTENANCE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 105-187.9 reads as rewritten:

"**§ 105-187.9. Disposition of tax proceeds.**

(a) Taxes collected under this Article at the rate of eight percent (8%) shall be credited to the General Fund. Taxes collected under this Article at the rate of three percent (3%) shall be credited to the North Carolina Highway Trust Fund. ~~In each fiscal year the State Treasurer shall transfer the sum of one hundred seventy million dollars ($170,000,000) of the taxes deposited in the Trust Fund to the General Fund. The transfer of funds authorized by this section may be made by transferring one fourth of the amount at the end of each quarter in the fiscal year or by transferring the full amount annually on July 1 of each fiscal year, subject to the availability of revenue.~~

(b) Subject to the availability of revenue, the State Treasurer shall transfer the following sums of the taxes deposited in the Trust Fund, pursuant to subsection (a) of this section, to the General Fund:

(1) On July 1, 2001 – one hundred twenty-seven million five hundred thousand dollars ($127,500,000).

(2) On July 1, 2002 – eighty-five million dollars ($85,000,000).
(3) On July 1, 2003 – forty-two million five hundred thousand dollars ($42,500,000).
(4) On July 1, 2004, and on July 1 or each year thereafter, no funds shall be transferred."

SECTION 2. G.S. 136-176 is amended by adding a new subsection to read:

"(e) The Department of Transportation shall use the following funds deposited in the Trust Fund pursuant to subdivision (a)(2) of this section (in addition to any other funds appropriated for this purpose) for highway maintenance:

(1) For the 2001-2002 fiscal year – forty-two million five hundred thousand dollars ($42,500,000).
(2) For the 2002-2003 fiscal year – eighty-five million dollars ($85,000,000).
(3) For the 2003-2004 fiscal year – one hundred twenty-seven million five hundred thousand dollars ($127,500,000).
(4) For the 2004-2005 and all subsequent fiscal years – one hundred seventy million dollars ($170,000,000)."

SECTION 3. This act becomes effective July 1, 2001.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE BILL 69
PROPOSED COMMITTEE SUBSTITUTE H69-PCS3223-RW-6

Short Title: Repeal Highway Use Tax Transfer--3 Yrs. (Public)

Sponsors:

Referred to:

February 7, 2001

A BILL TO BE ENTITLED

AN ACT TO REPEAL, WITH A THREE-YEAR PHASEOUT, THE ANNUAL TRANSFER OF ONE HUNDRED SEVENTY MILLION DOLLARS IN HIGHWAY USE TAX COLLECTIONS FROM THE HIGHWAY TRUST FUND TO THE GENERAL FUND AND TO PROVIDE THAT THOSE FUNDS SHALL BE USED BY THE DEPARTMENT OF TRANSPORTATION FOR HIGHWAY MAINTENANCE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 105-187.9 reads as rewritten:

"**§ 105-187.9. Disposition of tax proceeds.**

(a) Taxes collected under this Article at the rate of eight percent (8%) shall be credited to the General Fund. Taxes collected under this Article at the rate of three percent (3%) shall be credited to the North Carolina Highway Trust Fund. ~~In each fiscal year the State Treasurer shall transfer the sum of one hundred seventy million dollars ($170,000,000) of the taxes deposited in the Trust Fund to the General Fund. The transfer of funds authorized by this section may be made by transferring one-fourth of the amount at the end of each quarter in the fiscal year or by transferring the full amount annually on July 1 of each fiscal year, subject to the availability of revenue.~~

(b) Subject to the availability of revenue, the State Treasurer shall transfer the following sums of the taxes deposited in the Trust Fund, pursuant to subsection (a) of this section, to the General Fund:

(1) On July 1, 2003 – one hundred twenty-seven million five hundred thousand dollars ($127,500,000).

(2) On July 1, 2004 – eighty-five million dollars ($85,000,000).

(3) On July 1, 2005 – forty-two million five hundred thousand dollars ($42,500,000).

(4) On July 1, 2006, and on July 1 or each year thereafter, no funds shall be transferred."

SECTION 2. G.S. 136-176 is amended by adding a new subsection to read:

Report of the Transportation Finance Committee to the North Carolina General Assembly

January 2001

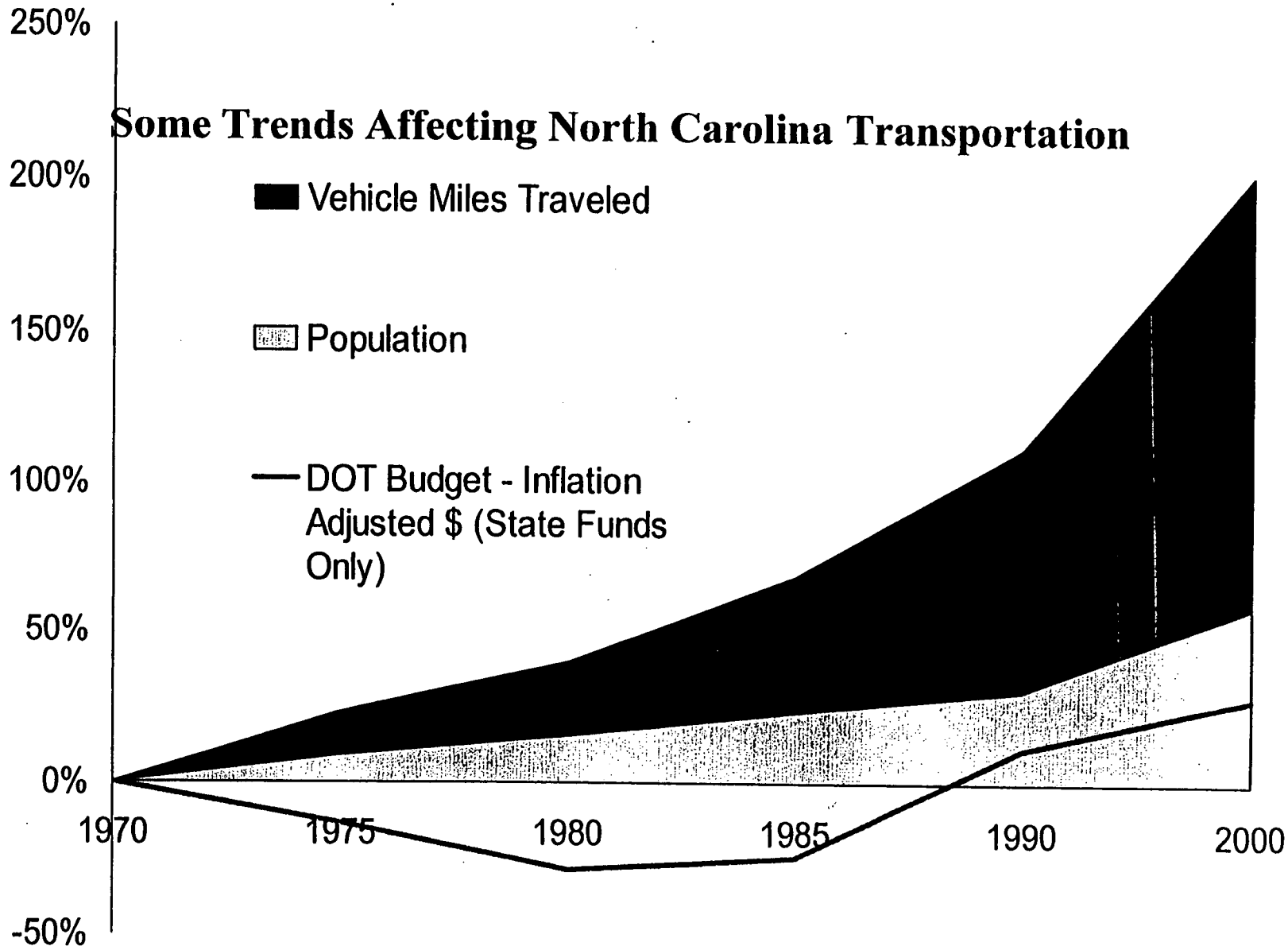
2/27/01

Attachment # 2

North Carolina Roads Are A State Responsibility

- In 1931 the responsibility for constructing and maintaining all county roads was transferred to the State.
- North Carolina has the second largest-state controlled road system in the nation and the largest in the southeast.

State	Population	State-Controlled Miles	State-Controlled as % of all roads	State Highway Disbursements 1999 (from USDOT)	State Highway Funding per Mile
Texas	20,851,820	79,164	26%	$4,839,694,000	$61,135
North Carolina	**8,049,313**	**78,103**	**79%**	**$2,440,764,000**	**$31,251**
Virginia	7,078,515	57,735	82%	$2,770,964,000	$47,995
South Carolina	4,012,012	41,518	64%	884,712,000	$21,309
Georgia	8,166,453	17,837	16%	$1,763,373,000	$98,860


Some Trends Affecting North Carolina Transportation
250%
200%
150%
100%
50%
0%
-50%
Vehicle Miles Traveled
Population
DOT Budget - Inflation Adjusted $ (State Funds Only)
1970
1975
1980
1985
1990
2000

Transportation Needs

- Maintenance Shortfall - $300 million /year and growing to $500 million/year
  - Current spending- $520 million/year
- Additional TIP Construction - $15 billion
  - Current spending - $1.5 billion/year (includes federal funds)
- Interstate Widening - $4 billion
- Bridge Replacement - $2.8 billion
  - Current spending - $45 million/year on bridge maintenance
- Complete Highway Trust Fund Projects – at least $8.6 billion
- Public Transportation – Additional $100 million/year
  - Current spending - $50 million/year
- Passenger Rail – Additional $50 million/year
  - Current spending - $20 million/year
- Aviation, Ferry, Bicycle – Additional $55 million/year
  - Current spending - $45 million/year

Transportation Needs Maintenance

- The annual maintenance shortfall is expected to grow from $300 million to over $500 million.
- Highway Trust Fund projects have increased the need for maintenance, but resources have lagged.

Transportation Needs
Additional TIP Construction

Transportation Improvement Program

- Currently programmed - $11 billion
- Identified, not funded - $15 billion

Transportation Needs
Widening of Interstate Highways

- Widening of Interstate Highways (portions of I-77, I-85, I-95, I-40, and I-26) is necessary but is <u>not</u> currently planned

Transportation Needs
Public Transportation and Regional Rail

- State share (25%) of Regional Rail for Triangle Transit Authority, Charlotte, and the Triad, plus increases in public transit funding, could total $500-$700 million through 2008.

Management Recommendations

- Project Development TIP
- Complete Cash Management Study
- Add Interstate Projects to the Highway Trust Fund
- Support Environmental Streamlining
- Evaluate Toll Roads
- Begin Design-Build Projects
- Enable Local Funding of Transportation Needs

Recommended
DOT Efficiency Study

DOT should conduct an efficiency study of its construction process, in consultation with the Joint Legislative Oversight Committee, including the following:

1. Develop recommendations, in consultation with each Division Engineer, of methods to complete projects in a more efficient and cost effective manner.
2. Identify methods to streamline the construction process, so that it is more efficient and effective.
3. Reevaluate the inflation factors used in the development of the Transportation Improvement Program, and develop a more precise method to utilize these inflation factors in calculating project cost estimates.
4. Examine the process of right-of-way acquisition, and develop recommendations to improve the cost-effectiveness and efficiency of the process.

Recommended DOT Efficiency Study (continued)

5. Evaluate the amount the Department is spending on administration, recommend areas where costs could be reduced, and determine an appropriate percentage level at which administrative costs could be limited.
6. Determine additional specific projects that the Department could complete using the design build process, and projected cost savings from using the design build process.
7. Recommend areas that the Department could significantly increase its use of outsourcing to expedite permitting, planning, engineering and inspections, and identify cost saving from use of additional outsourcing.
8. Investigate and recommend a framework for commissioning a 20 year long range study by a qualified consultant of the State's transportation needs.

Funding Recommendations
$550 Million

- Increase Annual Maintenance Funding by $300 million
- Establish $150 Million Construction Program in Highway Fund
- Establish $100 Million Public Transportation Trust Fund

Recommended Funding Sources
$550 Million

• Increase fees to adjust for inflation – Vehicle registration, truck, driver's license, other	• **$212 million**
• Increase Highway Use Tax from 3% to 4%	• **$200 million**
• Increase the motor fuel tax by 2 cents/gallon	• **$100 million**
• First year of phaseout of $170 million transfer from Highway Trust Fund to General Fund	• **$38 million**
	$550 million

Governor's Continuation and Expansion
Maintenance Recommendations vs. Needs
(2001-2002)

	2001-02 Recommendations	Needs Identified by DOT	Annual Shortfall
Routine Maintenance & Disaster Relief:	$423,094,707	$556,680,000	$133,585,293
Contract Resurfacing	145,529,734	228,960,000	83,430,266
TOTAL	**$568,624,441**	**$785,640,000**	**$217,015,559**

STATEWIDE ANNUAL MAINTENANCE FUNDING PLAN

		Fiscal Year Funding Need								
Maintenance Programs	**Total Backlog**	**2001-02**	**2002-03**	**2003-04**	**2004-05**	**2005-06**	**2006-07**	**2007-08**	**2008-09**	**2009-10**
Annual Cost of Routine Maintenance		$ 500.24	$ 524.96	$ 550.93	$ 578.23	$ 606.93	$ 637.10	$ 668.82	$ 702.16	$ 737.22
Cost of Eliminating Maint. Backlog	$ 214.40	$ 21.44	$ 22.08	$ 22.75	$ 23.43	$ 24.13	$ 24.85	$ 25.60	$ 26.37	$ 27.16
Annual Cost of Resurfacing	$ -	$ 221.40	$ 232.47	$ 244.09	$ 256.30	$ 269.11	$ 282.57	$ 296.70	$ 311.53	$ 327.11
Cost of Eliminating Resurf. Backlog	$ 75.60	$ 7.56	$ 7.79	$ 8.02	$ 8.26	$ 8.51	$ 8.76	$ 9.03	$ 9.30	$ 9.58
Disasters & Emergencies		$ 35.00	$ 39.00	$ 15.00	$ 15.00	$ 15.00	$ 15.00	$ 15.00	$ 15.00	$ 15.00
Total Maintenance Funding Need	$ 290.00	$ 785.64	$ 826.30	$ 840.79	$ 881.22	$ 923.68	$ 968.29	$ 1,015.14	$ 1,064.36	$ 1,116.07

Attachment #2

MAINTENANCE SPENDING AND INDICATORS

Change	1990	2001	%
Maintenance spending (Millions, 2001 $):	460	520	+13%
Lane Miles in Primary, Urban and Paved Secondary Systems	130,000	155,000	+19%
Vehicle Miles Driven (Millions):	63,000	97,000	+54%

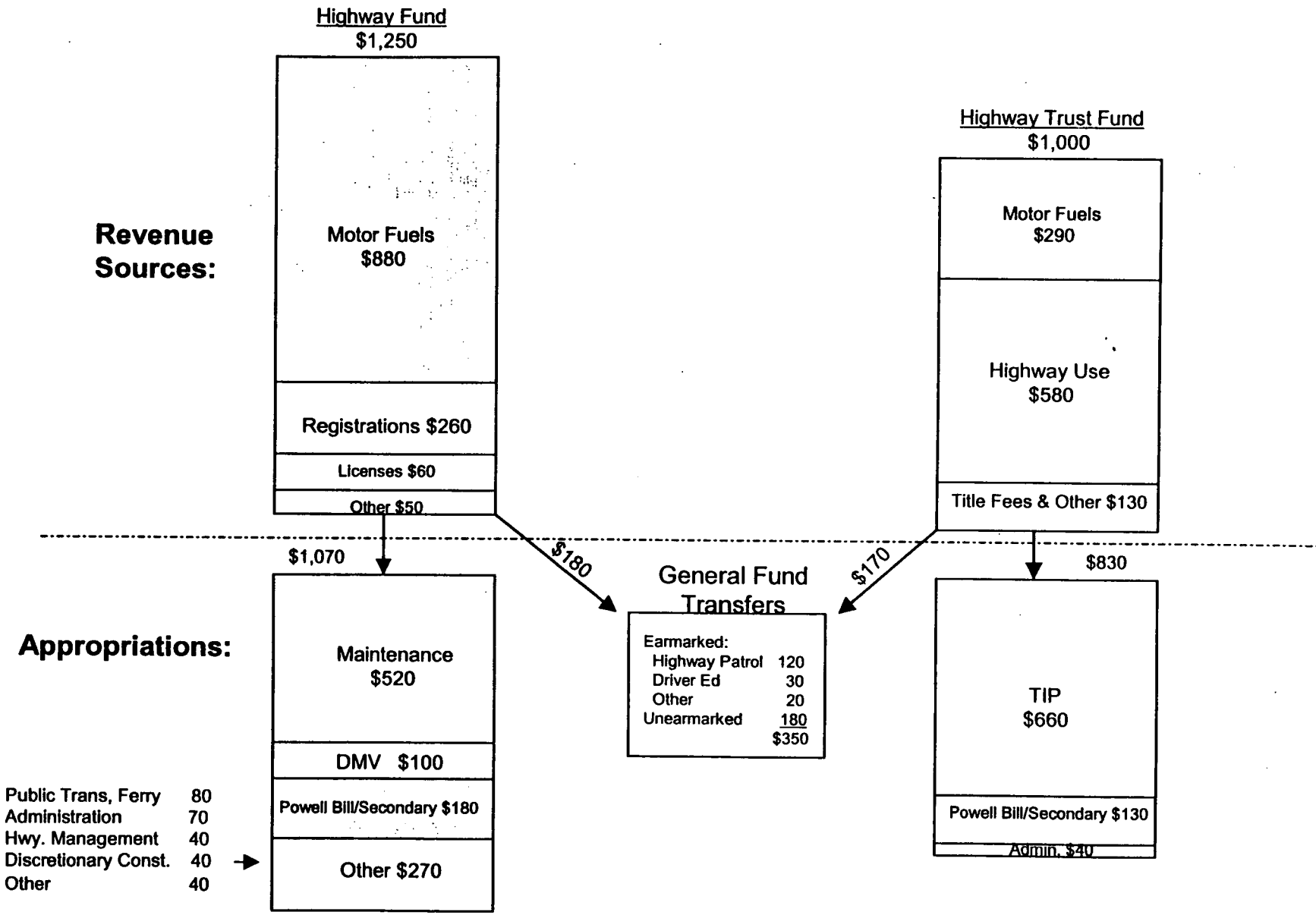
Explanation of $170 Million Transfer from the Highway Trust Fund to the General Fund

Prior to 1989, a sales tax was levied on the sale of motor vehicles. During the last two years in which this sales tax was collected, it generated roughly $170 million.

With the legislation that created the Highway Trust Fund in 1989, the sales tax on vehicles was replaced with a highway use tax, which taxed the retail value of vehicles every time a vehicle title was transferred. The new highway use tax generated more revenue than did the old sales tax on vehicles.

The highway use tax was intended as a revenue source for the Highway Trust Fund, unlike the sales tax on vehicles, which was deposited into the General Fund. To reimburse the General Fund for the revenue it was losing by elimination of the sales tax on vehicles, the General Assembly decided that for the 1989-91 biennium, the full amount of the proceeds expected from the new tax would be transferred to the General Fund. For the years after 1990-91 a flat $170 million was transferred from the Highway Trust Fund to the General Fund.

HIGHWAY FUND AND HIGHWAY TRUST FUND REVENUE SOURCES AND APPROPRIATIONS ($ MILLIONS, 2000-2001)



HOUSE BILL 69:
Repeal Highway Use Tax Transfer

BILL ANALYSIS

Committee:	House Transportation Committee	**Introduced by:**	Rep. Bowie
Date:	March 28, 2001	**Summary by:**	Giles S. Perry
Version:	Proposed Committee Substitute		Committee Counsel

SUMMARY: ***House Bill 69 would phase out over three years, beginning in FY 2003-4, the current $170 million annual transfer of funds from the Highway Trust Fund to the General Fund and direct the Department of Transportation to use the funds for highway maintenance.***

CURRENT LAW: The Highway Trust Fund, established in 1989, was created to fund construction of intrastate road projects listed in Article 14 of Chapter 136. Revenues in the Highway Trust Fund are primarily derived from the highway use tax and a portion of the motor fuels tax. G.S. 105-187.9 requires $170 million of the taxes collected and deposited in the Highway Trust Fund to be annually transferred to the General Fund.

BILL ANALYSIS: House Bill 69 would phase out over three years, beginning in FY 2003-4, the annual transfer of $170 million from the Highway Trust Fund to the General Fund, and direct the Department of Transportation to spend those funds on highway maintenance.

House Bill 69 would become effective July 1, 2003, and apply to transfers occurring with the 2003-4 fiscal year.

Attachment #1

VISITOR REGISTRATION SHEET

HOUSE COMMITTEE ON TRANSPORTATION — March 28, 2001

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Mike Alford	OSBM
Ruth Sappie	NCDOT
Bill Carstarphen	~~Charlotte Area~~ Transit System
Jim Bell	NC Manufacturers Assoc
Charlie Diehl	NC Trucking Assoc.
Linda Kay Deal	citizen, Cary, NC
Paul Fogleman	City of Hickory
Beau Mills	NC Metro Coalition
Jan Langston	NCPTA
Christie Pollice	CTPP
John Long	Martin Marietta

VISITOR REGISTRATION SHEET

HOUSE COMMITTEE ON TRANSPORTATION March 28, 2001

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Fred Allen	NC Aggregates Assn.

AGENDA

HOUSE COMMITTEE ON TRANSPORTATION

April 4, 2001

OPENING REMARKS

Representative Drew Saunders, Chair

BILLS FOR DISCUSSION

HB 552 Optional Two-Year License Plates

Bill Sponsor – Representative Cary Allred

HB 600 NCDL Appointment Renewals for County Residents

Bill Sponsor – Representative Harold Brubaker

ADJOURNMENT

MINUTES

HOUSE COMMITTEE ON TRANSPORTATION

April 4, 2001

The House Committee on Transportation met April 4, 2001, at 11:00 A.M. in Room 643 of the Legislative Office Building. Members in attendance were: Representative Cary Allred, Chair, Representative Drew Saunders, Chair, Representative Jeff Barnhart, Vice Chair, and Representatives Allen, Buchanan, Clary, Cole, Crawford, Culp, Dedmon, Eddins, Holliman, Lucas, McComas, McLawhorn, Sexton, Sherrill, Shubert, Sutton, Teague, Walker, and C. Wilson. Staff Counsel members Giles Perry and Wendy Graf were also present. A Visitors Registration Sheet is attached and made a part of the minutes.

Representative Saunders, Chair, called the meeting to order and introduced Sergeant At Arms Staff members, Dusty Rhodes and Walter Spell, and Pages: Kelly Holliman of Alamance County, sponsored by Representative Holliman, and Randy Davidson of Wake County, sponsored by Representative Hensley. Representative Saunders also recognized ninth-grade students from Southern High School, Alamance County, who were present.

The first bill to be discussed was **HB 552 A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR OPTIONAL TWO-YEAR LICENSE PLATES.** Representative Allred, Bill Sponsor, was recognized to explain the bill. He made a motion to amend the bill on Page 3, Line 5, to change the effective date from January 1, 2002, to January 1, 2003. The motion carried, and a discussion period followed. Representative Buchanan moved to roll the amendment into a proposed committee substitute, giving it a favorable report, and re-refer the bill to the Committee on Finance. A vote was taken, and the motion was approved.

The next bill on the agenda was **HB 600 A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT AT ANY PERMANENT DRIVERS LICENSE OFFICE WITH THREE OR MORE EXAMINERS, ONE SHALL TAKE APPOINTMENTS FOR DRIVERS LICENSE RENEWALS FOR COUNTY RESIDENTS.** Representative Brubaker, Bill Sponsor, was recognized to explain the bill. A question and answer period followed. Representative Cole moved to amend the bill on line 13 by changing the word "three" to "two." A vote was taken, and the amendment was approved. Representative Allen moved to roll the amendment into a proposed committee substitute and give it a favorable report. The motion was approved by vote.

There being no further business, the meeting was adjourned at 11:29 A.M.

Representative Drew Saunders
Presiding Chair

Ruth Fish
Committee Assistant

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **ALLRED & SAUNDERS** (Chair/Chairs) for the Committee on **TRANSPORTATION**.

☐ Committee Substitute for
H.B. 552 A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR OPTIONAL TWO-YEAR LICENSE PLATES

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☒ With a favorable report as to committee substitute bill ~~(#), ☐ which changes the title,~~ unfavorable as to ~~(original bill) (Committee Substitute Bill #),~~ (and recommendation that the committee substitute bill ~~#~~) be re-referred to the Committee on → Finance.

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **ALLRED & SAUNDERS** (Chair/Chairs) for the Committee on **TRANSPORTATION**.

☐ Committee Substitute for
H.B. 600 A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT AT ANY PERMANENT DRIVERS LICENSE OFFICE WITH THREE OR MORE EXAMINERS, ONE SHALL TAKE APPOINTMENTS FOR DRIVERS LICENSE RENEWALS FOR COUNTY RESIDENTS

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☒ With a favorable report as to committee substitute bill ~~(#),~~ ☒ which changes the title, unfavorable as to ~~(~~original bill~~)~~ ~~(Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)~~

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

HOUSE BILL 552

Short Title:	Optional Two-Year License Plates.	(Public)
Sponsors:	Representatives Allred; Allen, Bowie, Buchanan, Cox, Gulley, Haire, Justus, McComas, Nye, Owens, Rayfield, Sherrill, Smith, Warner, and Warwick.	
Referred to:	Transportation, if favorable, Finance.	

March 12, 2001

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR OPTIONAL TWO-YEAR LICENSE PLATES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-66(a) reads as rewritten:

"(a) Annual or Biennial Renewal. ~~—~~ The registration of a vehicle ~~must~~ shall be renewed ~~annually.~~ either annually or biennially. To renew the registration of a vehicle, the owner of the vehicle ~~must~~ shall file an application with the Division and pay the required registration fee. The Division may receive and grant an application for renewal of registration at any time before the registration expires."

SECTION 2. G.S. 20-66(h) reads as rewritten:

"(h) When Calendar-Year Plate Expires. – The registration of a vehicle that is not renewed by means of a registration renewal sticker expires at midnight on December 31 of ~~each year.~~ the year indicated on the sticker. It is lawful, however, to operate the vehicle on a highway until midnight on the following February 15."

SECTION 3. G.S. 20-66(i) reads as rewritten:

"(i) Property Tax Consolidation. – When the Division receives an application under subsection (a) for the renewal of registration before the current registration expires, the Division shall grant the application if it is made for the purpose of consolidating the property taxes payable by the applicant on classified motor vehicles, as defined in G.S. 105-330. The registration fee for a motor vehicle whose registration cycle is changed under this subsection shall be reduced by a prorated amount. The prorated amount is one-twelfth or one twenty-fourth, as appropriate, of the registration fee in effect when the motor vehicle's registration was last renewed multiplied by the number of full months remaining in the motor vehicle's current registration cycle, rounded to the nearest multiple of twenty-five cents (25¢)."

SECTION 4. G.S. 20-63(h) reads as rewritten:

"(h) Commission Contracts for Issuance of Plates and Certificates. – All registration plates, registration certificates and certificates of title issued by the Division, outside of those issued from the Raleigh offices of the said Division and those issued and handled through the United States mail, shall be issued insofar as practicable and possible through commission contracts entered into by the Division for the issuance of such plates and certificates in localities throughout North Carolina with persons, firms, corporations or governmental subdivisions of the State of North Carolina and the Division shall make a reasonable effort in every locality, except as hereinbefore noted, to enter into a commission contract for the issuance of such plates and certificates and a record of these efforts shall be maintained in the Division. In the event the Division is unsuccessful in making commission contracts as hereinbefore set out it shall then issue said plates and certificates through the regular employees of the Division. Whenever registration plates, registration certificates and certificates of title are issued by the Division through commission contract arrangements, the Division shall provide proper supervision of such distribution. Commission contracts entered under this subsection shall provide for the payment of compensation for all transactions as set forth below. Nothing contained in this subsection will allow or permit the operation of fewer outlets in any county in this State than are now being operated.

A transaction is any of the following activities:

(1) Issuance of a registration plate, a registration card, a registration renewal sticker, or a certificate of title.

(2) Issuance of a handicapped placard or handicapped identification card.

(3) Acceptance of an application for a personalized registration plate.

(4) Acceptance of a surrendered registration plate, registration card, or registration renewal sticker, or acceptance of an affidavit stating why a person cannot surrender a registration plate, registration card, or registration renewal sticker.

(5) Cancellation of a title because the vehicle has been junked.

(6) Acceptance of an application for, or issuance of, a refund for a fee or a tax, other than the highway use tax.

(7) Receipt of the civil penalty imposed by G.S. 20-309 for a lapse in financial responsibility or receipt of the restoration fee imposed by that statute.

(8) Acceptance of a notice of failure to maintain financial responsibility for a motor vehicle.

(8a) Collection of civil penalties imposed for violations of G.S. 20-183.8A.

(8b) Sale of one or more inspection stickers in a single transaction to a licensed inspection station.

(9) Collection of the highway use tax.

Performance at the same time of any combination of the items that are listed within each subdivision or are listed within subdivisions (1) through (8b) of this section is a single transaction for which a one dollar and thirty-five cent ($1.35) compensation shall be paid. Performance of the item listed in subdivision (9) of this subsection in

combination with any other items listed in this subsection is a separate transaction for which a one dollar and twenty cent ($1.20) compensation shall be paid.

Issuance of a two-year registration plate or sticker is a transaction for which a two dollar and seventy cent ($2.70) compensation shall be paid."

SECTION 5. This act becomes effective January 1, 2002.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE BILL 552
PROPOSED COMMITTEE SUBSTITUTE H552-PCS3312-RW-13

Short Title: Optional Two-Year License Plates. (Public)

Sponsors:

Referred to:

March 12, 2001

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR OPTIONAL TWO-YEAR LICENSE PLATES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-66(a) reads as rewritten:

"(a) Annual or Biennial Renewal. – The registration of a vehicle ~~must~~ shall be renewed ~~annually.~~ either annually or biennially. To renew the registration of a vehicle, the owner of the vehicle ~~must~~ shall file an application with the Division and pay the required registration fee. The Division may receive and grant an application for renewal of registration at any time before the registration expires."

SECTION 2. G.S. 20-66(h) reads as rewritten:

"(h) When Calendar-Year Plate Expires. – The registration of a vehicle that is not renewed by means of a registration renewal sticker expires at midnight on December 31 of ~~each year.~~ the year indicated on the sticker. It is lawful, however, to operate the vehicle on a highway until midnight on the following February 15."

SECTION 3. G.S. 20-66(i) reads as rewritten:

"(i) Property Tax Consolidation. – When the Division receives an application under subsection (a) for the renewal of registration before the current registration expires, the Division shall grant the application if it is made for the purpose of consolidating the property taxes payable by the applicant on classified motor vehicles, as defined in G.S. 105-330. The registration fee for a motor vehicle whose registration cycle is changed under this subsection shall be reduced by a prorated amount. The prorated amount is one-twelfth or one twenty-fourth, as appropriate, of the registration fee in effect when the motor vehicle's registration was last renewed multiplied by the number of full months remaining in the motor vehicle's current registration cycle, rounded to the nearest multiple of twenty-five cents (25¢)."

SECTION 4. G.S. 20-63(h) reads as rewritten:

"(h) Commission Contracts for Issuance of Plates and Certificates. – All registration plates, registration certificates and certificates of title issued by the Division, outside of those issued from the Raleigh offices of the said Division and those

issued and handled through the United States mail, shall be issued insofar as practicable and possible through commission contracts entered into by the Division for the issuance of such plates and certificates in localities throughout North Carolina with persons, firms, corporations or governmental subdivisions of the State of North Carolina and the Division shall make a reasonable effort in every locality, except as hereinbefore noted, to enter into a commission contract for the issuance of such plates and certificates and a record of these efforts shall be maintained in the Division. In the event the Division is unsuccessful in making commission contracts as hereinbefore set out it shall then issue said plates and certificates through the regular employees of the Division. Whenever registration plates, registration certificates and certificates of title are issued by the Division through commission contract arrangements, the Division shall provide proper supervision of such distribution. Commission contracts entered under this subsection shall provide for the payment of compensation for all transactions as set forth below. Nothing contained in this subsection will allow or permit the operation of fewer outlets in any county in this State than are now being operated.

A transaction is any of the following activities:

(1) Issuance of a registration plate, a registration card, a registration renewal sticker, or a certificate of title.

(2) Issuance of a handicapped placard or handicapped identification card.

(3) Acceptance of an application for a personalized registration plate.

(4) Acceptance of a surrendered registration plate, registration card, or registration renewal sticker, or acceptance of an affidavit stating why a person cannot surrender a registration plate, registration card, or registration renewal sticker.

(5) Cancellation of a title because the vehicle has been junked.

(6) Acceptance of an application for, or issuance of, a refund for a fee or a tax, other than the highway use tax.

(7) Receipt of the civil penalty imposed by G.S. 20-309 for a lapse in financial responsibility or receipt of the restoration fee imposed by that statute.

(8) Acceptance of a notice of failure to maintain financial responsibility for a motor vehicle.

(8a) Collection of civil penalties imposed for violations of G.S. 20-183.8A.

(8b) Sale of one or more inspection stickers in a single transaction to a licensed inspection station.

(9) Collection of the highway use tax.

Performance at the same time of any combination of the items that are listed within each subdivision or are listed within subdivisions (1) through (8b) of this section is a single transaction for which a one dollar and thirty-five cent ($1.35) compensation shall be paid. Performance of the item listed in subdivision (9) of this subsection in combination with any other items listed in this subsection is a separate transaction for which a one dollar and twenty cent ($1.20) compensation shall be paid.

Issuance of a two-year registration plate or sticker is a transaction for which a two dollar and seventy cent ($2.70) compensation shall be paid."

SECTION 5. This act becomes effective January 1, 2003.

H 1

HOUSE BILL 600

Short Title:	NCDL Appointment Renewals for County Residents.	(Public)
Sponsors:	Representatives Brubaker; Culp and Shubert.	
Referred to:	Transportation.	

March 14, 2001

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT AT ANY PERMANENT DRIVERS LICENSE OFFICE WITH THREE OR MORE EXAMINERS, ONE SHALL TAKE APPOINTMENTS FOR DRIVERS LICENSE RENEWALS FOR COUNTY RESIDENTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-40 reads as rewritten:

"**§ 20-40. Offices of Division.**

(a) The Commissioner shall maintain an office in Raleigh, North Carolina, and in such places in the State as he shall deem necessary to properly carry out the provisions of this Article.

(b) At any permanent office where drivers licenses are renewed and where there are three or more examiners regularly assigned, the Commissioner shall provide for a system of appointments for the issuance of drivers license renewals for county residents."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE BILL 600
PROPOSED COMMITTEE SUBSTITUTE H600-PCS3313-SU-9

Short Title: NCDL Appointment Renewals for County Residents. (Public)

Sponsors:

Referred to:

March 14, 2001

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT AT ANY PERMANENT DRIVERS LICENSE OFFICE WITH TWO OR MORE EXAMINERS, ONE SHALL TAKE APPOINTMENTS FOR DRIVERS LICENSE RENEWALS FOR COUNTY RESIDENTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-40 reads as rewritten:

"**§ 20-40. Offices of Division.**

(a) The Commissioner shall maintain an office in Raleigh, North Carolina, and in such places in the State as he shall deem necessary to properly carry out the provisions of this Article.

(b) At any permanent office where drivers licenses are renewed and where there are two or more examiners regularly assigned, the Commissioner shall provide for a system of appointments for the issuance of drivers license renewals for county residents."

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

HOUSE BILL 552:
Optional Two-Year License Plates

BILL ANALYSIS

Committee:	House Transportation	**Introduced by:**	Rep. Allred
Date:	April 4, 2001	**Summary by:**	Giles S. Perry
Version:	First Edition		Committee Counsel

SUMMARY: ***House Bill 552 directs the Division of Motor Vehicles to issue vehicle registrations for either a one or two year period.***

CURRENT LAW: Under current law, passenger and commercial vehicles must be registered with the Division of Motor Vehicles. Registration of a vehicle must be renewed annually.

BILL ANALYSIS: House Bill 552 would allow passenger and commercial vehicle registrations to be renewed on an annually or biennially, at the option of the owner.

Section 1 of the bill authorizes annual or biennial renewal of all vehicle registrations.

Section 2 of the bill is a conforming change applicable to vehicle registrations that expire on the calendar year schedule (commercial and others).

Section 3 of the bill is a conforming change to the statute that allows for consolidation of multiple vehicle registration renewal by the same owner to a single date.

Section 4 of the bill of the bill specifies that commission contract agents of the State who issue two year plates or stickers shall be paid $2.70, double the rate for annual renewals.

House Bill 552 would become effective January 1, 2002.

H552-SMRW-001

HOUSE BILL 600: NCDL Appointment Renewals for County Residents

BILL ANALYSIS

Committee:	House Transportation Committee	**Introduced by:**	Representative Brubaker
Date:	April 4, 2001	**Summary by:**	Wendy Graf
Version:	First Edition		Committee Counsel

SUMMARY: ***House Bill 600 would provide that, wherever there is a permanent drivers license office with three or more examiners, one shall take appointments for license renewals for county residents.***

CURRENT LAW: Under current G.S. 20-40, the Commissioner of Motor Vehicles is directed to maintain an office in Raleigh, and in other places in the State that he deems necessary, in order to carry out his duties. One of those duties is the renewal of drivers' licenses.

BILL ANALYSIS: House Bill 600 would add a provision, G.S. 20-40(b), to require that the Commissioner provide for a system of appointments for the issuance of drivers license renewals for county residents at any permanent offices maintained by the Commissioner where there are three or more examiners regularly assigned.

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

H600-SMSU-001

VISITOR REGISTRATION SHEET

HOUSE COMMITTEE ON TRANSPORTATION — April 4, 2001

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Julie Pack Dana Hill	SOUTHERN ALAMANCE HIGH SCHOOL
Wayne Worden	NC DMV-Driver License
Jerry A. Blevins	NCDMV-DL
Carol Howard	DMV
Boyd Cauble	City of Charlotte

AGENDA

COMMITTEE ON TRANSPORTATION

April 11, 2001

OPENING REMARKS

Representative Cary Allred, Chair

BILLS TO BE DISCUSSED

HB 455 **SHP Reimbursement for Special Events.**
Representative McCombs, Bill Sponsor

HB 821 **Study of Inexperienced Drivers.**
Representative Nye, Bill Sponsor

HB 644 **Toll Road and Bridge Authority Created.**
Representative Crawford, Bill Sponsor

ADJOURNMENT

MINUTES

HOUSE COMMITTEE ON TRANSPORTATION

April 11, 2001

The House Committee on Transportation met Wednesday, April 11, 2001 at 11:00 A.M. in Room 643 of the Legislative Office Building. The following members were present: Chairman Cary Allred, Chairman Drew Saunders, Representatives Allen, Buchanan, Clary, Cole, Crawford, Culp, Dedmon, Earle, Eddins Gillespie, Hill, Holliman Lucas, McComas, McLawhorn, Nye, Sexton, Sherrill, Shubert, Walker, Warwick and Wilson. Giles Perry and Wendy Graf, Staff Counsels were in attendance. Also attending were Emily Ross, House Page from Beaufort County, sponsored by Representative Edwards and Sergeants-at-Arms Ann Lassiter and Dusty Rhodes. A Visitors Registration Sheet was made available and is attached as part of the minutes.

Representative Allred, Chair, called the meeting to order and introduced the House Page and the Sergeants-at Arms.

The first order of business was **HB 455 – AN ACT TO PROVIDE FOR REIMBURSEMENT FOR ADDITIONAL SERVICES BY THE STATE HIGHWAY PATROL AT EVENTS CONDUCTED BY PRIVATE ORGANIZATIONS.** – sponsored by Representative McCombs. Representative McCombs explained that his bill would require private organizations to reimburse the State for State Highway Patrol services provided at special events at 50% of the total calculated cost for traffic control and other ancillary services. Representative McCombs made available several attachments as examples of the State Highway Patrol expenses to serve these special events. These are attached as part of the minutes.

Discussion followed from Committee Members. Col. Holden, State Highway Patrol was asked to respond to what if any responsibility the State Highway Patrol had if it refused to control traffic at these private events. Col. Holden stated that the Highway Patrol's primary responsibility was to ensure safe flow of traffic on state roads and that their goal was to be proactive whenever events were taking place. He told the Committee that the Highway Patrol tried to make the public aware as events were occurring. Representative Saunders moved for a favorable report and the motion passed.

Next to be discussed was the adoption of a Proposed Committee Substitute for **HB 644 – A BILL TO BE ENTITLED AN ACT TO AUTHORIZE PUBLIC TOLL ROADS AND BRIDGES IN NORTH CAROLINA AND THE CREATION OF A TURNPIKE AUTHORITY.** – sponsored by Representative Crawford. The bill authorizes the creation of a public agency, the "North Carolina Turnpike Authority", to construct, operate and maintain toll roads in the State. Representative Buchanan moved to adopt the PCS. Representative Gillespie asked that the Committee vote the bill up or down and moved for an unfavorable report to the PCS. Chairman Allred did not call for a vote on the motion and allowed more discussion. Representative Dedmon asked if we

were creating a two-headed monster with the Department of Transportation and private sector. Ruth Sappie, Department of Transportation, stated that the Authority would consist of the Secretary of Transportation and six members appointed by the Governor.

With time running out, the meeting was adjourned at 11:50 A.M. - no action being taken on **HB 644**.

The minutes also note that **HB 821- A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO CONDUCT A STUDY OF THE FINANCIAL RESPONSIBILITY OF INEXPERIENCED DRIVERS** – Representative Nye, was held and not discussed at the request of the bill sponsor.

Respectfully submitted,

Representative Cary Allred
Presiding Chair

Jean Allred
Committee Assistant

Committee Report
Attachments
Visitors Registration

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Allred and Saunders** (Chair/Chairs) for the Committee on **Transportation.**

☐ Committee Substitute for
H.B. 455 A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR REIMBURSEMENT FOR ADDITIONAL SERVICES BY THE STATE HIGHWAY PATROL AT EVENTS CONDUCTED BY PRIVATE ORGANIZATIONS.

☒ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H 1

HOUSE BILL 455

Short Title:	SHP Reimbursement for Special Events.	(Public)
Sponsors:	Representatives McCombs; Arnold, Coates, Daughtry, Decker, Dockham, Mitchell, Rayfield, Walend, Walker, Weatherly, and G. Wilson.	
Referred to:	Rules, Calendar, and Operations of the House.	

March 1, 2001

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR REIMBURSEMENT FOR ADDITIONAL SERVICES BY THE STATE HIGHWAY PATROL AT EVENTS CONDUCTED BY PRIVATE ORGANIZATIONS.

The General Assembly of North Carolina enacts:

SECTION 1. Article 4 of Chapter 20 of the General Statutes is amended by adding a new section to read:

"**§ 20-196.4. Reimbursement for services at events conducted by private organizations.**

(a) The Department of Crime Control and Public Safety shall calculate the total costs of traffic control and other ancillary services provided by the State Highway Patrol at events conducted or sponsored by private organizations.

(b) The private organization shall pay to the State one-half of the costs as determined pursuant to subsection (a) of this section. Funds received under this subsection shall be credited to the Department of Crime Control and Public Safety to pay for the services provided by the State Highway Patrol.

(c) This section does not apply to any event conducted or sponsored by a State agency."

SECTION 2. This act becomes effective July 1, 2001.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

HOUSE BILL 644

Short Title:	Toll Road and Bridge Authority Created.	(Public)
Sponsors:	Representatives Crawford; Bowie and Cole.	
Referred to:	Transportation.	

March 15, 2001

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE PUBLIC TOLL ROADS AND BRIDGES IN NORTH CAROLINA AND THE CREATION OF A TURNPIKE AUTHORITY.

The General Assembly of North Carolina enacts:

SECTION 1. Article 6F of Chapter 136 of the General Statutes is repealed.

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

"Article 6H.

"Public Toll Roads and Bridges.

"**§ 136-89.180. Legislative findings.**

The General Assembly finds that the existing State road system is becoming increasingly congested and overburdened with traffic in many areas of the State; that the sharp surge of vehicle miles traveled is overwhelming the State's ability to build and pay for adequate road improvements; and that an adequate answer to this challenge will require the State to be innovative and utilize several new approaches to transportation improvements in North Carolina.

Toll funding of highway construction is feasible in North Carolina and can contribute to addressing the critical transportation needs of the State. A toll program can speed the implementation of needed transportation improvements by funding some projects with tolls.

"**§ 136-89.181. Definitions.**

The following definitions apply to this Article:

(1) "Turnpike authority" means the public agency created by this Article.

(2) "Turnpike authority board" means the governing board of the Turnpike Authority.

(3) "Turnpike project" means any part of the State highway system, including primary and secondary roads, bridges, tunnels, feeder roads and approaches, and converted free highways and other facilities.

(4) "Turnpike system" means collectively all Turnpike Projects developed under this Article.

"**§ 136-89.182. North Carolina Turnpike Authority.**

(a) Creation. -- There is created a body politic and corporate to be known as the "North Carolina Turnpike Authority." The Authority is constituted as a public agency, and the exercise by the Authority of the powers conferred by this Article in the construction, operation, and maintenance of toll roads and bridges shall be deemed and held to be the performance of an essential governmental function.

(b) Administrative Placement. -- The Authority shall be located within the Department of Transportation for administrative purposes but shall exercise all of its powers independently of the Department of Transportation except as otherwise specified in this Article.

(c) Board of Directors. -- The North Carolina Turnpike Authority shall be governed by a seven-member Board of Directors consisting of the Secretary of Transportation, who shall serve as chairman of the Authority Board, and six members who shall be appointed by the Governor, at least three of whom shall reside in metropolitan areas.

(d) Board of Transportation Members. -- Not more than two members of the North Carolina Board of Transportation, in addition to the Secretary of Transportation, may serve as members of the Authority Board.

(e) Staggered Terms. -- The initial appointments by the Governor to the Authority Board shall consist of two members appointed to terms ending January 14, 2003, two members appointed to terms ending January 14, 2005, and two members appointed to terms ending January 14, 2007.

Thereafter, at the expiration of each stipulated term of office, all appointments shall be to a term of six years from the date of the expiration of the term.

(f) Vacancies. -- All members of the Authority Board shall remain in office until their successors are appointed and qualify. The Governor may appoint a member to serve out the unexpired term of any Board member.

(g) Removal of Board Members. -- Each appointed member of the Authority Board, notwithstanding subsection (e) of this section, shall serve at the pleasure of the Governor.

(h) Conflicts of Interest, Ethics, etc. -- Members of the Authority Board shall be subject to provisions of G.S. 136-13, 136-13.1, and 136-14.

(i) Compensation. -- The appointed members of the Authority Board shall receive no salary for their services but shall be entitled to receive per diem and travel allowances in accordance with the provisions of G.S. 138-5 and G.S. 138-6 as appropriate.

(j) Bylaws. -- The Authority Board shall adopt bylaws with respect to the calling of meetings, quorums, voting procedures, the keeping of records, and other organizational, staffing, and administrative matters as the Authority Board may determine.

(k) Executive Director and Other Employees. -- The Authority Board shall appoint an Executive Director, whose salary shall be fixed by the Authority, to serve at its pleasure.

The Executive Director shall be the Authority's chief administrative officer and shall be responsible for the daily administration of the toll roads and bridges constructed, maintained, or operated pursuant to this Article.

The Executive Director or his designee shall appoint, employ, dismiss, and within the limits approved by the Authority Board, fix the compensation of such other employees as he deems necessary to carry out this Article.

(l) Office. -- The offices of the Authority may be housed in one or more facilities of the Department of Transportation.

"**§ 136-89.183. Powers of the Authority.**

(a) The Authority shall have all of the powers necessary to execute the provisions of this Article including the following powers:

(1) The powers of a corporate body, including the power to sue and be sued, to make contracts, to adopt and use a common seal, and to alter the adopted seal as needed.

(2) To study, plan, develop, design, establish, purchase, construct, operate, and maintain a Turnpike Project, either on its own initiative or at the request of the Board of Transportation.

(3) To rent, lease, purchase, acquire, own, encumber, dispose of, or mortgage real or personal property, including the power to acquire property by eminent domain pursuant to G.S. 136-89.184.

(4) To fix, revise, charge, and collect tolls and fees for the use of the Turnpike Authority.

(5) To issue bonds or notes of the Authority as provided in this Article.

(6) To establish, construct, purchase, maintain, equip, and operate any structure or facilities associated with the Turnpike System.

(7) To pay all necessary costs and expenses in the formation, organization, administration, and operation of the Authority.

(8) To apply for, accept, and administer loans and grants of money or real or personal property from any federal agency, from the State or its political subdivisions, local government, or from any other public or private sources available.

(9) To adopt, alter, or repeal its own bylaws or rules implementing the provisions of this Article.

(10) To employ consulting engineers, architects, attorneys, real estate counselors, appraisers, and other consultants and employees as may be required in the judgment of the Authority and to fix and pay their compensation from funds available to the Authority.

(11) To select and retain financial consultants, underwriters, and bond attorneys in connection with the issuance of any bonds and to pay for their services out of the proceeds of any bond issue for which their services were performed.

(12) To execute financing agreements, security documents, and other instruments necessary in exercising its power under this Article.
(13) To receive and use appropriations from the State.
(14) To adopt procedures to govern its procurement of services and delivery of Turnpike Projects.
(15) To perform or procure any portion of services required by the Authority.
(16) To use officers, employees, agents, and facilities of the Department of Transportation for the purposes and upon the terms as may be mutually agreeable.
(17) To contract for the construction, maintenance, and operation of a Turnpike Project.
(18) To expend such funds as it deems necessary to enter into partnership agreements with political subdivisions of the State, or with private entities, for the purpose of financing the cost of acquiring, constructing, equipping, operating, or maintaining any Turnpike Project.

(b) To execute the powers provided in subsection (a) of this section, the Authority shall determine its policies by majority vote of the members of the Authority present and voting, a quorum having been established. Once a policy is established, the Authority Board shall communicate it to the Executive Director, who shall have the sole and exclusive authority to execute the policy of the Authority. No member of the Authority Board shall have the responsibility or authority to give operational directives to any employee of the Authority other than the Executive Director.

"**§ 136-89.184. Acquisition of real property.**

(a) General. -- The Authority may acquire public or private real property by purchase, negotiation, gift, or devise, or condemnation that it determines to be necessary and convenient for the construction, expansion, enlargement, extension, improvement, or operation of a Turnpike Project. When the Authority acquires real property owned by the State, the Secretary of the Department of Administration shall execute and deliver to the Authority a deed transferring fee simple title to the property to the Authority.

(b) Condemnation. -- To exercise the power of eminent domain, the Authority shall commence a proceeding in its name and shall follow the procedure set forth in Article 9 of Chapter 136 of the General Statutes.

"**§ 136-89.185. Taxation of property of Authority.**

Property owned by the Authority is exempt from taxation in accordance with Section 2 of Article V of the North Carolina Constitution.

"**§ 136-89.186. Audit.**

The operations of the Authority shall be subject to the oversight of the State Auditor pursuant to Article 5A of Chapter 147 of the General Statutes.

"**§ 136-89.187. Conversion of free highways.**

The Authority Board, with the concurrence of the Board of Transportation, may convert a segment of the non-tolled State highway system to a toll facility if that

conversion is the most feasible and economic means to accomplish a desired expansion or extension improvements to the State highway system.

"**§ 136-89.188. Tolls on converted highways.**

The Authority Board may impose a toll for travel over existing non-tolled State highways if converted to a toll facility consistent with this Article.

"**§ 136-89.189. Use of surplus revenues.**

The Authority Board may authorize the use of surplus revenue of the Turnpike System to pay the costs of other Turnpike Projects or for any other lawful purpose consistent with this Article.

"**§ 136-89.190. Lease, sale, or conveyance of Turnpike Projects.**

The Authority may lease, sell, grant a concession or franchise, or otherwise convey all or a portion of the Turnpike System to another governmental or private entity, if such conveyance is in the best interest of the State.

"**§ 136-89.191. Turnpike Authority revenue bonds.**

(a) The Authority Board, in cooperation with the Department of State Treasurer, by the adoption of a bond resolution, may authorize the issuance of bonds to pay all or a portion of the cost of a Turnpike Project or to refund any previously issued bonds.

(b) The Authority may sell bonds at public or private sale in a manner and for a price it determined to be in the best interest of the Authority.

(c) The Authority may sell bonds secured by a lien on the revenues of the Turnpike System or a Turnpike Project.

(d) The Authority may sell bonds secured by lien of revenues subordinate to the lien of other bonds.

(e) The Authority may execute a revenue bond indenture or other similar agreement with bondholders in a form and with such covenants and provisions it finds to be in the best interest of the Authority.

"**§ 136-89.192. Payment of bonds; State credit not pledged.**

Bonds issued by the Authority under this Article shall not be deemed to constitute a debt of the State of North Carolina or a pledge of the full faith and credit of the State.

"**§ 136-89.193. Cost participation by Department of Transportation.**

The Department of Transportation may participate in the cost of preconstruction activities, construction, maintenance, or operation of a Turnpike Project.

"**§ 136-89.194. Equity distribution formula.**

Only those funds applied to a Turnpike Project from the State Highway Fund, State Highway Trust Fund, or federal-aid funds that might otherwise be used for other roadway projects within the State, and are otherwise already subject to the distribution formula under G.S. 136-17.2A, shall be included in the distribution formula.

Other revenue from the sale of bonds, project loans, or toll collections shall not be included in the distribution formula.

"**§ 136-89.195. Annual plan of work; annual and quarterly reports.**

(a) Annual Plan of Work. -- The Authority shall annually develop a plan of work for the fiscal year, describing the activities and projects to be undertaken, accompanied by a budget. This annual plan of work shall be subject to the concurrence of the Board of Transportation.

(b) Annual Reports. -- The Authority shall, promptly following the close of each fiscal year, submit an annual report of its activities for the preceding year to the Governor, the General Assembly, and the Department of Transportation. Each report shall be accompanied by an audit of its books and accounts.

(c) Quarterly Reports. -- The Authority shall submit quarterly reports to the Joint Legislative Transportation Oversight Committee. The reports shall summarize the Authority's activities during the quarter and contain any information about the Authority's activities that is requested by the Committee.

"**§ 136-89.196. Laws applicable to the Authority; exceptions.**

(a) Motor Vehicle Laws. -- The Turnpike System shall be considered a "highway" as defined in G.S. 20-4.01(13) and a "public vehicular area" as defined in G.S. 20-4.01(32). All law enforcement and emergency personnel, including the State Highway Patrol and the Division of Motor Vehicles, shall have the same powers and duties on the Turnpike System as on any other highway or public vehicular area.

(b) Purchases of Supplies, Material, Equipment, and Building Contracts. -- For the purposes of implementing this Article, the Authority is exempted from the provisions of G.S. 136-28.1 and G.S. 136-28.4 and Articles 3 and 8 of Chapter 143 of the General Statutes and all rules associated with those provisions."

SECTION 3. Chapter 20 of the General Statutes is amended to add a new section to read:

"**§ 20-158.2. Control of vehicles on Turnpike System.**

The North Carolina Turnpike Authority may control vehicles at appropriate places by erecting traffic control devices to collect tolls.

Failure to pay a proper toll, as evidenced by a traffic control photographic system or other enforcement mechanism, is a noncriminal violation for which a civil penalty set by the Turnpike Authority shall be assessed."

SECTION 4. G.S. 136-176(b) reads as rewritten:

"(b) Funds in the Trust Fund are annually appropriated to the Department of Transportation to be allocated and used as provided in this subsection. A sum, not to exceed four and one-half percent (4.5%) of the amount of revenue deposited in the Trust Fund under subdivisions (a)(1), (2), and (3) of this section, may be used each fiscal year by the Department for expenses to administer the Trust Fund. Operation of the North Carolina Turnpike Authority is an eligible administrative expense under this subsection. The rest of the funds in the Trust Fund shall be allocated and used as follows:

(1) Sixty-one and ninety-five hundredths percent (61.95%) to plan, design, and construct the projects of the Intrastate System described in G.S. 136-179 and to pay debt service on highway bonds and notes that are issued under the State Highway Bond Act of 1996 and whose proceeds are applied to these projects.

(2) Twenty-five and five hundredths percent (25.05%) to plan, design, and construct the urban loops described in G.S. 136-180 and to pay debt service on highway bonds and notes that are issued under the State Highway Bond Act of 1996 and whose proceeds are applied to these urban loops.

(3) Six and one-half percent (6.5%) to supplement the appropriation to cities for city streets under G.S. 136-181.

(4) Six and one-half percent (6.5%) for secondary road construction as provided in G.S. 136-182 and to pay debt service on highway bonds and notes that are issued under the State Highway Bond Act of 1996 and whose proceeds are applied to secondary road construction.

The Department must administer funds allocated under subdivisions (1), (2), and (4) of this subsection in a manner that ensures that sufficient funds are available to make the debt service payments on bonds issued under the State Highway Bond Act of 1996 as they become due."

SECTION 5. G.S. 126-5 is amended by adding a new subdivision to read:

"(c1) Except as to the provisions of Articles 6 and 7 of this Chapter, the provisions of this Chapter shall not apply to:

...

(21) Employees of the North Carolina Turnpike Authority."

SECTION 6. G.S. 120-123 is amended by adding a new subdivision to read:

"**§ 120-123. Service by members of the General Assembly on certain boards and commissions.**

No member of the General Assembly may serve on any of the following boards or commissions:

...

(75) The North Carolina Turnpike Authority."

SECTION 7. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE BILL 644
PROPOSED COMMITTEE SUBSTITUTE H644-CSRW-16 [v.3]

4/10/2001 6:56:42 PM

Short Title: Toll Road and Bridge Authority Created. (Public)

Sponsors:

Referred to:

March 15, 2001

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE PUBLIC TOLL ROADS AND BRIDGES IN NORTH CAROLINA AND THE CREATION OF A TURNPIKE AUTHORITY.

The General Assembly of North Carolina enacts:

SECTION 1. Article 6F of Chapter 136 of the General Statutes is repealed.

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

"Article 6H.

"Public Toll Roads and Bridges.

"**§ 136-89.180. Legislative findings.**

The General Assembly finds that the existing State road system is becoming increasingly congested and overburdened with traffic in many areas of the State; that the sharp surge of vehicle miles traveled is overwhelming the State's ability to build and pay for adequate road improvements; and that an adequate answer to this challenge will require the State to be innovative and utilize several new approaches to transportation improvements in North Carolina.

Toll funding of highway construction is feasible in North Carolina and can contribute to addressing the critical transportation needs of the State. A toll program can speed the implementation of needed transportation improvements by funding some projects with tolls.

"**§ 136-89.181. Definitions.**

The following definitions apply to this Article:

(1) "Turnpike authority" means the public agency created by this Article.

(2) "Turnpike authority board" means the governing board of the Turnpike Authority.

(3) "Turnpike project" means any part of the State highway system, including primary and secondary roads, bridges, tunnels, feeder roads and approaches, and converted free highways and other facilities.

(4) "Turnpike system" means collectively all Turnpike Projects developed under this Article.

"**§ 136-89.182. North Carolina Turnpike Authority.**

(a) Creation. -- There is created a body politic and corporate to be known as the "North Carolina Turnpike Authority." The Authority is constituted as a public agency, and the exercise by the Authority of the powers conferred by this Article in the construction, operation, and maintenance of toll roads and bridges shall be deemed and held to be the performance of an essential governmental function.

(b) Administrative Placement. -- The Authority shall be located within the Department of Transportation for administrative purposes but shall exercise all of its powers independently of the Department of Transportation except as otherwise specified in this Article.

(c) Board of Directors. -- The North Carolina Turnpike Authority shall be governed by a seven-member Board of Directors consisting of the Secretary of Transportation, who shall serve as chairman of the Authority Board, and six members who shall be appointed by the Governor, at least three of whom shall reside in metropolitan areas.

(d) Board of Transportation Members. -- Not more than two members of the North Carolina Board of Transportation, in addition to the Secretary of Transportation, may serve as members of the Authority Board.

(e) Staggered Terms. -- The initial appointments by the Governor to the Authority Board shall consist of two members appointed to terms ending January 14, 2003, two members appointed to terms ending January 14, 2005, and two members appointed to terms ending January 14, 2007.

Thereafter, at the expiration of each stipulated term of office, all appointments shall be to a term of six years from the date of the expiration of the term.

(f) Vacancies. -- All members of the Authority Board shall remain in office until their successors are appointed and qualify. The Governor may appoint a member to serve out the unexpired term of any Board member.

(g) Removal of Board Members. -- Each appointed member of the Authority Board, notwithstanding subsection (e) of this section, shall serve at the pleasure of the Governor.

(h) Conflicts of Interest, Ethics, etc. -- Members of the Authority Board shall be subject to provisions of G.S. 136-13, 136-13.1, and 136-14.

(i) Compensation. -- The appointed members of the Authority Board shall receive no salary for their services but shall be entitled to receive per diem and travel allowances in accordance with the provisions of G.S. 138-5 and G.S. 138-6 as appropriate.

(j) Bylaws. -- The Authority Board shall adopt bylaws with respect to the calling of meetings, quorums, voting procedures, the keeping of records, and other organizational, staffing, and administrative matters as the Authority Board may determine.

(k) Executive Director and Other Employees. -- The Authority Board shall appoint an Executive Director, whose salary shall be fixed by the Authority, to serve at its pleasure.

The Executive Director shall be the Authority's chief administrative officer and shall be responsible for the daily administration of the toll roads and bridges constructed, maintained, or operated pursuant to this Article.

The Executive Director or his designee shall appoint, employ, dismiss, and within the limits approved by the Authority Board, fix the compensation of such other employees as he deems necessary to carry out this Article.

(l) Office. -- The offices of the Authority may be housed in one or more facilities of the Department of Transportation.

"**§ 136-89.183. Powers of the Authority.**

(a) The Authority shall have all of the powers necessary to execute the provisions of this Article including the following powers:

(1) The powers of a corporate body, including the power to sue and be sued, to make contracts, to adopt and use a common seal, and to alter the adopted seal as needed.

(2) To study, plan, develop, design, establish, purchase, construct, operate, and maintain a Turnpike Project, either on its own initiative or at the request of the Board of Transportation.

(3) To rent, lease, purchase, acquire, own, encumber, dispose of, or mortgage real or personal property, including the power to acquire property by eminent domain pursuant to G.S. 136-89.184.

(4) To fix, revise, charge, and collect tolls and fees for the use of the Turnpike Authority.

(5) To issue bonds or notes of the Authority as provided in this Article.

(6) To establish, construct, purchase, maintain, equip, and operate any structure or facilities associated with the Turnpike System.

(7) To pay all necessary costs and expenses in the formation, organization, administration, and operation of the Authority.

(8) To apply for, accept, and administer loans and grants of money or real or personal property from any federal agency, from the State or its political subdivisions, local government, or from any other public or private sources available.

(9) To adopt, alter, or repeal its own bylaws or rules implementing the provisions of this Article.

(10) To employ consulting engineers, architects, attorneys, real estate counselors, appraisers, and other consultants and employees as may be required in the judgment of the Authority and to fix and pay their compensation from funds available to the Authority.

(11) To select and retain financial consultants, underwriters, and bond attorneys in connection with the issuance of any bonds and to pay for

their services out of the proceeds of any bond issue for which their services were performed.

(12) To execute financing agreements, security documents, and other instruments necessary in exercising its power under this Article.

(13) To receive and use appropriations from the State.

(14) To adopt procedures to govern its procurement of services and delivery of Turnpike Projects.

(15) To perform or procure any portion of services required by the Authority.

(16) To use officers, employees, agents, and facilities of the Department of Transportation for the purposes and upon the terms as may be mutually agreeable.

(17) To contract for the construction, maintenance, and operation of a Turnpike Project.

(18) To expend such funds as it deems necessary to enter into partnership agreements with political subdivisions of the State, or with private entities, for the purpose of financing the cost of acquiring, constructing, equipping, operating, or maintaining any Turnpike Project.

(b) To execute the powers provided in subsection (a) of this section, the Authority shall determine its policies by majority vote of the members of the Authority present and voting, a quorum having been established. Once a policy is established, the Authority Board shall communicate it to the Executive Director, who shall have the sole and exclusive authority to execute the policy of the Authority. No member of the Authority Board shall have the responsibility or authority to give operational directives to any employee of the Authority other than the Executive Director.

"**§ 136-89.184. Acquisition of real property.**

(a) General. -- The Authority may acquire public or private real property by purchase, negotiation, gift, or devise, or condemnation that it determines to be necessary and convenient for the construction, expansion, enlargement, extension, improvement, or operation of a Turnpike Project. When the Authority acquires real property owned by the State, the Secretary of the Department of Administration shall execute and deliver to the Authority a deed transferring fee simple title to the property to the Authority.

(b) Condemnation. -- To exercise the power of eminent domain, the Authority shall commence a proceeding in its name and shall follow the procedure set forth in Article 9 of Chapter 136 of the General Statutes.

"**§ 136-89.185. Taxation of property of Authority.**

Property owned by the Authority is exempt from taxation in accordance with Section 2 of Article V of the North Carolina Constitution.

"**§ 136-89.186. Audit.**

The operations of the Authority shall be subject to the oversight of the State Auditor pursuant to Article 5A of Chapter 147 of the General Statutes.

"**§ 136-89.187. Conversion of free highways.**

The Authority Board, with the concurrence of the Board of Transportation, may convert a segment of the non-tolled State highway system to a toll facility if that conversion is the most feasible and economic means to accomplish a desired expansion or extension improvements to the State highway system.

"**§ 136-89.188. Tolls on converted highways.**

The Authority Board may impose a toll for travel over existing non-tolled State highways if converted to a toll facility consistent with this Article.

"**§ 136-89.189. Use of surplus revenues.**

The Authority Board may authorize the use of surplus revenue of the Turnpike System to pay the costs of other Turnpike Projects or for any other lawful purpose consistent with this Article.

"**§ 136-89.190. Lease, sale, or conveyance of Turnpike Projects.**

The Authority may lease, sell, grant a concession or franchise, or otherwise convey all or a portion of the Turnpike System to another governmental or private entity, if such conveyance is in the best interest of the State.

"**§ 136-89.191. Turnpike Authority revenue bonds.**

(a) The Authority Board, in cooperation with the Department of State Treasurer, by the adoption of a bond resolution, may authorize the issuance of bonds to pay all or a portion of the cost of a Turnpike Project or to refund any previously issued bonds.

(b) The Authority may sell bonds at public or private sale in a manner and for a price it determined to be in the best interest of the Authority.

(c) The Authority may sell bonds secured by a lien on the revenues of the Turnpike System or a Turnpike Project.

(d) The Authority may sell bonds secured by lien of revenues subordinate to the lien of other bonds.

(e) The Authority may execute a revenue bond indenture or other similar agreement with bondholders in a form and with such covenants and provisions it finds to be in the best interest of the Authority.

"**§ 136-89.192. Payment of bonds; State credit not pledged.**

Bonds issued by the Authority under this Article shall not be deemed to constitute a debt of the State of North Carolina or a pledge of the full faith and credit of the State.

"**§ 136-89.193. Cost participation by Department of Transportation.**

The Department of Transportation may participate in the cost of preconstruction activities, construction, maintenance, or operation of a Turnpike Project.

"**§ 136-89.194. Equity distribution formula.**

Only those funds applied to a Turnpike Project from the State Highway Fund, State Highway Trust Fund, or federal-aid funds that might otherwise be used for other roadway projects within the State, and are otherwise already subject to the distribution formula under G.S. 136-17.2A, shall be included in the distribution formula.

Other revenue from the sale of bonds, project loans, or toll collections shall not be included in the distribution formula.

"**§ 136-89.195. Annual plan of work; annual and quarterly reports.**

(a) Annual Plan of Work. -- The Authority shall annually develop a plan of work for the fiscal year, describing the activities and projects to be undertaken, accompanied by a budget. This annual plan of work shall be subject to the concurrence of the Board of Transportation.

(b) Annual Reports. -- The Authority shall, promptly following the close of each fiscal year, submit an annual report of its activities for the preceding year to the Governor, the General Assembly, and the Department of Transportation. Each report shall be accompanied by an audit of its books and accounts.

(c) Quarterly Reports. -- The Authority shall submit quarterly reports to the Joint Legislative Transportation Oversight Committee. The reports shall summarize the Authority's activities during the quarter and contain any information about the Authority's activities that is requested by the Committee.

"**§ 136-89.196. Laws applicable to the Authority; exceptions.**

(a) Motor Vehicle Laws. -- The Turnpike System shall be considered a "highway" as defined in G.S. 20-4.01(13) and a "public vehicular area" as defined in G.S. 20-4.01(32). All law enforcement and emergency personnel, including the State Highway Patrol and the Division of Motor Vehicles, shall have the same powers and duties on the Turnpike System as on any other highway or public vehicular area.

(b) Contracting. -- For the purposes of implementing this Article, the Authority shall solicit competitive proposals for the construction of Turnpike projects in accordance with the provision of Article 2 of this Chapter. Contracts for professional engineering services and other kinds of professional or specialized services necessary in connection with construction of Turnpike projects shall be solicited in accordance with procedures utilized by the Department of Transportation.

(c) Alternative Contracting Methods.—Notwithstanding the provisions of subsection (b) of this section, the Authority may authorize the use of alternative contracting methods if:

(1) The authorization applies to an individual project;

(2) The Authority has concluded, and documented in writing, that the alternative contracting method is necessary because the project cannot be completed utilizing the procedures of Article 2 of this Chapter within the necessary time frame or available funding, or for other reasons the Authority deems in the public interest;

(3) The Authority has provided, to the extent possible, for the solicitation of competitive proposals prior to awarding a contract; and

(4) The approved alternative contracting method provides for reasonable compliance with the disadvantaged business participation goals of G.S. 136-28.4."

SECTION 3. Chapter 20 of the General Statutes is amended to add a new section to read:

"**§ 20-158.2. Control of vehicles on Turnpike System.**

The North Carolina Turnpike Authority may control vehicles at appropriate places by erecting traffic control devices to collect tolls.

Failure to pay a proper toll, as evidenced by a traffic control photographic system or other enforcement mechanism, is a noncriminal violation for which a civil penalty set by the Turnpike Authority shall be assessed."

SECTION 4. G.S. 136-176(b) reads as rewritten:

"(b) Funds in the Trust Fund are annually appropriated to the Department of Transportation to be allocated and used as provided in this subsection. A sum, not to exceed four and one-half percent (4.5%) of the amount of revenue deposited in the Trust Fund under subdivisions (a)(1), (2), and (3) of this section, may be used each fiscal year by the Department for expenses to administer the Trust Fund. Operation of the North Carolina Turnpike Authority is an eligible administrative expense under this subsection. The rest of the funds in the Trust Fund shall be allocated and used as follows:

(1) Sixty-one and ninety-five hundredths percent (61.95%) to plan, design, and construct the projects of the Intrastate System described in G.S. 136-179 and to pay debt service on highway bonds and notes that are issued under the State Highway Bond Act of 1996 and whose proceeds are applied to these projects.

(2) Twenty-five and five hundredths percent (25.05%) to plan, design, and construct the urban loops described in G.S. 136-180 and to pay debt service on highway bonds and notes that are issued under the State Highway Bond Act of 1996 and whose proceeds are applied to these urban loops.

(3) Six and one-half percent (6.5%) to supplement the appropriation to cities for city streets under G.S. 136-181.

(4) Six and one-half percent (6.5%) for secondary road construction as provided in G.S. 136-182 and to pay debt service on highway bonds and notes that are issued under the State Highway Bond Act of 1996 and whose proceeds are applied to secondary road construction.

The Department must administer funds allocated under subdivisions (1), (2), and (4) of this subsection in a manner that ensures that sufficient funds are available to make the debt service payments on bonds issued under the State Highway Bond Act of 1996 as they become due."

SECTION 5. G.S. 126-5 is amended by adding a new subdivision to read:

"(c1) Except as to the provisions of Articles 6 and 7 of this Chapter, the provisions of this Chapter shall not apply to:

...

(21) Employees of the North Carolina Turnpike Authority."

SECTION 6. G.S. 120-123 is amended by adding a new subdivision to read:

"**§ 120-123. Service by members of the General Assembly on certain boards and commissions.**

No member of the General Assembly may serve on any of the following boards or commissions:

...

(75) The North Carolina Turnpike Authority."

SECTION 7. This act is effective when it becomes law.

HOUSE BILL 644:
Toll Road and Bridge Authority Created

BILL ANALYSIS

Committee:	House Transportation	**Introduced by:**	Rep. Crawford
Date:	April 11, 2001	**Summary by:**	Giles S. Perry
Version:	Committee Substitute		Committee Counsel

SUMMARY: House Bill 644 authorizes the creation of a public agency, the "North Carolina Turnpike Authority" to construct operate and maintain toll roads in the State.

CURRENT LAW: Under current law, toll roads are authorized in two limited circumstances: The construction of a listed Highway Trust Fund project bridge, (G.S. 136-82.2) or the construction of a private pilot toll road project. (G.S. 136-89.171 and-172).

BILL ANALYSIS:

Creates Turnpike Authority--House Bill 644 would create a public agency, to be called the "North Carolina Turnpike Authority," to construct, operate, and maintain toll roads and bridges in the State.

Governance--The Authority would be governed by a 7 member Board of Directors, consisting of the Secretary of Transportation and six members appointed by the Governor.

The Authority would be operated by an executive director, appointed by the Board of Directors.

Powers of Authority—The Authority would have the power to: build an operate a turnpike project, either on its own initiative, or at the request of the Board of Transportation; to condemn property by "quick-take"; to issue bonds; and to enter into partnership agreements with political subdivision of the State or private entities.

Conversion of Free Highways—The Authority would have the power, if the Bard of Transportations concurred, to convert a non-tolled segment of the State highway system to a toll facility.

Lease or Sale of Turnpike—The Authority would have the power to lease, sell or grant a concession or franchise of the operation of all or a portion of the turnpike system.

Revenue Bonds—The authority would have the authority to sell revenue bonds to finance all or a portion of its projects.

Cost Participation by DOT—NC DOT would be authorized to participate in the cost of preconstruction, construction, maintenance, or operation of a turnpike project.

Equity Formula—Turnpike projects would be subject to the equity distribution formula for State Highway Funds only to the extent that the project is funded from Highway Fund, Highway Trust Fund, or federal-aid funds that would otherwise be subject to the formula.

Motor Vehicle Laws—State motor vehicle laws would apply to Turnpike Authority projects.

Authorization of Alternative Contracting Methods—The act would authorize the Authority to use alternative contracting methods under specified circumstances.

Toll Violations—Tolls violations by persons traveling on Turnpike projects would be noncriminal civil violations.

State Personnel Act—The employees of the Turnpike Authority would be exempt from the State Personnel Act.

General Assembly Members Cannot Serve on Board—Members of the General Assembly would not be eligible to serve on the Turnpike Authority Board.

Effective Date—House Bill 644 would become effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

HOUSE BILL 455

Short Title:	SHP Reimbursement for Special Events.	(Public)
Sponsors:	Representatives McCombs; Arnold, Coates, Daughtry, Decker, Dockham, Mitchell, Rayfield, Walend, Walker, Weatherly, and G. Wilson.	
Referred to:	Rules, Calendar, and Operations of the House.	

March 1, 2001

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR REIMBURSEMENT FOR ADDITIONAL SERVICES BY THE STATE HIGHWAY PATROL AT EVENTS CONDUCTED BY PRIVATE ORGANIZATIONS.

The General Assembly of North Carolina enacts:

SECTION 1. Article 4 of Chapter 20 of the General Statutes is amended by adding a new section to read:

"**§ 20-196.4. Reimbursement for services at events conducted by private organizations.**

(a) The Department of Crime Control and Public Safety shall calculate the total costs of traffic control and other ancillary services provided by the State Highway Patrol at events conducted or sponsored by private organizations.

(b) The private organization shall pay to the State one-half of the costs as determined pursuant to subsection (a) of this section. Funds received under this subsection shall be credited to the Department of Crime Control and Public Safety to pay for the services provided by the State Highway Patrol.

(c) This section does not apply to any event conducted or sponsored by a State agency."

SECTION 2. This act becomes effective July 1, 2001.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE BILL 644
PROPOSED COMMITTEE SUBSTITUTE H644-CSRW-16 [v.3]

4/10/2001 6:56:42 PM

Short Title: Toll Road and Bridge Authority Created. (Public)

Sponsors:

Referred to:

March 15, 2001

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE PUBLIC TOLL ROADS AND BRIDGES IN NORTH CAROLINA AND THE CREATION OF A TURNPIKE AUTHORITY.

The General Assembly of North Carolina enacts:

SECTION 1. Article 6F of Chapter 136 of the General Statutes is repealed.

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

"Article 6H.

"Public Toll Roads and Bridges.

"**§ 136-89.180. Legislative findings.**

The General Assembly finds that the existing State road system is becoming increasingly congested and overburdened with traffic in many areas of the State; that the sharp surge of vehicle miles traveled is overwhelming the State's ability to build and pay for adequate road improvements; and that an adequate answer to this challenge will require the State to be innovative and utilize several new approaches to transportation improvements in North Carolina.

Toll funding of highway construction is feasible in North Carolina and can contribute to addressing the critical transportation needs of the State. A toll program can speed the implementation of needed transportation improvements by funding some projects with tolls.

"**§ 136-89.181. Definitions.**

The following definitions apply to this Article:

(1) "Turnpike authority" means the public agency created by this Article.

(2) "Turnpike authority board" means the governing board of the Turnpike Authority.

(3) "Turnpike project" means any part of the State highway system, including primary and secondary roads, bridges, tunnels, feeder roads and approaches, and converted free highways and other facilities.

(4) "Turnpike system" means collectively all Turnpike Projects developed under this Article.

"**§ 136-89.182. North Carolina Turnpike Authority.**

(a) Creation. -- There is created a body politic and corporate to be known as the "North Carolina Turnpike Authority." The Authority is constituted as a public agency, and the exercise by the Authority of the powers conferred by this Article in the construction, operation, and maintenance of toll roads and bridges shall be deemed and held to be the performance of an essential governmental function.

(b) Administrative Placement. -- The Authority shall be located within the Department of Transportation for administrative purposes but shall exercise all of its powers independently of the Department of Transportation except as otherwise specified in this Article.

(c) Board of Directors. -- The North Carolina Turnpike Authority shall be governed by a seven-member Board of Directors consisting of the Secretary of Transportation, who shall serve as chairman of the Authority Board, and six members who shall be appointed by the Governor, at least three of whom shall reside in metropolitan areas.

(d) Board of Transportation Members. -- Not more than two members of the North Carolina Board of Transportation, in addition to the Secretary of Transportation, may serve as members of the Authority Board.

(e) Staggered Terms. -- The initial appointments by the Governor to the Authority Board shall consist of two members appointed to terms ending January 14, 2003, two members appointed to terms ending January 14, 2005, and two members appointed to terms ending January 14, 2007.

Thereafter, at the expiration of each stipulated term of office, all appointments shall be to a term of six years from the date of the expiration of the term.

(f) Vacancies. -- All members of the Authority Board shall remain in office until their successors are appointed and qualify. The Governor may appoint a member to serve out the unexpired term of any Board member.

(g) Removal of Board Members. -- Each appointed member of the Authority Board, notwithstanding subsection (e) of this section, shall serve at the pleasure of the Governor.

(h) Conflicts of Interest, Ethics, etc. -- Members of the Authority Board shall be subject to provisions of G.S. 136-13, 136-13.1, and 136-14.

(i) Compensation. -- The appointed members of the Authority Board shall receive no salary for their services but shall be entitled to receive per diem and travel allowances in accordance with the provisions of G.S. 138-5 and G.S. 138-6 as appropriate.

(j) Bylaws. -- The Authority Board shall adopt bylaws with respect to the calling of meetings, quorums, voting procedures, the keeping of records, and other organizational, staffing, and administrative matters as the Authority Board may determine.

(k) Executive Director and Other Employees. -- The Authority Board shall appoint an Executive Director, whose salary shall be fixed by the Authority, to serve at its pleasure.

The Executive Director shall be the Authority's chief administrative officer and shall be responsible for the daily administration of the toll roads and bridges constructed, maintained, or operated pursuant to this Article.

The Executive Director or his designee shall appoint, employ, dismiss, and within the limits approved by the Authority Board, fix the compensation of such other employees as he deems necessary to carry out this Article.

(l) Office. -- The offices of the Authority may be housed in one or more facilities of the Department of Transportation.

"**§ 136-89.183. Powers of the Authority.**

(a) The Authority shall have all of the powers necessary to execute the provisions of this Article including the following powers:

(1) The powers of a corporate body, including the power to sue and be sued, to make contracts, to adopt and use a common seal, and to alter the adopted seal as needed.

(2) To study, plan, develop, design, establish, purchase, construct, operate, and maintain a Turnpike Project, either on its own initiative or at the request of the Board of Transportation.

(3) To rent, lease, purchase, acquire, own, encumber, dispose of, or mortgage real or personal property, including the power to acquire property by eminent domain pursuant to G.S. 136-89.184.

(4) To fix, revise, charge, and collect tolls and fees for the use of the Turnpike Authority.

(5) To issue bonds or notes of the Authority as provided in this Article.

(6) To establish, construct, purchase, maintain, equip, and operate any structure or facilities associated with the Turnpike System.

(7) To pay all necessary costs and expenses in the formation, organization, administration, and operation of the Authority.

(8) To apply for, accept, and administer loans and grants of money or real or personal property from any federal agency, from the State or its political subdivisions, local government, or from any other public or private sources available.

(9) To adopt, alter, or repeal its own bylaws or rules implementing the provisions of this Article.

(10) To employ consulting engineers, architects, attorneys, real estate counselors, appraisers, and other consultants and employees as may be required in the judgment of the Authority and to fix and pay their compensation from funds available to the Authority.

(11) To select and retain financial consultants, underwriters, and bond attorneys in connection with the issuance of any bonds and to pay for

their services out of the proceeds of any bond issue for which their services were performed.

(12) To execute financing agreements, security documents, and other instruments necessary in exercising its power under this Article.

(13) To receive and use appropriations from the State.

(14) To adopt procedures to govern its procurement of services and delivery of Turnpike Projects.

(15) To perform or procure any portion of services required by the Authority.

(16) To use officers, employees, agents, and facilities of the Department of Transportation for the purposes and upon the terms as may be mutually agreeable.

(17) To contract for the construction, maintenance, and operation of a Turnpike Project.

(18) To expend such funds as it deems necessary to enter into partnership agreements with political subdivisions of the State, or with private entities, for the purpose of financing the cost of acquiring, constructing, equipping, operating, or maintaining any Turnpike Project.

(b) To execute the powers provided in subsection (a) of this section, the Authority shall determine its policies by majority vote of the members of the Authority present and voting, a quorum having been established. Once a policy is established, the Authority Board shall communicate it to the Executive Director, who shall have the sole and exclusive authority to execute the policy of the Authority. No member of the Authority Board shall have the responsibility or authority to give operational directives to any employee of the Authority other than the Executive Director.

"**§ 136-89.184. Acquisition of real property.**

(a) General. -- The Authority may acquire public or private real property by purchase, negotiation, gift, or devise, or condemnation that it determines to be necessary and convenient for the construction, expansion, enlargement, extension, improvement, or operation of a Turnpike Project. When the Authority acquires real property owned by the State, the Secretary of the Department of Administration shall execute and deliver to the Authority a deed transferring fee simple title to the property to the Authority.

(b) Condemnation. -- To exercise the power of eminent domain, the Authority shall commence a proceeding in its name and shall follow the procedure set forth in Article 9 of Chapter 136 of the General Statutes.

"**§ 136-89.185. Taxation of property of Authority.**

Property owned by the Authority is exempt from taxation in accordance with Section 2 of Article V of the North Carolina Constitution.

"**§ 136-89.186. Audit.**

The operations of the Authority shall be subject to the oversight of the State Auditor pursuant to Article 5A of Chapter 147 of the General Statutes.

"**§ 136-89.187. Conversion of free highways.**

The Authority Board, with the concurrence of the Board of Transportation, may convert a segment of the non-tolled State highway system to a toll facility if that conversion is the most feasible and economic means to accomplish a desired expansion or extension improvements to the State highway system.

"**§ 136-89.188. Tolls on converted highways.**

The Authority Board may impose a toll for travel over existing non-tolled State highways if converted to a toll facility consistent with this Article.

"**§ 136-89.189. Use of surplus revenues.**

The Authority Board may authorize the use of surplus revenue of the Turnpike System to pay the costs of other Turnpike Projects or for any other lawful purpose consistent with this Article.

"**§ 136-89.190. Lease, sale, or conveyance of Turnpike Projects.**

The Authority may lease, sell, grant a concession or franchise, or otherwise convey all or a portion of the Turnpike System to another governmental or private entity, if such conveyance is in the best interest of the State.

"**§ 136-89.191. Turnpike Authority revenue bonds.**

(a) The Authority Board, in cooperation with the Department of State Treasurer, by the adoption of a bond resolution, may authorize the issuance of bonds to pay all or a portion of the cost of a Turnpike Project or to refund any previously issued bonds.

(b) The Authority may sell bonds at public or private sale in a manner and for a price it determined to be in the best interest of the Authority.

(c) The Authority may sell bonds secured by a lien on the revenues of the Turnpike System or a Turnpike Project.

(d) The Authority may sell bonds secured by lien of revenues subordinate to the lien of other bonds.

(e) The Authority may execute a revenue bond indenture or other similar agreement with bondholders in a form and with such covenants and provisions it finds to be in the best interest of the Authority.

"**§ 136-89.192. Payment of bonds; State credit not pledged.**

Bonds issued by the Authority under this Article shall not be deemed to constitute a debt of the State of North Carolina or a pledge of the full faith and credit of the State.

"**§ 136-89.193. Cost participation by Department of Transportation.**

The Department of Transportation may participate in the cost of preconstruction activities, construction, maintenance, or operation of a Turnpike Project.

"**§ 136-89.194. Equity distribution formula.**

Only those funds applied to a Turnpike Project from the State Highway Fund, State Highway Trust Fund, or federal-aid funds that might otherwise be used for other roadway projects within the State, and are otherwise already subject to the distribution formula under G.S. 136-17.2A, shall be included in the distribution formula.

Other revenue from the sale of bonds, project loans, or toll collections shall not be included in the distribution formula.

"**§ 136-89.195. Annual plan of work; annual and quarterly reports.**

(a) Annual Plan of Work. -- The Authority shall annually develop a plan of work for the fiscal year, describing the activities and projects to be undertaken, accompanied by a budget. This annual plan of work shall be subject to the concurrence of the Board of Transportation.

(b) Annual Reports. -- The Authority shall, promptly following the close of each fiscal year, submit an annual report of its activities for the preceding year to the Governor, the General Assembly, and the Department of Transportation. Each report shall be accompanied by an audit of its books and accounts.

(c) Quarterly Reports. -- The Authority shall submit quarterly reports to the Joint Legislative Transportation Oversight Committee. The reports shall summarize the Authority's activities during the quarter and contain any information about the Authority's activities that is requested by the Committee.

"**§ 136-89.196. Laws applicable to the Authority; exceptions.**

(a) Motor Vehicle Laws. -- The Turnpike System shall be considered a "highway" as defined in G.S. 20-4.01(13) and a "public vehicular area" as defined in G.S. 20-4.01(32). All law enforcement and emergency personnel, including the State Highway Patrol and the Division of Motor Vehicles, shall have the same powers and duties on the Turnpike System as on any other highway or public vehicular area.

(b) Contracting. -- For the purposes of implementing this Article, the Authority shall solicit competitive proposals for the construction of Turnpike projects in accordance with the provision of Article 2 of this Chapter. Contracts for professional engineering services and other kinds of professional or specialized services necessary in connection with construction of Turnpike projects shall be solicited in accordance with procedures utilized by the Department of Transportation.

(c) Alternative Contracting Methods.—Notwithstanding the provisions of subsection (b) of this section, the Authority may authorize the use of alternative contracting methods if:

(1) The authorization applies to an individual project;

(2) The Authority has concluded, and documented in writing, that the alternative contracting method is necessary because the project cannot be completed utilizing the procedures of Article 2 of this Chapter within the necessary time frame or available funding, or for other reasons the Authority deems in the public interest;

(3) The Authority has provided, to the extent possible, for the solicitation of competitive proposals prior to awarding a contract; and

(4) The approved alternative contracting method provides for reasonable compliance with the disadvantaged business participation goals of G.S. 136-28.4."

SECTION 3. Chapter 20 of the General Statutes is amended to add a new section to read:

"**§ 20-158.2. Control of vehicles on Turnpike System.**

The North Carolina Turnpike Authority may control vehicles at appropriate places by erecting traffic control devices to collect tolls.

Failure to pay a proper toll, as evidenced by a traffic control photographic system or other enforcement mechanism, is a noncriminal violation for which a civil penalty set by the Turnpike Authority shall be assessed."

SECTION 4. G.S. 136-176(b) reads as rewritten:

"(b) Funds in the Trust Fund are annually appropriated to the Department of Transportation to be allocated and used as provided in this subsection. A sum, not to exceed four and one-half percent (4.5%) of the amount of revenue deposited in the Trust Fund under subdivisions (a)(1), (2), and (3) of this section, may be used each fiscal year by the Department for expenses to administer the Trust Fund. Operation of the North Carolina Turnpike Authority is an eligible administrative expense under this subsection. The rest of the funds in the Trust Fund shall be allocated and used as follows:

(1) Sixty-one and ninety-five hundredths percent (61.95%) to plan, design, and construct the projects of the Intrastate System described in G.S. 136-179 and to pay debt service on highway bonds and notes that are issued under the State Highway Bond Act of 1996 and whose proceeds are applied to these projects.

(2) Twenty-five and five hundredths percent (25.05%) to plan, design, and construct the urban loops described in G.S. 136-180 and to pay debt service on highway bonds and notes that are issued under the State Highway Bond Act of 1996 and whose proceeds are applied to these urban loops.

(3) Six and one-half percent (6.5%) to supplement the appropriation to cities for city streets under G.S. 136-181.

(4) Six and one-half percent (6.5%) for secondary road construction as provided in G.S. 136-182 and to pay debt service on highway bonds and notes that are issued under the State Highway Bond Act of 1996 and whose proceeds are applied to secondary road construction.

The Department must administer funds allocated under subdivisions (1), (2), and (4) of this subsection in a manner that ensures that sufficient funds are available to make the debt service payments on bonds issued under the State Highway Bond Act of 1996 as they become due."

SECTION 5. G.S. 126-5 is amended by adding a new subdivision to read:

"(c1) Except as to the provisions of Articles 6 and 7 of this Chapter, the provisions of this Chapter shall not apply to:

...

(21) Employees of the North Carolina Turnpike Authority."

SECTION 6. G.S. 120-123 is amended by adding a new subdivision to read:

"**§ 120-123. Service by members of the General Assembly on certain boards and commissions.**

No member of the General Assembly may serve on any of the following boards or commissions:

...

(75) The North Carolina Turnpike Authority."

SECTION 7. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

HOUSE BILL 821

Short Title:	Study of Inexperienced Drivers.	(Public)
Sponsors:	Representatives Nye; and Barefoot.	
Referred to:	Transportation, if favorable, Rules, Calendar, and Operations of the House.	

March 27, 2001

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO CONDUCT A STUDY OF THE FINANCIAL RESPONSIBILITY OF INEXPERIENCED DRIVERS.

The General Assembly of North Carolina enacts:

SECTION 1. The Department of Transportation shall conduct a study of those persons who were issued a new drivers license since January 1, 1996, to determine if those persons, as a group, are complying with Article 9A of Chapter 20 of the General Statutes, Motor Vehicle Safety and Financial Responsibility Act of 1953. If the Department finds that a significant number of those inexperienced drivers are not able to demonstrate proof of financial responsibility as that term is defined in G.S. 20-279.1, the Department shall develop a program to educate the public regarding the requirements of Article 9A of Chapter 20 of the General Statutes and to track all inexperienced drivers for a period of at least five years to assure that they comply with Article 9A of Chapter 20 of the General Statutes. The Department shall develop the program and report to and consult with the Joint Legislative Transportation Oversight Committee on the program on or before April 1, 2002. The program shall be implemented by July 1, 2002.

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

HOUSE BILL 821:
Study of Inexperienced Drivers

BILL ANALYSIS

Committee:	House Transportation Committee	**Introduced by:**	Representative Nye
Date:	April 11, 2001	**Summary by:**	Wendy Graf
Version:	First Edition		Committee Counsel

SUMMARY: ***House Bill 821 requires the Department of Transportation to conduct a study of the financial responsibility of drivers who have been issued a new license since January 1, 1996.***

BILL ANALYSIS: House Bill 821 requires DOT to conduct a study of drivers who have been issued a new license since January 1, 1996 to determine whether those drivers are complying with Article 9A of Chapter 20 of the General Statutes (Motor Vehicle Safety and Financial Responsibility Act of 1953).

If it is determined that a significant number of new drivers cannot demonstrate proof of financial responsibility (i.e. that they are not maintaining the appropriate types and amounts of auto insurance as set out in G.S. 20-279.1), DOT is required to develop a program to educate the public on the requirements of Article 9A of Chapter 20 of the General Statutes, and to track new drivers for 5 years to assure compliance.

If the education program is deemed necessary, DOT is required to develop the program and report to the Joint Legislative Transportation Oversight Committee on or before April 1, 2002 and to implement the program by July 1, 2002.

EFFECTIVE DATE: The act is effective when it becomes law.

HOUSE BILL 455:
SHP Reimbursement for Special Events

BILL ANALYSIS

Committee:	House Transportation Committee	**Introduced by:**	Representative McCombs
Date:	April 11, 2001	**Summary by:**	Wendy Graf
Version:	First Edition		Committee Counsel

SUMMARY: ***House Bill 455 would require private organizations to reimburse the State for State Highway Patrol services provided at special events.***

BILL ANALYSIS: House Bill 455 would require the Department of Crime Control and Public Safety to calculate the costs of additional services provided by the State Highway Patrol at special events conducted by private organizations and then require the private organization to reimburse the State for one-half of those costs. The section would not apply to any event conducted or sponsored by a State agency.

EFFECTIVE DATE: The act would be effective July 1, 2001.

HB 455

WINSTON SELECT, CAR QUEST 300:

QUALIFYING, MAY 19 & 20:		
197 PATROLMEN	**128,454.14**	
MEALS	**1,538.00**	
LODGING	**12,831.68**	
MILEAGE-14c mile	**7,724.92**	**= 150,548.74**
POLE NIGHT, MAY 24TH		
107 PATROLMEN	**40,394.23**	
MILEAGE-14c mile	**2,878.82**	**= 43,273.05**
MAY 26-28:		
200 PATROLMEN	**192,605.12**	
MEALS	**4,682.00**	
LODGING	**18,980.74**	
MILEAGE-14c mile	**9,071.72**	**= 225,339.58**

OCT.7-8, LOWE'S AUTO PARTS 300 & GM 500:

107 PATROLMEN	**162,493.28**	
LODGING	**21,052.12**	
MEALS	**2,834.00**	
MILEAGE-14c mile	**9,749.32**	**= 196,128.72**

OCT. 1, CAROLINA PANTHERS GAME:

PATROL COST	**40,115.94**	
LODGING	**2,080.30**	
MEALS	**1,316.00**	
MILEAGE-14c mile	**2,807.98**	**= 46,320.22**

TOTAL COST: 3 EVENTS **$661,610.31**

NORTH CAROLINA STATE HIGHWAY PATROL
LOWE'S MOTOR SPEEDWAY
WINSTON SELECT, CAR QUEST 300, COCA - COLA 600

WINSTON QUALIFYING (MAY 19) & WINSTON SELECT (MAY 20)

RANK	NUMBER OF PERSONNEL	REGULAR HOURLY SALARY	SCHEDULED HOURS WORKED	TOTAL COST FOR SCHEDULED HOURS WORKED	OVERTIME HOURLY SALARY	OVERTIME HOURS WORKED	TOTAL COST FOR OVERTIME HOURS WORKED	TOTAL REGULAR & OVERTIME HOURS	TOTAL REGULAR & OVERTIME SALARY COSTS
MAJOR	1	43.25	8.00	$346.00	64.88	9.00	$583.92	17	$929.92
CAPTAIN	2	39.39	16.00	$630.24	59.08	16.00	$945.28	32	$1,575.52
LIEUTENANT	3	35.91	24.00	$861.84	53.86	41.00	$2,208.26	65	$3,070.10
FIRST SERGEANT	2	32.73	16.00	$523.68	49.09	36.00	$1,767.24	52	$2,290.92
SERGEANT	20	29.88	160.00	$4,780.80	44.82	366.00	$16,404.12	526	$21,184.92
TROOPER	164	26.08	1,312.00	$34,216.96	39.11	1,583.00	$61,911.13	2895	$96,128.09
MECHANIC	2	22.82	16.00	$365.12	34.23	13.00	$444.99	29	$810.11
COMMUNICATIONS	3	22.82	24.00	$547.68	34.23	56.00	$1,916.88	80	$2,464.56
TOTALS	**197**	[redacted]	**1,576.00**	**$42,272.32**	[redacted]	**2,120.00**	**$86,181.82**	**3,696.00**	**$128,454.14**
MEALS		**$1,538.00**							
LODGING		**$12,831.68**							
MILEAGE @ $.14 PER MILE		**$7,724.92**							

128,454.14

150,548.74

CTC POLE NIGHT (MAY 24)

RANK	NUMBER OF PERSONNEL	REGULAR HOURLY SALARY	SCHEDULED HOURS WORKED	TOTAL COST FOR SCHEDULED HOURS WORKED	OVERTIME HOURLY SALARY	OVERTIME HOURS WORKED	TOTAL COST FOR OVERTIME HOURS WORKED	TOTAL REGULAR & OVERTIME HOURS	TOTAL REGULAR & OVERTIME SALARY COSTS
MAJOR		43.25		$0.00	64.88		$0.00	0	$0.00
CAPTAIN	1	39.39	8.00	$315.12	59.08	4.00	$236.32	12	$551.44
LIEUTENANT	2	35.91	16.00	$574.56	53.86	10.00	$538.60	26	$1,113.16
FIRST SERGEANT	2	32.73	16.00	$523.68	49.09	3.00	$147.27	19	$670.95
SERGEANT	15	29.88	120.00	$3,585.60	44.82	41.00	$1,837.62	161	$5,423.22
TROOPER	83	26.08	664.00	$17,317.12	39.11	366.00	$14,314.26	1030	$31,631.38
MECHANIC	1	22.82	8.00	$182.56	34.23	3.00	$102.69	11	$285.25
COMMUNICATIONS	3	22.82	24.00	$547.68	34.23	5.00	$171.15	29	$718.83
TOTALS	**107**		**856.00**	**$23,046.32**		**432.00**	**$17,347.91**	**1,288.00**	**$40,394.23**

MEALS	**$0.00**
LODGING	**$0.00**
MILEAGE @ $.14 PER MILE	**$2,878.82**
TOTAL ASSIGNMENT COSTS	**$43,273.05**

CAR QUEST 300 AND COCA - COLA 600 (MAY 26 - MAY 28)

RANK	NUMBER OF PERSONNEL	REGULAR HOURLY SALARY	SCHEDULED HOURS WORKED	TOTAL COST FOR SCHEDULED HOURS WORKED	OVERTIME HOURLY SALARY	OVERTIME HOURS WORKED	TOTAL COST FOR OVERTIME HOURS WORKED	TOTAL REGULAR & OVERTIME HOURS	TOTAL REGULAR & OVERTIME SALARY COSTS
MAJOR	0	43.25	0.00	$0.00	64.88	0.00	$0.00	0	$0.00
CAPTAIN	2	39.39	30.00	$1,181.70	59.08	24.00	$1,417.92	54	$2,599.62
LIEUTENANT	2	35.91	32.00	$1,149.12	53.86	22.00	$1,184.92	54	$2,334.04
FIRST SERGEANT	4	32.73	32.00	$1,047.36	49.09	16.00	$785.44	48	$1,832.80
SERGEANT	21	29.88	430.00	$12,848.40	44.82	256.00	$11,473.92	686	$24,322.32
TROOPER	166	26.08	3,058.00	$79,752.64	39.11	1,992.00	$77,907.12	5050	$157,659.76
MECHANIC	2	22.82	32.00	$730.24	34.23	16.00	$547.68	48	$1,277.92
COMMUNICATIONS	3	22.82	59.00	$1,346.38	34.23	36.00	$1,232.28	95	$2,578.66
TOTALS	**200**		**3,673.00**	**$98,055.84**		**2,362.00**	**$94,549.28**	**6,035.00**	**$192,605.12**

MEALS	**$4,682.00**
LODGING	**$18,980.74**
MILEAGE @ $.14 PER MILE	**$9,071.72**
TOTAL ASSIGNMENT COSTS	**$225,339.58**

May 19th 20th, 24th, 26th-28th.

Total assignment cost 419,161.37

197
107
200
504 Personal for 3 engagements

NORTH CAROLINA STATE HIGHWAY PATROL
ESTIMATED COSTS
LOWES MOTOR SPEEDWAY & ERICSSON STADIUM

Lowe's Motor Speedway - All Pro Auto Parts 300 and UAW GM-500 - 7-8 October 2000

Personnel	REG. HRS	COST	COMP. HOURS	COST	TOTAL HRS.	TOTAL COST
COLONEL		$0.00		$0.00		$0.00
LT. COLONEL		$0.00		$0.00		$0.00
MAJOR		$0.00		$0.00		$0.00
CAPTAIN	32.00	$1,260.48	24.00	$0.00	56.00	$1,260.48
LIEUTENANT	48.00	$1,723.68	25.00	$0.00	73.00	$1,723.68
F/SERGEANT	32.00	$1,047.36	0.50	$0.00	32.50	$1,047.36
SERGEANT	336.00	$10,039.68	404.00	$0.00	740.00	$10,039.68
TROOPER	2,704.00	$70,520.32	2,890.00	* *$75,371.20*	5594.00	$70,520.32
MECHANIC	32.00	$632.64	18.00	$0.00	50.00	$632.64
TELECOMMUNICATOR	96.00	$1,897.92	0.00	$0.00	65.00	$1,897.92
Total	**3,280.00**	**$87,122.08**	**3,361.50**	**$75,371.20**	**6610.50**	**$162,493.28**

- **Total cost of lodging:** **$21,052.12**
- **Total cost of food :** **$2,834.00**
- **Total vehicle cost:** **9,749.32**

Lowe's Total Costs **$196,128.72**

** Note: Personnel were not actually paid overtime at the time this event occurred. However troopers were given compensatory time at the rate of hour for hour which equates to this staight time cost. The 1999-2000 General assembly did appropiate overtime funds for the trooper rank.*

NORTH CAROLINA STATE HIGHWAY PATROL
ESTIMATED COSTS

ERICSSON STADIUM CAROLINA PANTHERS

Carolina Panthers Football Game - 1 October 2000

PERSONNEL	REG. HRS	COST	COMP. HOURS	COST	TOTAL HRS.	TOTAL COST
COLONEL		$0.00		$0.00		$0.00
LT. COLONEL		$0.00		$0.00		$0.00
MAJOR		$0.00		$0.00		$0.00
CAPTAIN	8.00	$315.12	4.00	$0.00	12.00	$315.12
LIEUTENANT	0.00	$0.00	0.00	$0.00	0.00	$0.00
F/SERGEANT	16.00	$523.68	10.00	$0.00	26.00	$523.68
SERGEANT	40.00	$1,195.20	24.00	$0.00	64.00	$1,195.20
TROOPER	608.00	$15,856.64	538.00	*$21,908.98*	1146.00	$37,765.62
MECHANIC	0.00	$0.00	0.00	$0.00	0.00	$0.00
TELECOMMUNICATOR	16.00	$316.32	8.00	$0.00	24.00	$316.32
TOTAL	**688.00**	**$18,206.96**	**584.00**	**$21,908.98**	**1272.00**	**$40,115.94**

□ Total cost of lodging: **$2,080.30**

□ Total cost of food: **$1,316.00**

□ Total vehicle cost: **$2,807.98**

Ericsson Stadium Total Costs **$46,320.22**

** Note: Personnel were not actually paid overtime at the time this event occurred. However troopers were given compensatory time at the rate of hour for hour which equates to this staight time cost. The 1999-2000 General assembly did appropiate overtime funds for the trooper rank.*

TOTAL OF BOTH TRAFFIC DIRECTION ASSIGNMENTS

	REG. HRS	COST	COMP. HOURS	COST	TOTAL HRS.	TOTAL COST
Total Personnel	**3,968.00**	**$105,329.04**	**3,361.50**	**$97,280.18**	**7,882.50**	**$202,609.22**

□ Total cost of lodging: **$23,132.42**
□ Total cost of food: **$4,150.00**
□ Total vehicle cost: **$12,557.30**
GRAND TOTAL **$242,448.94**

North Carolina State Highway Patrol - Estimated Costs For Year 2000 Special Assignments

TRP	MTH	DAY	YR	EVENT	CAPTAIN			LIEUTENANT			FIRST SERGEANT			SERGEANT			TROOPER			CIVILIAN			MILES DRIVEN	MILEAGE COSTS	MEALS	LODGING	TOTAL PERSONNEL *Regular Salary Rate*
					#	Hrs	Cost	#	Hrs	Cost	#	Hrs	Cost	#	Hrs	Cost	#	Hrs	Cost	#	Hrs	Cost					
[redacted]	1	1	2000	MOUNTAIN HIGH-ROCK CLIMBING CONTEST			$0	1	8	$293	1	13	$434	2	19	$580	13	109	$2,958			$0		$0			$4,266
A	9	7	2000	EAST CAROLINA vs. VIRGINIA TECH	1	6	$241	1	9	$330			$0	2	17	$519	12	121	$3,284	1	9	$168	1,625	$195			$4,542
A	9	16	2000	EAST CAROLINA vs. TULANE	1	5	$201	1	8	$293	1	2	$67	2	18	$549	10	106	$2,877	1	8	$158	1,522	$183			$4,145
A	9	23	2000	EAST CAROLINA vs. SYRACUSE			$0	1	5	$183			$0	2	18	$549	12	119	$3,230	1	9	$168	1,386	$166			$4,130
A	10	14	2000	EAST CAROLINA vs. ARMY	1	7	$282			$0			$0	2	17	$503	11	115	$3,108	1	9	$168	1,786	$214			$4,061
A	10	28	2000	EAST CAROLINA vs. UAB			$0	1	8	$293			$0	2	18	$549	12	120	$3,257	1	8	$158	1,535	$184			$4,258
A	11	11	2000	EAST CAROLINA vs.HOUSTON	1	8	$322			$0	1	8	$267	2	17	$519	12	136	$3,691	1	8	$158	1,897	$228			$4,857
B	4	25	2000	PRESIDENTIAL VISIT- WILMINGTON			$0			$0			$0	1	11	$336	7	77	$2,090			$0	2,400	$288	$176	$221	$2,425
B	4	26	2000	PRESIDENTIAL VISIT- WILMINGTON			$0			$0			$0	1	13	$397	7	91	$2,470			$0	1,200	$144	$224	$221	$2,866
B	4	27	2000	PRESIDENTIAL VISIT- WHITEVILLE	1	10	$402	1	20	$733	2	32	$1,069	4	32	$976	66	405	$10,992			$0	9,510	$1,141			$14,173
B	4	27	2000	PRESIDENTIAL VISIT- WILMINGTON			$0			$0			$0	1	3	$92	7	21	$570			$0	1,080	$130	$48		$661
C	9	16	2000	NC STATE vs SMU	1	11	$442	1	11	$403	4	47	$1,571			$0	50	589	$15,985			$0	12,262	$1,471	$168	$165	$18,402
C	9	21	2000	NC STATE vs GA. TECH	1	11	$442			$0	3	39	$1,287	1	12	$366	50	682	$18,496			$0	13,073	$1,569	$66	$202	$20,591
C	10	28	2000	NC STATE vs FLORIDA STATE	1	11	$442	1	11	$403	2	25	$836	4	50	$1,526	49	632	$17,139			$0	12,140	$1,457	$108	$202	$20,346
C	11	11	2000	NC STATE vs DUKE	1	10	$402	1	10	$367	4	42	$1,404			$0	50	613	$16,623			$0	12,612	$1,513	$168	$92	$18,796
[redacted]		25	2000	NC STATE vs WAKE FOREST	1	8	$322			$0	4	41	$1,370			$0	50	531	$14,411			$0	18,749	$2,250	$126	$110	$16,103
C	9	2	2000	DUKE vs EAST CAROLINA			$0	1	6	$220	2	14	$451	3	23	$686	23	226	$6,120			$0	5,610	$673			$7,478
C	11	4	2000	NC CENTRAL vs J. C. SMITH			$0			$0			$0	1	5	$153	3	15	$407			$0	40	$5			$560
C	2	15	2000	VICE PRESIDENT GORE'S VISIT			$0	3	10	$367	2	14	$451	7	55	$1,663	43	321	$8,698	1	3	$59	4,100	$492	$182	$301	$11,238
C	2	16	2000	VICE PRESIDENT GORE'S VISIT			$0	1	6	$202	1	6	$184	7	46	$1,403	43	284	$7,708	1	6	$109	3,698	$444	$182		$9,605
C	2	23	2000	EMERGING ISSUES FORUM FEB. 23,24,25 2000			$0	1	8	$293			$0	3	72	$2,197			$0			$0	335	$40			$2,490
C	10	22	2000	NORTH CAROLINA STATE FAIR			$0			$0			$0	4	383	$11,685	100	7,940	$215,492			$0	36,308	$4,357	$9,160	$15,422	$227,177
C	12	4	2000	VISIT OF PRIME MINISTER OF CANADA			$0			$0	1	4	$134	1	21	$641	1	19	$516			$0	155	$19			$1,290

TRP	MTH	DAY	YR	EVENT	CAPTAIN			LIEUTENANT			FIRST SERGEANT			SERGEANT			TROOPER			CIVILIAN			MILES DRIVEN	MILEAGE COSTS	MEALS	LODGING	TOTAL PERSONNEL *Regular Salary Rate*
					#	Hrs	Cost	#	Hrs	Cost	#	Hrs	Cost	#	Hrs	Cost	#	Hrs	Cost	#	Hrs	Cost					
C	12	19	2000	PRESIDENT OF THE DOMINICAN REPUBLIC			$0			$0			$0			$0	2	20	$543			$0		$0			$543
[redacted]	9	2	2000	UNC vs. TULSA	1	2	$80	1	10	$367	5	51	$1,714	2	21	$641	37	303	$8,223			$0	8,442	$1,013			$11,026
D	9	23	2000	UNC vs MARSHALL			$0	1	9	$330	6	63	$2,105			$0	37	380	$10,300			$0	9,365	$1,124			$12,735
D	9	30	2000	UNC vs GEORGIA TECH			$0	1	10	$367	5	51	$1,688	2	17	$503	37	452	$12,267			$0	9,850	$1,182			$14,825
D	10	14	2000	UNC vs NC STATE	1	13	$503			$0	5	55	$1,821	2	19	$564	37	473	$12,824			$0	10,880	$1,306			$15,712
D	10	21	2000	UNC vs CLEMSON FOOTBALL GAME			$0	1	10	$367	3	31	$1,019	3	31	$831	37	465	$12,607			$0	9,755	$1,171			$14,923
D	11	11	2000	UNC vs MARYLAND			$0	1	10	$367	5	61	$2,039	2	21	$625	37	432	$11,724			$0	9,068	$1,088			$14,755
E	4	9	2000	SPRING FOOD LION AUTO FAIR			$0	2	2	$73	1	29	$969	3	106	$3,234	20	479	$13,000	2	68	$1,344	7,318	$878			$18,621
E	4	29	2000	GEORGE STRAIT CONCERT-LOWES MOTOR SPEEDWAY	1	11	$442			$0	1	16	$535	3	55	$1,678	20	144	$3,908	2	36	$712	3,226	$387			$7,275
E	5	20	2000	THE WINSTON RACE	1	21	$845	2	48	$1,760	1	34	$1,136	16	466	$14,218	105	2,098	$56,940	4	99	$1,957	36,598	$4,392			$76,856
E	5	24	2000	CTC POLE NIGHT	1	12	$483	1	8	$293	1	10	$334	14	152	$4,638	67	870	$23,612	4	41	$811	18,254	$2,190			$30,170
E	5	27	2000	CAR QUEST 300 & COCA-COLA 600 RACE	1	27	$1,086	2	35	$1,283	1	19	$635	17	570	$17,391	107	3,398	$92,222	4	115	$2,274	43,018	$5,162			$114,890
E	6	2	2000	CROSBY GOLF TOURNAMENT			$0			$0	1	37	$1,237			$0	8	216	$5,862	1	30	$593	1,869	$224			$7,692
E	10		2000	ALL PRO 300 RACE & UAW-GW 500 RACE (6-8 OCT. 2000)	1	31	$1,247	2	48	$1,760	1	7	$217	17	636	$18,404	110	4,119	$111,790	6	89	$1,760	48,288	$5,795		$14,680	$136,178
E	10	11	2000	PRESIDENTIAL DEBATE 2000	2	57	$2,293	2	57	$2,090	5	177	$5,915	18	334	$10,190	82	1,219	$33,084	1	40	$791	18,189	$2,183	$2,420		$54,363
F	[redacted]0	8	2000	HIGH COUNTRY GOSPEL SINGING			$0			$0			$0	1	6	$183	2	12	$326			$0	152	$18			$509
[redacted]		21	2000	VALLE CRUCIS FAIR			$0			$0			$0	1	11	$336	3	36	$877			$0	480	$58			$1,313
G	7	6	2000	GRANDFATHER MOUNTAIN, LINVILLE NC			$0			$0			$0			$0	14	448	$12,159	2	64	$1,265	4,886	$586	$1,074	$588	$13,424
G	9	18	2000	NORTH CAROLINA MOUNTAIN STATE FAIR			$0			$0	1	18	$585	6	481	$14,660	36	2,354	$63,874	2	4	$79	18,030	$2,164	$3,976	$4,310	$79,198
H	2	26	2000	ALLTEL & DURALUBE 2000 RACE (RICHMOND CO.) 25,26,27	1	21	$845	1	24	$880	1	47	$1,554	3	132	$4,027	42	1,555	$42,203	5	56	$1,107	14,606	$1,753	$2,472	$3,187	$50,616
H	5	20	2000	WINSTON SELECT	1	15	$603	1	17	$623	1	18	$602	4	60	$1,831	59	797	$21,631	1	10	$198	18,580	$2,230	$1,040	$2,856	$25,487
H	5	24	2000	POLE NIGHT (COCA COLA 600)			$0	1	18	$660	1	9	$301	1	9	$275	16	160	$4,342			$0	2,309	$277			$5,578
H	4	8	2000	HOLLEY SPRINGS NATIONALS DRAG RACES			$0			$0	1	40	$1,337	1	40	$1,220	6	56	$1,520			$0	655	$79			$4,077
H	8	4	2000	PANTHERS VS. JAGUARS			$0	1	12	$440	4	46	$1,521	2	24	$732	77	1,115	$30,261	2	24	$474	22,749	$2,730	$1,084	$1,769	$33,428

TRP	MTH	DAY	YR	EVENT	CAPTAIN			LIEUTENANT			FIRST SERGEANT			SERGEANT			TROOPER			CIVILIAN			MILES DRIVEN	MILEAGE COSTS	MEALS	LODGING	TOTAL PERSONNEL *Regular Salary Rate*
					#	Hrs	Cost	#	Hrs	Cost	#	Hrs	Cost	#	Hrs	Cost	#	Hrs	Cost	#	Hrs	Cost					
H	9	17	2000	PANTHERS vs. ATLANTA FALCONS			$0	1	12	$440	3	34	$1,120	4	145	$4,424	76	957	$25,959	2	24	$474	20,874	$2,505	$1,060	$1,431	$32,417
H	9	18	2000	PANTHERS vs. BALTIMORE			$0	1	12	$440	4	48	$1,587	3	33	$1,007	81	1,138	$30,885	2	24	$474	22,700	$2,724	$1,262	$1,915	$34,394
H	10	1	2000	PANTHERS vs. DALLAS COWBOYS	1	12	$483			$0	2	26	$869	5	64	$1,953	76	1,146	$31,102	2	24	$474	20,057	$2,407	$1,316	$2,080	$34,881
H	5	27	2000	CAR QUEST 300 RACE (CABARRUS CO.)	1	11	$442	1	11	$403	1	12	$401	4	48	$1,464	59	649	$17,614	1	12	$237	10,955	$1,315	$1,794	$4,956	$20,562
H	5	28	2000	COCA-COLA 600 RACE (CABARRUS CO.)	1	16	$644	1	16	$587	1	17	$568	4	68	$2,075	59	1,003	$27,221	1	16	$316	10,825	$1,299	$1,040	$2,478	$31,411
H	10	4	2000	POLE NIGHT (UAW-GM-QUALITY 500)			$0	1	9	$330	1	9	$301	1	9	$275	16	160	$4,342			$0	2,325	$279			$5,248
H	10	7	2000	ALL PRO BUMPER TO BUMPER 300 RACE (CABARRUS CO.)	1	11	$442	1	11	$403	1	12	$401	4	48	$1,464	59	649	$17,614	1	12	$237	10,955	$1,315	$1,794	$5,192	$20,562
H	10	8	2000	UAW-GM QUALITY 500 RACE	1	14	$563	1	14	$513	1	14	$468	4	56	$1,709	59	826	$22,418	1	14	$277	10,795	$1,295	$1,040	$1,180	$25,947
H	2	23	2000	VICE PRESIDENT GORE'S VISIT			$0	1	11	$403			$0	2	23	$702	13	129	$3,501			$0	1,685	$202			$4,606
H	4	29	2000	TOUR-DE-MOORE (SOUTHERN PINES)			$0			$0	1	4	$134	1	5	$153	4	20	$543			$0	80	$10			$829
H	7	1	2000	OPEN AIR CONCERT, ROCKINGHAM NC			$0	1	15	$532	1	19	$618	2	34	$1,037	20	336	$8,119	2	32	$633	4,130	$496	$440	$0	$11,939
H	1	2	2000	CAROLINA PANTHERS vs NEW ORLEANS SAINTS	1	10	$402	2	20	$733	4	48	$1,604	2	23	$702	81	1,184	$32,134	2	23	$455	15,878	$1,905	$1,524	$2,126	$36,030
H	10	22	2000	SAM'S CLUB 200 & POP SECRET 400	1	22	$885	1	24	$862	2	66	$2,206	6	173	$5,278	43	1,288	$34,956	2	73	$1,443	18,444	$2,213	$2,375	$2,420	$45,630
H	11	22	2000	A&T vs. S. C. STATE			$0	1	12	$440	1	10	$334	4	40	$1,220	13	124	$3,365	2	24	$474	1,505	$181			$5,834
H	11	27	2000	CAROLINA PANTHERS vs GREEN BAY PACKERS			$0	1	12	$440	3	35	$1,170	3	38	$1,159	77	2,704	$73,373	2	24	$474	21,669	$2,600			$76,617
H	12	12	2000	CAROLINA PANTHERS vs NEW ORLEANS SAINTS			$0	1	12	$440	3	36	$1,203	4	49	$1,480	77	1,170	$31,754	2	24	$474	22,918	$2,750	$1,514	$1,484	$35,351
H	12	3	2000	CAROLINA PANTHERS vs ST. LOUIS RAMS	1	12	$483			$0	3	36	$1,203	3	40	$1,220	80	985	$26,733	2	24	$474	11,499	$1,380	$1,072	$2,276	$30,114
H	12	17	2000	CAROLINA PANTHERS vs SAN DIEGO CHARGERS	1	10	$402			$0	2	24	$802	4	45	$1,358	77	1,060	$28,768	2	20	$395	20,631	$2,476	$1,318	$1,312	$31,726
EOC	1	29	2000	WINTER STORM 2000 STATE EOC IN RALEIGH			$0	14		$0			$0	1	12	$366			$0			$0	92	$11			$366
EOC	1	30	2000	WINTER STORM 2000 STATE EOC IN RALEIGH			$0			$0	1	9	$284			$0			$0			$0	58	$7			$284
TOTALS					30	415	$16,671	64	628	$23,010	113	1,558	$52,062	231	4,989	$152,214	2,599	50,395	$1,367,720	70	1,104	$21,826	687,665	$82,520	$40,223	$73,175	$1,633,504

TOTAL FOR REGULAR SALARIES & EXPENSES $1,829,422

Note: Meals & Lodging provided at the Training Center during the State Fair
Salary at top pay plus benefits (Current amounts as of 1 March 2001)
Info obtained from Zone Operations (1 March 2001)

HOUSE BILL 644:
Toll Road and Bridge Authority Created

BILL ANALYSIS

Committee:	House Transportation	**Introduced by:**	Rep. Crawford
Date:	April 11, 2001	**Summary by:**	Giles S. Perry
Version:	Committee Substitute		Committee Counsel

SUMMARY: House Bill 644 authorizes the creation of a public agency, the "North Carolina Turnpike Authority" to construct operate and maintain toll roads in the State.

CURRENT LAW: Under current law, toll roads are authorized in two limited circumstances: The construction of a listed Highway Trust Fund project bridge, (G.S. 136-82.2) or the construction of a private pilot toll road project. (G.S. 136-89.171 and-172).

BILL ANALYSIS:

Creates Turnpike Authority--House Bill 644 would create a public agency, to be called the "North Carolina Turnpike Authority," to construct, operate, and maintain toll roads and bridges in the State.

Governance--The Authority would be governed by a 7 member Board of Directors, consisting of the Secretary of Transportation and six members appointed by the Governor.

The Authority would be operated by an executive director, appointed by the Board of Directors.

Powers of Authority—The Authority would have the power to: build an operate a turnpike project, either on its own initiative, or at the request of the Board of Transportation; to condemn property by "quick-take"; to issue bonds; and to enter into partnership agreements with political subdivision of the State or private entities.

Conversion of Free Highways—The Authority would have the power, if the Bard of Transportations concurred, to convert a non-tolled segment of the State highway system to a toll facility.

Lease or Sale of Turnpike—The Authority would have the power to lease, sell or grant a concession or franchise of the operation of all or a portion of the turnpike system.

Revenue Bonds—The authority would have the authority to sell revenue bonds to finance all or a portion of its projects.

Cost Participation by DOT—NC DOT would be authorized to participate in the cost of preconstruction, construction, maintenance, or operation of a turnpike project.

Equity Formula—Turnpike projects would be subject to the equity distribution formula for State Highway Funds only to the extent that the project is funded from Highway Fund, Highway Trust Fund, or federal-aid funds that would otherwise be subject to the formula.

Motor Vehicle Laws—State motor vehicle laws would apply to Turnpike Authority projects.

Authorization of Alternative Contracting Methods—The act would authorize the Authority to use alternative contracting methods under specified circumstances.

Toll Violations—Tolls violations by persons traveling on Turnpike projects would be noncriminal civil violations.

State Personnel Act—The employees of the Turnpike Authority would be exempt from the State Personnel Act.

General Assembly Members Cannot Serve on Board—Members of the General Assembly would not be eligible to serve on the Turnpike Authority Board.

Effective Date—House Bill 644 would become effective when it becomes law.

HOUSE BILL 821:
Study of Inexperienced Drivers

BILL ANALYSIS

Committee:	House Transportation Committee	**Introduced by:**	Representative Nye
Date:	April 11, 2001	**Summary by:**	Wendy Graf
Version:	First Edition		Committee Counsel

SUMMARY: ***House Bill 821 requires the Department of Transportation to conduct a study of the financial responsibility of drivers who have been issued a new license since January 1, 1996.***

BILL ANALYSIS: House Bill 821 requires DOT to conduct a study of drivers who have been issued a new license since January 1, 1996 to determine whether those drivers are complying with Article 9A of Chapter 20 of the General Statutes (Motor Vehicle Safety and Financial Responsibility Act of 1953).

If it is determined that a significant number of new drivers cannot demonstrate proof of financial responsibility (i.e. that they are not maintaining the appropriate types and amounts of auto insurance as set out in G.S. 20-279.1), DOT is required to develop a program to educate the public on the requirements of Article 9A of Chapter 20 of the General Statutes, and to track new drivers for 5 years to assure compliance.

If the education program is deemed necessary, DOT is required to develop the program and report to the Joint Legislative Transportation Oversight Committee on or before April 1, 2002 and to implement the program by July 1, 2002.

EFFECTIVE DATE: The act is effective when it becomes law.

VISITOR REGISTRATION SHEET

TRANSPORTATION — April 11, 2001

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
John Bowdish	Alley Associates
Julie Cornwell	NCCBI
John Cyrus	N.C. State Grange
BRUCE THOMPSON	PARKER POE ADAMS & BERNSTEIN
Craig Deal	NCDENR
Margaret Westbrook	Kennedy Covington
Capt. M.E. Strong Jr	NC DMV Enforcement
2Lt Dana A Moody	N.C. DMV ENFORCEMENT
[illegible]	AAA
VL McBride	NCTA
Charlie Diehl	NC Trucking Association

VISITOR REGISTRATION SHEET

TRANSPORTATION — April 11, 2001

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Barbara Carsley	Manning, Fulton & Skinner
John Long	Martin Marietta
Richard Holder	SHP Raleigh
Renee Hoffman	CCPS Raleigh
Gary McNeil	CCPS
DJ Roy	NCDOT
Mike Stanley	NCDOT
Moy Biswas	NCDOT
Leon M Killian	Moore + Van Allen
Lynn Gordon	AANC
Eileen Loeb	AANC
Sandy Wyeth	AANC

VISITOR REGISTRATION SHEET

TRANSPORTATION — April 11, 2001

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Col. Lew Holder	SHP Raleigh
Margaret Westbrook	Kennedy Covington
Meg Bordley	NC Aggregates Assoc
Vivien Jamison	Rep. Webb's Intern

AGENDA

HOUSE COMMITTEE ON TRANSPORTATION

April 18, 2001

OPENING REMARKS

Representative Drew Saunders, Chair

BILLS TO BE DISCUSSED

HB 644 TOLL ROAD AND BRIDGE AUTHORITY CREATED

Bill Sponsor – Representative Crawford

HB 460 DRIVING WHILE IMPAIRED ROADSIDE MARKERS

Bill Sponsor – Representative Ellis

HB 1333 WINDSHIELDS REQUIRED AND INSPECTED

Bill Sponsor – Representative Hensley

HB 686 RECREATION VEHICLES-WIDTH/LENGTH CHANGES

Bill Sponsor – Representatives Gibson and Bowie

ADJOURNMENT

MINUTES

HOUSE COMMITTEE ON TRANSPORTATION

April 18, 2001

The House Committee on Transportation met at 11:00 A.M. on April 18, 2001, in Room 643 of the Legislative Office Building. Members present were: Representative Cary Allred, Chair, Representative Drew Saunders, Chair, Representative Jeff Barnhart, Vice Chair, and Representatives Allen, Buchanan, Cole, Crawford, Culp, Dedmon, Eddins, Gibson, Gillespie, Hill, Holliman, Lucas, McComas, McLawhorn, Sherrill, Shubert, Sutton, Teague, and Warwick. Staff Counsel members in attendance were Giles Perry and Wendy Graf. A Visitor Registration Sheet is attached and made a part of the minutes.

Representative Saunders, Chair, called the meeting to order and introduced Sergeant At Arms staff members, Martha Parrish and Dusty Rhodes. He introduced Page, Mary Clare Bracey of Mecklenburg County, sponsored by Rep. Daughtry, and Page, Crystal Blackburn of Beaufort County, sponsored by Representative Edwards.

The first bill to be discussed was **HB 460 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO ESTABLISH A MEMORIAL MARKER PROGRAM FOR PERSONS KILLED AS A RESULT OF ACCIDENTS INVOLVING IMPAIRED DRIVING.** Representative Ellis, Bill Sponsor, was recognized to explain the bill. A question and answer period followed the explanation, and Ruth Sappie and Ken Ivy of the Department of Transportation assisted in answering questions. There was some concern regarding the cost of memorial signs, and the bill was temporarily displaced to allow Representative Sherrill to offer an amendment to the bill. The bill was taken up later with Representative Sherrill offering an amendment, which was approved by vote. See attached amendment. She also moved to roll the amendment into a committee substitute bill and give it a favorable report, with the original bill receiving an unfavorable report. A vote was taken, and the motion passed.

The next bill to be discussed was **HB 644 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE PUBLIC TOLL ROADS AND BRIDGES IN NORTH CAROLINA AND THE CREATION OF A TURNPIKE AUTHORITY.** Representative Crawford, Bill Sponsor, was recognized to explain the bill. Representative Buchanan moved to adopt a committee substitute for discussion, and the motion was approved by vote. A discussion period followed the explanation, and Representatives Cole and Gillespie stated that they wanted to amend the bill. The bill was displaced for a future meeting.

The last bill discussed was **HB 1333 A BILL TO BE ENTITLED AN ACT TO REQUIRE WINDSHIELDS ON MOTOR VEHICLES AND TO REQUIRE MOTOR VEHICLES TO HAVE OPERATING WINDOWS ON THE DRIVER'S DOOR.** Representative Hensley was recognized to explain the bill. Representative

Dedmon moved to adopt a committee substitute bill for discussion, and the motion was approved by vote. A question and answer period followed the explanation of the bill, and Major John Robinson with the Department of Transportation assisted in answering questions. Representatives Warwick and Allred proposed to amend the bill, and the bill was displaced to allow the preparation of amendments to be incorporated into a committee substitute bill to be discussed at a future meeting.

The meeting adjourned at 11:50 A.M.

Representative Drew Saunders, Chair

Ruth Fish, Committee Assistant

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **ALLRED & SAUNDERS** (Chair/Chairs) for the Committee on **TRANSPORTATION.**

☐ Committee Substitute for
H.B. 460 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO ESTABLISH A MEMORIAL MARKER PROGRAM FOR PERSONS KILLED AS A RESULT OF ACCIDENTS INVOLVING IMPAIRED DRIVING.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☒ With a favorable report as to committee substitute bill ~~(#), ☐ which changes the title,~~ unfavorable as to ~~(~~original bill~~) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)~~

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

HOUSE BILL 460

Short Title:	DWI Roadside Memorial Markers.	(Public)
Sponsors:	Representatives Ellis; Blust, Capps, Decker, Hackney, Hilton, Howard, Insko, McCombs, Russell, and Warwick.	
Referred to:	Transportation.	

March 5, 2001

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO ESTABLISH A MEMORIAL MARKER PROGRAM FOR PERSONS KILLED AS A RESULT OF ACCIDENTS INVOLVING IMPAIRED DRIVING.

The General Assembly of North Carolina enacts:

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

"**§ 136-43.2. Memorial marker program for persons killed on State highways.**

(a) The Department of Transportation shall expend highway funds to develop and operate a roadside memorial program for the placement of a standard memorial marker at the site of each highway fatality.

(b) The Department shall have the standard memorial marker inscribed with a symbol, developed in coordination with Mothers Against Drunk Driving, for each fatality involving impaired driving.

(c) The program shall allow for placing the following added text and symbols on the standard memorial marker, at the request of the victim's family:

(1) The victim's name.

(2) The victim's age at the time of death.

(3) The victim's religious affiliation.

(d) The program shall allow for the placing of standard symbols indicating the cause or nature of all highway fatalities not involving impaired driving by approved organizations with the concurrence of the victim's family.

(e) The costs of all text or symbols added to the standard memorial marker, pursuant to subsection (c) or (d) of this section, shall be paid by the family or the organization requesting those additions.

(f) The Department shall issue rules for the implementation of the roadside memorial program authorized by this section."

SECTION 2. This act becomes effective December 1, 2001.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE BILL 460
PROPOSED COMMITTEE SUBSTITUTE H460-PCS2230-SU-14

Short Title: DUI Roadside Memorial Markers. (Public)

Sponsors:

Referred to:

March 5, 2001

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO ESTABLISH A MEMORIAL MARKER PROGRAM FOR PERSONS KILLED AS A RESULT OF ACCIDENTS INVOLVING IMPAIRED DRIVING.

The General Assembly of North Carolina enacts:

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

"**§ 136-43.2. Memorial marker program for persons killed on State highways.**

(a) The Department of Transportation shall develop and operate a roadside memorial program for the placement of a standard memorial marker at the site of each highway fatality.

(b) The Department may have the standard memorial marker inscribed with a symbol, developed in coordination with Mothers Against Drunk Driving, for each fatality involving impaired driving.

(c) The program may allow for placing the following added text and symbols on the standard memorial marker, at the request of the victim's family:

(1) The victim's name.

(2) The victim's age at the time of death.

(3) The victim's religious affiliation.

(d) The program may allow for the placing of standard symbols indicating the cause or nature of all highway fatalities not involving impaired driving by approved organizations with the concurrence of the victim's family.

(e) The costs of the standard memorial marker and its placement, pursuant to subsection (c) or (d) of this section, shall be paid by the family or the organization requesting the sign.

(f) The Department shall issue rules for the implementation of the roadside memorial program authorized by this section."

SECTION 2. This act becomes effective December 1, 2001.

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. 4100 DATE _____

S. B. No. _____ Amendment No. _____
(to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE _____

Rep.) Sherrill
)
Sen.)

moves to amend the bill on page 1, line 12, 15 and 20

( ) WHICH CHANGES THE TITLE

by

replacing "shall" with "may"

and on page 1, line 9

by deleting the phrase "expend highway funds to"

and on page 1, line 23

by deleting the phrase "all text or symbols added to"

and on page 1, line 23

by deleting "marker," and substituting "marker and its placement;"

and on page 1, line 25

by deleting "those additions" and substituting "the sign."

SIGNED _____

ADOPTED _____ FAILED _____ TABLED _____

GA-33-A

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

HOUSE BILL 644

Short Title:	Toll Road and Bridge Authority Created.	(Public)
Sponsors:	Representatives Crawford; Bowie and Cole.	
Referred to:	Transportation.	

March 15, 2001

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE PUBLIC TOLL ROADS AND BRIDGES IN NORTH CAROLINA AND THE CREATION OF A TURNPIKE AUTHORITY.

The General Assembly of North Carolina enacts:

SECTION 1. Article 6F of Chapter 136 of the General Statutes is repealed.

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

"Article 6H.

"Public Toll Roads and Bridges.

"**§ 136-89.180. Legislative findings.**

The General Assembly finds that the existing State road system is becoming increasingly congested and overburdened with traffic in many areas of the State; that the sharp surge of vehicle miles traveled is overwhelming the State's ability to build and pay for adequate road improvements; and that an adequate answer to this challenge will require the State to be innovative and utilize several new approaches to transportation improvements in North Carolina.

Toll funding of highway construction is feasible in North Carolina and can contribute to addressing the critical transportation needs of the State. A toll program can speed the implementation of needed transportation improvements by funding some projects with tolls.

"**§ 136-89.181. Definitions.**

The following definitions apply to this Article:

(1) "Turnpike authority" means the public agency created by this Article.

(2) "Turnpike authority board" means the governing board of the Turnpike Authority.

(3) "Turnpike project" means any part of the State highway system, including primary and secondary roads, bridges, tunnels, feeder roads and approaches, and converted free highways and other facilities.

(4) "Turnpike system" means collectively all Turnpike Projects developed under this Article.

"**§ 136-89.182. North Carolina Turnpike Authority.**

(a) Creation. -- There is created a body politic and corporate to be known as the "North Carolina Turnpike Authority." The Authority is constituted as a public agency, and the exercise by the Authority of the powers conferred by this Article in the construction, operation, and maintenance of toll roads and bridges shall be deemed and held to be the performance of an essential governmental function.

(b) Administrative Placement. -- The Authority shall be located within the Department of Transportation for administrative purposes but shall exercise all of its powers independently of the Department of Transportation except as otherwise specified in this Article.

(c) Board of Directors. -- The North Carolina Turnpike Authority shall be governed by a seven-member Board of Directors consisting of the Secretary of Transportation, who shall serve as chairman of the Authority Board, and six members who shall be appointed by the Governor, at least three of whom shall reside in metropolitan areas.

(d) Board of Transportation Members. -- Not more than two members of the North Carolina Board of Transportation, in addition to the Secretary of Transportation, may serve as members of the Authority Board.

(e) Staggered Terms. -- The initial appointments by the Governor to the Authority Board shall consist of two members appointed to terms ending January 14, 2003, two members appointed to terms ending January 14, 2005, and two members appointed to terms ending January 14, 2007.

Thereafter, at the expiration of each stipulated term of office, all appointments shall be to a term of six years from the date of the expiration of the term.

(f) Vacancies. -- All members of the Authority Board shall remain in office until their successors are appointed and qualify. The Governor may appoint a member to serve out the unexpired term of any Board member.

(g) Removal of Board Members. -- Each appointed member of the Authority Board, notwithstanding subsection (e) of this section, shall serve at the pleasure of the Governor.

(h) Conflicts of Interest, Ethics, etc. -- Members of the Authority Board shall be subject to provisions of G.S. 136-13, 136-13.1, and 136-14.

(i) Compensation. -- The appointed members of the Authority Board shall receive no salary for their services but shall be entitled to receive per diem and travel allowances in accordance with the provisions of G.S. 138-5 and G.S. 138-6 as appropriate.

(j) Bylaws. -- The Authority Board shall adopt bylaws with respect to the calling of meetings, quorums, voting procedures, the keeping of records, and other organizational, staffing, and administrative matters as the Authority Board may determine.

(k) Executive Director and Other Employees. -- The Authority Board shall appoint an Executive Director, whose salary shall be fixed by the Authority, to serve at its pleasure.

The Executive Director shall be the Authority's chief administrative officer and shall be responsible for the daily administration of the toll roads and bridges constructed, maintained, or operated pursuant to this Article.

The Executive Director or his designee shall appoint, employ, dismiss, and within the limits approved by the Authority Board, fix the compensation of such other employees as he deems necessary to carry out this Article.

(l) Office. -- The offices of the Authority may be housed in one or more facilities of the Department of Transportation.

"**§ 136-89.183. Powers of the Authority.**

(a) The Authority shall have all of the powers necessary to execute the provisions of this Article including the following powers:

(1) The powers of a corporate body, including the power to sue and be sued, to make contracts, to adopt and use a common seal, and to alter the adopted seal as needed.

(2) To study, plan, develop, design, establish, purchase, construct, operate, and maintain a Turnpike Project, either on its own initiative or at the request of the Board of Transportation.

(3) To rent, lease, purchase, acquire, own, encumber, dispose of, or mortgage real or personal property, including the power to acquire property by eminent domain pursuant to G.S. 136-89.184.

(4) To fix, revise, charge, and collect tolls and fees for the use of the Turnpike Authority.

(5) To issue bonds or notes of the Authority as provided in this Article.

(6) To establish, construct, purchase, maintain, equip, and operate any structure or facilities associated with the Turnpike System.

(7) To pay all necessary costs and expenses in the formation, organization, administration, and operation of the Authority.

(8) To apply for, accept, and administer loans and grants of money or real or personal property from any federal agency, from the State or its political subdivisions, local government, or from any other public or private sources available.

(9) To adopt, alter, or repeal its own bylaws or rules implementing the provisions of this Article.

(10) To employ consulting engineers, architects, attorneys, real estate counselors, appraisers, and other consultants and employees as may be required in the judgment of the Authority and to fix and pay their compensation from funds available to the Authority.

(11) To select and retain financial consultants, underwriters, and bond attorneys in connection with the issuance of any bonds and to pay for their services out of the proceeds of any bond issue for which their services were performed.

(12) To execute financing agreements, security documents, and other instruments necessary in exercising its power under this Article.
(13) To receive and use appropriations from the State.
(14) To adopt procedures to govern its procurement of services and delivery of Turnpike Projects.
(15) To perform or procure any portion of services required by the Authority.
(16) To use officers, employees, agents, and facilities of the Department of Transportation for the purposes and upon the terms as may be mutually agreeable.
(17) To contract for the construction, maintenance, and operation of a Turnpike Project.
(18) To expend such funds as it deems necessary to enter into partnership agreements with political subdivisions of the State, or with private entities, for the purpose of financing the cost of acquiring, constructing, equipping, operating, or maintaining any Turnpike Project.

(b) To execute the powers provided in subsection (a) of this section, the Authority shall determine its policies by majority vote of the members of the Authority present and voting, a quorum having been established. Once a policy is established, the Authority Board shall communicate it to the Executive Director, who shall have the sole and exclusive authority to execute the policy of the Authority. No member of the Authority Board shall have the responsibility or authority to give operational directives to any employee of the Authority other than the Executive Director.

"**§ 136-89.184. Acquisition of real property.**

(a) General. -- The Authority may acquire public or private real property by purchase, negotiation, gift, or devise, or condemnation that it determines to be necessary and convenient for the construction, expansion, enlargement, extension, improvement, or operation of a Turnpike Project. When the Authority acquires real property owned by the State, the Secretary of the Department of Administration shall execute and deliver to the Authority a deed transferring fee simple title to the property to the Authority.

(b) Condemnation. -- To exercise the power of eminent domain, the Authority shall commence a proceeding in its name and shall follow the procedure set forth in Article 9 of Chapter 136 of the General Statutes.

"**§ 136-89.185. Taxation of property of Authority.**

Property owned by the Authority is exempt from taxation in accordance with Section 2 of Article V of the North Carolina Constitution.

"**§ 136-89.186. Audit.**

The operations of the Authority shall be subject to the oversight of the State Auditor pursuant to Article 5A of Chapter 147 of the General Statutes.

"**§ 136-89.187. Conversion of free highways.**

The Authority Board, with the concurrence of the Board of Transportation, may convert a segment of the non-tolled State highway system to a toll facility if that

conversion is the most feasible and economic means to accomplish a desired expansion or extension improvements to the State highway system.

"**§ 136-89.188. Tolls on converted highways.**

The Authority Board may impose a toll for travel over existing non-tolled State highways if converted to a toll facility consistent with this Article.

"**§ 136-89.189. Use of surplus revenues.**

The Authority Board may authorize the use of surplus revenue of the Turnpike System to pay the costs of other Turnpike Projects or for any other lawful purpose consistent with this Article.

"**§ 136-89.190. Lease, sale, or conveyance of Turnpike Projects.**

The Authority may lease, sell, grant a concession or franchise, or otherwise convey all or a portion of the Turnpike System to another governmental or private entity, if such conveyance is in the best interest of the State.

"**§ 136-89.191. Turnpike Authority revenue bonds.**

(a) The Authority Board, in cooperation with the Department of State Treasurer, by the adoption of a bond resolution, may authorize the issuance of bonds to pay all or a portion of the cost of a Turnpike Project or to refund any previously issued bonds.

(b) The Authority may sell bonds at public or private sale in a manner and for a price it determined to be in the best interest of the Authority.

(c) The Authority may sell bonds secured by a lien on the revenues of the Turnpike System or a Turnpike Project.

(d) The Authority may sell bonds secured by lien of revenues subordinate to the lien of other bonds.

(e) The Authority may execute a revenue bond indenture or other similar agreement with bondholders in a form and with such covenants and provisions it finds to be in the best interest of the Authority.

"**§ 136-89.192. Payment of bonds; State credit not pledged.**

Bonds issued by the Authority under this Article shall not be deemed to constitute a debt of the State of North Carolina or a pledge of the full faith and credit of the State.

"**§ 136-89.193. Cost participation by Department of Transportation.**

The Department of Transportation may participate in the cost of preconstruction activities, construction, maintenance, or operation of a Turnpike Project.

"**§ 136-89.194. Equity distribution formula.**

Only those funds applied to a Turnpike Project from the State Highway Fund, State Highway Trust Fund, or federal-aid funds that might otherwise be used for other roadway projects within the State, and are otherwise already subject to the distribution formula under G.S. 136-17.2A, shall be included in the distribution formula.

Other revenue from the sale of bonds, project loans, or toll collections shall not be included in the distribution formula.

"**§ 136-89.195. Annual plan of work; annual and quarterly reports.**

(a) Annual Plan of Work. -- The Authority shall annually develop a plan of work for the fiscal year, describing the activities and projects to be undertaken, accompanied by a budget. This annual plan of work shall be subject to the concurrence of the Board of Transportation.

(b) Annual Reports. -- The Authority shall, promptly following the close of each fiscal year, submit an annual report of its activities for the preceding year to the Governor, the General Assembly, and the Department of Transportation. Each report shall be accompanied by an audit of its books and accounts.

(c) Quarterly Reports. -- The Authority shall submit quarterly reports to the Joint Legislative Transportation Oversight Committee. The reports shall summarize the Authority's activities during the quarter and contain any information about the Authority's activities that is requested by the Committee.

"**§ 136-89.196. Laws applicable to the Authority; exceptions.**

(a) Motor Vehicle Laws. -- The Turnpike System shall be considered a "highway" as defined in G.S. 20-4.01(13) and a "public vehicular area" as defined in G.S. 20-4.01(32). All law enforcement and emergency personnel, including the State Highway Patrol and the Division of Motor Vehicles, shall have the same powers and duties on the Turnpike System as on any other highway or public vehicular area.

(b) Purchases of Supplies, Material, Equipment, and Building Contracts. -- For the purposes of implementing this Article, the Authority is exempted from the provisions of G.S. 136-28.1 and G.S. 136-28.4 and Articles 3 and 8 of Chapter 143 of the General Statutes and all rules associated with those provisions."

SECTION 3. Chapter 20 of the General Statutes is amended to add a new section to read:

"**§ 20-158.2. Control of vehicles on Turnpike System.**

The North Carolina Turnpike Authority may control vehicles at appropriate places by erecting traffic control devices to collect tolls.

Failure to pay a proper toll, as evidenced by a traffic control photographic system or other enforcement mechanism, is a noncriminal violation for which a civil penalty set by the Turnpike Authority shall be assessed."

SECTION 4. G.S. 136-176(b) reads as rewritten:

"(b) Funds in the Trust Fund are annually appropriated to the Department of Transportation to be allocated and used as provided in this subsection. A sum, not to exceed four and one-half percent (4.5%) of the amount of revenue deposited in the Trust Fund under subdivisions (a)(1), (2), and (3) of this section, may be used each fiscal year by the Department for expenses to administer the Trust Fund. Operation of the North Carolina Turnpike Authority is an eligible administrative expense under this subsection. The rest of the funds in the Trust Fund shall be allocated and used as follows:

(1) Sixty-one and ninety-five hundredths percent (61.95%) to plan, design, and construct the projects of the Intrastate System described in G.S. 136-179 and to pay debt service on highway bonds and notes that are issued under the State Highway Bond Act of 1996 and whose proceeds are applied to these projects.

(2) Twenty-five and five hundredths percent (25.05%) to plan, design, and construct the urban loops described in G.S. 136-180 and to pay debt service on highway bonds and notes that are issued under the State Highway Bond Act of 1996 and whose proceeds are applied to these urban loops.

(3) Six and one-half percent (6.5%) to supplement the appropriation to cities for city streets under G.S. 136-181.

(4) Six and one-half percent (6.5%) for secondary road construction as provided in G.S. 136-182 and to pay debt service on highway bonds and notes that are issued under the State Highway Bond Act of 1996 and whose proceeds are applied to secondary road construction.

The Department must administer funds allocated under subdivisions (1), (2), and (4) of this subsection in a manner that ensures that sufficient funds are available to make the debt service payments on bonds issued under the State Highway Bond Act of 1996 as they become due."

SECTION 5. G.S. 126-5 is amended by adding a new subdivision to read:

"(c1) Except as to the provisions of Articles 6 and 7 of this Chapter, the provisions of this Chapter shall not apply to:

...

(21) Employees of the North Carolina Turnpike Authority."

SECTION 6. G.S. 120-123 is amended by adding a new subdivision to read:

"**§ 120-123. Service by members of the General Assembly on certain boards and commissions.**

No member of the General Assembly may serve on any of the following boards or commissions:

...

(75) The North Carolina Turnpike Authority."

SECTION 7. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE BILL 644
PROPOSED COMMITTEE SUBSTITUTE H644-CSRW-16 [v.4]

4/17/2001 7:43:23 PM

Short Title: Toll Road and Bridge Authority Created. (Public)

Sponsors:

Referred to:

March 15, 2001

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE PUBLIC TOLL ROADS AND BRIDGES IN NORTH CAROLINA AND THE CREATION OF A TURNPIKE AUTHORITY.

The General Assembly of North Carolina enacts:

SECTION 1. Article 6F of Chapter 136 of the General Statutes is repealed.

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

"Article 6H.

"Public Toll Roads and Bridges.

"**§ 136-89.180. Legislative findings.**

The General Assembly finds that the existing State road system is becoming increasingly congested and overburdened with traffic in many areas of the State; that the sharp surge of vehicle miles traveled is overwhelming the State's ability to build and pay for adequate road improvements; and that an adequate answer to this challenge will require the State to be innovative and utilize several new approaches to transportation improvements in North Carolina.

Toll funding of highway construction is feasible in North Carolina and can contribute to addressing the critical transportation needs of the State. A toll program can speed the implementation of needed transportation improvements by funding some projects with tolls.

"**§ 136-89.181. Definitions.**

The following definitions apply to this Article:

(1) "Turnpike authority" means the public agency created by this Article.

(2) "Turnpike authority board" means the governing board of the Turnpike Authority.

(3) "Turnpike project" means any part of the State highway system, including primary and secondary roads, bridges, tunnels, and feeder roads and approaches.

(4) "Turnpike system" means collectively all Turnpike Projects developed under this Article.

"**§ 136-89.182. North Carolina Turnpike Authority.**

(a) Creation. -- There is created a body politic and corporate to be known as the "North Carolina Turnpike Authority." The Authority is constituted as a public agency, and the exercise by the Authority of the powers conferred by this Article in the construction, operation, and maintenance of toll roads and bridges shall be deemed and held to be the performance of an essential governmental function.

(b) Administrative Placement. -- The Authority shall be located within the Department of Transportation for administrative purposes but shall exercise all of its powers independently of the Department of Transportation except as otherwise specified in this Article.

(c) Board of Directors. -- The North Carolina Turnpike Authority shall be governed by a seven-member Board of Directors consisting of the Secretary of Transportation, who shall serve as chairman of the Authority Board, and six members who shall be appointed by the Governor, at least three of whom shall reside in metropolitan areas.

(d) Board of Transportation Members. -- Not more than two members of the North Carolina Board of Transportation, in addition to the Secretary of Transportation, may serve as members of the Authority Board.

(e) Staggered Terms. -- The initial appointments by the Governor to the Authority Board shall consist of two members appointed to terms ending January 14, 2003, two members appointed to terms ending January 14, 2005, and two members appointed to terms ending January 14, 2007.

Thereafter, at the expiration of each stipulated term of office, all appointments shall be to a term of six years from the date of the expiration of the term.

(f) Vacancies. -- All members of the Authority Board shall remain in office until their successors are appointed and qualify. The Governor may appoint a member to serve out the unexpired term of any Board member.

(g) Removal of Board Members. -- Each appointed member of the Authority Board, notwithstanding subsection (e) of this section, shall serve at the pleasure of the Governor.

(h) Conflicts of Interest, Ethics, etc. -- Members of the Authority Board shall be subject to provisions of G.S. 136-13, 136-13.1, and 136-14.

(i) Compensation. -- The appointed members of the Authority Board shall receive no salary for their services but shall be entitled to receive per diem and travel allowances in accordance with the provisions of G.S. 138-5 and G.S. 138-6 as appropriate.

(j) Bylaws. -- The Authority Board shall adopt bylaws with respect to the calling of meetings, quorums, voting procedures, the keeping of records, and other organizational, staffing, and administrative matters as the Authority Board may determine.

(k) Executive Director and Other Employees. -- The Authority Board shall appoint an Executive Director, whose salary shall be fixed by the Authority, to serve at its pleasure.

The Executive Director shall be the Authority's chief administrative officer and shall be responsible for the daily administration of the toll roads and bridges constructed, maintained, or operated pursuant to this Article.

The Executive Director or his designee shall appoint, employ, dismiss, and within the limits approved by the Authority Board, fix the compensation of such other employees as he deems necessary to carry out this Article.

(l) Office. -- The offices of the Authority may be housed in one or more facilities of the Department of Transportation.

"**§ 136-89.183. Powers of the Authority.**

(a) The Authority shall have all of the powers necessary to execute the provisions of this Article including the following powers:

(1) The powers of a corporate body, including the power to sue and be sued, to make contracts, to adopt and use a common seal, and to alter the adopted seal as needed.

(2) To study, plan, develop, design, establish, purchase, construct, operate, and maintain a Turnpike Project, either on its own initiative or at the request of the Board of Transportation.

(3) To rent, lease, purchase, acquire, own, encumber, dispose of, or mortgage real or personal property, including the power to acquire property by eminent domain pursuant to G.S. 136-89.184.

(4) To fix, revise, charge, and collect tolls and fees for the use of the Turnpike Authority.

(5) To issue bonds or notes of the Authority as provided in this Article.

(6) To establish, construct, purchase, maintain, equip, and operate any structure or facilities associated with the Turnpike System.

(7) To pay all necessary costs and expenses in the formation, organization, administration, and operation of the Authority.

(8) To apply for, accept, and administer loans and grants of money or real or personal property from any federal agency, from the State or its political subdivisions, local government, or from any other public or private sources available.

(9) To adopt, alter, or repeal its own bylaws or rules implementing the provisions of this Article.

(10) To employ consulting engineers, architects, attorneys, real estate counselors, appraisers, and other consultants and employees as may be required in the judgment of the Authority and to fix and pay their compensation from funds available to the Authority.

(11) To select and retain financial consultants, underwriters, and bond attorneys in connection with the issuance of any bonds and to pay for

their services out of the proceeds of any bond issue for which their services were performed.

(12) To execute financing agreements, security documents, and other instruments necessary in exercising its power under this Article.

(13) To receive and use appropriations from the State.

(14) To adopt procedures to govern its procurement of services and delivery of Turnpike Projects.

(15) To perform or procure any portion of services required by the Authority.

(16) To use officers, employees, agents, and facilities of the Department of Transportation for the purposes and upon the terms as may be mutually agreeable.

(17) To contract for the construction, maintenance, and operation of a Turnpike Project.

(18) To expend such funds as it deems necessary to enter into partnership agreements with political subdivisions of the State, or with private entities, for the purpose of financing the cost of acquiring, constructing, equipping, operating, or maintaining any Turnpike Project.

(b) To execute the powers provided in subsection (a) of this section, the Authority shall determine its policies by majority vote of the members of the Authority present and voting, a quorum having been established. Once a policy is established, the Authority Board shall communicate it to the Executive Director, who shall have the sole and exclusive authority to execute the policy of the Authority. No member of the Authority Board shall have the responsibility or authority to give operational directives to any employee of the Authority other than the Executive Director.

"**§ 136-89.184. Acquisition of real property.**

(a) General. -- The Authority may acquire public or private real property by purchase, negotiation, gift, or devise, or condemnation that it determines to be necessary and convenient for the construction, expansion, enlargement, extension, improvement, or operation of a Turnpike Project. When the Authority acquires real property owned by the State, the Secretary of the Department of Administration shall execute and deliver to the Authority a deed transferring fee simple title to the property to the Authority.

(b) Condemnation. -- To exercise the power of eminent domain, the Authority shall commence a proceeding in its name and shall follow the procedure set forth in Article 9 of Chapter 136 of the General Statutes.

"**§ 136-89.185. Taxation of property of Authority.**

Property owned by the Authority is exempt from taxation in accordance with Section 2 of Article V of the North Carolina Constitution.

"**§ 136-89.186. Audit.**

The operations of the Authority shall be subject to the oversight of the State Auditor pursuant to Article 5A of Chapter 147 of the General Statutes.

"**§ 136-89.187. Conversion of free highways prohibited.**

The Authority Board is prohibited from converting any segment of the non-tolled State highway system to a toll facility.

"**§ 136-89.188. Use of surplus revenues.**

The Authority Board may authorize the use of surplus revenue of the Turnpike System to pay the costs of other Turnpike Projects or for any other lawful purpose consistent with this Article.

"**§ 136-89.189. Lease, sale, or conveyance of Turnpike Projects.**

The Authority may lease, sell, grant a concession or franchise, or otherwise convey all or a portion of the Turnpike System to another governmental or private entity, if such conveyance is in the best interest of the State.

"**§ 136-89.190. Turnpike Authority revenue bonds.**

(a) The Authority Board, in cooperation with the Department of State Treasurer, by the adoption of a bond resolution, may authorize the issuance of bonds to pay all or a portion of the cost of a Turnpike Project or to refund any previously issued bonds.

(b) The Authority may sell bonds at public or private sale in a manner and for a price it determined to be in the best interest of the Authority.

(c) The Authority may sell bonds secured by a lien on the revenues of the Turnpike System or a Turnpike Project.

(d) The Authority may sell bonds secured by lien of revenues subordinate to the lien of other bonds.

(e) The Authority may execute a revenue bond indenture or other similar agreement with bondholders in a form and with such covenants and provisions it finds to be in the best interest of the Authority.

"**§ 136-89.191. Payment of bonds; State credit not pledged.**

Bonds issued by the Authority under this Article shall not be deemed to constitute a debt of the State of North Carolina or a pledge of the full faith and credit of the State.

"**§ 136-89.192. Cost participation by Department of Transportation.**

The Department of Transportation may participate in the cost of preconstruction activities, construction, maintenance, or operation of a Turnpike Project.

"**§ 136-89.193. Equity distribution formula.**

Only those funds applied to a Turnpike Project from the State Highway Fund, State Highway Trust Fund, or federal-aid funds that might otherwise be used for other roadway projects within the State, and are otherwise already subject to the distribution formula under G.S. 136-17.2A, shall be included in the distribution formula.

Other revenue from the sale of bonds, project loans, or toll collections shall not be included in the distribution formula.

"**§ 136-89.194. Annual plan of work; annual and quarterly reports.**

(a) Annual Plan of Work. -- The Authority shall annually develop a plan of work for the fiscal year, describing the activities and projects to be undertaken, accompanied by a budget. This annual plan of work shall be subject to the concurrence of the Board of Transportation.

(b) Annual Reports. -- The Authority shall, promptly following the close of each fiscal year, submit an annual report of its activities for the preceding year to the Governor, the General Assembly, and the Department of Transportation. Each report shall be accompanied by an audit of its books and accounts.

(c) Quarterly Reports. -- The Authority shall submit quarterly reports to the Joint Legislative Transportation Oversight Committee. The reports shall summarize the Authority's activities during the quarter and contain any information about the Authority's activities that is requested by the Committee.

"**§ 136-89.195. Laws applicable to the Authority; exceptions.**

(a) Motor Vehicle Laws. -- The Turnpike System shall be considered a "highway" as defined in G.S. 20-4.01(13) and a "public vehicular area" as defined in G.S. 20-4.01(32). All law enforcement and emergency personnel, including the State Highway Patrol and the Division of Motor Vehicles, shall have the same powers and duties on the Turnpike System as on any other highway or public vehicular area.

(b) Contracting. -- For the purposes of implementing this Article, the Authority shall solicit competitive proposals for the construction of Turnpike projects in accordance with the provision of Article 2 of this Chapter. Contracts for professional engineering services and other kinds of professional or specialized services necessary in connection with construction of Turnpike projects shall be solicited in accordance with procedures utilized by the Department of Transportation.

(c) Alternative Contracting Methods.—Notwithstanding the provisions of subsection (b) of this section, the Authority may authorize the use of alternative contracting methods if:

(1) The authorization applies to an individual project;

(2) The Authority has concluded, and documented in writing, that the alternative contracting method is necessary because the project cannot be completed utilizing the procedures of Article 2 of this Chapter within the necessary time frame or available funding, or for other reasons the Authority deems in the public interest;

(3) The Authority has provided, to the extent possible, for the solicitation of competitive proposals prior to awarding a contract; and

(4) The approved alternative contracting method provides for reasonable compliance with the disadvantaged business participation goals of G.S. 136-28.4."

SECTION 3. Chapter 20 of the General Statutes is amended to add a new section to read:

"**§ 20-158.2. Control of vehicles on Turnpike System.**

The North Carolina Turnpike Authority may control vehicles at appropriate places by erecting traffic control devices to collect tolls.

Failure to pay a proper toll, as evidenced by a traffic control photographic system or other enforcement mechanism, is a noncriminal violation for which a civil penalty set by the Turnpike Authority shall be assessed."

SECTION 4. G.S. 136-176(b) reads as rewritten:

"(b) Funds in the Trust Fund are annually appropriated to the Department of Transportation to be allocated and used as provided in this subsection. A sum, not to exceed four and one-half percent (4.5%) of the amount of revenue deposited in the Trust Fund under subdivisions (a)(1), (2), and (3) of this section, may be used each fiscal year by the Department for expenses to administer the Trust Fund. Operation of the North Carolina Turnpike Authority is an eligible administrative expense under this subsection. The rest of the funds in the Trust Fund shall be allocated and used as follows:

(1) Sixty-one and ninety-five hundredths percent (61.95%) to plan, design, and construct the projects of the Intrastate System described in G.S. 136-179 and to pay debt service on highway bonds and notes that are issued under the State Highway Bond Act of 1996 and whose proceeds are applied to these projects.

(2) Twenty-five and five hundredths percent (25.05%) to plan, design, and construct the urban loops described in G.S. 136-180 and to pay debt service on highway bonds and notes that are issued under the State Highway Bond Act of 1996 and whose proceeds are applied to these urban loops.

(3) Six and one-half percent (6.5%) to supplement the appropriation to cities for city streets under G.S. 136-181.

(4) Six and one-half percent (6.5%) for secondary road construction as provided in G.S. 136-182 and to pay debt service on highway bonds and notes that are issued under the State Highway Bond Act of 1996 and whose proceeds are applied to secondary road construction.

The Department must administer funds allocated under subdivisions (1), (2), and (4) of this subsection in a manner that ensures that sufficient funds are available to make the debt service payments on bonds issued under the State Highway Bond Act of 1996 as they become due."

SECTION 5. G.S. 126-5 is amended by adding a new subdivision to read:

"(c1) Except as to the provisions of Articles 6 and 7 of this Chapter, the provisions of this Chapter shall not apply to:

...

(21) Employees of the North Carolina Turnpike Authority."

SECTION 6. G.S. 120-123 is amended by adding a new subdivision to read:

"**§ 120-123. Service by members of the General Assembly on certain boards and commissions.**

No member of the General Assembly may serve on any of the following boards or commissions:

...

(75) The North Carolina Turnpike Authority."

SECTION 7. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

HOUSE BILL 1333

Short Title:	Windshields Required and Inspected.	(Public)
Sponsors:	Representatives Hensley, Teague, and G. Wilson.	
Referred to:	Transportation.	

April 12, 2001

A BILL TO BE ENTITLED

AN ACT TO REQUIRE WINDSHIELDS ON MOTOR VEHICLES AND TO REQUIRE MOTOR VEHICLES TO HAVE OPERATING WINDOWS ON THE DRIVER'S DOOR.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-127 is amended by adding a new subsection to read:

"(f) Every motor vehicle shall be equipped with a windshield made of a type of safety glass approved by the Commissioner that is:

(1) Free from cloudiness, distortion, or other obstructions to the driver's vision of the road.

(2) Free from cracks, scratches, or breaks that obstruct the driver's vision of the road.

(3) Free from all stickers except those provided for by law."

SECTION 2. This act becomes effective October 1, 2001.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE BILL 1333
PROPOSED COMMITTEE SUBSTITUTE H1333-CSSU-13 [v.1]

4/18/2001 8:25:53 AM

Short Title: Windshields Required and Inspected. (Public)

Sponsors:

Referred to:

April 12, 2001

A BILL TO BE ENTITLED

AN ACT TO REQUIRE WINDSHIELDS ON MOTOR VEHICLES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-127 is amended by adding a new subsection to read:

"(f) Every motor vehicle shall be equipped with a windshield made of a type of safety glass approved by the Commissioner that is:

(1) Free from cloudiness, distortion, or other obstructions to the driver's vision of the road.

(2) Free from cracks, scratches, or breaks that obstruct the driver's vision of the road."

SECTION 2. This act becomes effective October 1, 2001.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

HOUSE BILL 686

Short Title:	Recreation Vehicles-Width/Length Changes.	(Public)
Sponsors:	Representatives Gibson, Bowie (Primary Sponsors); and Walker.	
Referred to:	Transportation.	

March 19, 2001

A BILL TO BE ENTITLED

AN ACT TO DEFINE "RECREATION VEHICLE" AND TO INCREASE THE LENGTH AND WIDTH LIMITATIONS FOR THESE VEHICLES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-4.01 is amended by adding a new subdivision to read:

"(32a) Recreation Vehicle. – A vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use that either has its own motive power or is mounted on, or towed by, another vehicle. The basic entities are camping trailer, fifth-wheel travel trailer, motor home, travel trailer, and truck camper.

a. Motor home. – As defined in G.S. 20-4.01(27)d2.

b. Travel trailer. – A vehicular unit mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use, and of a size or weight that does not require a special highway movement permit when towed by a motorized vehicle.

c. Fifth-wheel trailer. – A vehicular unit mounted on wheels designed to provide temporary living quarters for recreational, camping, or travel use, of a size and weight that does not require a special highway movement permit and designed to be towed by a motorized vehicle that contains a towing mechanism that is mounted above or forward of the tow vehicle's rear axle.

d. Camping trailer. – A vehicular portable unit mounted on wheels and constructed with collapsible partial side walls that fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping, or travel use.

e. Truck camper. – A portable unit that is constructed to provide temporary living quarters for recreational, camping, or travel use, consisting of a roof, floor, and sides and is designed to be loaded onto and unloaded from the bed of a pickup truck."

SECTION 2. G.S. 20-4.01(32a) is recodified as G.S. 20-4.01(32b).

SECTION 3. G.S. 20-116(a) reads as rewritten:

"(a) The total outside width of any vehicle or the load thereon shall not exceed 102 inches, except as otherwise provided in this section. When hogsheads of tobacco are being transported, a tolerance of six inches is allowed. When sheet or bale tobacco is being transported the load must not exceed a width of 114 inches at the top of the load and the bottom of the load at the truck bed must not exceed the width of 102 inches inclusive of allowance for load shifting or settling. Vehicles (other than passenger buses) that do not exceed the overall width of 102 inches and otherwise provided in this section may be operated in accordance with G.S. 20-115.1(c), (f), and (g). The 102-inch width limitation does not include appurtenances and retracted awnings less than six inches in width."

SECTION 4. G.S. 20-116(d) reads as rewritten:

"(d) A single vehicle having two axles shall not exceed 40 feet in length of extreme overall dimensions inclusive of front and rear bumpers. A single vehicle having three axles shall not exceed 40 feet in length overall of dimensions inclusive of front and rear bumpers. Provided, however, trucks transporting unprocessed cotton from farm to gin shall not exceed 48 feet in length overall of dimensions inclusive of front and rear bumpers. A truck-tractor and semitrailer shall be regarded as two vehicles for the purpose of determining lawful length and license taxes. Recreation vehicles shall not exceed 45 feet in length overall, excluding bumpers and mirrors."

SECTION 5. This act becomes effective July 1, 2001.

HOUSE BILL 460:
DWI Roadside Memorial Markers

BILL ANALYSIS

Committee:	House Transportation	**Introduced by:**	Representative Ellis
Date:	April 18, 2001	**Summary by:**	Wendy Graf
Version:	First Edition		Committee Counsel

SUMMARY: ***House Bill 460 would authorize the Department of Transportation to establish a memorial marker program for highway fatalities.***

BILL ANALYSIS: House Bill 460 would amend Chapter 136 of the General Statutes by adding a new G.S. 136-43.2 that would direct DOT to develop a roadside memorial program to place markers at the sites of all highway fatalities, and to place markers inscribed with a symbol, developed in coordination with Mothers Against Drunk Driving, at the sites of fatalities involving impaired driving.

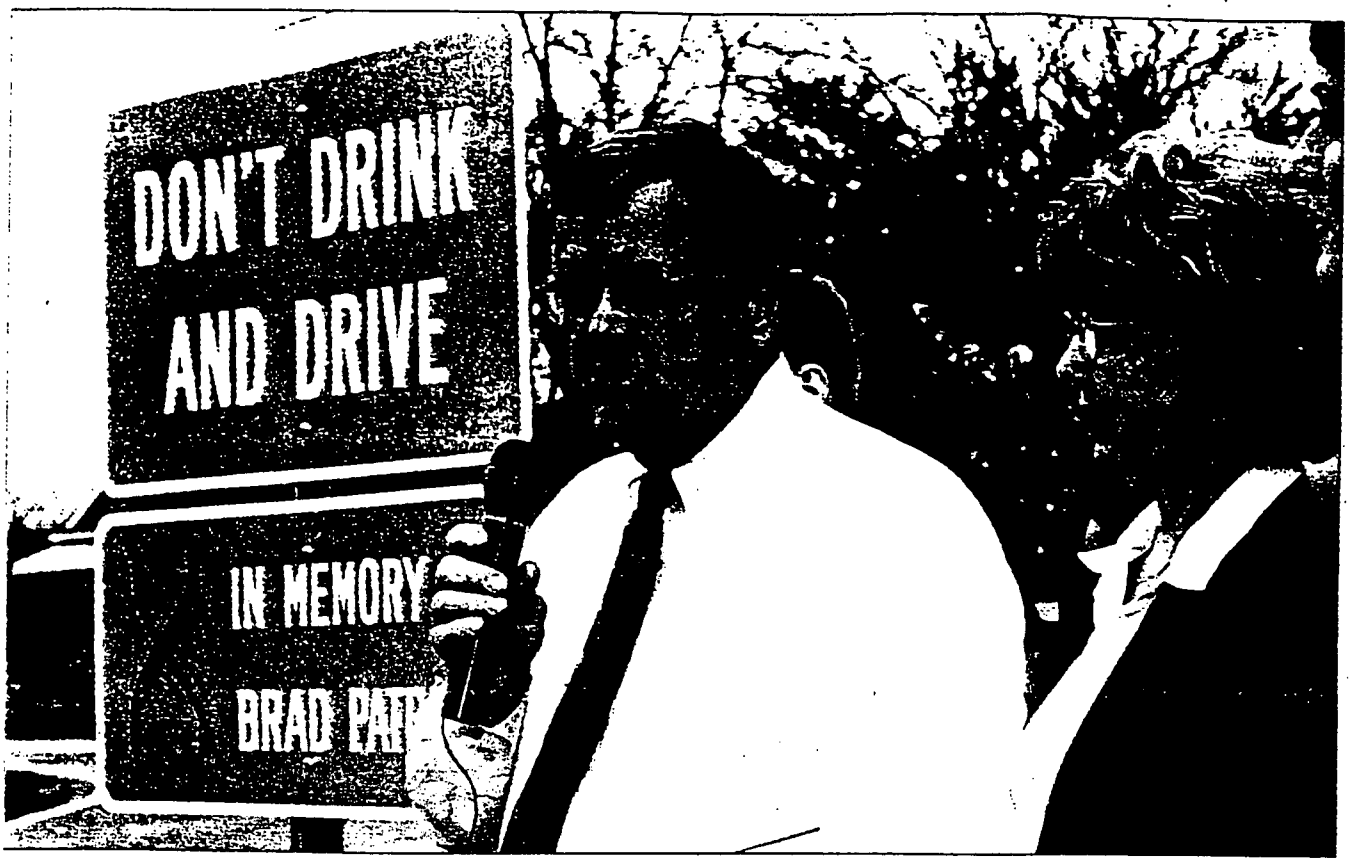
Additional text or symbols may be added to individual markers at the expense of the family of the victim or the organization who requests the additions.

The act further directs DOT to issue rules to implement the roadside memorial program.

EFFECTIVE DATE: The act would become effective December 1, 2001.

Don't drink and drive

HB 460
4-18-01



JOEY BENTON/SALISBURY POST

REMEMBERING SON: Terry Patrick speaks with his wife, Lynne, at the dedication of a sign in memory of their son Brad, who was killed by a drunk driver.

Parents among those at unveiling of sign for teen killed by drunk driver

BY BRAD A. HODGES
SALISBURY POST

Hundreds of students have passed through the halls of East Rowan High School since a drunk driver killed Brad Patrick more than 11 years ago.

Thursday afternoon a crowd of them unveiled a sign in memory of Brad at the corner of Faith Road and Gold Hill Drive, where a drunk driver struck the 15-year-old East Rowan student's car head-on.

"A lot of time has passed," Brad's father, Terry Patrick, told a crowd of the two-year effort to erect the sign. "We sometimes thought we were getting our wheels stuck. I'd like to thank the students at East Rowan, some of who were very young when this happened."

The dedication drew law enforcement officers from several agencies and District Attorney Bill Kenerly, who prosecuted the case.

Brad's death wrote legal history: Charlie Anderson McBride became the first drunk driver in North Carolina to be convicted of murder. He was released from prison in March 2000 after serving nine of 25 years on his sentence.

Paid for by the school's chapter of Students Against Drunk Driving, the two blue, metal signs read, "Don't drink and drive. In memory of Brad Patrick."

Ann Heard, an East Rowan counselor and advisor for the SADD chapter, got the idea from Mark George, a sheriff's deputy in Boulder, Colo., who had a similar memorial posted there. Colorado now has several such signs dotting its streets and highways, she said.

"Two years ago, when this sign was proposed, we never would have realized we would be standing here," she said. "Without a lot of hope and commitment, we would have never realized our dream of a memorial."

Heard and East Rowan students are hoping the N.C. Department of Transportation will someday use the idea to plant signs at sites of other drunk-driving fatalities across the state. They've already been lobbying N.C. Rep. Eugene McCombs, who also attended Thursday's dedication.

Brad's memorial is on private property; Heard would like the state to maintain future ones in the right of way of public roads.

"It is our intent to spread this statewide," she said. "If we can get this past the Legislature, the state would erect and maintain them."

East Rowan High's SADD chapter has been very active with other projects such as its "Prom Promise." Students had baseball caps made for local officers who charge motorists with driving drunk, chapter secretary Allison Myers said.

"We're trying to make a point that we really care," club member Candice Toliver said.

McBride had been eligible for parole from 1993 until his release seven years later. Partly because of a letter-writing campaign and other pressure from Brad's family, East Rowan students and friends, a state board denied his parole each year.

Much has changed since Patrick saw his son's coffin lowered into the ground, he said.

Motorists can now be charged with

➤ See **Drunk**, Page 2A

SALISBURY POST
FEBRUARY 16, 2001, PAGE 1A



JOEY BENTON/SALISBURY POST

IN REMEMBRANCE: Lynne Patrick, center, and her husband Terry, far right, join members of the East Rowan High School Students Against Drunk Driving organization as a prayer is read in memory of Brad Patrick. The Patrick family thinks more needs to be done to lower incidents of drinking and driving.

Drunk

➤ From Page 1A

driving while intoxicated if they have as little as a .08 percent blood-alcohol content — lower than North Carolina's previous .1 percent standard.

Courts now regularly convict repeat drunk drivers of murder. And under the state's new structured sentencing laws, judges put them away for much longer periods.

Many district attorneys also have victim advocates to help grieving families.

Despite the changes, Patrick said driving by the site where his son died still causes him grief.

"Our family's been through a lot," Patrick said. "There are so many things that have taken place, and I feel like we've stepped up as a community.

"...I still think we need to stand up more as a society in the things we believe in. We want to be examples."

HOUSE BILL 644:
Toll Road and Bridge Authority Created

BILL ANALYSIS

Committee:	House Transportation	**Introduced by:**	Rep. Crawford
Date:	April 18, 2001	**Summary by:**	Giles S. Perry
Version:	Proposed Committee Substitute		Committee Counsel

SUMMARY: House Bill 644 authorizes the creation of a public agency, the "North Carolina Turnpike Authority" to construct operate and maintain toll roads in the State.

CURRENT LAW: Under current law, toll roads are authorized in two limited circumstances: The construction of a listed Highway Trust Fund project bridge, (G.S. 136-82.2) or the construction of a private pilot toll road project. (G.S. 136-89.171 and-172).

BILL ANALYSIS:

Creates Turnpike Authority--House Bill 644 would create a public agency, to be called the "North Carolina Turnpike Authority," to construct, operate, and maintain toll roads and bridges in the State.

Governance--The Authority would be governed by a 7 member Board of Directors, consisting of the Secretary of Transportation and six members appointed by the Governor.

The Authority would be operated by an executive director, appointed by the Board of Directors.

Powers of Authority—The Authority would have the power to: build an operate a turnpike project, either on its own initiative, or at the request of the Board of Transportation; to condemn property by "quick-take"; to issue bonds; and to enter into partnership agreements with political subdivision of the State or private entities.

Conversion of Free Highways Prohibited—The Authority would be prohibited from converting a non-tolled segment of the State highway system to a toll facility.

Lease or Sale of Turnpike—The Authority would have the power to lease, sell or grant a concession or franchise of the operation of all or a portion of the turnpike system.

Revenue Bonds—The authority would have the authority to sell revenue bonds to finance all or a portion of its projects.

Cost Participation by DOT—NC DOT would be authorized to participate in the cost of preconstruction, construction, maintenance, or operation of a turnpike project.

Equity Formula—Turnpike projects would be subject to the equity distribution formula for State Highway Funds only to the extent that the project is funded from Highway Fund, Highway Trust Fund, or federal-aid funds that would otherwise be subject to the formula.

Motor Vehicle Laws—State motor vehicle laws would apply to Turnpike Authority projects.

Authorization of Alternative Contracting Methods—The act would authorize the Authority to use alternative contracting methods under specified circumstances.

Toll Violations—Tolls violations by persons traveling on Turnpike projects would be noncriminal civil violations.

State Personnel Act—The employees of the Turnpike Authority would be exempt from the State Personnel Act.

General Assembly Members Cannot Serve on Board—Members of the General Assembly would not be eligible to serve on the Turnpike Authority Board.

Effective Date—House Bill 644 would become effective when it becomes law.

H644-SMRW-001

HOUSE BILL 1333:
Windshields Required and Inspected

BILL ANALYSIS

Committee:	House Transportation	**Introduced by:**	Representatives Hensley, Teague, and G. Wilson
Date:	April 18, 2001		
Version:	Proposed Committee Substitute to First Edition (H1333-CSSU-13)	**Summary by:**	Wendy Graf Committee Counsel

SUMMARY: ***The proposed committee substitute for House Bill 1333 requires motor vehicles to be equipped with windshields.***

CURRENT LAW: Currently, G.S. 20-127 sets out requirements relating to windows and windshields on motor vehicles, but it does not set out a specific requirement that all motor vehicles be equipped with windshields.

BILL ANALYSIS: The proposed committee substitute for House Bill 1333 would add a new subsection (g) to G.S. 20-127, requiring that all motor vehicles be equipped with windshields made of safety glass approved by the Commissioner of Motor Vehicles. The act also requires that windshields be free from obstructions to the driver's vision of the road.

EFFECTIVE DATE: The act would become effective October 1, 2001.

VISITOR REGISTRATION SHEET

HOUSE COMMITTEE ON TRANSPORTATION — April 18, 2001

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
John Robinson	NC DMV-Enf.
LARRY SAMS	NCDOT
Danny Rogers	NCDOT
Ken Ivey	NCDOT
BERRY JENKINS	CAROLINAS AGC
C. A. GARDNER	CAPA
Christie Barbee	CHPA
Larry Goode	NCDOT
Lynnd Cooper	CSX Railroad
Richard Petty	Level Cross
Steve Woodlief	NC FB
Gene Causby	NC MA
Jane Pinsky	A AA
Paula A. Hopper	Moore: Van Allen

VISITOR REGISTRATION SHEET

HOUSE COMMITTEE ON TRANSPORTATION — April 18, 2001

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Charlie Diehl	NC Trucking Assn.
VL McBride	NCTA
Mickey Mouse	
Jim Bell	NCMA
John Cyrus	N.C. State Library
Ruth Sappie	NCDOT
David Ferrell	Hyde, Caldwell & Ferrell PA

AGENDA

COMMITTEE ON TRANSPORTATION

April ~~25~~ 24, 2001
~~10:00 A.M. – 12 Noon~~
2:00 P.M.

Room 643 LOB

OPENING REMARKS
Representative Cary Allred, Chairman

BILLS TO BE DISCUSSED

HB 1333 Windshields Required And Inspected
Bill Sponsor – Representative Hensley

HB 686 Recreation Vehicles – Width/Length Changes
Bill Sponsor – Representative Gibson

HB 1226 Improve Air Quality With Local Plan
Bill Sponsor – Representative Hackney

HB 1328 Airport Corridor Official Map Act
Bill Sponsor -Representative Blust

HB 1089 Revise Highway Equity Funding Formula
Bill Sponsor – Representative Russell

HB 1229 Highway Maintenance Funds - Sources/Distribution
Bill Sponsor – Representative Shubert

ADJOURNMENT

MINUTES

HOUSE COMMITTEE ON TRANSPORTATION

April 24, 2001

The House Committee on Transportation met at 2:00 P.M. on April 24, 2001, in Room 643 of the Legislative Building. Members present were: Representative Cary Allred, Chair, Representative Drew Saunders, Chair, Representative Jeff Barnhart, Vice Chair, and Representatives Buchanan, Clary, Cole, Crawford, Culp, Dedmon, Gibson, Gillespie, Holliman, Lucas, McComas, McLawhorn, Sexton, Sherrill, Shubert, Sutton, Walker, Warwick, and Wilson. Wendy Graf, Staff Counsel, and Evan Rodewald of Fiscal Research were also in attendance. A Visitor Registration Sheet is attached and made a part of the minutes.

Representative Allred, Chair, called the meeting to order, and asked for any Pages to identify themselves. Page Chris Shepard, of Duplin County, sponsored by Representative Tucker, assisted Dusty Rhodes and Shannon Batten from the House Sergeant At Arms Office with the meeting.

The first bill to be discussed was **HB 686 AN ACT TO DEFINE "RECREATION VEHICLE" AND TO INCREASE THE LENGTH AND WIDTH LIMITATION FOR THESE VEHICLES.** Representative Gibson, Bill Sponsor, was recognized to explain the bill. A discussion period followed the explanation, and Representative Saunders moved to give the bill a favorable report. A vote was taken, and the motion was approved.

The second bill to be considered was **HB 1333 AN ACT TO REQUIRE WINDSHIELDS ON MOTOR VEHICLES AND TO REQUIRE MOTOR VEHICLES TO HAVE OPERATING WINDOWS ON THE DRIVER'S DOOR.** Representative Hensley, Bill Sponsor, was recognized to explain the bill. He presented a proposed committee substitute, which he explained. Following a discussion period, Representative McComas requested to amend the bill; and the bill was temporarily displaced to allow the amendment to be written.

The next bill to be discussed was **HB 1226 AN ACT TO IMPROVE AIR QUALITY THROUGH LOCAL LAND DEVELOPMENT AND TRANSPORTATION PLANNING.** Representative Hackney, Bill Sponsor, was recognized to explain the bill. A question and answer period followed. Janet D'Ignazio, Chief Planning Officer with the Department of Transportation, spoke in support of the bill. Mr. R. Paul Wilms, with Home Builders Association commented on the bill. Representative Saunders moved for a favorable report, and Representative Connie Wilson spoke in opposition to the motion. Representative Sutton offered a substitute motion to give the bill a favorable report and refer it to the Committee on Environment and Natural Resources. Representative McComas made a substitute motion to send the bill to a study commission after the session is over. Representative Hackney requested that the bill remain in the

Transportation Committee, and Representative Sutton withdrew his motion. The bill was temporarily displaced without a vote on other motions.

The next order of business was the recognition of Representative Hensley, by Representative Saunders, Chair, to bring **HB 1333** back before the Committee. Representative Hensley stated that Representative McComas had an amendment to the bill, and he was allowed to explain the amendment. Representative Allred also offered an amendment to the bill, which he explained. Representative McComas offered a perfecting amendment. The bill was displaced without action on the amendments.

The last bill to be considered was **HB 1229 AN ACT REQUIRING THE DEPARTMENT OF TRANSPORTATION TO DETERMINE THE GEOGRAPHICAL SOURCES OF MAINTENANCE FUNDS, TO PROVIDE FOR THE DISTRIBUTION OF MAINTENANCE FUNDS, AND TO REQUIRE INTERNET REPORTING OF ALL MAINTENANCE AND CONSTRUCTION EXPENDITURES.** Representative Shubert, Bill Sponsor, was recognized to explain the bill. A discussion followed the explanation. Ruth Sappie with the Department of Transportation expressed a concern about the appropriations impact. Representative Buchanan moved to give the bill a favorable report and re-refer the bill to the Committee on Appropriations. A vote was taken, and the motion was approved.

Representative Saunders, Chair, adjourned the meeting at 3:15 P.M.

Respectfully submitted,

Representative Cary Allred, Chair

Representative Drew Saunders, Chair

Jean Allred, Committee Assistant

Ruth Fish, Committee Assistant

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Allred and Saunders** (Chair/Chairs) for the Committee on **Transportation**.

☐ Committee Substitute for
H.B. 686 A BILL TO BE ENTITLED AN ACT TO DEFINE "RECREATION VEHICLE" AND TO INCREASE THE LENGTH AND WIDTH LIMITATIONS FOR THESE VEHICLES.

☒ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **ALLRED & SAUNDERS** (Chair/Chairs) for the Committee on **TRANSPORTATION.**

☐ Committee Substitute for
H.B. 1229 A BILL TO BE ENTITLED AN ACT REQUIRING THE DEPARTMENT OF TRANSPORTATION TO DETERMINE THE GEORGRAPHICAL SOURCES OF MAINTENANCE FUNDS, TO PROVIDE FOR THE DISTRIBUTION OF MAINTENANCE FUNDS, AND TO REQUIRE INTERNET REPORTING OF ALL MAINTANCE AND CONSTRUCTION EXPENDITURES.

☐ With a favorable report.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☒ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

HOUSE BILL 686

Short Title:	Recreation Vehicles-Width/Length Changes.	(Public)
Sponsors:	Representatives Gibson, Bowie (Primary Sponsors); and Walker.	
Referred to:	Transportation.	

March 19, 2001

A BILL TO BE ENTITLED

AN ACT TO DEFINE "RECREATION VEHICLE" AND TO INCREASE THE LENGTH AND WIDTH LIMITATIONS FOR THESE VEHICLES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-4.01 is amended by adding a new subdivision to read:

"(32a) Recreation Vehicle. – A vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use that either has its own motive power or is mounted on, or towed by, another vehicle. The basic entities are camping trailer, fifth-wheel travel trailer, motor home, travel trailer, and truck camper.

a. Motor home. – As defined in G.S. 20-4.01(27)d2.

b. Travel trailer. – A vehicular unit mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use, and of a size or weight that does not require a special highway movement permit when towed by a motorized vehicle.

c. Fifth-wheel trailer. – A vehicular unit mounted on wheels designed to provide temporary living quarters for recreational, camping, or travel use, of a size and weight that does not require a special highway movement permit and designed to be towed by a motorized vehicle that contains a towing mechanism that is mounted above or forward of the tow vehicle's rear axle.

d. Camping trailer. – A vehicular portable unit mounted on wheels and constructed with collapsible partial side walls that fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping, or travel use.

e. Truck camper. – A portable unit that is constructed to provide temporary living quarters for recreational, camping, or travel use, consisting of a roof, floor, and sides and is designed to be loaded onto and unloaded from the bed of a pickup truck."

SECTION 2. G.S. 20-4.01(32a) is recodified as G.S. 20-4.01(32b).

SECTION 3. G.S. 20-116(a) reads as rewritten:

"(a) The total outside width of any vehicle or the load thereon shall not exceed 102 inches, except as otherwise provided in this section. When hogsheads of tobacco are being transported, a tolerance of six inches is allowed. When sheet or bale tobacco is being transported the load must not exceed a width of 114 inches at the top of the load and the bottom of the load at the truck bed must not exceed the width of 102 inches inclusive of allowance for load shifting or settling. Vehicles (other than passenger buses) that do not exceed the overall width of 102 inches and otherwise provided in this section may be operated in accordance with G.S. 20-115.1(c), (f), and (g). The 102-inch width limitation does not include appurtenances and retracted awnings less than six inches in width."

SECTION 4. G.S. 20-116(d) reads as rewritten:

"(d) A single vehicle having two axles shall not exceed 40 feet in length of extreme overall dimensions inclusive of front and rear bumpers. A single vehicle having three axles shall not exceed 40 feet in length overall of dimensions inclusive of front and rear bumpers. Provided, however, trucks transporting unprocessed cotton from farm to gin shall not exceed 48 feet in length overall of dimensions inclusive of front and rear bumpers. A truck-tractor and semitrailer shall be regarded as two vehicles for the purpose of determining lawful length and license taxes. Recreation vehicles shall not exceed 45 feet in length overall, excluding bumpers and mirrors."

SECTION 5. This act becomes effective July 1, 2001.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

HOUSE BILL 1229

Short Title:	Highway Maintenance Funds-Sources/Distribution.	(Public)
Sponsors:	Representatives Shubert; Russell and Harrington.	
Referred to:	Transportation.	

April 12, 2001

A BILL TO BE ENTITLED

AN ACT REQUIRING THE DEPARTMENT OF TRANSPORTATION TO DETERMINE THE GEOGRAPHICAL SOURCES OF MAINTENANCE FUNDS, TO PROVIDE FOR THE DISTRIBUTION OF MAINTENANCE FUNDS, AND TO REQUIRE INTERNET REPORTING OF ALL MAINTENANCE AND CONSTRUCTION EXPENDITURES.

The General Assembly of North Carolina enacts:

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

"**§ 136-44.17. Maintenance funding.**

(a) The Department of Transportation shall work with the Department of Revenue to determine annually by county the sources of funds allocated to the Highway Fund and the Highway Trust Fund. Taxes that cannot be directly sourced to the county of origin will be allocated based on population in order to determine what each county contributes to the State for highway funding.

(b) At least twenty percent (20%) of the funds derived from each county shall be used for road maintenance in that county in the following year.

(c) The Department of Transportation shall consult with county commissioners or their designees before funding any maintenance projects in their counties. If the county commissioners object to the use of a contractor because of a prior record of inadequate performance, that contractor may not be used.

(d) The Department of Transportation shall promptly post on their Internet site a record of all funds expended for maintenance or road construction (including discretionary projects) since 1998 and shall update this record at least annually. The records shall be posted by county, by amount, by contractor, with the work described by road name or bridge location (with sufficient detail to permit a layman to know where the work was done), with a description of the type of work done, the date on which the

contract was let, the projected completion time, the date on which the project began, and when it was actually completed."

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

HOUSE BILL 1226

Short Title:	Improve Air Quality With Local Plan.	(Public)
Sponsors:	Representatives Hackney; and Alexander.	
Referred to:	Transportation.	

April 12, 2001

A BILL TO BE ENTITLED

AN ACT TO IMPROVE AIR QUALITY THROUGH LOCAL LAND DEVELOPMENT AND TRANSPORTATION PLANNING.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 136 of the General Statutes is amended by adding a new Article to read:

"Article 18.

"Local Planning to Improve Air Quality.

"**§ 136-220. Improving air quality through local land development and transportation planning.**

(a) Develop Plan. – A unit of local government located within a nonattainment area, as defined in G.S. 143-213, for ozone using the one-hour standard shall develop a local land development and transportation plan under this section. Any unit of local government located within a nonattainment area for any pollutant or for ozone using the eight-hour standard may develop a local land development and transportation plan under this section. Any unit of local government located within an area that is not shown to have exceeded any national ambient air quality standard for any pollutant may develop a local land development and transportation plan under this section. Any plan developed under this section shall be certified by the unit of local government and submitted to the Department of Transportation.

(b) Land Use Strategies. – A local land development and transportation plan under subsection (a) of this section shall contain land-use strategies that minimize mobile source emissions, which may include:

(1) Establishing a central business district that can serve as the point where a regional transit system converges.

(2) Creating high density, mixed-use development capable of being linked by a transit network.

(3) Locating compatible land uses within close proximity of one another, suitable for walking from one activity to another.
(4) Locating new development in areas of existing development.
(5) Increasing the density of development within walking distance of transit stations or a high-capacity transit corridor.
(6) Increasing sidewalks, paths, crosswalks, and protection from fast-moving motor vehicle traffic.
(7) Decreasing traffic congestion by increasing available routes.
(8) Limiting parking supply and modifying zoning requirements to lower the number of parking spaces needed for development in areas of higher density and existing areas of development.
(9) Providing close parking for travelers who carpool.
(10) Adopting zoning regulations that facilitate the implementation of land-use strategies that minimize mobile source emissions and modifying existing zoning regulations that prevent or hinder the implementation of these land-use strategies.

(c) Failure to Develop Required Plan. – Any unit of local government that is required under subsection (a) of this section to develop a local land development and transportation plan and has failed to develop a local land development and transportation plan shall not add projects to the Transportation Improvement Program under this Chapter.

(d) Benefits of Having an Approved Plan. – Any unit of local government that has developed a local land development and transportation plan under this section is entitled to receive, notwithstanding G.S. 136-17.2A, priority in receiving federal congestion mitigation and air quality improvement program funds appropriated to the State by the United States pursuant to 23 U.S.C. § 104(b)(2) and 23 U.S.C. § 149, priority for funds received through competitive awards and discretionary grants through federal appropriations, and priority for any other funds that the Department of Transportation determines to use for this purpose.

(e) Coordination. – A unit of local government developing a local land development and transportation plan under this section may coordinate its activities with other units of local government located within the same nonattainment area and with a Metropolitan Planning Organization under Article 16 of this Chapter or a Rural Transportation Planning Organization under Article 17 of this Chapter having some common jurisdiction.

(f) Duties of the Department. – The Department of Transportation shall coordinate its efforts and activities related to improving air quality or planning with the Department of Environment and Natural Resources. The Department of Transportation shall incorporate the land-use strategies under subsection (b) of this section into its planning activities."

SECTION 2. This act becomes effective January 1, 2002.

HOUSE BILL 1333

Short Title:	Windshields Required and Inspected.	(Public)
Sponsors:	Representatives Hensley, Teague, and G. Wilson.	
Referred to:	Transportation.	

April 12, 2001

A BILL TO BE ENTITLED

AN ACT TO REQUIRE WINDSHIELDS ON MOTOR VEHICLES AND TO REQUIRE MOTOR VEHICLES TO HAVE OPERATING WINDOWS ON THE DRIVER'S DOOR.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-127 is amended by adding a new subsection to read:

"(f) Every motor vehicle shall be equipped with a windshield made of a type of safety glass approved by the Commissioner that is:

(1) Free from cloudiness, distortion, or other obstructions to the driver's vision of the road.

(2) Free from cracks, scratches, or breaks that obstruct the driver's vision of the road.

(3) Free from all stickers except those provided for by law."

SECTION 2. This act becomes effective October 1, 2001.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE BILL 1333
PROPOSED COMMITTEE SUBSTITUTE H1333-CSSU-13 [v.1]

4/18/2001 8:25:53 AM

Short Title: Windshields Required and Inspected. (Public)

Sponsors:

Referred to:

April 12, 2001

A BILL TO BE ENTITLED

AN ACT TO REQUIRE WINDSHIELDS ON MOTOR VEHICLES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-127 is amended by adding a new subsection to read:

"(f) Every motor vehicle shall be equipped with a windshield made of a type of safety glass approved by the Commissioner that is:

(1) Free from cloudiness, distortion, or other obstructions to the driver's vision of the road.

(2) Free from cracks, scratches, or breaks that obstruct the driver's vision of the road."

SECTION 2. This act becomes effective October 1, 2001.

VISITOR REGISTRATION SHEET

TRANSPORTATION — **April ~~25~~ 24, 2001**

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Ken Melton	Allen Associates
Jonathan Elliot	ARRAN REALTY INC
William Willford	NCGA
Charlie Diell	NCTA
VL McBride	NCTA
David Ferrell	Hafer, Caldwell & Ferrell P.A.
Mike Causey	NC Glass Assn., I.A.B.A.
Kim Hibbard	NCLM
Wally Dixon	NC Cinema Owners
Fred Allen	NC Aggregates Assn
John Long	Martin Marietta

VISITOR REGISTRATION SHEET

TRANSPORTATION — April ~~25~~ 24, 2001

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
R. Paul Wilms	NCHEA
Damico	W-S Journal
Ken McKillop	Moore + Van Allen

AGENDA

HOUSE COMMITTEE ON TRANSPORTATION

May 2, 2001

OPENING REMARKS

Representative Drew Saunders, Chair

BILLS TO BE DISCUSSED

HB 617 Freeze Certain Highway Fund

Bill Sponsor – Representative Paul Luebke

ADJOURNMENT

MINUTES

HOUSE COMMITTEE ON TRANSPORTATION

May 2, 2001

The House Committee on Transportation met on May 2, 2001, at 11:00 A.M. in Room 643 of the Legislative Office Building. Members present were: Representative Cary Allred, Chair, Representative Drew Saunders, Chair, Representative Jeff Barnhart, Vice Chair, and Representatives Allen, Buchanan, Cole, Crawford, Culp, Dedmon, Earle, Eddins, Gibson, Hill, Holliman, Lucas, Luebke, McComas, McLawhorn, Nye, Sexton, Sherrill, Shubert, Sutton, Teague, and Walker. Staff Counsel members Giles Perry and Wendy Graf were also in attendance. A Visitor Registration List is attached and made a part of the minutes (Attachment #1.)

Representative Saunders, Chair, called the meeting to order and introduced Page Cornelius Flowers of Franklin County, sponsored by Representative Creech. He also recognized Sergeant At Arms Staff members Dusty Rhodes and James Worth.

Representative Luebke was recognized to explain **HB 617 AN ACT TO FREEZE THE PORTION OF THE HIGHWAY TRUST FUND APPROPRIATED FOR OUTER LOOPS AND TO REDIRECT THOSE FUNDS TO HIGHWAY MAINTENANCE AND PUBLIC TRANSPORTATION.** He explained the bill and requested that a number of speakers present additional information. Representative Saunders asked that each speaker give brief remarks. He also stated that environmental issues would not be heard. Sara Hawks, Coordinator of the North Carolina Cardiovascular Program, was not heard, due to the topic of her presentation being unrelated to the bill being discussed (Attachment #2.) The following speakers spoke in support of the bill:

Rick Becker, Mayor of Town of Mineral Springs
Larry Holt of Durham
Philan Medford of Waynesville
Sally Jones of Winston-Salem (See Attachment #3.)
Gay Cheney with Greensboro Citizens for Responsible Roadways

The following speakers spoke in opposition to the bill:

Paul Wilms, North Carolina Homebuilders Association
Natalie English, Charlotte Chamber of Commerce and N.C. Metro Alliance

A question and answer period followed the presentations. Ruth Sappie with the Department of Transportation assisted in answering questions. No action was taken on the bill.

The meeting adjourned at 11:51 A.M.

Representative Drew Saunders, Presiding Chair

Ruth Fish, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

HOUSE BILL 617

Short Title:	Freeze Loop $-Redirect to Maint./Pub. Trans.	(Public)
Sponsors:	Representative Luebke.	
Referred to:	Transportation.	

March 14, 2001

A BILL TO BE ENTITLED

AN ACT TO FREEZE THE PORTION OF THE HIGHWAY TRUST FUND APPROPRIATED FOR OUTER LOOPS AND TO REDIRECT THOSE FUNDS TO HIGHWAY MAINTENANCE AND PUBLIC TRANSPORTATION.

Whereas, the General Assembly created the Commission to Address Smart Growth, Growth Management, and Development Issues; and

Whereas, the General Assembly also created the Transportation Finance Study Committee; and

Whereas, the work of both groups affects the nature and quality of future development in North Carolina; and

Whereas, there have been insufficient communication and coordination between these two study groups; and

Whereas, this lack of coordination is leading to contradictory policy goals and direction for the State; and

Whereas, according to the Brookings Institution report commissioned by the Z. Smith Reynolds Foundation for the Smart Growth Commission, further construction of outer loops is likely to worsen the already significant suburban sprawl of the State; and

Whereas, increased funding for metropolitan transit needs, statewide road and bridge maintenance and safety, and other improvements of existing roads would be more consistent with the findings of the Brookings Institution report than continued funding of sprawl-producing outer loops; and

Whereas, the Raleigh, Charlotte, and Greensboro outer loop projects should, as a result, be phased out immediately, and the funds for those projects redirected to transit, highway maintenance, and safety improvements on existing roads; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding any other provision of law, all unspent and unencumbered funds appropriated pursuant to G.S. 136-176(b)(2) are reappropriated. One-half of the reappropriated funds shall be for highway maintenance and one-half used to fund public transportation projects.

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

HOUSE BILL 617:
Freeze Loop $ -Redirect to Maint./Pub. Trans.

BILL ANALYSIS

Committee:	House Transportation	**Introduced by:**	Rep. Luebke
Date:	May 2, 2001	**Summary by:**	Giles S. Perry
Version:	First Edition		Committee Counsel

SUMMARY: ***House Bill 617 would redirect all unspent and unencumbered Highway Trust Fund funds that are dedicated to urban loop construction to two alternate uses: highway maintenance and public transportation projects.***

CURRENT LAW: Under current law, 25.05% of the tax revenue deposited in the Highway Trust Fund, after deduction of administrative expenses, is dedicated to the construction of seven urban loop roads. (See G.S. 136-176 and G.S. 136-80, attached).

BILL ANALYSIS: House Bill 617 would redirect the funds currently dedicated to urban loop construction as follows: half to highway maintenance, half to public transportation projects.

House Bill 617 would become effective when it becomes law.

H617-SMRW-001

the 1999 General Assembly. A moratorium imposed by the 1999 session law on the erection of new outdoor advertising along the aforementioned portion of Interstate Highway 40 but not applying to outdoor advertising described in G.S. 136-129(1), (2), or (3), and initially expiring July 1, 2000, was extended by the 2000 session law, pursuant to recommendation by the Environmental Review Commission.

Session Laws 2000-101, s. 2, imposes a moratorium on the issuance of permits for the construction of new outdoor advertising along the portion of Interstate Highway 40 from the Orange-Alamance County line to the municipal limits of the City of Wilmington, although this moratorium does not apply to outdoor advertising described in subdivisions (1), (2), and (3) of G.S. 136-129.

Session Laws 2000-101, s. 3, makes the act effective July 1, 2000, and provides for its expiration July 1, 2001.

§ 136-129. Limitations of outdoor advertising devices.

Editor's Note. — Session Laws 1999-436, s. 1, effective August 10, 1999, as amended by Session Laws 2000-101, s. 1, directed the Joint Legislative Transportation Oversight Committee to study whether the additional erection of outdoor advertising as defined in G.S. 136-128(3), which is visible and intended to be read from the highway right-of-way, along the portion of Interstate Highway 40 from the Orange-Alamance county line to the municipal limits of the City of Wilmington, should be prohibited and to study the advisability of the Department of Transportation allowing owners of billboards to enter upon the right-of-way and destroy vegetation which might obscure their advertising. The Committee was to report its findings and recommendations to the 2000 Regular Session of the 1999 General Assembly. A moratorium imposed by the 1999 session law on the erection of new outdoor advertising along the aforementioned portion of Interstate Highway 40 but not applying to outdoor advertising described in G.S. 136-129(1), (2), or (3), and initially expiring July 1, 2000, was extended by the 2000 session law, pursuant to recommendation by the Environmental Review Commission.

Session Laws 2000-101, s. 2, imposes a moratorium on the issuance of permits for the construction of new outdoor advertising along the portion of Interstate Highway 40 from the Orange-Alamance County line to the municipal limits of the City of Wilmington, although this moratorium does not apply to outdoor advertising described in subdivisions (1), (2), and (3) of G.S. 136-129.

Session Laws 2000-101, s. 3, makes the act effective July 1, 2000, and provides for its expiration July 1, 2001.

ARTICLE 14.

North Carolina Highway Trust Fund.

§ 136-176. (For contingent repeal see editor's note) Creation, revenue sources, and purpose of North Carolina Highway Trust Fund.

(a) A special account, designated the North Carolina Highway Trust Fund, is created within the State treasury. The Trust Fund consists of the following revenue:

(1) Motor fuel, alternative fuel, and road tax revenue deposited in the Fund under G.S. 105-449.125, 105-449.134, and 105-449.43, respectively.
(2) Motor vehicle use tax deposited in the Fund under G.S. 105-187.9.
(3) Revenue from the certificate of title fee and other fees payable under G.S. 20-85.
(4) **(Suspended from July 1, 1998 through June 30, 2001)** Revenue available from the retirement of refunding bonds issued to repay highway construction bonds and deposited in the Fund under G.S. 136-183.
(5) Interest and income earned by the Fund.

(b) Funds in the Trust Fund are annually appropriated to the Department of Transportation to be allocated and used as provided in this subsection. A

sum, not to exceed four
deposited in the Trus
section, may be used
administer the Trust F
allocated and used as
(1) Sixty-one and
and construct
136-179 and t
issued under t
are applied to
(2) Twenty-five a
construct the
service on hig
Highway Bon
urban loops.
(3) Six and one-h
cities for city
(4) Six and one-h
provided in (
and notes tha
and whose pr

The Department mu
and (4) of this subsec
available to make the
Highway Bond Act of
(c) If funds are rece
for a project for whic
federal funds receive
that were used to mat
of Transportation fro
projects in the Trans
(d) A contract ma
anticipation of reven
only for the two bie
(1989, c. 692, s. 1.1;
46(a), (b); 1991, c. 19
(Reg. Sess., 1996), c.
s. 27.2; 1999-237, s.

Editor's Note. —
For contingent repeal
see the editor's note und
main volume.

§ 136-200. Defi

As used in this A
(1) "Conformity
grams, and
specified in
1998 Editio

w outdoor advertising along
rstate Highway 40 from the
County line to the municipal
of Wilmington, although this
ot apply to outdoor advertis-
ubdivisions (1), (2), and (3) of

000-101, s. 3, makes the act
2000, and provides for its
2001.

ising devices.

ortion of Interstate Highway
ring to outdoor advertising
136-129(1), (2), or (3), and
uly 1, 2000, was extended by
aw, pursuant to recommenda-
ronmental Review Commis-

000-101, s. 2, imposes a mor-
issuance of permits for the
w outdoor advertising along
erstate Highway 40 from the
County line to the municipal
of Wilmington, although this
not apply to outdoor advertis-
ubdivisions (1), (2), and (3) of

000-101, s. 3, makes the act
2000, and provides for its
2001.

Fund.

ditor's note) Cre-purpose of North d.

a Highway Trust Fund,
consists of the following

venue deposited in the
and 105-449.43, respec-

nder G.S. 105-187.9.
ther fees payable under

une 30, 2001) Revenue
bonds issued to repay
n the Fund under G.S.

ated to the Department
ed in this subsection. A

sum, not to exceed four and one-half percent (4.5%) of the amount of revenue deposited in the Trust Fund under subdivisions (a)(1), (2), and (3) of this section, may be used each fiscal year by the Department for expenses to administer the Trust Fund. The rest of the funds in the Trust Fund shall be allocated and used as follows:

(1) Sixty-one and ninety-five hundredths percent (61.95%) to plan, design, and construct the projects of the Intrastate System described in G.S. 136-179 and to pay debt service on highway bonds and notes that are issued under the State Highway Bond Act of 1996 and whose proceeds are applied to these projects.

(2) Twenty-five and five hundredths percent (25.05%) to plan, design, and construct the urban loops described in G.S. 136-180 and to pay debt service on highway bonds and notes that are issued under the State Highway Bond Act of 1996 and whose proceeds are applied to these urban loops.

(3) Six and one-half percent (6.5%) to supplement the appropriation to cities for city streets under G.S. 136-181.

(4) Six and one-half percent (6.5%) for secondary road construction as provided in G.S. 136-182 and to pay debt service on highway bonds and notes that are issued under the State Highway Bond Act of 1996 and whose proceeds are applied to secondary road construction.

The Department must administer funds allocated under subdivisions (1), (2), and (4) of this subsection in a manner that ensures that sufficient funds are available to make the debt service payments on bonds issued under the State Highway Bond Act of 1996 as they become due.

(c) If funds are received under 23 U.S.C. Chapter 1, Federal-Aid Highways, for a project for which funds in the Trust Fund may be used, the amount of federal funds received plus the amount of any funds from the Highway Fund that were used to match the federal funds may be transferred by the Secretary of Transportation from the Trust Fund to the Highway Fund and used for projects in the Transportation Improvement Program.

(d) A contract may be let for projects funded from the Trust Fund in anticipation of revenues pursuant to the cash-flow provisions of G.S. 143-28.1 only for the two bienniums following the year in which the contract is let. (1989, c. 692, s. 1.1; c. 770, ss. 68.2, 74.6; 1989 (Reg. Sess., 1990), c. 1024, s. 46(a), (b); 1991, c. 193, s. 9; c. 280, s. 1; c. 689, s. 62; 1995, c. 390, s. 27; 1995 (Reg. Sess., 1996), c. 590, s. 6; 1996, 2nd Ex. Sess., c. 18, s. 19.4(a); 1998-212, s. 27.2; 1999-237, s. 27.1; 2000-140, s. 31.)

Editor's Note. —
For contingent repeal of subdivision (a)(4), see the editor's note under § 136-175 in the main volume.

Effect of Amendments. — Session Laws 2000-140, s. 31, effective July 21, 2000, substituted "G.S. 136-180" for "G.S. 136-80" in subdivision (b)(2).

ARTICLE 16.

Planning.

§ 136-200. Definitions.

As used in this Article:

(1) "Conformity" means the extent to which transportation plans, programs, and projects conform to federal air quality requirements as specified in 40 Code of Federal Regulations, Part 93, Subpart A (1 July 1998 Edition).

Route	Improvements	Affected Counties
US-220/NC-68	Complete 4-laning from Virginia Line to I-40	Rockingham, Guilford
US-264	Complete 4-laning from US-64 to Washington (including Wilson and Greenville Bypasses) (including freeway construction from I-95 to Greenville)	Wilson, Greene, Pitt
US-321	Complete 4-laning from Boone to South Carolina Line	Caldwell, Catawba, Lincoln, Gaston
US-421	Complete 4-laning from Tennessee Line to I-40	Watauga, Wilkes, Yadkin
US-421	Complete 4-laning from Greensboro to Sanford (including Bypass of Sanford)	Chatham, Lee
NC-24	Complete 4-laning from Charlotte to Morehead City	Mecklenburg, Cabarrus, Stanly, Montgomery, Moore, Harnett, Cumberland, Sampson, Duplin, Onslow, Carteret
NC-87	Complete 4-laning from Sanford to US-74	Lee, Harnett, Cumberland, Bladen, Columbus
NC-105	Complete 4-laning from Boone to Linville	Watauga, Avery
NC-168	Complete multilaning from Virginia Line to US-158	Currituck
NC-194	Complete 4-laning from US-19E to US-221	Avery

(1989, c. 692, s. 1.1.)

Editor's Note. — For contingent repeal of this Article, see the editor's note under § 136-175.

§ 136-180. (For contingent repeal see editor's note) Urban loops.

Funds allocated from the Trust Fund for urban loops may be used only for the following urban loops:

Loop
Asheville We
Loop

Charlotte Ou
Loop

Durham Nor
Loop

Greensboro L

Raleigh Oute

Wilmington B

Winston-Sale
Northbelt

(1989, c. 692,

Editor's Note
this Article, see
175.

§ 136-180.

The Depart
that is within
a possible ali
informational
loop. These no
less than 30 c
a decision o
Transportatio
including im
growth, econo

Loop	Description	Affected Counties
Asheville Western Loop	Multilane facility on new location from I-26 west of Asheville to US-19/23 north of Asheville for the purpose of connecting these roads. The funds may be used to improve existing corridors.	Buncombe
Charlotte Outer Loop	Multilane facility on new location encircling City of Charlotte	Mecklenburg
Durham Northern Loop	Multilane facility on new location from I-85 west of Durham to US-70 east of Durham	Durham, Orange
Greensboro Loop	Multilane facility on new location encircling City of Greensboro	Guilford
Raleigh Outer Loop	Multilane facility on new location from US-1 southwest of Cary northerly to US-64 in eastern Wake County	Wake
Wilmington Bypass	Multilane facility on new location from US-17 northeast of Wilmington to US-17 southwest of Wilmington	New Hanover
Winston-Salem Northbelt	Multilane facility on new location from I-40 west of Winston-Salem northerly to I-40 in eastern Forsyth County	Forsyth

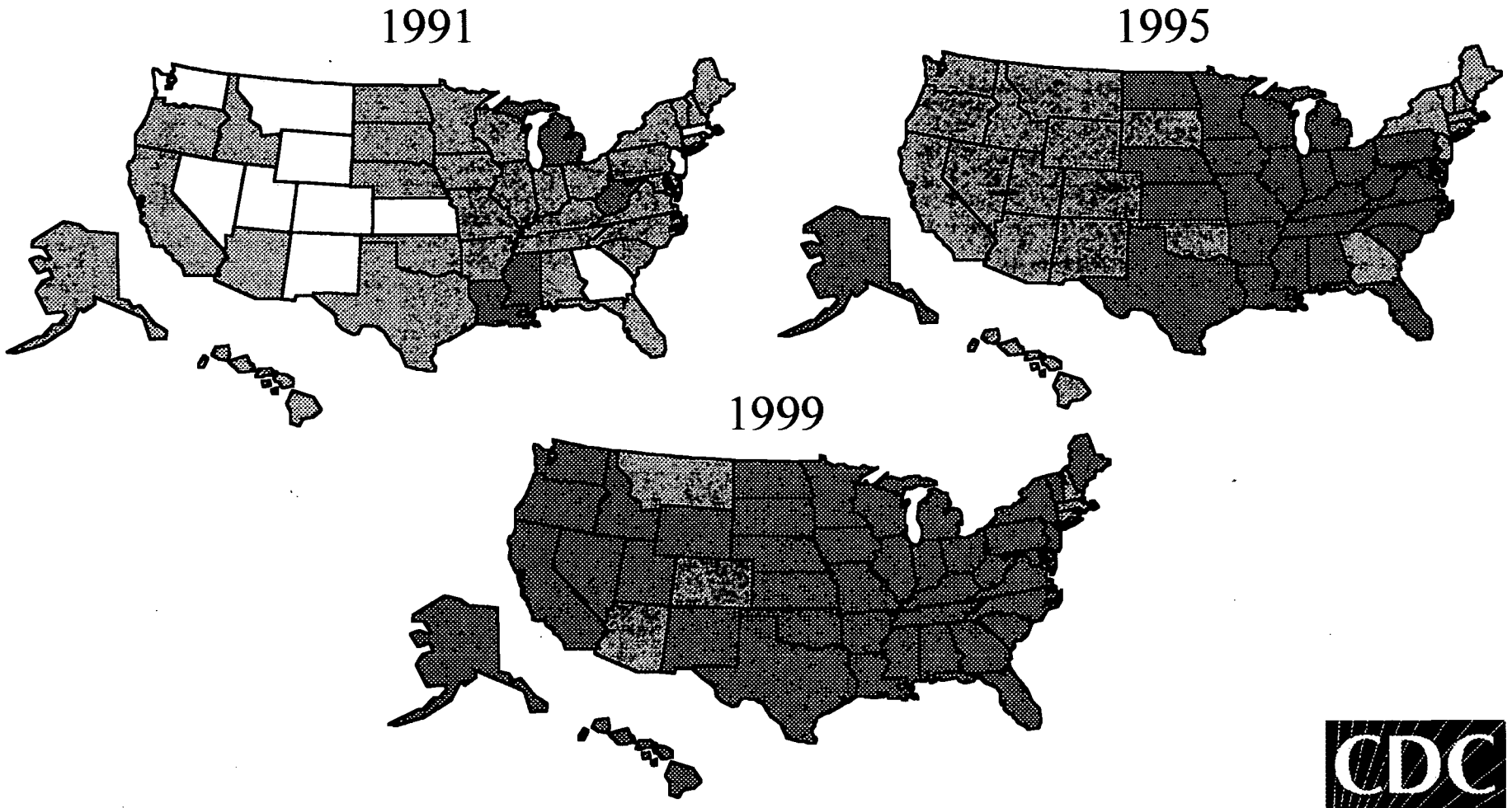
(1989, c. 692, s. 1.1.)

Editor's Note. — For contingent repeal of this Article, see the editor's note under § 136-175.

§ 136-180.1. Proposed Durham Northern loop.

The Department of Transportation shall notify the owners of all property that is within a corridor located in Durham County and is being considered as a possible alignment of the proposed Durham Northern loop of at least one informational workshop, if one is held, and any public hearings on that urban loop. These notifications shall be made by first-class mail and shall be made no less than 30 days prior to the scheduled workshop or public hearing. Prior to a decision on the proposed Durham Northern loop, the Department of Transportation shall consider all alternatives advanced by interested parties including improvements to existing corridors and consider neighborhood growth, economic development patterns and trends, the best protection for the

Prevalence of Obesity among U.S. Adults, BRFSS



CDC
Centers for Disease Control and Prevention

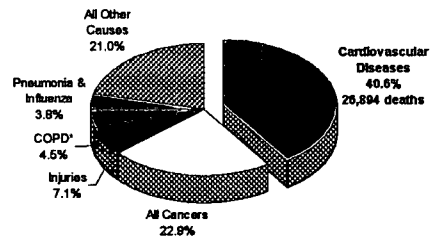
Source: Mokdad A H, et al. J Am Med Assoc 1999;282:16; 2000;284:13.

Attachment #2

Start With Your Heart

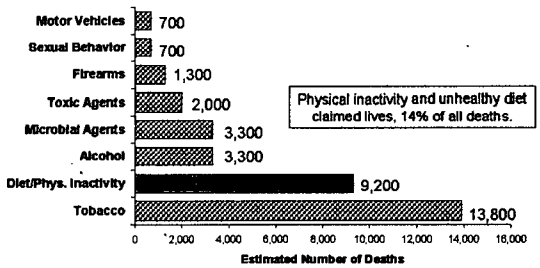
North Carolina Cardiovascular Health Program
Division of Public Health, Department of Health and Human Services
Sara Hawkes
Philip Bors
919-715-5398
www.startwithyourheart.com

Leading Causes of Death North Carolina, 1996



* Chronic obstructive pulmonary disease and allied conditions.
Data Source: CDC Wonder Compressed Mortality File.

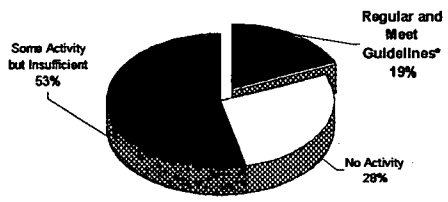
Preventable Causes of Death, North Carolina, 1997



Source: State Center for Health Statistics, NC-DHHS, 1997.

Physical Activity Levels

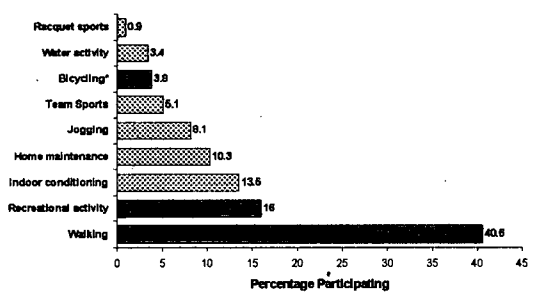
North Carolinians ≥ 18 Years, 1998



* Surgeon General's Guidelines = Leisure-time physical activity 30+ minutes of 5 times a week

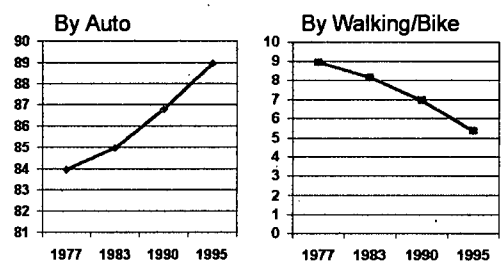
Data Source: NC Behavioral Risk Factor Surveillance System (BRFSS), NC-DHHS.

Common Types of Physical Activity, North Carolinians ≥ 18 Years, 1998



Data Source: NC Behavioral Risk Factor Surveillance System (BRFSS), NC-DHHS.

Percent of Trips



- 1/4 of all trips people make are <1 mile
- 3/4 of these short trips are made by car

Source: Nationwide Personal Transportation Survey. US DOT. 1997

How Land Use and Transportation Systems Impact Public Health:

A Literature Review of the Relationship Between Physical Activity and Built Form[1]

Lawrence D. Frank. PhD and Mr. Peter Engelke
City and Regional Planning Program College of Architecture
Georgia Institute of Technology

Active Community Environments (ACEs) Working Paper #1

Thomas L Schmid, PhD,
Richard E. Killingsworth, MPH,
Project Officers.
Division of Nutrition and Physical Activity
Physical Activity and Health Branch

[1] Note: Financial support for this project was provided, in part by purchase order # 0009866373 awarded to the Georgia Institute of Technology. The contents of this report reflect the views of the authors, who are responsible for the facts and accuracy of the data presented herein. The content does not necessarily reflect the official views or policies of the Centers for Disease Control and Prevention or the Georgia Institute of Technology. This report does not constitute a standard, specification, or regulation. This is a working, pre - publication document . Please do not quote without permission of the lead author (L. Frank, larry.frank@arch.gatech.edu) or the project officer (T. Schmid, tls4@cdc.gov).

Executive Summary

This review discusses how urban form affects public health, specifically through the ways in which the built environment encourages or discourages physical activity levels. The questions raised illuminate fundamental quality of life considerations including residential preferences, time use, space requirements, security, and convenience, which collectively shape the built environment. The relative costs and benefits of the locational and travel choices that are currently available have resulted in a built environment designed to accommodate the car -- at the measurable expense of the ability to move about under human power. Although the institutional and attitudinal changes that need to take place to enable, let alone promote, physical activity in our towns and cities today appear to be daunting, we can take some comfort from Benjamin Franklin, who stated in 1791:

> *"To get the bad customs of a country changed and the new ones, though better introduced, it is necessary first to remove the prejudices of the people, enlighten their ignorance, and convince them that their interests will be promoted by the proposed changes; and this is not the work of a day."*

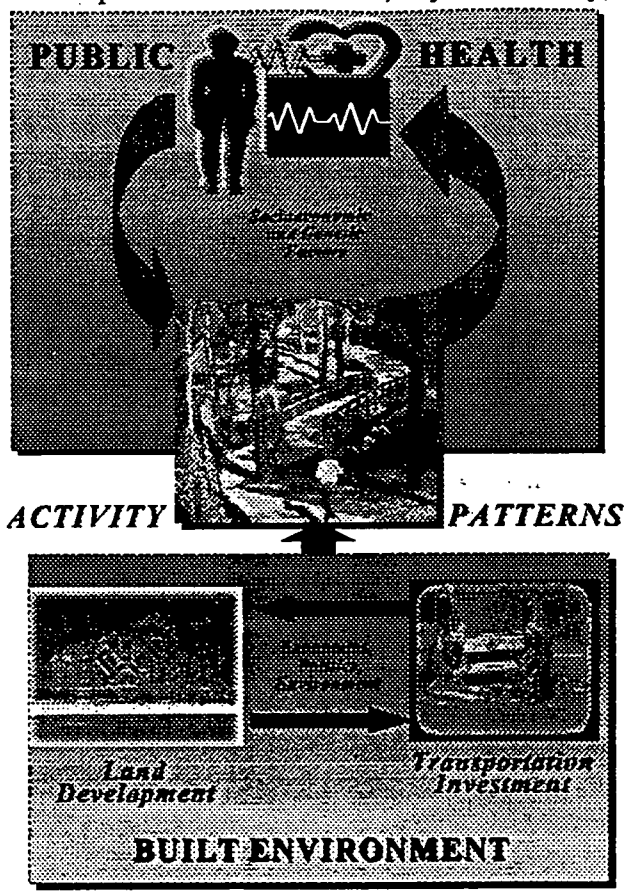
This report is organized around an urban form - public health model, as conveyed in Figure X-1. Land development and transportation investments are interactive processes that collectively have a tremendous influence in shaping the built environment. The location of transportation investments impact where growth occurs, and the mode in which the investment is made (e.g., highway, transit, sidewalks, and bikeways) impacts the form of the growth that follows. Conversely, the location of new development impacts the location of transportation investments, while the character of that development (transit- and pedestrian-friendly versus auto-oriented) determines the viability of alternative transportation scenarios. These two urban form processes, land

development and transportation investments, are hypothesized to influence public health by affecting the relative convenience and viability of pedestrian travel and biking for both recreational and utilitarian (trip) purposes, and thus they influence the levels of physical activity.[2] Figure X-1, therefore, shows that the built environment influences activity patterns, which impact health. However, one's culture, age, income, genetics, and even health influence activity patterns. Consequently, activity patterns serve as a bridge that interfaces the built environment with public health. Our review employs a classification of studies that emphasizes the interfaces between

1. physical activity and health;
2. transportation systems and physical activity; and
3. land development patterns and physical activity.

[2] The authors note that there are other means through which the built environment influences public health. These include the direct impacts of land use decisions including harmful exposure to toxics (Bullard 1990) and the indirect impacts of land use on travel choice and air quality (Frank, Stone, and Bachman 2000).

Figure X-1 Relationships Between Urban Form, Physical Activity, and Public Health



A. Physical Activity and Health

Public health research links physical activity to public health. On balance, the literature shows that regular physical activity

- decreases the risks of cardiovascular disease, colon cancer, and diabetes mellitus;
- maintains muscle strength and joint structure and function;
- is necessary for normal skeletal development during childhood;
- may relieve depression, anxiety, and other mental illnesses;
- along with appropriate dietary patterns, may lower obesity levels.

One review estimated that improper diet and inactivity patterns was the root cause of some 300,000 deaths in the United States in 1990, second only to tobacco (McGinnis and Foege 1993). Another estimated that between 32% and 35% of all deaths in the United States attributable to coronary heart disease, colon cancer, and diabetes could be prevented if all persons were highly active (Powell and Blair 1994). The economic cost to the UNITED STATES economy of coronary heart disease from physical inactivity is estimated to be around $5.7 billion per year (Francis 1997).

Physical inactivity levels in the United States are worrisome. According to annual statistics gathered by the Centers for Disease Control and Prevention and other health organizations, only 30% to 40% of the American population engage in regular, sustained exercise, while another 30% are completely inactive. Physical inactivity is greater for females, minorities, the elderly, the less educated, and those with lower incomes (Mokdad et al. 1999). Physical inactivity starts during childhood. Only about half those aged 12 to 21 years engage in regular, vigorous physical activity, and preschool children spend the majority of their playtime in sedentary activities (U.S. Department of Health and Human Services 1996; Strauss 1999). In a study of physical activity patterns in wealthy countries, the United States was at about the midpoint for moderate physical activity levels and was near the bottom for vigorous physical activity levels (Sallis and Owen 1999).

The public health literature widely accepts the hypothesis that significant health benefits can be achieved through moderate forms of physical activity. Walking on a regular basis, for example, is believed to generate health benefits. Structured, vigorous forms of exercise such as running or aerobics are not the only way to achieve health benefits of physical activity. As a result of this understanding, public health studies have begun to focus on interventions designed to change lifestyles. Many public health professionals believe that lifestyle intervention programs, which aim to increase daily levels of walking and bicycling through changes in the environment in which people live and work, may be more effective in changing long-term activity patterns than interventions centered on

structured activities such as aerobics classes. This belief is based on the assumption that the ability to sustain an active lifestyle may partially hinge on the characteristics of the built environment in which we live, work, and play.

B. Physical Activity in the Built Environment

In wealthy countries, the automobile is the primary mode of transportation. But, the variation in automobile use varies significantly across countries. According to one study (Pucher and Lefevre 1996), automobile use for all trips in urban areas ranged from a low of 36% in Sweden to a high of 84% in the United States. Walking and bicycling levels roughly correlated in an inverse fashion with auto usage: in Sweden, the Netherlands, Switzerland, Denmark, Italy, and Austria, the modal share of trips occupied by walking and bicycling was at or above 40%, while the share occupied by the auto was near or below 40%. Conversely, in high auto-usage countries such as the United States, Great Britain, and Canada, the percentage of walking and bicycling trips was below 20%. The figures generated by this study had the United States ranked last, with walking and biking accounting for only about 10% of all trips.

The Nationwide Personal Transportation Survey (NPTS), conducted by the U.S. Department of Transportation every few years, has consistently reaffirmed this pattern for the United States. The NPTS has shown that private vehicle-based travel dominates urban transportation in the United States. In the 1995 survey, travel by motorized vehicle accounted for 86% of all person trips and 91% of all person miles. Walking accounted for only 5% of trips and less than 1% of miles. Furthermore, NPTS data show that the private vehicle has been increasing its share of personal transportation over time.

As currently reported, data suggest that walking and bicycling trips are mostly for recreational travel. According to the 1995 NPTS, only 7% of all walking trips and 8% of all bicycling trips were to work. Part of the reason for this is distance. Most walking and bicycling trips are short, with walking trips generally limited to about a kilometer and bicycling trips generally limited to a few kilometers.

Children, the poor, the disabled, and the elderly are especially vulnerable in auto-dominated transportation systems. For a variety of reasons, members of these groups often cannot drive and must rely upon others to drive them to destinations, or they must use nonmotorized or public means of transportation. There are two consequences. First, overall mobility is restricted. Transportation systems in the United States. generally do not facilitate pedestrian and bicycle travel, while accompanying low-density, single-use land development patterns increase distances between trip origins and destinations. Second, safety becomes a major problem. Different studies suggest that safety issues result in not only more injuries and deaths for members of these groups but also a reduction in nonmotorized travel. Parents, for example, may be increasingly worried about traffic safety for their children, resulting in their refusal to let their children walk or bike to destinations.

There are two sets of variables believed to negatively influence the decision to walk or bike: personal barriers and environmental barriers. Personal barriers are subjective considerations that operate on an individual level, whereas environmental barriers are objective considerations that hinder the individual's ability to act (Table X-1). In surveys of why people do not walk or bike more frequently, both sets of barriers show up in the results. The public health literature has begun to focus on the creation of walking- and bicycling-supportive environments as a way of reducing or eliminating environmental barriers to physical activity.

Table X-1: Examples of Personal and Environmental Barriers to Physical Activity in the Built Environment

Personal Barriers	*Environmental Barriers*
• Lack of motivation • Perceived lack of time	• Lack of exercise facilities • Lack of sidewalks, bike lanes on roads, nearby public parks, or hiking/biking trails.

• Weather • Family obligations • Fatigue	• Topography • Perceived low levels of safety of one's neighborhood

C. Urban Form and Nonmotorized Travel

The urban planning literature focuses on two sets of variables believed to be relevant to travel behavior: transportation system characteristics and land development variables.

Transportation systems influence travel behavior in at least three ways. First, street networks influence mode choice and trip frequency through the ways in which trip origins and destinations are connected. Traditional street networks such as the grid pattern reduce trip distances and increase route choices, factors believed to increase walking and biking. Most contemporary suburban development, in contrast, minimizes the degree of connectivity between trip origins and destinations through the heavy use of T intersections, cul-de-sacs, and reduced access to subdivisions. Second, streets can be designed to facilitate either automobile travel or nonmotorized travel. Streets that are wide, smooth, and straight encourage automobile travel at fast speeds and discourage travel by foot or bicycle. Conversely, streets that are narrow and irregular discourage automobile travel at high speeds. Additionally, streets that incorporate pedestrian and bicycle facilities (bike lanes, sidewalks, crosswalks, etc.) and that are calmed (i.e., streets that contain traffic-slowing obstacles and devices) are believed to facilitate more walking and bicycling. In the United States, street design has been dominated by the desire to facilitate the smooth flow of automobile traffic, resulting in design standards for streets that encourage driving and discourage walking and biking. Third, transportation systems can increase walking and biking through separate, dedicated bicycle and pedestrian facilities such as bike paths and walking trails. While these systems are increasingly popular, it is generally not feasible to create dense networks of them in existing urban areas.

Land development patterns influence travel behavior in at least four ways:

- Low density can increase distances between origins and destinations. Its relationship to travel is intuitive – higher density levels reduce trip distances, theoretically increasing the incentive to walk and bike – and its measurement is simple. For these reasons, density is perhaps the most-studied land development variable. Much of the research on density and travel has centered on motorized travel modes.
- The relative mix of land uses in a given area also affects the distances between trip origins and destinations. The separation of uses into residential, commercial, and industrial zones increases travel distances, with similar dampening effects on nonmotorized travel behavior. While its relationship to travel is easily conceptualized, land use mix is not as easy to measure as density. Still, a body of scholarly literature on the effects of land use mix on travel has emerged .
- Motorized travel is encouraged if trip destinations are widely dispersed at the regional level. For example, if jobs are located far from housing, commuting by bicycle or on foot will be nearly impossible. While recognitioin is widespread that regional development patterns such as the mixture of jobs and housing are important, this particular measure has difficulties. Among other problems is the limited availability of data accurately portraying the number and types of jobs and households in subregional locations.
- Site design impacts travel patterns in much the same way as street design. Building design, orientation, and setback, along with other aesthetic considerations, will create environments that are either attractive or unattractive for nonmotorized travel. Not been many empirical studies have attempted to isolate the effects of site design on travel behavior.

D. Impediments to Capturing the "Land Use Effect"

Scholars have had a difficult time isolating the effects of urban form variables on nonmotorized travel. There are three major reasons for this:

- Though motorized travel has been the subject of a much research, nonmotorized travel has not. This disparity reflects a research and cultural bias that conceptualizes travel as an automobile-dependent phenomenon. Much of the work in transportation focuses on congestion and emissions reductions. The resulting data collection regime has therefore generated much information on automobile transportation and relatively little on nonmotorized modes.
- Travel is a complex phenomenon, with many variables influencing how often, and by what means, people travel. A host of demographic and socioeconomic variables influence travel patterns, including nonmotorized travel. Urban form variables are just one set of variables believed to be influential in this regard.
- Urban form variables themselves are difficult to disentangle. Those believed to influence the propensity to walk and bike, such as high density levels and grid street patterns, are often located in the same areas, making it difficult to determine which urban form factor is the more important.

As a result of these difficulties, there is no universally accepted methodology in the scholarly literature for disentangling the influences of individual urban form variables on travel behavior: some studies utilize quasi-experimental designs, others regression analysis, and still others generate conclusions by means of temporal data from case studies. Much of the information is based on ecological comparisons and thus vulnerable to misinterpretation. This lack of methodological uniformity stems from disagreement over how best to conceptualize and model the effects of urban form on travel behavior and from data limitation.

Despite these problems, on balance the literature supports the hypothesis that urban form variables influence levels of walking and bicycling. Higher densities, a greater mixture of

land uses, a balance between housing and jobs, pedestrian- and bicycle-friendly site and street design, grid street networks, and the presence of separated facilities for bicycles and pedestrians have all been shown to increase walking and biking. The findings are not uniform, however. Individual studies often extract data from a relatively few neighborhoods in one or a few metropolitan areas, making analyses across studies difficult. Demographic, economic, and socioeconomic influences are alternatively found to be more important or less important than urban form variables; this inconsistency results in continuing debate over whether urban form is primary or secondary in importance. Different studies yield competing results with respect to which urban form variables are the most important in determining nonmotorized transportation. Most often, due to the complexity inherent in studying urban travel patterns and the generally poor availability of good data on all relevant variables, studies incorporate only a fraction of all the major urban and nonurban form variables believed to impact nonmotorized travel.

Amid all of these complexities, this review concludes that some very precise strategies could be articulated in the form of *interventions* within the public health arena. These *interventions* would be targeted at retrofitting existing communities and shaping emerging communities in a manner that enables, and even promotes, physical activity.

Attachment #3

URBAN LOOP FIASCO
April 2001

The Highway Trust Fund was originally estimated to take 13.5 years and $8.2 billion to complete. The State Audit of the HTF in December 1998 concluded that:

> *"Initial cost estimates for Trust Fund projects were significantly understated, with Department cost estimates increasing 53% since 1989."*
>
> And
>
> *"Assuming the magnitude of Trust Fund projects remains as currently identified, continuation of construction at the current rate will put the completion date in fiscal year 2018-19, making it a 29 to 30 year project."*
>
> And
>
> *"based on our projections, the Department will still need an additional $1.1 billion to fully pay for all Trust Fund projects."*
>
> (Pages 20 & 25, State of North Carolina Performance Audit, Department of Transportation, North Carolina Highway Trust Fund, December 1998)

As a result of this study, we have determined that:

- The cost increase of the Seven Urban Loops in the Highway Trust Fund from the 1989 TIP to the 2001 TIP is 98%. The cost increase with the Added Sections in Raleigh and Winston-Salem is 128%.

- Eleven years into the Highway Trust Fund, 18% of the Loops have been completed according to the DOT's Project Breakdown Maps. With the Added Sections included, only 15% have been completed.

- Eleven years into the HTF only 39% of the Charlotte Loop and 13% of the Raleigh Loop have been completed. The Asheville, Durham, and Winston-Salem Loops have not been let.

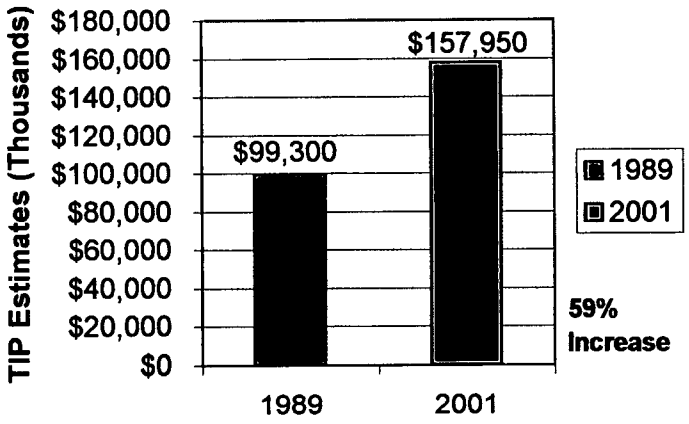
- It is time to seriously evaluate the Urban Loop fiasco and correct the irresponsible Legislation of 1989.

Study by Sally Jones with thanks to Carolyn Baucom

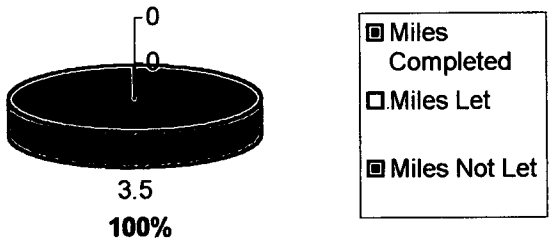
URBAN LOOPS COSTS & PROGRESS

April 2001

ASHEVILLE LOOP COST

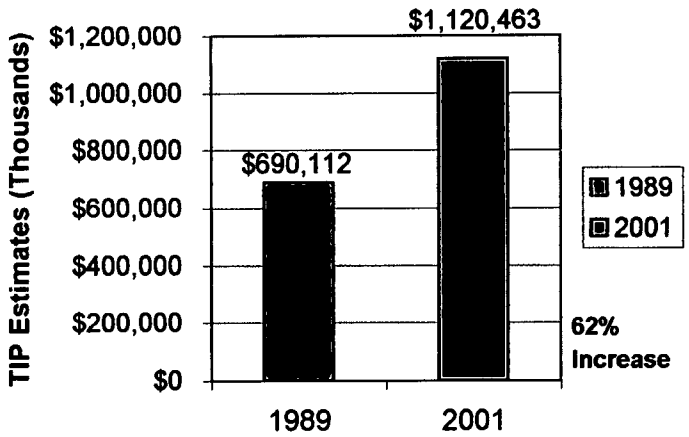


ASHEVILLE LOOP PROGRESS 1989-2001

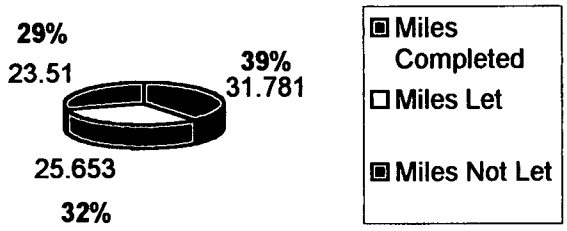


Per Project Breakdown Map

CHARLOTTE LOOP COST

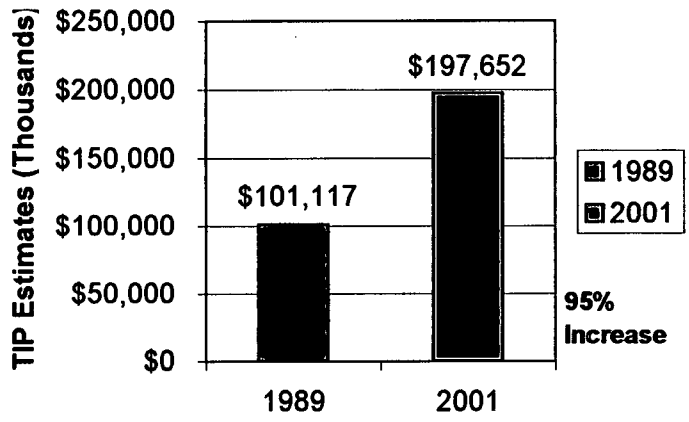


CHARLOTTE LOOP PROGRESS 1989-2001

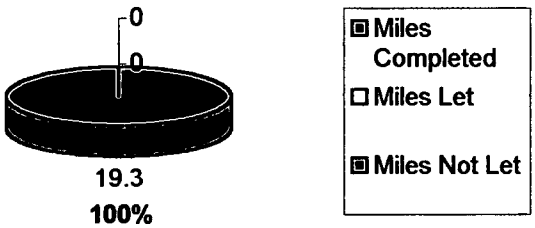


Per Project Breakdown Map

DURHAM LOOP COST



DURHAM LOOP PROGRESS 1989-2001

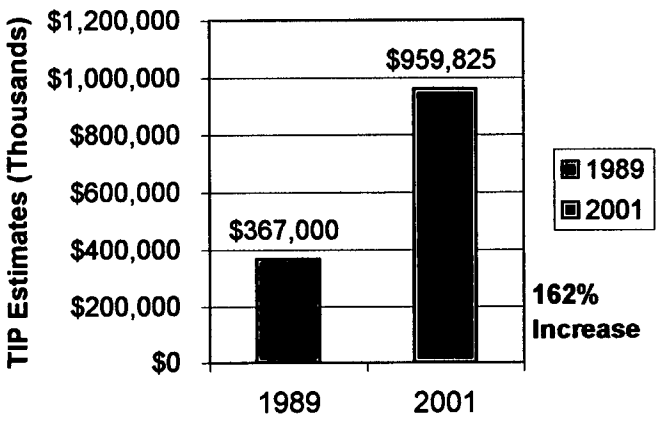


Per Project Breakdown Map

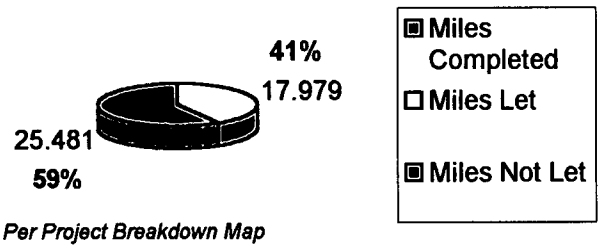
URBAN LOOPS COSTS & PROGRESS

April 2001

GREENSBORO LOOP COST

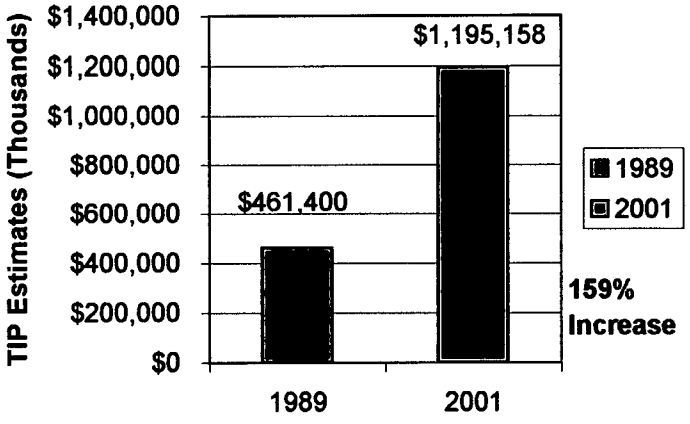


GREENSBORO LOOP PROGRESS 1989-2001

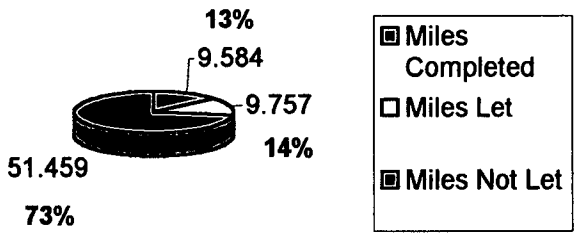


Per Project Breakdown Map

RALEIGH LOOP COST

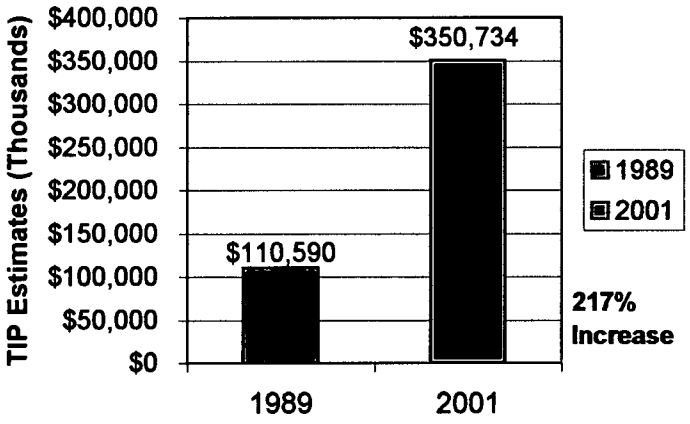


RALEIGH LOOP PROGRESS 1989-2001

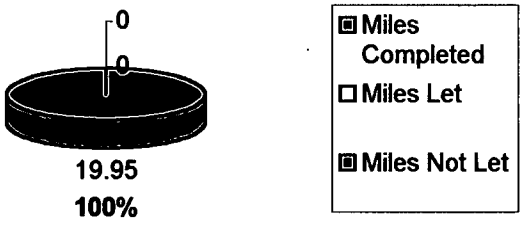


Per Project Breakdown Map

WILMINGTON LOOP COST



WILMINGTON LOOP PROGRESS 1989-2001

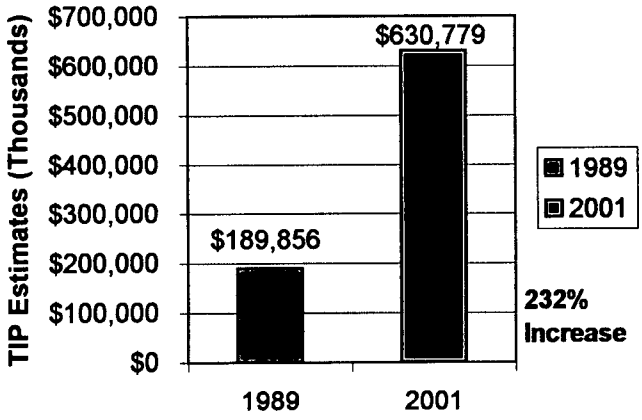


Per Project Breakdown Map

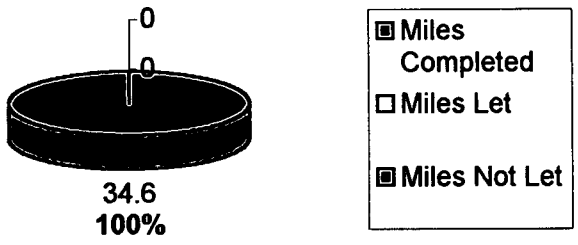
URBAN LOOPS COSTS & PROGRESS

April 2001

Winston-Salem Loop

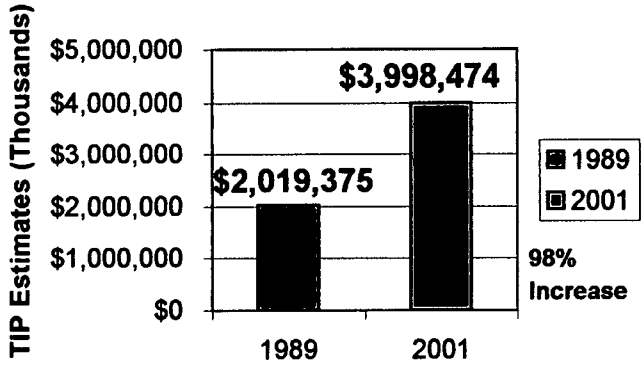


WINSTON-SALEM LOOP PROGRESS 1989-2001

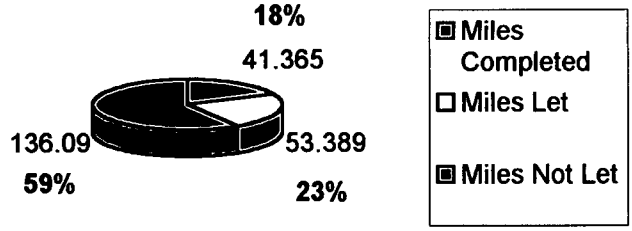


Per Project Breakdown Map

HIGHWAY TRUST FUND 7 URBAN LOOPS TOTAL COSTS

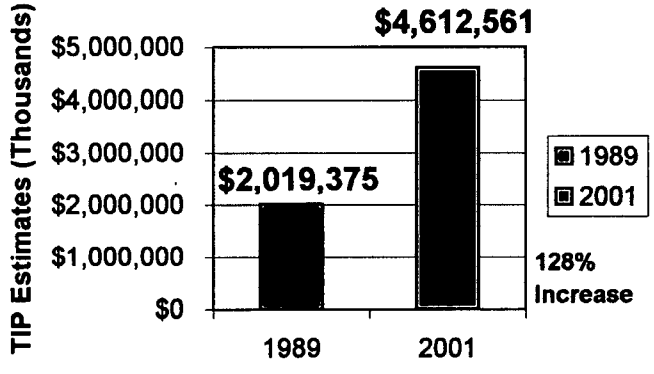


HIGHWAY TRUST FUND 7 URBAN LOOPS PROGRESS 1989-2001

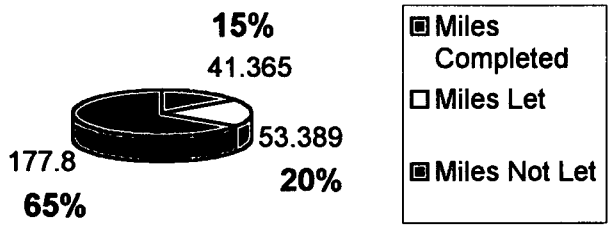


Per Project Breakdown Maps

HTF LOOPS with ADDED SECTIONS TOTAL COSTS



HTF LOOPS with ADDED SECTIONS PROGRESS 1989-2001

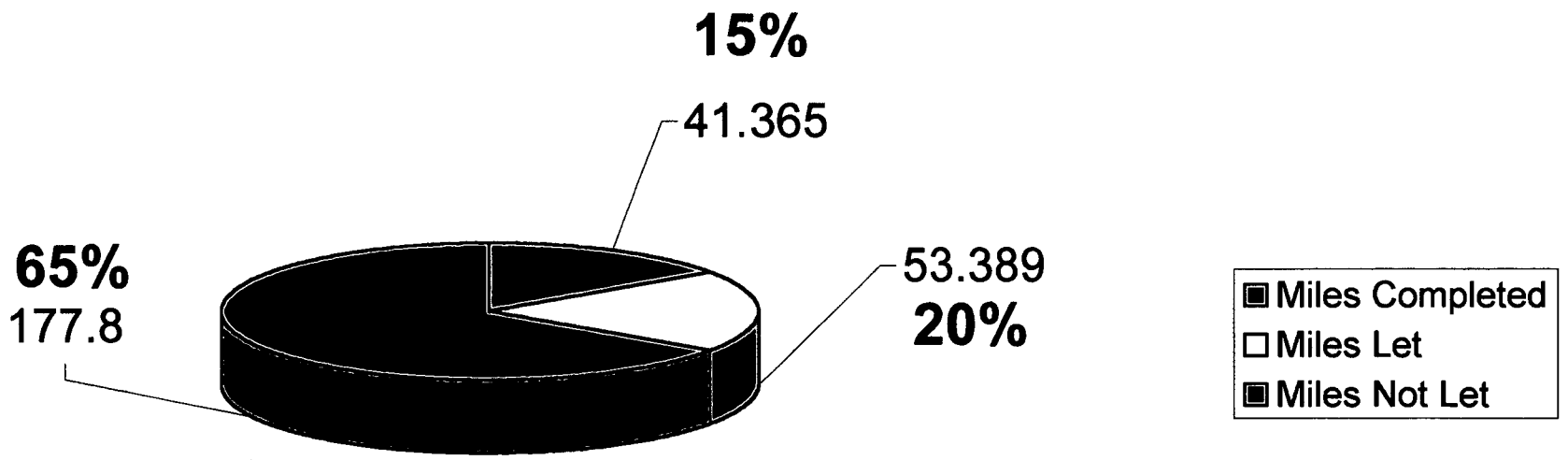


Per Project Breakdown Maps

HTF LOOPS with ADDED SECTIONS

PROGRESS 1989-2001

per Project Breakdown Maps



Eleven years into the Highway Trust Fund - 15% of Loops Complete

HIGHWAY TRUST FUND
URBAN LOOP PROJECTS PER TIP
(In Thousands)

Route	1989 TIP Miles	1989 TIP Original Estimate	1989 TIP Cost per Mile	2001 TIP Miles	2001 TIP 2002-2008 TIP COST	2001 TIP Cost per Mile	Increase 89-01	Percent Increase 89-01
ASHEVILLE	3.2	$99,300	$31,031	3.5	$157,950	$45,129	$58,650	59%
I-2513								
CHARLOTTE	68.1	$690,112	$10,134	63.4	$1,120,463	$17,673	$430,351	62%
R-211				16.6	$267,278			
R2123				18.8	$263,268			
R-2248				28	$589,917			
DURHAM	16.4	$101,117	$6,166	16.1	$197,652	$12,277	$96,535	95%
R-2630				9.7	$116,852			
R-2631				6.4	$80,800			
GREENSBORO	41.6	$367,000	$8,822	44.8	$959,825	$21,425	$592,825	162%
I-2402				14.7	$299,080			
U-2524				15	$446,408			
U-2525				15.1	$214,337			
RALEIGH	38	$461,400	$12,142	39.1	$714,723	$18,279	$253,323	55%
R-2000				29	$595,343			
R-2635				10.1	$119,380			
Added Sections				31.7	$480,435			
R-2635A*				2.3	$25,400			
R-2641*				2.1	$54,250			
R-2721*				7.8	$152,915			
R-2828*				8.7	$96,670			
R-2829*				10.8	$151,200			
Total Raleigh Loop				70.8	$1,195,158	$16,881	$733,758	159%
WILMINGTON	20.2	$110,590	$5,475	20.2	$350,734	$17,363	$240,144	217%
R-2633								
WINSTON-SALEM	24.5	$189,856	$7,749	24.3	$497,127	$20,458	$307,271	162%
R-2247				14.8	$271,529			
U-2579				9.5	$225,598			
Added Sections				6.6	$133,652			
R-2247A*				1.9	$19,702			
U-2579A*				4.7	$113,950			
Total Winston Loop				30.9	$630,779	$20,414	$440,923	232%
HTF TOTALS	**212**	**$2,019,375**	**$9,525**	**211.40**	**$3,998,474**	**$18,914**	**$1,979,099**	**98%**
Totals with added sections				**249.70**	**$4,612,561**	**$18,472**	**$2,593,186**	**128%**

* Denotes projects that are not part of Highway Trust Fund, but are part of the Loop projects.

URBAN LOOPS MILEAGE
2001 TIP VS PROJECT BREAKDOWN MAPS

	2001 TIP	Project Breakdown Maps
ASHEVILLE	3.5	3.5
CHARLOTTE	63.4	80.944
DURHAM	16.1	19.3
GREENSBORO	44.8	43.46
RALEIGH	70.8	70.8
WILMINGTON	20.2	19.95
WINSTON-SALEM	30.9	34.6
TOTAL	**249.7**	**272.554**

URBAN LOOPS PROGRESS WITH PROJECTED TOTALS PER PROJECT BREAKDOWN MAPS

April 2001 (Thousands)

Route	Miles	2001 2002-2008 TIP COST	Cost per Mile	Miles Complete	% Total	Miles Let	Estimated Completion Date	% Total	Miles Not Let	Year Proposed Letting	% Total	PBM Total Miles
	Entire Loop											
ASHEVILLE	3.5	$157,950	$45,129	0		0			3.5		100%	3.5
I-2513												
I-2513 A									2	04		
I-2513 B									1.5	05		
Map 1/22/01				0		0			3.5			3.5
	Entire Loop											
CHARLOTTE	63.4	$1,120,463	$17,673	31.781	39%	25.653		32%	23.51		29%	80.944
R-211	16.6	$267,278	$16,101									
R-211 CA				1.49								
R-211 CB												
R-211 CC				2.61								
R-211 CD				0.4								
R-211 CE				0.32								
R-211 DA				2.386								
R-211 DB				1.743								
R-211 DC				3.09								
R-211 DD				0.91								
R-211 DF				0.91								
R-211 HA				2.165								
R-211 HB				0.705								
R-211 EA				4.4								
R-211 EB				1.56								
R-211 EC									1.06	06		
R-211 I				1.79								
Map 11/29/2000				24.479		0			1.06			25.539
R2123	18.8	$263,268	$14,004									
R2123 CB				1.742								
R2123 CA				0.76								
R2123 CD				1.2								
R2123 CC						3.1	03					
R2123 BB						2.9	03					
R2123 BA						2.3	03					
R2123 AC						3.3	03					
R2123 AB						2	01					
R2123 AA						2.9	00					
R2123 AD						1.148	03					
R2123 CE									0.65	04-07		
R2123 AE										PY		
Map 2/06/01				3.702		17.648			0.65			22
R-2248	28	$589,917	$21,068									
R-2248 AA				1.5								
R-2248 AB				2.1								
R-2248 AC & AD						6.7	03					
R-2248 BA						1.305	03					
R-2248 BB									2.3	02		
R-2248 C									4.5	02		
R-2248 D									6	03		
R-2248 E									5.4	04		
R-2248 F									3.6	07		
Map 10/30/00				3.6		8.005			21.8			33.405

URBAN LOOPS PROGRESS WITH PROJECTED TOTALS PER PROJECT BREAKDOWN MAPS

April 2001 (Thousands)

Route	Miles	2001 2002-2008 TIP COST	Cost per Mile	Miles Complete	% Total	Miles Let	Estimated Completion Date	% Total	Miles Not Let	Year Proposed Letting	% Total	PBM Total Miles
	Entire Loop											
DURHAM	**16.1**	**$197,652**	**$12,277**	**0**		**0**			**19.3**		**100%**	**19.3**
R-2630	**9.7**	**$116,852**	**$12,047**									
R-2630 A									5.1	PY		
R-2630 B									4.7	PY		
Map 1/19/00				0		0			**9.8**			**9.8**
R-2631	6.4	$80,800	$12,625									
R-2631 A									4.8	07		
R-2631 B									4.7	PY		
Map 1/22/01				0		0			**9.5**			**9.5**
	Entire Loop											
GREENSBORO	**44.8**	**$959,825**	**$21,425**	**0**		**17.979**		**41%**	**25.481**		**59%**	**43.46**
I-2402	**14.7**	**$299,080**	**$20,346**									
I-2402 A						4.4	03					
I-2402 B						4.8	03					
I-2402 C						4.085	03					
I-2402 D						1.695	01					
Map 3/14/00				**0**		**14.98**			**0**			**14.98**
U-2524	**15**	**$446,408**	**$29,761**									
U-2524 AA						1.19	00					
U-2524 BA									2.938	02		
U-2524 BB									1.867	02		
U-2524 AE									0.63	03		
U-2524 AB									2.757	03-07		
U-2524 AC									2.469	03-05		
U-2524 C									3.7	07		
U-2524 D									1	07		
Map 11/30/00				**0**		**1.19**			**15.361**			**16.551**
U-2525	**15.1**	**$214,337**	**$14,195**									
U-2525 A						1.809	01					
U-2525 B									4.12	PY		
U-2525 C									6	PY		
Map 12/8/99				0		**1.809**			**10.12**			**11.929**

URBAN LOOPS PROGRESS WITH PROJECTED TOTALS PER PROJECT BREAKDOWN MAPS

April 2001 (Thousands)

Route	Miles	2001 2002-2008 TIP COST	Cost per Mile	Miles Complete	% Total	Miles Let	Estimated Completion Date	% Total	Miles Not Let	Year Proposed Letting	% Total	PBM Total Miles
	Entire Loop											
RALEIGH	**70.8**	**$1,195,158**	**$16,881**	**9.584**	**13%**	**9.757**		**14%**	**51.459**		**73%**	**70.8**
	R-2000 is only part of Raleigh Loop with Project Breakdown Map											
R-2000	**29**	**$595,343**	**$20,529**	**9.584**	**27%**	**9.757**		**28%**	**15.547**		**45%**	**34.888**
R-2000 BA				0.805								
R-2000 BB				1.894								
R-2000 BC				1.903								
R-2000 BD				0.947								
R-2000 BE				0.956								
R-2000 CA				3.079								
R-2000 CB						2.888	01					
R-2000 D						2.976	01					
R-2000 EA						2.143	02					
R-2000 EB						1.75	02					
R-2000 F									4.356	02		
R-2000 G									5.39	02		
R-2000 AA									2.101	03		
R-2000 AB									2.6	03		
R-2000 AC									1.1	03		
Map 1/22/01				9.584		9.757			15.547			
R-2635	**10.1**	**$119,380**	**$11,820**	*No Project Breakdown Map*								
RALEIGH LOOP	*Added Sections*											
R-2635A*	**2.3**	**$25,400**	**$11,043**	*No Project Breakdown Map*								
R-2641*	**2.1**	**$54,250**	**$25,833**	*No Project Breakdown Map*								
R-2721*	**7.8**	**$152,915**	**$19,604**	*No Project Breakdown Map*								
R-2828*	**8.7**	**$96,670**	**$11,111**	*No Project Breakdown Map*								
R-2829*	**10.8**	**$151,200**	**$14,000**	*No Project Breakdown Map*								

Represents only part of Loop with Project Breakdown Map

URBAN LOOPS PROGRESS WITH PROJECTED TOTALS PER PROJECT BREAKDOWN MAPS

April 2001 (Thousands)

Route	Miles	2001 2002-2008 TIP COST	Cost per Mile	Miles Complete	% Total	Miles Let	Estimated Completion Date	% Total	Miles Not Let	Year Proposed Letting	% Total	PBM Total Miles
		Entire Loop										
WILMINGTON	**20.2**	**$350,734**	**$17,363**	**0**		**0**			**19.95**		**100%**	**19.95**
R-2633												
R-2633 CA									3.6	01		
R-2633 CB									2.6	01		
R-2633 CC									0.85	01		
R-2633 A									5.3	PY		
R-2633 B									7.6	PY		
Map 2/23/01				0		0			**19.95**			**19.95**
		Entire Loop										
WINSTON-SALEM	**30.9**	**$630,779**	**$20,414**	**0**		**0**			**34.6**		**100%**	**34.6**
R-2247	**14.8**	**$271,529**	**$18,347**									
R-2247 CA									1.1	02		
R-2247 CB									3.3	02		
R-2247 D									4.6	03		
R-2247 BB									0.8	04		
R-2247 EB									2.3	05		
R-2247 EA									3	06		
R-2247 BA									1	06		
Map 11/30/00				0		0			**16.1**			**16.1**
R-2247A*	**1.9**	**$19,702**	**$10,369**	0		0			**1.6**	PY		**1.6**
U-2579	**9.5**	**$225,598**	**$23,747**									
U-2579 D									3.2	PY		
U-2579 C									1.4	PY		
U-2579 B									3.4	PY		
U-2579 E									2.2	PY		
U-2579 F									2.5	PY		
Map 12/1/00				0		0			**12.7**			**12.7**
U-2579A*	**4.7**	**$113,950**	**$24,245**	0		0			**4.2**	PY		**4.2**
HTF TOTALS	**211.40**	**$3,998,474**	**$18,914**	**41.365**	**18%**	**53.389**		**23%**	**136.09**		**59%**	**230.842**
ADDED SECTIONS TOTALS	**249.70**	**$4,612,561**	**$18,472**	**41.365**	**15%**	**53.389**		**20%**	**177.8**		**65%**	**272.554**

* Denotes projects that are not part of Highway Trust Fund, but are part of the Loop projects.

Attachment #1

VISITOR REGISTRATION SHEET

HOUSE COMMITTEE ON TRANSPORTATION — MAY 2, 2001

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Paul Williams	NCHBA
Craig Hlad	NCDENR
Dale McKee	Scenic . NC
Mark Benson	Capitol Group
Philip Boos	NC DHHS
Nilo Pyron	DURHAM PEOPLE'S ALLIANCE
Leslie Brewer	Friends of Transit & NCATR
Sally Jones	" " " " Wmstn-Salem
LARRY HOLT	DURHAM COMMITTEE ON AFFAIRS of BLACK People
RICK BECKER	MAYOR, TOWN OF MINERAL SPRINGS
John Phelps	NCLM

VISITOR REGISTRATION SHEET

HOUSE COMMITTEE ON TRANSPORTATION — MAY 2, 2001

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Suzanne Dulley	2009 Kuniway Drive Matthews, NC 28105
Barbara Perryman	Senator Odom 300 LOB
Nat Mund	CCNC
Jane Pinsky	AAA Carolinas
Ann Sink	2724 Old Sugar Rd Durham
Joe D. Caywood	Gaston County Comm.
Carol Cline	Union Co Chamber
Frank Caywood	" " "
ALEX RANKIN	CABARRUS REGIONAL CHAMBER
TOM Dayvault	" " "
WAYNE SHOVELIN	GASTON Memorial Hospital

VISITOR REGISTRATION SHEET

HOUSE COMMITTEE ON TRANSPORTATION — MAY 2, 2001

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
JOHN BRIDGEMAN	GASTON CHAMBER OF COMMERCE
Tim Minton	NC Home Builders Assn
Stephanie Mann	NC Assoc. of REALTORS

AGENDA

HOUSE COMMITTEE ON TRANSPORTATION

May 9, 2001

OPENING REMARKS

Representative Drew Saunders, Chair

BILLS TO BE DISCUSSED

HB 644 Toll Road and Bridge Authority Created

Representative Jim Crawford, Sponsor

ADJOURNMENT

MINUTES

HOUSE COMMITTEE ON TRANSPORTATION

May 9, 2001

The House Committee on Transportation met on May 9, 2001, at 11:00 A.M. in Room 643 of the Legislative Office Building. Members present were: Representative Drew Saunders, Chair, Representative Jeff Barnhart, Vice Chair, and Representatives Allen, Buchanan, Cole, Crawford, Culp, Dedmon, Gillespie, Hill, Holliman, Lucas, Luebke, McComas, McLawhorn, Nye, Sherrill, Shubert, Sutton, Teague, Walker, Warwick, and C. Wilson. Staff Counsel Members Giles Perry and Wendy Graf were also in attendance. A Visitor Registration Sheet is attached and made a part of the minutes (Attachment #1.)

Representative Saunders, Chair, called the meeting to order and introduced Pages: Clay Parker of Lincoln County, sponsored by Representative Barnhart, and Larry Holloway of Wake County, sponsored by Representative Eddins. He also recognized Sergeant At Arms Staff members, Dusty Rhodes and James Worth.

The only bill to be discussed was **HB 644 AN ACT TO AUTHORIZE PUBLIC TOLL ROADS AND BRIDGES IN NORTH CAROLINA AND THE CREATION OF A TURNPIKE AUTHORITY.** Giles Perry was recognized to explain a proposed committee substitute bill, and Representative Buchanan moved to discuss it. A vote was taken, and the motion was approved. After the explanation by Mr. Perry, Representative Crawford, bill sponsor was recognized to comment on the bill. Representative Crawford stated that Representative Cole wished to amend the bill, and that he concurred with the amendment. Representative Cole was recognized, and he explained the amendment (Attachment #2.) He moved to adopt the amendment, and it was approved by vote. Representative Cole moved to roll the amendment into the proposed committee substitute bill and give it a favorable report, but no vote was taken on the motion. A question and answer period followed. Ms. Ruth Sappie with Department of Transportation assisted in answering questions. Ms. Jane Pinsky with AAA Carolinas spoke in opposition to the bill (Attachment #3.) Representative Sutton moved to send the bill to a subcommittee with a recommendation that it be studied quickly and returned to the full committee. Representative Crawford and Chairman Saunders agreed with the motion, and it was approved by vote.

There being no further business, the meeting was adjourned at 11:49 A.M.

Representative Drew Saunders, Presiding Chair

Ruth Fish, Committee Assistant

Attachments

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

HOUSE BILL 644

Short Title:	Toll Road and Bridge Authority Created.	(Public)
Sponsors:	Representatives Crawford; Bowie and Cole.	
Referred to:	Transportation.	

March 15, 2001

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE PUBLIC TOLL ROADS AND BRIDGES IN NORTH CAROLINA AND THE CREATION OF A TURNPIKE AUTHORITY.

The General Assembly of North Carolina enacts:

SECTION 1. Article 6F of Chapter 136 of the General Statutes is repealed.

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

"Article 6H.

"Public Toll Roads and Bridges.

"**§ 136-89.180. Legislative findings.**

The General Assembly finds that the existing State road system is becoming increasingly congested and overburdened with traffic in many areas of the State; that the sharp surge of vehicle miles traveled is overwhelming the State's ability to build and pay for adequate road improvements; and that an adequate answer to this challenge will require the State to be innovative and utilize several new approaches to transportation improvements in North Carolina.

Toll funding of highway construction is feasible in North Carolina and can contribute to addressing the critical transportation needs of the State. A toll program can speed the implementation of needed transportation improvements by funding some projects with tolls.

"**§ 136-89.181. Definitions.**

The following definitions apply to this Article:

(1) "Turnpike authority" means the public agency created by this Article.

(2) "Turnpike authority board" means the governing board of the Turnpike Authority.

(3) "Turnpike project" means any part of the State highway system, including primary and secondary roads, bridges, tunnels, feeder roads and approaches, and converted free highways and other facilities.

(4) "Turnpike system" means collectively all Turnpike Projects developed under this Article.

"**§ 136-89.182. North Carolina Turnpike Authority.**

(a) Creation. -- There is created a body politic and corporate to be known as the "North Carolina Turnpike Authority." The Authority is constituted as a public agency, and the exercise by the Authority of the powers conferred by this Article in the construction, operation, and maintenance of toll roads and bridges shall be deemed and held to be the performance of an essential governmental function.

(b) Administrative Placement. -- The Authority shall be located within the Department of Transportation for administrative purposes but shall exercise all of its powers independently of the Department of Transportation except as otherwise specified in this Article.

(c) Board of Directors. -- The North Carolina Turnpike Authority shall be governed by a seven-member Board of Directors consisting of the Secretary of Transportation, who shall serve as chairman of the Authority Board, and six members who shall be appointed by the Governor, at least three of whom shall reside in metropolitan areas.

(d) Board of Transportation Members. -- Not more than two members of the North Carolina Board of Transportation, in addition to the Secretary of Transportation, may serve as members of the Authority Board.

(e) Staggered Terms. -- The initial appointments by the Governor to the Authority Board shall consist of two members appointed to terms ending January 14, 2003, two members appointed to terms ending January 14, 2005, and two members appointed to terms ending January 14, 2007.

Thereafter, at the expiration of each stipulated term of office, all appointments shall be to a term of six years from the date of the expiration of the term.

(f) Vacancies. -- All members of the Authority Board shall remain in office until their successors are appointed and qualify. The Governor may appoint a member to serve out the unexpired term of any Board member.

(g) Removal of Board Members. -- Each appointed member of the Authority Board, notwithstanding subsection (e) of this section, shall serve at the pleasure of the Governor.

(h) Conflicts of Interest, Ethics, etc. -- Members of the Authority Board shall be subject to provisions of G.S. 136-13, 136-13.1, and 136-14.

(i) Compensation. -- The appointed members of the Authority Board shall receive no salary for their services but shall be entitled to receive per diem and travel allowances in accordance with the provisions of G.S. 138-5 and G.S. 138-6 as appropriate.

(j) Bylaws. -- The Authority Board shall adopt bylaws with respect to the calling of meetings, quorums, voting procedures, the keeping of records, and other organizational, staffing, and administrative matters as the Authority Board may determine.

(k) Executive Director and Other Employees. -- The Authority Board shall appoint an Executive Director, whose salary shall be fixed by the Authority, to serve at its pleasure.

The Executive Director shall be the Authority's chief administrative officer and shall be responsible for the daily administration of the toll roads and bridges constructed, maintained, or operated pursuant to this Article.

The Executive Director or his designee shall appoint, employ, dismiss, and within the limits approved by the Authority Board, fix the compensation of such other employees as he deems necessary to carry out this Article.

(l) Office. -- The offices of the Authority may be housed in one or more facilities of the Department of Transportation.

"**§ 136-89.183. Powers of the Authority.**

(a) The Authority shall have all of the powers necessary to execute the provisions of this Article including the following powers:

(1) The powers of a corporate body, including the power to sue and be sued, to make contracts, to adopt and use a common seal, and to alter the adopted seal as needed.

(2) To study, plan, develop, design, establish, purchase, construct, operate, and maintain a Turnpike Project, either on its own initiative or at the request of the Board of Transportation.

(3) To rent, lease, purchase, acquire, own, encumber, dispose of, or mortgage real or personal property, including the power to acquire property by eminent domain pursuant to G.S. 136-89.184.

(4) To fix, revise, charge, and collect tolls and fees for the use of the Turnpike Authority.

(5) To issue bonds or notes of the Authority as provided in this Article.

(6) To establish, construct, purchase, maintain, equip, and operate any structure or facilities associated with the Turnpike System.

(7) To pay all necessary costs and expenses in the formation, organization, administration, and operation of the Authority.

(8) To apply for, accept, and administer loans and grants of money or real or personal property from any federal agency, from the State or its political subdivisions, local government, or from any other public or private sources available.

(9) To adopt, alter, or repeal its own bylaws or rules implementing the provisions of this Article.

(10) To employ consulting engineers, architects, attorneys, real estate counselors, appraisers, and other consultants and employees as may be required in the judgment of the Authority and to fix and pay their compensation from funds available to the Authority.

(11) To select and retain financial consultants, underwriters, and bond attorneys in connection with the issuance of any bonds and to pay for their services out of the proceeds of any bond issue for which their services were performed.

(12) To execute financing agreements, security documents, and other instruments necessary in exercising its power under this Article.
(13) To receive and use appropriations from the State.
(14) To adopt procedures to govern its procurement of services and delivery of Turnpike Projects.
(15) To perform or procure any portion of services required by the Authority.
(16) To use officers, employees, agents, and facilities of the Department of Transportation for the purposes and upon the terms as may be mutually agreeable.
(17) To contract for the construction, maintenance, and operation of a Turnpike Project.
(18) To expend such funds as it deems necessary to enter into partnership agreements with political subdivisions of the State, or with private entities, for the purpose of financing the cost of acquiring, constructing, equipping, operating, or maintaining any Turnpike Project.

(b) To execute the powers provided in subsection (a) of this section, the Authority shall determine its policies by majority vote of the members of the Authority present and voting, a quorum having been established. Once a policy is established, the Authority Board shall communicate it to the Executive Director, who shall have the sole and exclusive authority to execute the policy of the Authority. No member of the Authority Board shall have the responsibility or authority to give operational directives to any employee of the Authority other than the Executive Director.

"**§ 136-89.184. Acquisition of real property.**

(a) General. -- The Authority may acquire public or private real property by purchase, negotiation, gift, or devise, or condemnation that it determines to be necessary and convenient for the construction, expansion, enlargement, extension, improvement, or operation of a Turnpike Project. When the Authority acquires real property owned by the State, the Secretary of the Department of Administration shall execute and deliver to the Authority a deed transferring fee simple title to the property to the Authority.

(b) Condemnation. -- To exercise the power of eminent domain, the Authority shall commence a proceeding in its name and shall follow the procedure set forth in Article 9 of Chapter 136 of the General Statutes.

"**§ 136-89.185. Taxation of property of Authority.**

Property owned by the Authority is exempt from taxation in accordance with Section 2 of Article V of the North Carolina Constitution.

"**§ 136-89.186. Audit.**

The operations of the Authority shall be subject to the oversight of the State Auditor pursuant to Article 5A of Chapter 147 of the General Statutes.

"**§ 136-89.187. Conversion of free highways.**

The Authority Board, with the concurrence of the Board of Transportation, may convert a segment of the non-tolled State highway system to a toll facility if that

conversion is the most feasible and economic means to accomplish a desired expansion or extension improvements to the State highway system.

"**§ 136-89.188. Tolls on converted highways.**

The Authority Board may impose a toll for travel over existing non-tolled State highways if converted to a toll facility consistent with this Article.

"**§ 136-89.189. Use of surplus revenues.**

The Authority Board may authorize the use of surplus revenue of the Turnpike System to pay the costs of other Turnpike Projects or for any other lawful purpose consistent with this Article.

"**§ 136-89.190. Lease, sale, or conveyance of Turnpike Projects.**

The Authority may lease, sell, grant a concession or franchise, or otherwise convey all or a portion of the Turnpike System to another governmental or private entity, if such conveyance is in the best interest of the State.

"**§ 136-89.191. Turnpike Authority revenue bonds.**

(a) The Authority Board, in cooperation with the Department of State Treasurer, by the adoption of a bond resolution, may authorize the issuance of bonds to pay all or a portion of the cost of a Turnpike Project or to refund any previously issued bonds.

(b) The Authority may sell bonds at public or private sale in a manner and for a price it determined to be in the best interest of the Authority.

(c) The Authority may sell bonds secured by a lien on the revenues of the Turnpike System or a Turnpike Project.

(d) The Authority may sell bonds secured by lien of revenues subordinate to the lien of other bonds.

(e) The Authority may execute a revenue bond indenture or other similar agreement with bondholders in a form and with such covenants and provisions it finds to be in the best interest of the Authority.

"**§ 136-89.192. Payment of bonds; State credit not pledged.**

Bonds issued by the Authority under this Article shall not be deemed to constitute a debt of the State of North Carolina or a pledge of the full faith and credit of the State.

"**§ 136-89.193. Cost participation by Department of Transportation.**

The Department of Transportation may participate in the cost of preconstruction activities, construction, maintenance, or operation of a Turnpike Project.

"**§ 136-89.194. Equity distribution formula.**

Only those funds applied to a Turnpike Project from the State Highway Fund, State Highway Trust Fund, or federal-aid funds that might otherwise be used for other roadway projects within the State, and are otherwise already subject to the distribution formula under G.S. 136-17.2A, shall be included in the distribution formula.

Other revenue from the sale of bonds, project loans, or toll collections shall not be included in the distribution formula.

"**§ 136-89.195. Annual plan of work; annual and quarterly reports.**

(a) Annual Plan of Work. -- The Authority shall annually develop a plan of work for the fiscal year, describing the activities and projects to be undertaken, accompanied by a budget. This annual plan of work shall be subject to the concurrence of the Board of Transportation.

(b) Annual Reports. -- The Authority shall, promptly following the close of each fiscal year, submit an annual report of its activities for the preceding year to the Governor, the General Assembly, and the Department of Transportation. Each report shall be accompanied by an audit of its books and accounts.

(c) Quarterly Reports. -- The Authority shall submit quarterly reports to the Joint Legislative Transportation Oversight Committee. The reports shall summarize the Authority's activities during the quarter and contain any information about the Authority's activities that is requested by the Committee.

"**§ 136-89.196. Laws applicable to the Authority; exceptions.**

(a) Motor Vehicle Laws. -- The Turnpike System shall be considered a "highway" as defined in G.S. 20-4.01(13) and a "public vehicular area" as defined in G.S. 20-4.01(32). All law enforcement and emergency personnel, including the State Highway Patrol and the Division of Motor Vehicles, shall have the same powers and duties on the Turnpike System as on any other highway or public vehicular area.

(b) Purchases of Supplies, Material, Equipment, and Building Contracts. -- For the purposes of implementing this Article, the Authority is exempted from the provisions of G.S. 136-28.1 and G.S. 136-28.4 and Articles 3 and 8 of Chapter 143 of the General Statutes and all rules associated with those provisions."

SECTION 3. Chapter 20 of the General Statutes is amended to add a new section to read:

"**§ 20-158.2. Control of vehicles on Turnpike System.**

The North Carolina Turnpike Authority may control vehicles at appropriate places by erecting traffic control devices to collect tolls.

Failure to pay a proper toll, as evidenced by a traffic control photographic system or other enforcement mechanism, is a noncriminal violation for which a civil penalty set by the Turnpike Authority shall be assessed."

SECTION 4. G.S. 136-176(b) reads as rewritten:

"(b) Funds in the Trust Fund are annually appropriated to the Department of Transportation to be allocated and used as provided in this subsection. A sum, not to exceed four and one-half percent (4.5%) of the amount of revenue deposited in the Trust Fund under subdivisions (a)(1), (2), and (3) of this section, may be used each fiscal year by the Department for expenses to administer the Trust Fund. Operation of the North Carolina Turnpike Authority is an eligible administrative expense under this subsection. The rest of the funds in the Trust Fund shall be allocated and used as follows:

(1) Sixty-one and ninety-five hundredths percent (61.95%) to plan, design, and construct the projects of the Intrastate System described in G.S. 136-179 and to pay debt service on highway bonds and notes that are issued under the State Highway Bond Act of 1996 and whose proceeds are applied to these projects.

(2) Twenty-five and five hundredths percent (25.05%) to plan, design, and construct the urban loops described in G.S. 136-180 and to pay debt service on highway bonds and notes that are issued under the State Highway Bond Act of 1996 and whose proceeds are applied to these urban loops.

(3) Six and one-half percent (6.5%) to supplement the appropriation to cities for city streets under G.S. 136-181.

(4) Six and one-half percent (6.5%) for secondary road construction as provided in G.S. 136-182 and to pay debt service on highway bonds and notes that are issued under the State Highway Bond Act of 1996 and whose proceeds are applied to secondary road construction.

The Department must administer funds allocated under subdivisions (1), (2), and (4) of this subsection in a manner that ensures that sufficient funds are available to make the debt service payments on bonds issued under the State Highway Bond Act of 1996 as they become due."

SECTION 5. G.S. 126-5 is amended by adding a new subdivision to read:

"(c1) Except as to the provisions of Articles 6 and 7 of this Chapter, the provisions of this Chapter shall not apply to:

...

(21) Employees of the North Carolina Turnpike Authority."

SECTION 6. G.S. 120-123 is amended by adding a new subdivision to read:

"**§ 120-123. Service by members of the General Assembly on certain boards and commissions.**

No member of the General Assembly may serve on any of the following boards or commissions:

...

(75) The North Carolina Turnpike Authority."

SECTION 7. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE BILL 644
PROPOSED COMMITTEE SUBSTITUTE H644-CSRW-16 [v.6]

5/8/2001 2:33:59 PM

Short Title: Toll Road and Bridge Authority Created. (Public)

Sponsors:

Referred to:

March 15, 2001

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE PUBLIC TOLL ROADS AND BRIDGES IN NORTH CAROLINA AND THE CREATION OF A TURNPIKE AUTHORITY.

The General Assembly of North Carolina enacts:

SECTION 1. Article 6F of Chapter 136 of the General Statutes is repealed.

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

"Article 6H.

"Public Toll Roads and Bridges.

"**§ 136-89.180. Legislative findings.**

The General Assembly finds that the existing State road system is becoming increasingly congested and overburdened with traffic in many areas of the State; that the sharp surge of vehicle miles traveled is overwhelming the State's ability to build and pay for adequate road improvements; and that an adequate answer to this challenge will require the State to be innovative and utilize several new approaches to transportation improvements in North Carolina.

Toll funding of highway construction is feasible in North Carolina and can contribute to addressing the critical transportation needs of the State. A toll program can speed the implementation of needed transportation improvements by funding some projects with tolls.

"**§ 136-89.181. Definitions.**

The following definitions apply to this Article:

(1) "Turnpike authority" means the public agency created by this Article.

(2) "Turnpike authority board" means the governing board of the Turnpike Authority.

(3) "Turnpike project" means any part of the State highway system, including primary and secondary roads, bridges, tunnels, and feeder roads and approaches.

(4) "Turnpike system" means collectively all Turnpike Projects developed under this Article.

"**§ 136-89.182. North Carolina Turnpike Authority.**

(a) Creation. -- There is created a body politic and corporate to be known as the "North Carolina Turnpike Authority." The Authority is constituted as a public agency, and the exercise by the Authority of the powers conferred by this Article in the construction, operation, and maintenance of toll roads and bridges shall be deemed and held to be the performance of an essential governmental function.

(b) Administrative Placement. -- The Authority shall be located within the Department of Transportation for administrative purposes but shall exercise all of its powers independently of the Department of Transportation except as otherwise specified in this Article.

(c) Board of Directors. -- The North Carolina Turnpike Authority shall be governed by a seven-member Board of Directors consisting of the Secretary of Transportation, who shall serve as chairman of the Authority Board, and six members who shall be appointed by the Governor, at least three of whom shall reside in metropolitan areas.

(d) Board of Transportation Members. -- Not more than two members of the North Carolina Board of Transportation, in addition to the Secretary of Transportation, may serve as members of the Authority Board.

(e) Staggered Terms. -- The initial appointments by the Governor to the Authority Board shall consist of two members appointed to terms ending January 14, 2003, two members appointed to terms ending January 14, 2005, and two members appointed to terms ending January 14, 2007.

Thereafter, at the expiration of each stipulated term of office, all appointments shall be to a term of six years from the date of the expiration of the term.

(f) Vacancies. -- All members of the Authority Board shall remain in office until their successors are appointed and qualify. The Governor may appoint a member to serve out the unexpired term of any Board member.

(g) Removal of Board Members. -- Each appointed member of the Authority Board, notwithstanding subsection (e) of this section, shall serve at the pleasure of the Governor.

(h) Conflicts of Interest, Ethics, etc. -- Members of the Authority Board shall be subject to provisions of G.S. 136-13, 136-13.1, and 136-14.

(i) Compensation. -- The appointed members of the Authority Board shall receive no salary for their services but shall be entitled to receive per diem and travel allowances in accordance with the provisions of G.S. 138-5 and G.S. 138-6 as appropriate.

(j) Bylaws. -- The Authority Board shall adopt bylaws with respect to the calling of meetings, quorums, voting procedures, the keeping of records, and other organizational, staffing, and administrative matters as the Authority Board may determine.

(k) Executive Director and Other Employees. -- The Authority Board shall appoint an Executive Director, whose salary shall be fixed by the Authority, to serve at its pleasure.

The Executive Director shall be the Authority's chief administrative officer and shall be responsible for the daily administration of the toll roads and bridges constructed, maintained, or operated pursuant to this Article.

The Executive Director or his designee shall appoint, employ, dismiss, and within the limits approved by the Authority Board, fix the compensation of such other employees as he deems necessary to carry out this Article.

(l) Office. -- The offices of the Authority may be housed in one or more facilities of the Department of Transportation.

"**§ 136-89.183. Powers of the Authority.**

(a) The Authority shall have all of the powers necessary to execute the provisions of this Article including the following powers:

(1) The powers of a corporate body, including the power to sue and be sued, to make contracts, to adopt and use a common seal, and to alter the adopted seal as needed.

(2) To study, plan, develop, design, establish, purchase, construct, operate, and maintain a Turnpike Project, either on its own initiative or at the request of the Board of Transportation.

(3) To rent, lease, purchase, acquire, own, encumber, dispose of, or mortgage real or personal property, including the power to acquire property by eminent domain pursuant to G.S. 136-89.184.

(4) To fix, revise, charge, and collect tolls and fees for the use of the Turnpike Authority.

(5) To issue bonds or notes of the Authority as provided in this Article.

(6) To establish, construct, purchase, maintain, equip, and operate any structure or facilities associated with the Turnpike System.

(7) To pay all necessary costs and expenses in the formation, organization, administration, and operation of the Authority.

(8) To apply for, accept, and administer loans and grants of money or real or personal property from any federal agency, from the State or its political subdivisions, local government, or from any other public or private sources available.

(9) To adopt, alter, or repeal its own bylaws or rules implementing the provisions of this Article.

(10) To employ consulting engineers, architects, attorneys, real estate counselors, appraisers, and other consultants and employees as may be required in the judgment of the Authority and to fix and pay their compensation from funds available to the Authority.

(11) To select and retain financial consultants, underwriters, and bond attorneys in connection with the issuance of any bonds and to pay for

their services out of the proceeds of any bond issue for which their services were performed.

(12) To execute financing agreements, security documents, and other instruments necessary in exercising its power under this Article.

(13) To receive and use appropriations from the State.

(14) To adopt procedures to govern its procurement of services and delivery of Turnpike Projects.

(15) To perform or procure any portion of services required by the Authority.

(16) To use officers, employees, agents, and facilities of the Department of Transportation for the purposes and upon the terms as may be mutually agreeable.

(17) To contract for the construction, maintenance, and operation of a Turnpike Project.

(18) To expend such funds as it deems necessary to enter into partnership agreements with political subdivisions of the State, or with private entities, for the purpose of financing the cost of acquiring, constructing, equipping, operating, or maintaining any Turnpike Project.

(b) To execute the powers provided in subsection (a) of this section, the Authority shall determine its policies by majority vote of the members of the Authority present and voting, a quorum having been established. Once a policy is established, the Authority Board shall communicate it to the Executive Director, who shall have the sole and exclusive authority to execute the policy of the Authority. No member of the Authority Board shall have the responsibility or authority to give operational directives to any employee of the Authority other than the Executive Director.

"**§ 136-89.184. Acquisition of real property.**

(a) General. -- The Authority may acquire public or private real property by purchase, negotiation, gift, or devise, or condemnation that it determines to be necessary and convenient for the construction, expansion, enlargement, extension, improvement, or operation of a Turnpike Project. When the Authority acquires real property owned by the State, the Secretary of the Department of Administration shall execute and deliver to the Authority a deed transferring fee simple title to the property to the Authority.

(b) Condemnation. -- To exercise the power of eminent domain, the Authority shall commence a proceeding in its name and shall follow the procedure set forth in Article 9 of Chapter 136 of the General Statutes.

"**§ 136-89.185. Taxation of property of Authority.**

Property owned by the Authority is exempt from taxation in accordance with Section 2 of Article V of the North Carolina Constitution.

"**§ 136-89.186. Audit.**

The operations of the Authority shall be subject to the oversight of the State Auditor pursuant to Article 5A of Chapter 147 of the General Statutes.

"**§ 136-89.187. Conversion of free highways prohibited.**

The Authority Board is prohibited from converting any segment of the non-tolled State highway system to a toll facility.

"**§ 136-89.188. Use of surplus revenues.**

The Authority Board may authorize the use of surplus revenue of the Turnpike System to pay the costs of other Turnpike Projects or for any other lawful purpose consistent with this Article.

"**§ 136-89.189. Lease, sale, or conveyance of Turnpike Projects.**

The Authority may lease, sell, grant a concession or franchise, or otherwise convey all or a portion of the Turnpike System to another governmental or private entity, if such conveyance is in the best interest of the State.

"**§ 136-89.190. Turnpike Authority revenue bonds.**

(a) The Authority Board, in cooperation with the Department of State Treasurer, by the adoption of a bond resolution, may authorize the issuance of bonds to pay all or a portion of the cost of a Turnpike Project or to refund any previously issued bonds.

(b) The Authority may sell bonds at public or private sale in a manner and for a price it determined to be in the best interest of the Authority.

(c) The Authority may sell bonds secured by a lien on the revenues of the Turnpike System or a Turnpike Project.

(d) The Authority may sell bonds secured by lien of revenues subordinate to the lien of other bonds.

(e) The Authority may execute a revenue bond indenture or other similar agreement with bondholders in a form and with such covenants and provisions it finds to be in the best interest of the Authority.

"**§ 136-89.191. Payment of bonds; State credit not pledged.**

Bonds issued by the Authority under this Article shall not be deemed to constitute a debt of the State of North Carolina or a pledge of the full faith and credit of the State.

"**§ 136-89.192. Cost participation by Department of Transportation.**

The Department of Transportation may participate in the cost of preconstruction activities, construction, maintenance, or operation of a Turnpike Project.

"**§ 136-89.193. Equity distribution formula.**

Only those funds applied to a Turnpike Project from the State Highway Fund, State Highway Trust Fund, or federal-aid funds that might otherwise be used for other roadway projects within the State, and are otherwise already subject to the distribution formula under G.S. 136-17.2A, shall be included in the distribution formula.

Other revenue from the sale of bonds, project loans, or toll collections shall not be included in the distribution formula.

"**§ 136-89.194. Annual plan of work; annual and quarterly reports.**

(a) Annual Plan of Work. -- The Authority shall annually develop a plan of work for the fiscal year, describing the activities and projects to be undertaken, accompanied by a budget. This annual plan of work shall be subject to the concurrence of the Board of Transportation.

(b) Annual Reports. -- The Authority shall, promptly following the close of each fiscal year, submit an annual report of its activities for the preceding year to the Governor, the General Assembly, and the Department of Transportation. Each report shall be accompanied by an audit of its books and accounts.

(c) Quarterly Reports. -- The Authority shall submit quarterly reports to the Joint Legislative Transportation Oversight Committee. The reports shall summarize the Authority's activities during the quarter and contain any information about the Authority's activities that is requested by the Committee.

"**§ 136-89.195. Laws applicable to the Authority; exceptions.**

(a) Motor Vehicle Laws. -- The Turnpike System shall be considered a "highway" as defined in G.S. 20-4.01(13) and a "public vehicular area" as defined in G.S. 20-4.01(32). All law enforcement and emergency personnel, including the State Highway Patrol and the Division of Motor Vehicles, shall have the same powers and duties on the Turnpike System as on any other highway or public vehicular area.

(b) Contracting. -- For the purposes of implementing this Article, the Authority shall solicit competitive proposals for the construction of Turnpike projects in accordance with the provision of Article 2 of this Chapter. Contracts for professional engineering services and other kinds of professional or specialized services necessary in connection with construction of Turnpike projects shall be solicited in accordance with procedures utilized by the Department of Transportation.

(c) Alternative Contracting Methods.—Notwithstanding the provisions of subsection (b) of this section, the Authority may authorize the use of alternative contracting methods if:

(1) The authorization applies to an individual project;

(2) The Authority has concluded, and documented in writing, that the alternative contracting method is necessary because the project cannot be completed utilizing the procedures of Article 2 of this Chapter within the necessary time frame or available funding, or for other reasons the Authority deems in the public interest;

(3) The Authority has provided, to the extent possible, for the solicitation of competitive proposals prior to awarding a contract; and

(4) The approved alternative contracting method provides for reasonable compliance with the disadvantaged business participation goals of G.S. 136-28.4."

SECTION 3. Chapter 20 of the General Statutes is amended to add a new section to read:

"**§ 20-158.2. Control of vehicles on Turnpike System.**

The North Carolina Turnpike Authority may control vehicles at appropriate places by erecting traffic control devices to collect tolls.

Failure to pay a proper toll, as evidenced by a traffic control photographic system or other enforcement mechanism, is a noncriminal violation for which a civil penalty set by the Turnpike Authority shall be assessed."

SECTION 4. G.S. 136-176(b) reads as rewritten:

"(b) Funds in the Trust Fund are annually appropriated to the Department of Transportation to be allocated and used as provided in this subsection. A sum, not to exceed four and one-half percent (4.5%) of the amount of revenue deposited in the Trust Fund under subdivisions (a)(1), (2), and (3) of this section, may be used each fiscal year by the Department for expenses to administer the Trust Fund. Operation and project development costs of the North Carolina Turnpike Authority are eligible administrative expenses under this subsection. The rest of the funds in the Trust Fund shall be allocated and used as follows:

(1) Sixty-one and ninety-five hundredths percent (61.95%) to plan, design, and construct the projects of the Intrastate System described in G.S. 136-179 and to pay debt service on highway bonds and notes that are issued under the State Highway Bond Act of 1996 and whose proceeds are applied to these projects.

(2) Twenty-five and five hundredths percent (25.05%) to plan, design, and construct the urban loops described in G.S. 136-180 and to pay debt service on highway bonds and notes that are issued under the State Highway Bond Act of 1996 and whose proceeds are applied to these urban loops.

(3) Six and one-half percent (6.5%) to supplement the appropriation to cities for city streets under G.S. 136-181.

(4) Six and one-half percent (6.5%) for secondary road construction as provided in G.S. 136-182 and to pay debt service on highway bonds and notes that are issued under the State Highway Bond Act of 1996 and whose proceeds are applied to secondary road construction.

The Department must administer funds allocated under subdivisions (1), (2), and (4) of this subsection in a manner that ensures that sufficient funds are available to make the debt service payments on bonds issued under the State Highway Bond Act of 1996 as they become due."

SECTION 5. G.S. 126-5 is amended by adding a new subdivision to read:

"(c1) Except as to the provisions of Articles 6 and 7 of this Chapter, the provisions of this Chapter shall not apply to:

...

(21) Employees of the North Carolina Turnpike Authority."

SECTION 6. G.S. 120-123 is amended by adding a new subdivision to read:

"**§ 120-123. Service by members of the General Assembly on certain boards and commissions.**

No member of the General Assembly may serve on any of the following boards or commissions:

...

(75) The North Carolina Turnpike Authority."

SECTION 7. This act is effective when it becomes law.

Attachment #2
May 9, 2001

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 644

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

H644-ARW-10 [v.1]

Date _____,2001

Comm. Sub. [YES]
Amends Title [NO]
H644-CSRW-16

Representative Cole

moves to amend the bill
on page 5, line 38, by adding before the period at the end of that line the following:
"**; review**"; and

on page 6, lines 8-9 by adding between those lines the following:
"(d) Review.—Prior to the letting to contract of any construction project or the issuance of any bonds authorized by this Article, the Authority shall submit the proposed letting or bond issuance to the Joint Legislative Commission on Governmental Operations for review.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 644

AMENDMENT NO._____
(to be filled in by
Principal Clerk)

H644-ARW-10 [v.1]

ADOPTED _____ FAILED _____ TABLED _____

Attachment #3
May 9, 2001

December 11, 2000

TOLL ROADS IN NORTH CAROLINAS

This is a white paper prepared by AAA Carolinas for the North Carolina Department of Transportation.

History

In 1936, AAA developed a "Bill of Rights" for motorists that included a reference to tolls. It said, "We must have roads suitable and adequate for the movement of modern motor traffic with safety. There must be multiple-lane highways with opposing traffic streams divided. They must be free and not toll roads..."

As early as 1940, AAA policy, "...vigorously oppose(d) the levying of tolls on existing free highways...privately-owned toll roads, and transcontinental toll superhighways..."

AAA policy remains the same today: The use of tolls results in the double taxation of motorists, once in the form of gasoline taxes, and again when motorists drive on a toll road.

For over 80 years, the underlying principle of the federal-state highway program has been developing and preserving this nation's vast network of quality, toll-free highways. Proposals to toll existing federal-aid highways - including the Interstate System - represent a major change in course. Instead of a pay-as-you-go highway network based on fuel taxes already collected from motorists, responsibility for funding highway maintenance and construction would be loaded onto future trips of highway users - "build now, pay now, and pay later!"

However, there has been some consideration by AAA for the private construction of parallel toll roads, as long as the existing public road between the same destinations remains open.

If motorists chose to use a private road to avoid congestion or take a more direct route, that would be their decision. Such toll roads, however, tend to discriminate against the poor, who would not have the same financial ability to choose a toll road over a private road.

Use of public funds to build or aid in the building of such roads remains, in AAA's opinion, poor public policy.

AAA Carolinas' Position

While AAA Carolinas backs initiatives to raise funding levels for highways and bridges, as a principle, it opposes tolls and toll roads, especially the imposition of tolls on any existing, toll-free highway structure or facility.

The latest survey of AAA Carolinas' 1.3 million members in the Nov/Dec. 2000 issue of GO Magazine, our membership publication, asked three questions regarding highway funding and tolls.

Three out of four members (73%) responding said they favored using gasoline taxes to make up North Carolina's current shortfall in transportation funding, including highway and bridge maintenance.

In another question, 70% opposed allowing tolls on existing roads to pay for new highway construction - a proposal that has been discussed by North Carolina legislators.

Stronger opposition - 86% - were opposed to allowing the state's condemnation process to be used to take land for a private toll road administered by a private company to repay the toll road's construction cost.

In is clear that AAA Carolina members, who represent a cross section of the voting public (99% of those answering the survey said they voted in the last election), do not like toll roads.

The AAA Carolinas board of directors on June 3, 2000 passed a resolution concerning toll roads. It said:

"Be it resolved that the AAA Carolinas Board of Directors is opposed to any toll roads being placed on existing highways and strongly opposes Senate Bill 1365 in the North Carolina legislature that proposes tolls on I-95 near the Virginia and South Carolina state lines."

Concerns

1. Toll road construction often costs three- to four-times as much as free public roads due to bond interest charges and toll collection costs. Some of these costs may be mitigated due to technology, such as scanning used for vehicles whose owners have pre-paid tolls and can drive through the toll booth without stopping.

2. Why should highway users in North Carolina, who have already paid millions of dollars to construct one of the largest state highway networks, now be charged to use it?

3. Approximately 15 percent of toll revenues are needed for the collection process, even with scanners, while only about one percent of motor fuel taxes are devoted to that purpose.

4. Tolls inevitably slow the flow of traffic, leading to aggravation and possible safety hazards, and cause congestion at toll plazas.

5. It is rare that tolls are ended after the debt service is retired.

Alternatives

1. Wherever a toll road is installed, an equally accessible parallel, non-toll road should be available.

2. Whenever possible, impact fees, which are charges imposed on local property owners who benefit from the proposed road, should be explored fully.

3. Private investors who invest in a toll road should do so only with a certain date when the toll road must be turned over to public ownership.

Recommendations

1. Increase gasolines tax to cover the revenue needed to finance the continuing shortfall in highway and bridge funds.

2. If the effort to raise gasoline taxes fail, in conjunction with and education campaign to let the public know the poor condition and lack of funds available for maintenance and highway improvements, then consider toll roads as an unavoidable option.

3. If DOT is required to provide condemnation and oversight for construction of a private toll road, conditions should be established for such an operation to include, at a minimum:

- The exact date when the toll road becomes the property of the NC DOT.
- Operating guidelines that ensure that toll operations are fair and do not impact any public roads adversely either where the private toll road begins or ends.
- NC DOT needs to provide oversight of the financial operation to ensure proper, fair and efficient operation of the toll collection process, especially since DOT condemnation helped create the toll road access.

Conclusion

AAA Carolinas doesn't agree with the plan to build a toll road under the current North Carolina legislation. However, despite our position, given our thoughts in this paper, we will be glad to work with the NC DOT on this matter in as constructive a manner as possible.

HOUSE BILL 644:
Toll Road and Bridge Authority Created

BILL ANALYSIS

Committee:	House Transportation	**Introduced by:**	Rep. Crawford
Date:	May 9, 2001	**Summary by:**	Giles S. Perry
Version:	PCS H644-CSRW-16		Committee Counsel

SUMMARY: House Bill 644 authorizes the creation of a public agency, the "North Carolina Turnpike Authority" to construct operate and maintain toll roads in the State.

CURRENT LAW: Under current law, toll roads are authorized in two limited circumstances: The construction of a listed Highway Trust Fund project bridge, (G.S. 136-82.2) or the construction of a private pilot toll road project. (G.S. 136-89.171 and-172).

BILL ANALYSIS:

Creates Turnpike Authority--House Bill 644 would create a public agency, to be called the "North Carolina Turnpike Authority," to construct, operate, and maintain toll roads and bridges in the State.

Governance--The Authority would be governed by a 7 member Board of Directors, consisting of the Secretary of Transportation and six members appointed by the Governor.

The Authority would be operated by an executive director, appointed by the Board of Directors.

Powers of Authority—The Authority would have the power to: build an operate a turnpike project, either on its own initiative, or at the request of the Board of Transportation; to condemn property by "quick-take"; to issue bonds; and to enter into partnership agreements with political subdivision of the State or private entities.

Conversion of Free Highways Prohibited—The Authority would be prohibited from converting a non-tolled segment of the State highway system to a toll facility.

Lease or Sale of Turnpike—The Authority would have the power to lease, sell or grant a concession or franchise of the operation of all or a portion of the turnpike system.

Revenue Bonds—The authority would have the authority to sell revenue bonds to finance all or a portion of its projects.

Cost Participation by DOT—NC DOT would be authorized to participate in the cost of preconstruction, construction, maintenance, or operation of a turnpike project.

Equity Formula—Turnpike projects would be subject to the equity distribution formula for State Highway Funds only to the extent that the project is funded from Highway Fund, Highway Trust Fund, or federal-aid funds that would otherwise be subject to the formula.

Motor Vehicle Laws—State motor vehicle laws would apply to Turnpike Authority projects.

Authorization of Alternative Contracting Methods—The act would authorize the Authority to use alternative contracting methods under specified circumstances.

(OVER)

Toll Violations—Tolls violations by persons traveling on Turnpike projects would be noncriminal civil violations.

Use of Highway Trust Fund Revenue –Operation and project development costs of the Authority would be an eligible administrative expense of the Highway Trust Fund.

State Personnel Act—The employees of the Turnpike Authority would be exempt from the State Personnel Act.

General Assembly Members Cannot Serve on Board—Members of the General Assembly would not be eligible to serve on the Turnpike Authority Board.

Effective Date—House Bill 644 would become effective when it becomes law.

H644-SMRW-001

Attachment #1
May 9, 2001

VISITOR REGISTRATION SHEET

HOUSE COMMITTEE ON TRANSPORTATION — May 9, 2001
Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
John Phelps	NCLM
Ruth Salsbie	NCDOT
BERRY JENKINS	CAROLINAS AGC
Lanning Goode	NCSW
Calvin Leggett	NCDOT
Mac Boxley	NC Aggregates Assoc.
C. A. Gardner	CAPA
BRUCE THOMPSON	PARKER, POE, ADAMS & BERNSTEIN
Jane Pinsky	AAA Carolinas
Jim Ramsey	NCPTA

AGENDA

HOUSE COMMITTEE ON TRANSPORTATION

May 16, 2001

OPENING REMARKS

Representative Drew Saunders, Chair

BILLS TO BE DISCUSSED

SB 380 County Road Names

Senator Daniel Clodfelter, Bill Sponsor

SB 731 Transportation Planning

Senator Daniel Clodfelter, Bill Sponsor

SB 942 Transporter Plates to Counties

Senator Charles Carter, Jr., Bill Sponsor

ADJOURNMENT

MINUTES

HOUSE COMMITTEE ON TRANSPORTATION

May 16, 2001

The House Committee on Transportation met at 11:00 A.M. on May 16, 2001, in Room 643 of the Legislative Office Building. Members in attendance were: Representative Cary Allred, Chair, Representative Drew Saunders, Chair, Representative Jeff Barnhart, Vice Chair, and Representatives Buchanan, Cole, Crawford, Culp, Dedmon, Eddins, Gibson, Gillespie, Hill, Holliman, Lucas, McComas, McLawhorn, Sexton, Sherrill, Teague, and Walker. Staff Counsel Members Giles Perry and Wendy Graf were also present. A Visitor Registration Sheet is attached and made a part of the minutes.

Representative Drew Saunders, Chair, called the meeting to order and introduced Pages: Khalia Thomas, sponsored by Representative Miller, Eric Flores, sponsored by Representative McAllister, and Carolina Brown, sponsored by Representative McLawhorn, and Sergeant At Arms Staff Members, Martha Parrish and Dusty Rhodes.

The first bill to be considered was **SB 942 AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE TRANSPORTER PLATES TO COUNTIES FOR USE IN PROGRAMS OF PROVIDING DONATED MOTOR VEHICLES TO LOW-INCOME PERSONS.** Senator Charles Carter, Bill Sponsor, was recognized to explain the bill. There were no questions following the explanation, and Representative Buchanan moved for a favorable report. A vote was taken, and the bill was approved.

The next bill to be discussed was **SB 380 AN ACT RELATING TO THE NAMING OF ROADS AND THE ASSIGNMENT OF STREET NUMBERS BY COUNTIES.** Senator Daniel Clodfelter, Bill Sponsor, was called on to explain the bill. A question and answer period followed, and Representative Dedmon moved to give the bill a favorable report. The bill was approved by vote.

The last bill to be considered was **SB 731 AN ACT TO UPDATE AND MODIFY THE PROCESS FOR DEVELOPMENT OF COORDINATED TRANSPORTATION PLANS.** Senator Daniel Clodfelter, Bill Sponsor, was recognized to explain a proposed committee substitute bill. There was a discussion period following the explanation. Ms. Ruth Sappie and Ms. Janet D'Ignazio with the Department of Transportation assisted Senator Clodfelter in answering questions. Representative Eddins moved for a favorable report, and the bill was approved by vote.

There being no further business, the Committee adjourned at 11:38 A.M.

Representative Drew Saunders, Presiding Chair

Ruth Fish, Committee Assistant

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **ALLRED & SAUNDERS** (Chair/Chairs) for the Committee on **TRANSPORTATION**.

☐ Committee Substitute for
S.B. 380 A BILL TO BE ENTITLED AN ACT RELATING TO THE NAMING OF ROADS AND THE ASSIGNMENT OF STREET NUMBERS BY COUNTIES.

☒ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **ALLRED & SAUNDERS** (Chair/Chairs) for the Committee on **TRANSPORTATION**.

☒ Committee Substitute for
S.B. 942 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE TRANSPORTER PLATES TO COUNTIES FOR USE IN PROGRAMS OF PROVIDING DONATED MOTOR VEHICLES TO LOW-INCOME PERSONS.

☒ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **ALLRED & SAUNDERS** (Chair/Chairs) for the Committee on **TRANSPORTATION**.

☐ Committee Substitute for
S.B. 731 A BILL TO BE ENTITLED AN ACT TO UPDATE AND MODIFY THE PROCESS FOR DEVELOPMENT OF COORDINATED TRANSPORTATION PLANS.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☒ With a favorable report as to House committee substitute bill (#), ☐ ~~which changes the title~~, unfavorable as to ~~(~~original bill~~)~~ ~~(Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)~~

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

S 1

SENATE BILL 380

Short Title:	County Road Names.	(Public)
Sponsors:	Senator Clodfelter.	
Referred to:	Transportation.	

March 8, 2001

A BILL TO BE ENTITLED

AN ACT RELATING TO THE NAMING OF ROADS AND THE ASSIGNMENT OF STREET NUMBERS BY COUNTIES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 153A-239.1(a) reads as rewritten:

"(a) A county may by ordinance name or rename any road within the county and not within a city, and may pursuant to a procedure established by ordinance assign or reassign street numbers for use on such a road. In naming or renaming a road, a county may not:

(1) Change the name, if any, given to the road by the Board of Transportation, unless the Board of Transportation agrees;

(2) Change the number assigned to the road by the Board of Transportation, but may give the road a name in addition to its number; or

(3) Give the road a name that is deceptively similar to the name of any other public road in the vicinity.

A county shall not name or rename a road or adopt an ordinance to establish a procedure to assign or reassign street numbers on a road until it has held a public hearing on the matter. At least 10 days before the day of the ~~hearing,~~ hearing to name or rename a road, the board of commissioners shall cause notice of the time, place and subject matter of the hearing to be prominently posted at the county courthouse, in at least two public places in the township or townships where the road is located, and shall publish a notice of such hearing in a newspaper of general circulation published in the county. At least 10 days before the day of the hearing to adopt an ordinance to establish a procedure to assign or reassign street numbers on a road, the board of commissioners shall publish a notice of such hearing in a newspaper of general circulation in the county. After naming or renaming a road, or assigning or reassigning street numbers on a road, a county shall cause notice of its action to be given to the local postmaster with

jurisdiction over the road, to the Board of Transportation, and to any city within five miles of the road. Names may be initially assigned to new roads by recordation of an approved subdivision plat without following the procedure established by this section."

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

SENATE BILL 380:
County Road Names

BILL ANALYSIS

Committee:	House Transportation	**Introduced by:**	Senator Clodfelter
Date:	May 16, 2001	**Summary by:**	Wendy Graf
Version:	First Edition		Committee Counsel

SUMMARY: Senate Bill 380 would authorize counties to adopt ordinances to establish procedures for assigning or reassigning street numbers.

CURRENT LAW: G.S. 153A-239.1 provides for the naming of roads and assigning of street numbers for roads located in unincorporated areas of counties. A county may by ordinance name or rename any road within the county and not within a city, and may assign or reassign street numbers for use on such a road, after it has held a public hearing on the matter. Notice must be given at least 10 days in advance of the public hearing by posting at the county courthouse and in at least two public places in the township where the road is located, and by publication in a local newspaper of general circulation.

BILL ANALYSIS: Senate Bill 380 would amend G.S. 153A-239.1 to provide that a county may assign or reassign street numbers for use on a road within the county, not by ordinance, but through a procedure established by ordinance. Before the county could adopt an ordinance to establish the procedure for assigning or reassigning street numbers, the county would be required to hold a public hearing on the matter. The bill would require at least 10 days notice by publication in a newspaper of general circulation in the county.

The bill would eliminate the requirement that a public hearing be held before every instance of assigning or reassigning street numbers – once an ordinance is established as provided in the bill, the ordinance would prescribe the procedure to be followed in every subsequent instance. The bill would also provide that names could be initially assigned to new roads by the recordation of an approved subdivision plat without following the statutory procedure.

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

This summary was substantially contributed to by Brenda Carter.

S380-SMSU-001

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 1

SENATE BILL 731

Short Title:	Transportation Planning.	(Public)
Sponsors:	Senators Clodfelter; and Gulley.	
Referred to:	Transportation.	

April 2, 2001

A BILL TO BE ENTITLED

AN ACT TO UPDATE AND MODIFY THE PROCESS FOR DEVELOPMENT OF COORDINATED TRANSPORTATION PLANS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-66.2. reads as rewritten:

"**§ 136-66.2. Development of a coordinated transportation ~~street~~ system and provisions for streets and highways in and around municipalities.**

(a) Each municipality, not located within a metropolitan planning organization (MPO) as recognized in G.S. 136-200.1, with the cooperation of the Department of Transportation, shall develop a comprehensive transportation plan ~~for a street system~~ that will serve present and anticipated travel demand ~~volumes of vehicular traffic~~ in and around the municipality. The plan shall be based on the best information available including, but not limited to, population growth, economic conditions and prospects, and patterns of land development in and around the municipality, and shall provide for the safe and effective use of the transportation system.~~streets and highways through such means as parking regulations, signal systems, and traffic signs, markings, construction and other devices.~~ The plan shall be considerate of all transportation modes including, but not limited to, the street system, transit alternatives, bicycle, pedestrian, and operating strategies. The Department of Transportation may provide financial and technical assistance in the preparation of such plans. Each MPO, with cooperation of the Department of Transportation, shall develop a comprehensive transportation plan in accordance with 23 U.S.C. § 134. In addition, an MPO may include projects in its transportation plan that are not included in a financially constrained plan or are anticipated to be needed beyond the horizon year as required by 23 U.S.C. § 134. For municipalities located within an MPO, the development of a comprehensive transportation plan will take place through the metropolitan planning organization. For purposes of transportation planning and programming, the MPO shall represent the municipality's interests to the Department of Transportation.

(b) After completion and analysis of the plan, the plan shall ~~may~~ be adopted by both the governing body of the municipality or MPO and the Department of Transportation as the basis for future transportation ~~street and highway~~ improvements in and around the municipality or within the MPO. ~~As a part of the plan, the~~ The governing body of the municipality and the Department of Transportation shall reach agreement as to which of the existing and proposed streets and highways included in the adopted plan will be a part of the State highway system and which streets will be a part of the municipal street system. As used in this Article, the State highway system shall mean both the primary highway system of the State and the secondary road system of the State within municipalities.

(b1) The Department of Transportation may participate in the development and adoption of a transportation plan or updated transportation plan when all local governments within the area covered by the transportation plan have adopted land development plans within the previous five years. The Department of Transportation may participate in the development of a transportation plan if all the municipalities and counties within the area covered by the transportation plan are in the process of developing a land development plan. The Department may not adopt or update a transportation plan until such time as a local land development plan has been adopted.

(b2) The municipality or the MPO shall provide opportunity for public comments prior to adoption of the transportation plan.

(b3) Each county, with the cooperation of the Department of Transportation, may develop a comprehensive transportation plan utilizing the procedures specified for municipalities in subsection (a) of this section. This plan may be adopted by both the governing body of the county and the Department of Transportation. For portions of a county located within an MPO, the development of a comprehensive transportation plan will take place through the metropolitan planning organization.

(b4) To complement the roadway element of the transportation plan, municipalities and MPOs may develop a collector street plan to assist in developing the roadway network. The Department of Transportation may review and provide comments but will not provide approval of the collector street plan.

(c) From and after the date that the plan is adopted, the streets and highways designated in the plan as the responsibility of the Department of Transportation shall become a part of the State highway system and all such system streets shall be subject to the provisions of G.S. 136-93, and all streets designated in the plan as the responsibility of the municipality shall become a part of the municipal street system.

(d) For municipalities not located within an MPO, either ~~Either~~ the municipality or the Department of Transportation may propose changes in the plan at any time by giving notice to the other party, but no change shall be effective until it is adopted by both the Department of Transportation and the municipal governing board. For MPOs, either the MPO or the Department of Transportation may propose changes in the plan at any time by giving notice to the other party, but no change shall be effective until it is adopted by both the Department of Transportation and the MPO.

(e) Until the adoption of a comprehensive transportation plan that includes ~~for~~ future development of the street system in and around municipalities, the Department of

Transportation and any municipality may reach an agreement as to which existing or proposed streets and highways within the municipal boundaries shall be added to or removed from the State highway system.

(f) Streets within municipalities which are on the State highway system as of July 1, 1959, shall continue to be on that system until changes are made as provided in this section.

(g) The street and highway elements of the plans developed pursuant to G.S. 136-66.2 shall serve as the plan referenced in G.S. 136-66.10(a)."

SECTION 2. This act is effective when it becomes law and applies to plans adopted on or after the effective date.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S D

SENATE BILL 731
PROPOSED HOUSE COMMITTEE SUBSTITUTE S731-PCS7235-RW-27

Short Title: Transportation Planning. (Public)

Sponsors:

Referred to:

April 2, 2001

A BILL TO BE ENTITLED

AN ACT TO UPDATE AND MODIFY THE PROCESS FOR DEVELOPMENT OF COORDINATED TRANSPORTATION PLANS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-66.2 reads as rewritten:

"**§ 136-66.2. Development of a coordinated transportation ~~street~~ system and provisions for streets and highways in and around municipalities.**

(a) Each municipality, not located within a metropolitan planning organization (MPO) as recognized in G.S. 136-200.1, with the cooperation of the Department of Transportation, shall develop a comprehensive transportation plan ~~for a street system~~ that will serve present and anticipated travel demand ~~volumes of vehicular traffic~~ in and around the municipality. The plan shall be based on the best information available including, but not limited to, population growth, economic conditions and prospects, and patterns of land development in and around the municipality, and shall provide for the safe and effective use of the transportation system. ~~streets and highways through such means as parking regulations, signal systems, and traffic signs, markings, construction and other devices.~~ In the development of the plan, consideration shall be given to all transportation modes including, but not limited to, the street system, transit alternatives, bicycle, pedestrian, and operating strategies. The Department of Transportation may provide financial and technical assistance in the preparation of such plans. Each MPO, with cooperation of the Department of Transportation, shall develop a comprehensive transportation plan in accordance with 23 U.S.C. § 134. In addition, an MPO may include projects in its transportation plan that are not included in a financially constrained plan or are anticipated to be needed beyond the horizon year as required by 23 U.S.C. § 134. For municipalities located within an MPO, the development of a comprehensive transportation plan will take place through the metropolitan planning organization. For purposes of transportation planning and programming, the MPO shall represent the municipality's interests to the Department of Transportation.

(b) After completion and analysis of the plan, the plan shall ~~may~~ be adopted by both the governing body of the municipality or MPO and the Department of Transportation as the basis for future transportation ~~street and highway~~ improvements in and around the municipality or within the MPO. ~~As a part of the plan, the~~ The governing body of the municipality and the Department of Transportation shall reach agreement as to which of the existing and proposed streets and highways included in the adopted plan will be a part of the State highway system and which streets will be a part of the municipal street system. As used in this Article, the State highway system shall mean both the primary highway system of the State and the secondary road system of the State within municipalities.

(b1) The Department of Transportation may participate in the development and adoption of a transportation plan or updated transportation plan when all local governments within the area covered by the transportation plan have adopted land development plans within the previous five years. The Department of Transportation may participate in the development of a transportation plan if all the municipalities and counties within the area covered by the transportation plan are in the process of developing a land development plan. The Department of Transportation may not adopt or update a transportation plan until a local land development plan has been adopted. A qualifying land development plan may be a comprehensive plan, land use plan, master plan, strategic plan, or any type of plan or policy document that expresses a jurisdiction's goals and objectives for the development of land within that jurisdiction. At the request of the local jurisdiction, the Department may review and provide comments on the plan but shall not provide approval of the land development plan.

(b2) The municipality or the MPO shall provide opportunity for public comments prior to adoption of the transportation plan.

(b3) Each county, with the cooperation of the Department of Transportation, may develop a comprehensive transportation plan utilizing the procedures specified for municipalities in subsection (a) of this section. This plan may be adopted by both the governing body of the county and the Department of Transportation. For portions of a county located within an MPO, the development of a comprehensive transportation plan shall take place through the metropolitan planning organization.

(b4) To complement the roadway element of the transportation plan, municipalities and MPOs may develop a collector street plan to assist in developing the roadway network. The Department of Transportation may review and provide comments but is not required to provide approval of the collector street plan.

(c) From and after the date that the plan is adopted, the streets and highways designated in the plan as the responsibility of the Department of Transportation shall become a part of the State highway system and all such system streets shall be subject to the provisions of G.S. 136-93, and all streets designated in the plan as the responsibility of the municipality shall become a part of the municipal street system.

(d) For municipalities not located within an MPO, either ~~Either~~ the municipality or the Department of Transportation may propose changes in the plan at any time by

giving notice to the other party, but no change shall be effective until it is adopted by both the Department of Transportation and the municipal governing board. For MPOs, either the MPO or the Department of Transportation may propose changes in the plan at any time by giving notice to the other party, but no change shall be effective until it is adopted by both the Department of Transportation and the MPO.

(e) Until the adoption of a comprehensive transportation plan that includes ~~for~~ future development of the street system in and around municipalities, the Department of Transportation and any municipality may reach an agreement as to which existing or proposed streets and highways within the municipal boundaries shall be added to or removed from the State highway system.

(f) Streets within municipalities which are on the State highway system as of July 1, 1959, shall continue to be on that system until changes are made as provided in this section.

(g) The street and highway elements of the plans developed pursuant to G.S. 136-66.2 shall serve as the plan referenced in G.S. 136-66.10(a)."

SECTION 2. This act is effective when it becomes law and applies to plans adopted on or after the effective date.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 3

SENATE BILL 942
Transportation Committee Substitute Adopted 4/25/01
Third Edition Engrossed 4/26/01

Short Title: Transporter Plates to Counties. (Public)

Sponsors:

Referred to:

April 5, 2001

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE TRANSPORTER PLATES TO COUNTIES FOR USE IN PROGRAMS OF PROVIDING DONATED MOTOR VEHICLES TO LOW-INCOME PERSONS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-79.2 is amended by adding a new subsection to read:

"(d) A county may obtain one transporter plate, without paying a fee, by filing an application with the Division on a form to be provided by the Division. A transporter plate issued pursuant to this subsection may only be used to transport motor vehicles as part of a program established by the county to receive donated motor vehicles and make them available to low-income individuals.

If a motor vehicle is operated on the highways of this State using a transporter plate authorized by this section, all of the following requirements shall be met:

(1) The driver of the vehicle shall have in his or her possession the certificate of title for the motor vehicle, which has been properly reassigned by the previous owner to the county or the affected donor program.

(2) The vehicle shall be covered by liability insurance that meets the requirements of Article 9A of this Chapter.

The form and duration of the transporter plate shall be as provided in subsection (c) of this section."

SECTION 2. The costs of implementing the provisions of this act shall be paid from funds available to the Department of Transportation.

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

SENATE BILL 731:
Transportation Planning

BILL ANALYSIS

Committee:	House Transportation	**Introduced by:**	Senator Clodfelter
Date:	May 16, 2001	**Summary by:**	Giles S. Perry
Version:	S731-CSRW-27		Committee Counsel

SUMMARY: ***Senate Bill 731 modifies and updates the process by which coordinated municipal street plans are developed.***

CURRENT LAW: Current State law requires each municipality, with cooperation from NCDOT, to develop a comprehensive street system plan for the area in an around the municipality.

BILL ANALYSIS: Senate Bill 731 would change the current municipal coordinated street system planning process to:

--change the designation of the plan from a "street system" plan to a "transportation" plan.

--require consideration of all transportation modes in the plan.

--require that cities located within a Metropolitan Planning Organization (MPO) develop their comprehensive street plan through the MPO.

--authorize NCDOT to participate in the development of the transportation plan only if all local governments in the area affected by the plan have adopted or are in the process of developing a land development plan.

--require opportunity for public comments in the development of the plan.

--authorize counties to develop comprehensive transportation plans using the same procedures applicable to development of the municipal transportation plans.

--authorize municipalities and MPOs to develop collector street plans, and authorize DOT to review and comment but not approve collector street plans.

Senate Bill 731 would become effective when it becomes law, and apply to plans adopted on or after the effective date.

SENATE BILL 942:
Transporter Plates to Counties

BILL ANALYSIS

Committee:	House Transportation	**Introduced by:**	Senator Carter
Date:	May 16, 2001	**Summary by:**	Wendy Graf
Version:	Third Edition		Committee Counsel

SUMMARY: ***Senate Bill 942 would authorize DMV to issue one transporter plate to a county for use in programs established by the county to receive donated motor vehicles and make them available to low-income individuals.***

CURRENT LAW: Under current G.S. 20-79.2, a person engaged in a business that requires limited operation of a motor vehicle may obtain a transporter plate by filing an application with the Division of Motor Vehicles and paying a fee. The fee is one-half of the fee set in G.S. 20-87(5) for the registering and licensing of private passenger vehicles of not more than 15 passengers, which is currently $20.00. Transporter plates are issued to dealers on a fiscal-year basis and to persons who are not dealers on a calendar-year basis.

BILL ANALYSIS: Senate Bill 942 would amend G.S. 20-79.2 to authorize DMV to issue one transporter plate, without a fee, to a county. The plate may be used to transport motor vehicles as part of a program established by the county to receive donated motor vehicles and make them available to low-income individuals. The vehicle would have to be covered by liability insurance, and the person operating the vehicle would have to have in his or her possession the certificate of title for the vehicle which has been properly assigned by the previous owner to the county or the donor program.

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

This summary was contributed to by Brenda Carter.

S942-SMSU-001

issued for no more than 45
st destroy the plate on or

sports event license plate
ssued. A vehicle displaying
e driven by anyone who is
late is issued and may be

n plates or markers vehicles in lieu of

nd conditions hereinafter
markers designed by said
isions of this Article who
who encloses with such
ate or marker for which
e upon a form prescribed
he limitations and condi-
ary registration plates or
ers shall comply with the

porary registration plates
record of all temporary
d shall also maintain in
s or markers issued
nt form a record of
ance of temporary
require. Each record shall
e of entry of such record.
h records during regular
the Division and to peace

plates or markers shall
form furnished by the
marker to the owner.

ary registration plates or
purchaser or owner of a

or marker without first
tten application for titling
icable fees.
pplication and fees to the
a local license agency for
contract for sale has been
ntract.
to anyone purchasing a
plate that is to be trans-

that he may own, any

it obtaining the written
g the applicable fees, to
from the State.

(e) Every dealer who issues temporary plates or markers shall write clearly and indelibly on the face of the temporary registration plate or marker:

(1) The dates of issuance and expiration;

(2) The make, motor number, and serial numbers of the vehicle; and

(3) Any other information that the Division may require.

It shall be unlawful for any person to issue a temporary registration plate or marker containing any misstatement of fact or to knowingly write any false information on the face of the plate or marker.

(f) If the Division finds that the provisions of this section or the directions of the Division are not being complied with by the dealer, he may suspend, after a hearing, the right of a dealer to issue temporary registration plates or markers.

(g) Every person to whom temporary registration plates or markers have been issued shall permanently destroy such temporary registration plates or markers immediately upon receiving the annual registration plates from the Division: Provided, that if the annual registration plates are not received within 30 days of the issuance of the temporary registration plates or markers, the owner shall, notwithstanding, immediately upon the expiration of such 30-day period, permanently destroy the temporary registration plates or markers.

(h) Temporary registration plates or markers shall expire and become void upon the receipt of the annual registration plates from the Division, or upon the rescission of a contract to purchase a motor vehicle, or upon the expiration of 30 days from the date of issuance, depending upon whichever event shall first occur. No refund or credit or fees paid by dealers to the Division for temporary registration plates or markers shall be allowed, except in the event that the Division discontinues the issuance of temporary registration plates or markers or unless the dealer discontinues business. In this event the unissued registration plates or markers with the unissued registration certificates shall be returned to the Division and the dealer may petition for a refund.

(i) A temporary registration plate or marker may be used on the vehicle for which issued only and may not be transferred, loaned, or assigned to another. In the event a temporary registration plate or marker or temporary registration certificate is lost or stolen, the owner shall permanently destroy the remaining plate or marker or certificate and no operation of the vehicle for which the lost or stolen registration certificate, registration plate or marker has been issued shall be made on the highways until the regular license plate is received and attached thereto.

(j) The Commissioner of Motor Vehicles shall have the power to make such rules and regulations, not inconsistent herewith, as he shall deem necessary for the purpose of carrying out the provisions of this section.

(k) The provisions of G.S. 20-63, 20-71, 20-110 and 20-111 shall apply in like manner to temporary registration plates or markers as is applicable to nontemporary plates. (1957, c. 246, s. 1; 1963, c. 552, s. 8; 1975, c. 716, s. 5; 1985, c. 95; c. 263; 1997-327, ss. 1, 2.)

CASE NOTES

Applied in State v. Gray, 55 N.C. App. 568, 286 S.E.2d 357 (1982).

Cited in Home Indem. Co. v. West Trade Motors, Inc., 258 N.C. 647, 129 S.E.2d 248 (1963); State v. Hudson, 103 N.C. App. 708, 407 S.E.2d 583 (1991).

§ 20-79.2. Transporter plates.

(a) Who Can Get a Plate. — A person engaged in a business requiring the limited operation of a motor vehicle for any of the following purposes may

obtain a transporter plate authorizing the movement of the vehicle for the specific purpose:

(1) To facilitate the manufacture, construction, rebuilding, or delivery of new or used truck cabs or bodies between manufacturer, dealer, seller, or purchaser.

(2) To repossess a motor vehicle.

(3) To pick up a motor vehicle that is to be repaired or otherwise prepared for sale by a dealer, to road-test the vehicle, if it is repaired, within a 10-mile radius of the place where it is repaired, and to deliver the vehicle to the dealer.

(4) To move a motor vehicle that is owned by the business and is a replaced vehicle offered for sale.

(5) To take a motor vehicle either to or from a motor vehicle auction where the vehicle will be or was offered for sale.

(6) To road-test a repaired truck whose GVWR is at least 15,000 pounds when the test is performed within a 10-mile radius of the place where the truck was repaired and the truck is owned by a person who has a fleet of at least five trucks whose GVWRs are at least 15,000 pounds and who maintains the place where the truck was repaired.

(7) To move a mobile office, a mobile classroom, or a mobile or manufactured home.

(8) To drive a motor vehicle that is at least 25 years old to and from a parade or another public event and to drive the motor vehicle in that event. A person who owns a motor vehicle that is at least 25 years old is considered to be in the business of collecting those vehicles.

(9) To drive a motor vehicle that is part of the inventory of a dealer to and from a motor vehicle trade show or exhibition or to, during, and from a parade in which the motor vehicle is used.

(10) To drive special mobile equipment in any of the following circumstances:

a. From the manufacturer of the equipment to a facility of a dealer.

b. From one facility of a dealer to another facility of a dealer.

c. From a dealer to the person who buys the equipment from the dealer.

(b) How to Get a Plate. — A person may obtain a transporter plate by filing an application with the Division and paying the required fee. An application must be on a form provided by the Division and contain the information required by the Division. The fee for a transporter plate is one-half the fee set in G.S. 20-87(5) for a passenger motor vehicle of not more than 15 passengers.

(b1) Number of Plates. — The total number of transporter and dealer plates issued to a dealer may not exceed the number of dealer plates that can be issued to the dealer under G.S. 20-79(b). This restriction does not apply to a person who is not a dealer. Transporter plates issued to a dealer shall bear the words "Dealer-Transporter."

(b2) Sanctions. — The following sanctions apply when a motor vehicle displaying a "Dealer-Transporter" license plate is driven in violation of the restrictions on the use of the plate:

(1) The individual driving the motor vehicle is responsible for an infraction and is subject to a penalty of fifty dollars ($50.00).

(2) The dealer to whom the plate is issued is subject to a civil penalty imposed by the Division of two hundred dollars ($200.00).

(3) The Division may rescind all dealer license plates issued to the dealer whose plate was displayed on the motor vehicle.

A penalty imposed under subdivision (1) of this subsection is payable to the county where the infraction occurred, as required by G.S. 14-3.1. A civil penalty imposed under subdivision (2) of this subsection shall be credited to the Highway Fund as nontax revenue.

(c) **(See editor's note** plate is a type of comme dealer is issued on a fisc who is not a dealer is iss which it is issued, a perso to another as long as the subsection (a) of this sectio is displayed on a motor ve subsection (a) of this sectio 1979, c. 473, ss. 1, 2; c. 62 520; 1993, c. 440, s. 4; 199

Editor's Note. — Session Law 3, provides: "Notwithstanding G as amended by this act, a tra issued to a dealer for the 1997 expires June 30, 1998."

Effect of Amendments. –

§ 20-79.3: Repealed by

§ 20-79.4. Special re

(a) General. — Upon a fees, a person may obtain motor vehicle registered in registration plate. A specia registered under the Inter plate may be issued for a c International Registration becomes ineligible for the p plate within 30 days.

(b) Types. — The Divisio tration plates:

(1) Administrative Off Administrative Off "J-20".

(2) Amateur Radio Op who holds an unex by the Federal Con Division that a port shall bear the phr operator's official numerical or letter may have the call l

(3) American Legion. – The plate shall bea the American Legio by this subdivision plate.

(3a) Animal Lovers. — I in accordance with dog and cat and the

(3b) Bronze Star Recipi The plate shall bea "Bronze Star".

(c) **(See editor's note)** Form, Duration, and Transfer. — A transporter plate is a type of commercial license plate. A transporter plate issued to a dealer is issued on a fiscal-year basis. A transporter plate issued to a person who is not a dealer is issued on a calendar-year basis. During the year for which it is issued, a person may transfer a transporter plate from one vehicle to another as long as the vehicle is driven only for a purpose authorized by subsection (a) of this section. The Division may rescind a transporter plate that is displayed on a motor vehicle driven for a purpose that is not authorized by subsection (a) of this section. (1961, c. 360, s. 21; 1969, c. 600, s. 1; 1975, c. 222; 1979, c. 473, ss. 1, 2; c. 627, ss. 1-3; 1981, c. 727, ss. 1, 2; 1983, c. 426; 1987, c. 520; 1993, c. 440, s. 4; 1995, c. 50, s. 1; 1997-335, s. 2.)

Editor's Note. — Session Laws 1997-335, s. 3, provides: "Notwithstanding G.S. 20-79.2(c), as amended by this act, a transporter plate issued to a dealer for the 1997 calendar year expires June 30, 1998."

Effect of Amendments. — The 1997 amendment, effective January 1, 1998, added subsections (b1) and (b2); and in subsection (c) inserted the second sentence, inserted "issued to a person who is not a dealer", and deleted "calendar" preceding "year for which it is issued."

§ **20-79.3:** Repealed by Session Laws 1993, c. 440, s. 5.

§ 20-79.4. Special registration plates.

(a) General. — Upon application and payment of the required registration fees, a person may obtain from the Division a special registration plate for a motor vehicle registered in that person's name if the person qualifies for the registration plate. A special registration plate may not be issued for a vehicle registered under the International Registration Plan. A special registration plate may be issued for a commercial vehicle that is not registered under the International Registration Plan. A holder of a special registration plate who becomes ineligible for the plate, for whatever reason, must return the special plate within 30 days.

(b) Types. — The Division shall issue the following types of special registration plates:

(1) Administrative Officer of the Courts. — Issuable to the Director of the Administrative Office of the Courts. The plate shall bear the phrase "J-20".

(2) Amateur Radio Operator. — Issuable to an amateur radio operator who holds an unexpired and unrevoked amateur radio license issued by the Federal Communications Commission and who asserts to the Division that a portable transceiver is carried in the vehicle. The plate shall bear the phrase "Amateur Radio". The plate shall bear the operator's official amateur radio call letters, or call letters with numerical or letter suffixes so that an owner of more than one vehicle may have the call letters on each.

(3) American Legion. — Issuable to a member of the American Legion. The plate shall bear the words "American Legion" and the emblem of the American Legion. The Division may not issue the plate authorized by this subdivision unless it receives at least 300 applications for the plate.

(3a) Animal Lovers. — Issuable to the registered owner of a motor vehicle in accordance with G.S. 20-81.12. The plate may bear a picture of a dog and cat and the phrase "I Care."

(3b) Bronze Star Recipient. — Issuable to a recipient of the Bronze Star. The plate shall bear the emblem of the Bronze Star and the words "Bronze Star".

VISITOR REGISTRATION SHEET

HOUSE COMMITTEE ON TRANSPORTATION — May 16, 2001

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Jim Blackburn	NC Association of County Commissioners
Grady McLellan	N.C. Conservation Network.
Matt Brody	N.C Conservation Council
Neil Mood	CCNC
Brian Francis	Meck County
JANET D'IGNAZIO	NCDOT
John M. Terry	Time Wainer CABLE
Lonny Madden	Time Warner Cable
MIKE MESSER	TIME WARNER CABLE
Brad Phillips	TWC

VISITOR REGISTRATION SHEET

HOUSE COMMITTEE ON TRANSPORTATION — May 16, 2001

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
R. Paul Wilms	NCMSA
Beau Mills	NC Metro Coalition
John Cyrus	N.C. State Grange
Andy Romanet	NCLM
John Phelps	NCLM
Charlie Diehl	NC Trucking Association
Virgil McBride	"
Craig Deal	NCDENR
Crissy Porter	Bone & Associates
Jack Edwards	DMV ENF.
Ruth Sappie	DOT - DMV

AGENDA

HOUSE COMMITTEE ON TRANSPORTATION

May 23, 2001

OPENING REMARKS

Representative Cary Allred, Chair

BILLS TO BE DISCUSSED

SB 91 Dealer Plate Changes

Senator Hoyle, Bill Sponsor

ADJOURNMENT

MINUTES

HOUSE COMMITTEE ON TRANSPORTATION

May 23, 2001

The House Committee on Transportation met Wednesday, May 23, 2001 at 11:05 A.M. in Room 643 of the Legislative Office Building. The following members were present: Chairman Cary Allred, Chairman Drew Saunders, Vice Chairman Jeff Barnhart, Representatives Buchanan, Clary, Cole, Crawford, Eddins, Gillespie, Holliman, Lucas, McComas, McLawhorn, Sherrill, Shubert, Sutton, Walker, Warwick and Wilson. Giles Perry and Wendy Graf, Staff Counsels were in attendance. Ruth Fish, Committee Assistant, and Judy Porter, Legislative Assistant, was present and assisted with the minutes. A Visitors Registration Sheet was made available and is attached as part of the minutes.

Representative Allred, Chair, called the meeting to order and introduced the House Page, Elliott Brown, Columbus County, sponsored by Representative Thomas Wright and House Sergeants-at Arms, Dusty Rhodes, Martha Gadison and Francis Poole.

The only bill on the agenda to be discussed was **SB 91 – A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF ADDITIONAL DEALER PLATES TO BUSINESSES ENGAGED IN THE ALTERATION AND SALE OF SPECIALTY VEHICLES.** – sponsored by Senator Hoyle. Senate Bill 91 would authorize the issuance of additional dealer plates to businesses engaged in the alteration and sale of specialty vehicles.

Senator Hoyle explained that a dealer needing help resolving the number of dealer plates he was entitled to use in his "specialty vehicles business" contacted him. He explained that this dealer was entitled to one (1) plate because he sells fewer than 12 vehicles a year. The dealer Senator Hoyle was referring to repaired and altered 25 vehicles last year but only sold 6 vehicles so he could only get 1 plate. He is responsible for moving the vehicles in and out of his business. Senator Hoyle said this man needed more plates to use in his business for delivery and pick up of vehicles at the same time in different locations. By only being entitled to one (1) plate, it had created a hardship and was making it impossible for the dealer to stay in business. The dealer had been refused transporter tags by the DMV.

Discussion followed with Representative Sutton asking if the bill defined "unique or specialty vehicles." Giles Perry, Staff Counsel, said that it was not defined in the bill, and commented that the DMV needed to address the definition and it could be run as an amendment to the bill on the House floor. Ruth Sappie, Legislative Liaison for the Department of Transportation was called on to define the term but said she could not answer and commented that there was no one else present to do so. Representative Cole told the committee the dealers engaged in that business were called "up-fitters."

Representative Buchanan said he thought the man needed help and he moved for a favorable report.

Chairman Allred asked that staff counsel make available the reasons one can use a "transporter tag." The reasons were read by the Chair to the committee and discussed. Representative Shubert questioned if "we really needed another bill or if we needed to fix a problem with the DMV." Senator Hoyle noted that this dealer was not the only one having problems.

Representative Sherrill said the committee ought to fix the bill and send it to the House floor intact. Representative Sutton again questioned the need for the bill and suggested that it be taken off the calendar and more thought be given to it.

Chairman Allred commented that the Senator Hoyle was a busy man, that the committee had discussed the bill and there was a motion on the table. Chairman Allred then called for a vote on Representative Buchanan's motion for a favorable report.

The motion having passed, the meeting was adjourned at 11:35 A.M.

Respectfully submitted,

Representative Gary Allred
Presiding Chair

Jean Allred
Committee Assistant

Committee Report
Attachments
Visitors Registration

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Allred and Saunders** (Chair/Chairs) for the Committee on **Transportation.**

☐ Committee Substitute for
S.B. 91 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF ADDITIONAL DEALER PLATES TO BUSINESSES ENGAGED IN THE ALTERATION AND SALE OF SPECIALTY VEHICLES.

☒ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 2

SENATE BILL 91
Second Edition Engrossed 4/17/01

Short Title:	Dealer Plate Changes.	(Public)
Sponsors:	Senator Hoyle.	
Referred to:	Transportation.	

February 7, 2001

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE ISSUANCE OF ADDITIONAL DEALER PLATES TO BUSINESSES ENGAGED IN THE ALTERATION AND SALE OF SPECIALTY VEHICLES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-79(b) reads as rewritten:

"(b) Number of Plates. – A dealer who was licensed under Article 12 of this Chapter for the previous 12-month period ending April 30 may obtain the number of dealer license plates allowed by the following table; the number allowed is based on the number of motor vehicles the dealer sold during the relevant 12-month period and the average number of qualifying sales representatives the dealer employed during that same 12-month period:

Vehicles Sold In Relevant 12-Month Period	Maximum Number of Plates
Fewer than 12	1
At least 12 but less than 25	4
At least 25 but less than 37	5
At least 37 but less than 49	6
49 or more	At least 6, but no more than 4 times the average number of qualifying sales representatives employed by the dealer during the relevant 12-month period.

A dealer who was not licensed under Article 12 of this Chapter for part or all of the previous 12-month period ending April 30 may obtain the number of dealer license plates that equals four times the number of qualifying sales representatives employed by the dealer on the date the dealer files the application. A "qualifying sales representative"

is a sales representative who works for the dealer at least 25 hours a week on a regular basis and is compensated by the dealer for this work.

A dealer who sold fewer than 49 motor vehicles the previous 12-month period ending April 30 but has sold at least that number since May 1 may apply for additional dealer license plates at any time. The maximum number of dealer license plates the dealer may obtain is the number the dealer could have obtained if the dealer had sold at least 49 motor vehicles in the previous 12-month period ending April 30.

A dealer who applies for a dealer license plate must certify to the Division the number of motor vehicles the dealer sold in the relevant period. Making a material misstatement in an application for a dealer license plate is grounds for the denial, suspension, or revocation of a dealer's license under G.S. 20-294.

A dealer engaged in the alteration and sale of specialty vehicles may apply for up to two dealer plates in addition to the number of dealer plates that the dealer would otherwise be entitled to under this section."

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

SENATE BILL 91:
Dealer Plate Changes

BILL ANALYSIS

Committee:	House Transportation	**Introduced by:**	Senator Hoyle
Date:	May 23, 2001	**Summary by:**	Wendy Graf
Version:	Second Edition		Committee Counsel

SUMMARY: ***Senate Bill 91 would authorize the issuance of additional dealer plates to businesses engaged in the alteration and sale of specialty vehicles.***

CURRENT LAW: A person who is licensed by the State as a motor vehicle dealer may obtain a dealer license plate by filing an application with the Division of Motor Vehicles and paying the required fee. The fee for a dealer license plate is the regular fee for each of the first five plates issued to the same dealer and is one-half the regular fee for each additional dealer license plate issued to the same dealer. (The "regular fee" is $20, the same as the registration fee for a private passenger vehicle of not more than fifteen passengers.)

A dealer who was licensed for the previous 12-month period ending April 30 may obtain the number of dealer plates based on the number of vehicles the dealer sold during that prior year, as follows:

Vehicles Sold	Maximum Plates
Fewer than 12	1
12-24	4
25-37	5
37-48	6
49+	At least 6, but not more than 4 times the average number of qualifying sales representatives employed by the dealer during the relevant 12-month period.

A dealer who was not licensed for part or all of the previous 12-month period ending April 30 may obtain the number of dealer license plates that equals four times the number of qualifying sales representatives employed by the dealer. (A "qualifying sales representative" is defined in the statute as one who works for the dealer at least 25 hours a week on a regular basis and is compensated by the dealer for this work.)

BILL ANALYSIS: Senate Bill 91 would allow a dealer engaged in the alteration and sale of specialty vehicles to apply for up to two dealer plates in addition to the number of dealer plates that the dealer would otherwise be entitled to.

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

This summary was substantially contributed to by Brenda Carter.

S91-SMSU-002

VISITOR REGISTRATION SHEET

TRANSPORTATION — MAY 23, 2001

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Eleanore Hajian	NCLM
Cindy Barnard	NCLM
Darryl Stallings	NCLM - Eliz. City
E. Kirk Rivers	NCLM Eliz City
Phyllis B. Harris	NCLM - City of Mt. Holly
VL McBride	~~WDOT~~
Charlie Diehl	NC Trucking Association
John Cyrus	N.C. State Ethanol
Jane Updyke	Progress Energy
Nancy Stallings	DOT
Dan Ly	NC Sierra, NCAPA

VISITOR REGISTRATION SHEET

TRANSPORTATION — **Name of Committee**

MAY 23, 2001 — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Leon Killian	Mayor Van Allen
Carr Hollins	Truxton
Napoleon Hogans	mayor pro-tem, Spring Lake

AGENDA

HOUSE COMMITTEE ON TRANSPORTATION

May 30, 2001

OPENING REMARKS

Representative Drew Saunders, Chair

BILLS TO BE DISCUSSED

SB 148 Law Officers Memorial Signs

Bill Sponsor – Senator Larry Shaw

HB 1309 Reduce Litter/Increase State Recycling

Bill Sponsor – Representative Pryor Gibson

ADJOURNMENT

MINUTES

HOUSE COMMITTEE ON TRANSPORTATION

May 30, 2001

The House Committee on Transportation met at 11:00 A.M. on May 30, 2001, in Room 643 of the Legislative Office Building. Members present were: Representative Cary Allred, Chair, Representative Drew Saunders, Chair, and Representatives Allen, Buchanan, Clary, Cole, Crawford, Culp, Dedmon, Eddins, Gibson, Gillespie, Hill, Lucas, Luebke, McComas, McLawhorn, Nye, Shubert, Sutton, and C. Wilson. Committee Counsel members Giles Perry and Wendy Graf were also in attendance. A Visitor Registration Sheet is attached and made a part of the minutes.

Representative Saunders, Chair, called the meeting to order and introduced Pages: Graham Barber of Cobb, Georgia, sponsored by Speaker Black; Maile Mercer of Durham, sponsored by Representative Luebke; and Jonathan Clemmons of Swansboro, sponsored by Representative Smith.

The first bill to be discussed was **SB 148 AN ACT TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO ERECT MEMORIAL SIGNS ALONG HIGHWAYS FOR STATE HIGHWAY PATROL MEMBERS AND OTHER LAW ENFORCEMENT PERSONNEL KILLED IN THE LINE OF DUTY.** Senator Larry Shaw, Bill Sponsor, was recognized to explain the bill. A question and answer period followed the explanation. Representative Sutton offered an amendment to include only State Highway Patrol and other law enforcement personnel whose deaths are related to highway duty. Senator Shaw requested that the amendment include the requesting agency to bear the cost of the memorial. There were some questions about the cost of the memorial signs, and Ruth Sappie of the Department of Transportation objected to the amendment. Representative Sutton withdrew the amendment, and he asked that a new amendment be written that would have the requesting family or organization to reimburse the Department of Transportation. Following the rewriting of the amendment, Representative Sutton moved for adoption of the amendment. A vote was taken, and the amendment was approved. Representative Sutton also moved that the amendment be rolled into a committee substitute and be given a favorable report, and the original bill be given an unfavorable report. A vote was taken, and the motion carried.

The next bill to be discussed was **HB 1309 AN ACT TO REDUCE ROADSIDE LITTER BY REQUIRING RECYCLING BINS AT HIGHWAY REST AREAS AND TO INCREASE WASTE REDUCTION AND RECYCLING IN STATE OFFICES BY REQUIRING THE RECYCLING OF NEWSPAPERS, MIXED PAPER, RECYCLABLE GLASS, AND RIGID PLASTIC CONTAINERS.** Representative Gibson, Bill Sponsor, was asked to explain the bill. He offered an amendment that would change "rigid plastic containers" to "plastic bottles." Rudy Underwood with the Plastics Council participated in answering questions about the

amendment, and the amendment was approved by vote. Following the explanation of the bill, there were some questions regarding the cost and who would supply recycling containers. Ruth Sappie expected the cost to be minimal at rest areas along the highways because recycling containers are already in place at the majority of the rest areas, and the Department of Transportation will work with the Department of Environment and Natural Resources for additional containers. Rudy Underwood stated that the vendors that get recycling materials would probably supply containers. Representative Allred moved that the amendment be rolled into a committee substitute bill and that the committee substitute bill be given a favorable report, with an unfavorable report to the original bill, and that the committee substitute bill be referred to the Committee on State Government. A vote was taken, and the motion carried.

There being no further business, the meeting was adjourned at 11:40 A.M.

Representative Drew Saunders, Presiding Chair

Ruth Fish, Committee Assistant

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **ALLRED & SAUNDERS** (Chair/Chairs) for the Committee on **TRANSPORTATION**.

☒ Committee Substitute for
S.B. 148 A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO ERECT MEMORIAL SIGNS ALONG HIGHWAYS FOR STATE HIGHWAY PATROL MEMBERS AND OTHER LAW ENFORCEMENT PERSONNEL KILLED IN THE LINE OF DUTY.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☒ With a favorable report as to committee substitute bill ~~(#_____)~~ House, ~~☐ which changes the title~~, unfavorable as to ~~(~~original bill~~)~~ ~~(Committee Substitute Bill #_____), (and recommendation that the committee substitute bill #_____) be re-referred to the Committee on _____.)~~

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **ALLRED & SAUNDERS** (Chair/Chairs) for the Committee on **TRANSPORTATION**.

☒ Committee Substitute for
H.B. 1309 A BILL TO BE ENTITLED AN ACT TO REDUCE ROADSIDE LITTER BY REQUIRING RECYCLING BINS AT HIGHWAY REST AREAS AND TO INCREASE WASTE REDUCTION AND RECYCLING IN STATE OFFICES BY REQUIRING THE RECYCLING OF NEWSPAPERS, MIXED PAPER, RECYCLABLE GLASS, AND RIGID PLASTIC CONTAINERS.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☒ With a favorable report as to committee substitute bill ~~(#), ☐ which changes the title,~~ unfavorable as to ~~(~~original bill~~) (Committee Substitute Bill #), (~~and recommendation that the committee substitute bill #) be re-referred to the Committee on ~~→~~ State Government.

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 1

SENATE BILL 148

Short Title:	Law Officers Memorial Signs.	(Public)
Sponsors:	Senator Shaw of Cumberland.	
Referred to:	Transportation.	

February 15, 2001

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

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

"**§ 136-42.4. Officers' memorial signs.**

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

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S D

SENATE BILL 148
PROPOSED HOUSE COMMITTEE SUBSTITUTE S148-PCS6296-SU-37

Short Title: Law Officers Memorial Signs. (Public)

Sponsors:

Referred to:

February 15, 2001

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

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

"**§ 136-42.4. Officers' memorial signs.**

The Department shall, upon request, erect signs along North Carolina's highways memorializing members of the State Highway Patrol and other law enforcement personnel who have died in the line of duty in a highway-related enforcement action. The Department shall coordinate the placement and contents of these memorial signs with the Department of Crime Control and Public Safety. The requesting family or organization shall reimburse the Department for the cost of the memorial sign and its installation."

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 _____

S. B. No. 148 Amendment No. _____ (to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE _____

(Rep.) Sen.) Sutton

moves to amend the bill on page 1, line 12

( ) WHICH CHANGES THE TITLE

by deleting the term "duty," and substituting "duty in a highway related enforcement ~~activity~~ action."; and

on page 1, line 13 by adding the following language at the end of the line:

"The requesting family or organization shall reimburse the Department for the cost of the memorial sign and its installation."; and

on page 1, line 10 by deleting the word "shall" and substituting "shall, upon request"

SIGNED _____

ADOPTED _____ FAILED _____ TABLED _____

GA-33-A PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

HOUSE BILL 1309

Short Title:	Reduce Litter/Increase State Recycling.	(Public)
Sponsors:	Representatives Gibson, Underhill (Primary Sponsors); Coates, Harrington, and Barefoot.	
Referred to:	Transportation, if favorable, State Government.	

April 12, 2001

A BILL TO BE ENTITLED

AN ACT TO REDUCE ROADSIDE LITTER BY REQUIRING RECYCLING BINS AT HIGHWAY REST AREAS AND TO INCREASE WASTE REDUCTION AND RECYCLING IN STATE OFFICES BY REQUIRING THE RECYCLING OF NEWSPAPERS, MIXED PAPER, RECYCLABLE GLASS, AND RIGID PLASTIC CONTAINERS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 130A-309.14 is amended by adding new subsections to read:

"(k) The Department of Transportation shall provide and maintain recycling bins at each rest area located in this State on a highway in the Interstate Highway System or in the State highway system for the collection of all recyclable aluminum, high-grade office paper, mixed paper, newspaper, recyclable glass, and rigid plastic containers that have a molded number 1 through 6 placed on the container as part of the code indicating in accordance with G.S. 130A-309.10(e) the plastic resin used to produce the container.

(l) As used in this section, the following definitions apply:

(1) High-grade office paper. – Paper used in offices that is of a high quality for purposes of recycling and includes white copier paper, white computer paper, white office stationery, and white notepaper.

(2) Mixed office paper. – Nearly all waste paper generated in offices that is not high-grade office paper and includes light-colored paper, fax paper, computer paper, junk mail, notepads, manila and bleached file folders, envelopes without plastic windows, magazines, and corrugated cardboard. Mixed paper does not include glossy paper, tape, and envelopes with plastic windows."

SECTION 2. G.S. 130A-309.14(a)(1) reads as rewritten:

"(1) Establish a program in cooperation with the Department and the Department of Administration, for the collection on each floor of each building occupied by a State agency of all of the following recyclable ~~aluminum and wastepaper~~ materials generated in State offices throughout the ~~State, including, at a minimum, high-grade office paper and corrugated paper.~~ State:

a. Aluminum.

b. High-grade office paper.

c. Mixed paper.

d. Newspaper.

e. Recyclable glass.

f. Rigid plastic containers that have a molded number 1 through 6 placed on the container as part of the code indicating in accordance with G.S. 130A-309.10(e) the plastic resin used to produce the container."

SECTION 3. This act becomes effective January 1, 2002.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE BILL 1309
PROPOSED COMMITTEE SUBSTITUTE H1309-PCS7244-SU-38

Short Title: Reduce Litter/Increase State Recycling. (Public)

Sponsors:

Referred to:

April 12, 2001

A BILL TO BE ENTITLED

AN ACT TO REDUCE ROADSIDE LITTER BY REQUIRING RECYCLING BINS AT HIGHWAY REST AREAS AND TO INCREASE WASTE REDUCTION AND RECYCLING IN STATE OFFICES BY REQUIRING THE RECYCLING OF NEWSPAPERS, MIXED PAPER, RECYCLABLE GLASS, AND RIGID PLASTIC CONTAINERS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 130A-309.14 is amended by adding new subsections to read:

"(k) The Department of Transportation shall provide and maintain recycling bins at each rest area located in this State on a highway in the Interstate Highway System or in the State highway system for the collection of all recyclable aluminum, high-grade office paper, mixed paper, newspaper, recyclable glass, and plastic bottles.

(l) As used in this section, the following definitions apply:

(1) High-grade office paper. – Paper used in offices that is of a high quality for purposes of recycling and includes white copier paper, white computer paper, white office stationery, and white notepaper.

(2) Mixed office paper. – Nearly all waste paper generated in offices that is not high-grade office paper and includes light-colored paper, fax paper, computer paper, junk mail, notepads, manila and bleached file folders, envelopes without plastic windows, magazines, and corrugated cardboard. Mixed paper does not include glossy paper, tape, and envelopes with plastic windows."

SECTION 2. G.S. 130A-309.14(a)(1) reads as rewritten:

"(1) Establish a program in cooperation with the Department and the Department of Administration, for the collection on each floor of each building occupied by a State agency of all of the following recyclable ~~aluminum and wastepaper~~ materials generated in State offices

throughout the ~~State, including, at a minimum, high-grade office paper and corrugated paper.~~ State:

a. Aluminum.
b. High-grade office paper.
c. Mixed paper.
d. Newspaper.
e. Recyclable glass.
f. Plastic bottles."

SECTION 3. This act becomes effective January 1, 2002.

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. 1309 DATE May 30, 2001

S. B. No. _____ Amendment No. _____

(to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE _____

Rep.)
) _____
Sen.)

moves to amend the bill on page 1, line s 13 – 15

( ) WHICH CHANGES THE TITLE

by deleting the phrase [redacted] that begins "rigid plastics containers" through the end of that sentence and inserting in lieu thereof the phrase "plastic bottles."

and further moves to amend the bill on p. 2, lines 12-15, by rewriting that subsection f. to read as follows:

"f. plastic bottles."

SIGNED _____

ADOPTED ✓ FAILED _____ TABLED _____

GA-33-A

PRINCIPAL CLERK'S OFFICE USE ONLY

SENATE BILL 148:
Law Officers Memorial Signs

BILL ANALYSIS

Committee:	House Transportation Committee	**Introduced by:**	Senator Larry Shaw
Date:	May 30, 2001	**Summary by:**	Wendy Graf
Version:	First Edition		Committee Counsel

SUMMARY: ***Senate Bill 148 would require the Department of Transportation to erect signs along highways to memorialize law enforcement personnel killed in the line of duty.***

BILL ANALYSIS: Senate Bill 148 adds a new section 136-42.4 to the General Statutes that would require the Department of Transportation to erect signs along North Carolina's highways memorializing members of the State Highway Patrol and other law enforcement personnel who have died in the line of duty. The Department would coordinate the placement and content of the signs with the Department of Crime Control and Public Safety.

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

S148-SMSU-001

HOUSE BILL 1309:
Reduce Litter/Increase State Recycling

BILL ANALYSIS

Committee:	House Transportation	**Introduced by:**	Representatives Gibson and Underhill
Date:	May 30, 2001		
Version:	First Edition	**Summary by:**	Wendy Graf Committee Counsel

SUMMARY: ***House Bill 1309 would require the Department of Transportation to provide and maintain recycling bins at highway rest areas and would require all State agencies to establish a program for collection of recyclable materials on each floor of each building occupied by a State agency.***

CURRENT LAW: Currently, G.S. 130A-309.14 sets out the duties of State agencies with regard to solid waste management. Pursuant to G.S. 130A-309.14(a)(1), each State agency is required to establish a program in cooperation with the Department of Environment and Natural Resources and the Department of Administration for the collection of recyclable materials generated in State offices. The statute specifies that these materials include, at a minimum, high-grade office paper and corrugated paper.

BILL ANALYSIS: House Bill 1309 would amend G.S. 130A-309.14(a)(1) to require that the programs developed by each State agency provide for the collection of recyclables on each floor of each building occupied by the agency and lists specifically the types of materials to be collected. In addition to high-grade office paper, the following materials would be required to be collected:

- Aluminum
- Mixed paper
- Newspaper
- Recyclable glass
- Rigid plastic containers that have a molded number 1 through 6

House Bill 1309 would also add a new subsection (k) to G.S. 130A-309.14 to require that the Department of Transportation provide and maintain recycling bins at all rest areas within the State on highways in the Interstate Highway System or the State highway system for the collection of the same recyclable materials listed above.

EFFECTIVE DATE: The act would become effective January 1, 2002.

H1309-SMSU-001

VISITOR REGISTRATION SHEET

HOUSE COMMITTEE ON TRANSPORTATION — May 30, 2001

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Charles Tomlinson	NC DOT, Raleigh
Matt Brody	CCNC
Elizabeth Ouzts	NCPIRG
GEORGE SUDDATH	NCSDA
Butch Gurnells	NCSDA
Kim Hibbard	NCLM
Jeff VAN DYKE	BELLSOUTH
BILL CHRISTOPHER	CHARLOTTE AREA TRANSIT SYSTEM
Rudy Underwood	American Planning Council
Amy Fulbright	Hunton & Williams
Charles Case	"

VISITOR REGISTRATION SHEET

HOUSE COMMITTEE ON TRANSPORTATION — May 30, 2001

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Michelle Frazier	NC Bar Assoc.
Barbara Canaday	Manning, Fulton & Skinner
Charlie Diehl	NC Trucking Assoc.
Susan Valaam	Nationwide
VL McBride	YMCA
David Siegel	Durham Academy - Rep. Luebke
Andrew Hainsworth	UNC at Asheville - Rep. Luebke
Robert Hunter	For the Comm. of Banks

AGENDA

COMMITTEE ON TRANSPORTATION

June 6, 2001
11:00 A.M.

Room 643 LOB

OPENING REMARKS

Representative Cary Allred, Chairman

BILLS TO BE DISCUSSED

(Listed in numerical order – not necessarily in agenda order.)

HB 644 - Toll Road and Bridge Authority Created
Representative Crawford, Bill Sponsor

SB 600 - MV Technical Changes
Senator Gulley, Bill Sponsor

ADJOURNMENT

MINUTES
HOUSE COMMITTEE ON TRANSPORTATION
June 6, 2001

The House Committee on Transportation met on Wednesday, June 6, 2001 at 11:05 A.M. in Room 643 of the Legislative Office Building. Members present were: Representatives Cary Allred and Drew Saunders, Chairmen, and Representatives Allen, Buchanan, Clary, Cole, Crawford, Clup, Dedmon, Eddins, Gibson, Holliman, Lucas, McComas, McLawhorn, Nye, Sexton, Sherrill, Shubert, Sutton, Teague, Walker and Warwick. Giles Perry and Wendy Graf, Staff Counsels were in attendance. Ruth Fish, Committee Assistant, and Judy Porter, Legislative Assistant, were also present and assisted with the minutes. A Visitors Registration Sheet was made available and is attached as part of the minutes.

Presiding Chair, Representative Allred, called the meeting to order and introduced House Pages: Justin McDaniel of Newton, sponsored by Representative Hilton and Will Powell of Raleigh, sponsored by Representative Daughtry. Also introduced were House Sergeants-at-Arms, Dusty Rhodes, Maxine Holley and Jim Brewer.

The first bill to be discussed was **SB - 600 A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS TECHNICAL AND OTHER CHANGES TO THE MOTOR VEHICLE STATUTES.** Representative Cole was recognized to explain the bill. SB 600 makes various technical changes to the motor vehicle statutes. A discussion period followed. Most of the discussion centered on trucks being required to stop at railroad crossings and whether all truckloads would be required to be covered. Ruth Sappie, Department of Transportation Legislative Liaison, addressed the committee. Ms. Sappie told the committee that SB 600 was a technical bill and was the only agency bill asked for this session by DOT. DOT supported the technical changes, which were made in the Senate. Lt. Calvin Leggett, N.C. Department of Motor Vehicles, pointed out the section, which addressed railroad crossings, if the crossing is lighted and/or gated the truck, does not have to stop. After much discussion it was decided to displace the bill until the next meeting.

Next for discussion was **HB 644 - A BILL TO BE ENTITLED AN ACT TO AUTHORIZE PUBLIC TOLL ROADS AND BRIDGES IN NORTH CAROLINA AND THE CREATION OF A TURNPIKE AUTHORITY,** sponsored by Representative Crawford. Representative Cole was called on to explain the bill. He moved to adopt a Proposed Committee Substitute for discussion. The motion passed but with time running out, Representative Allred, Chairman, displaced the bill until the next meeting and adjourned the meeting at 11:55 A.M.

Representative Cary Allred, Presiding Chair

Jean B. Allred, Committee Assistant

Attachments
Visitor Registration Sheet

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

HOUSE BILL 644

Short Title:	Toll Road and Bridge Authority Created.	(Public)
Sponsors:	Representatives Crawford; Bowie and Cole.	
Referred to:	Transportation.	

March 15, 2001

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE PUBLIC TOLL ROADS AND BRIDGES IN NORTH CAROLINA AND THE CREATION OF A TURNPIKE AUTHORITY.

The General Assembly of North Carolina enacts:

SECTION 1. Article 6F of Chapter 136 of the General Statutes is repealed.

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

"Article 6H.

"Public Toll Roads and Bridges.

"**§ 136-89.180. Legislative findings.**

The General Assembly finds that the existing State road system is becoming increasingly congested and overburdened with traffic in many areas of the State; that the sharp surge of vehicle miles traveled is overwhelming the State's ability to build and pay for adequate road improvements; and that an adequate answer to this challenge will require the State to be innovative and utilize several new approaches to transportation improvements in North Carolina.

Toll funding of highway construction is feasible in North Carolina and can contribute to addressing the critical transportation needs of the State. A toll program can speed the implementation of needed transportation improvements by funding some projects with tolls.

"**§ 136-89.181. Definitions.**

The following definitions apply to this Article:

(1) "Turnpike authority" means the public agency created by this Article.

(2) "Turnpike authority board" means the governing board of the Turnpike Authority.

(3) "Turnpike project" means any part of the State highway system, including primary and secondary roads, bridges, tunnels, feeder roads and approaches, and converted free highways and other facilities.

(4) "Turnpike system" means collectively all Turnpike Projects developed under this Article.

"**§ 136-89.182. North Carolina Turnpike Authority.**

(a) Creation. -- There is created a body politic and corporate to be known as the "North Carolina Turnpike Authority." The Authority is constituted as a public agency, and the exercise by the Authority of the powers conferred by this Article in the construction, operation, and maintenance of toll roads and bridges shall be deemed and held to be the performance of an essential governmental function.

(b) Administrative Placement. -- The Authority shall be located within the Department of Transportation for administrative purposes but shall exercise all of its powers independently of the Department of Transportation except as otherwise specified in this Article.

(c) Board of Directors. -- The North Carolina Turnpike Authority shall be governed by a seven-member Board of Directors consisting of the Secretary of Transportation, who shall serve as chairman of the Authority Board, and six members who shall be appointed by the Governor, at least three of whom shall reside in metropolitan areas.

(d) Board of Transportation Members. -- Not more than two members of the North Carolina Board of Transportation, in addition to the Secretary of Transportation, may serve as members of the Authority Board.

(e) Staggered Terms. -- The initial appointments by the Governor to the Authority Board shall consist of two members appointed to terms ending January 14, 2003, two members appointed to terms ending January 14, 2005, and two members appointed to terms ending January 14, 2007.

Thereafter, at the expiration of each stipulated term of office, all appointments shall be to a term of six years from the date of the expiration of the term.

(f) Vacancies. -- All members of the Authority Board shall remain in office until their successors are appointed and qualify. The Governor may appoint a member to serve out the unexpired term of any Board member.

(g) Removal of Board Members. -- Each appointed member of the Authority Board, notwithstanding subsection (e) of this section, shall serve at the pleasure of the Governor.

(h) Conflicts of Interest, Ethics, etc. -- Members of the Authority Board shall be subject to provisions of G.S. 136-13, 136-13.1, and 136-14.

(i) Compensation. -- The appointed members of the Authority Board shall receive no salary for their services but shall be entitled to receive per diem and travel allowances in accordance with the provisions of G.S. 138-5 and G.S. 138-6 as appropriate.

(j) Bylaws. -- The Authority Board shall adopt bylaws with respect to the calling of meetings, quorums, voting procedures, the keeping of records, and other organizational, staffing, and administrative matters as the Authority Board may determine.

(k) Executive Director and Other Employees. -- The Authority Board shall appoint an Executive Director, whose salary shall be fixed by the Authority, to serve at its pleasure.

The Executive Director shall be the Authority's chief administrative officer and shall be responsible for the daily administration of the toll roads and bridges constructed, maintained, or operated pursuant to this Article.

The Executive Director or his designee shall appoint, employ, dismiss, and within the limits approved by the Authority Board, fix the compensation of such other employees as he deems necessary to carry out this Article.

(l) Office. -- The offices of the Authority may be housed in one or more facilities of the Department of Transportation.

"**§ 136-89.183. Powers of the Authority.**

(a) The Authority shall have all of the powers necessary to execute the provisions of this Article including the following powers:

(1) The powers of a corporate body, including the power to sue and be sued, to make contracts, to adopt and use a common seal, and to alter the adopted seal as needed.

(2) To study, plan, develop, design, establish, purchase, construct, operate, and maintain a Turnpike Project, either on its own initiative or at the request of the Board of Transportation.

(3) To rent, lease, purchase, acquire, own, encumber, dispose of, or mortgage real or personal property, including the power to acquire property by eminent domain pursuant to G.S. 136-89.184.

(4) To fix, revise, charge, and collect tolls and fees for the use of the Turnpike Authority.

(5) To issue bonds or notes of the Authority as provided in this Article.

(6) To establish, construct, purchase, maintain, equip, and operate any structure or facilities associated with the Turnpike System.

(7) To pay all necessary costs and expenses in the formation, organization, administration, and operation of the Authority.

(8) To apply for, accept, and administer loans and grants of money or real or personal property from any federal agency, from the State or its political subdivisions, local government, or from any other public or private sources available.

(9) To adopt, alter, or repeal its own bylaws or rules implementing the provisions of this Article.

(10) To employ consulting engineers, architects, attorneys, real estate counselors, appraisers, and other consultants and employees as may be required in the judgment of the Authority and to fix and pay their compensation from funds available to the Authority.

(11) To select and retain financial consultants, underwriters, and bond attorneys in connection with the issuance of any bonds and to pay for their services out of the proceeds of any bond issue for which their services were performed.

(12) To execute financing agreements, security documents, and other instruments necessary in exercising its power under this Article.
(13) To receive and use appropriations from the State.
(14) To adopt procedures to govern its procurement of services and delivery of Turnpike Projects.
(15) To perform or procure any portion of services required by the Authority.
(16) To use officers, employees, agents, and facilities of the Department of Transportation for the purposes and upon the terms as may be mutually agreeable.
(17) To contract for the construction, maintenance, and operation of a Turnpike Project.
(18) To expend such funds as it deems necessary to enter into partnership agreements with political subdivisions of the State, or with private entities, for the purpose of financing the cost of acquiring, constructing, equipping, operating, or maintaining any Turnpike Project.

(b) To execute the powers provided in subsection (a) of this section, the Authority shall determine its policies by majority vote of the members of the Authority present and voting, a quorum having been established. Once a policy is established, the Authority Board shall communicate it to the Executive Director, who shall have the sole and exclusive authority to execute the policy of the Authority. No member of the Authority Board shall have the responsibility or authority to give operational directives to any employee of the Authority other than the Executive Director.

"**§ 136-89.184. Acquisition of real property.**

(a) General. -- The Authority may acquire public or private real property by purchase, negotiation, gift, or devise, or condemnation that it determines to be necessary and convenient for the construction, expansion, enlargement, extension, improvement, or operation of a Turnpike Project. When the Authority acquires real property owned by the State, the Secretary of the Department of Administration shall execute and deliver to the Authority a deed transferring fee simple title to the property to the Authority.

(b) Condemnation. -- To exercise the power of eminent domain, the Authority shall commence a proceeding in its name and shall follow the procedure set forth in Article 9 of Chapter 136 of the General Statutes.

"**§ 136-89.185. Taxation of property of Authority.**

Property owned by the Authority is exempt from taxation in accordance with Section 2 of Article V of the North Carolina Constitution.

"**§ 136-89.186. Audit.**

The operations of the Authority shall be subject to the oversight of the State Auditor pursuant to Article 5A of Chapter 147 of the General Statutes.

"**§ 136-89.187. Conversion of free highways.**

The Authority Board, with the concurrence of the Board of Transportation, may convert a segment of the non-tolled State highway system to a toll facility if that

conversion is the most feasible and economic means to accomplish a desired expansion or extension improvements to the State highway system.

"**§ 136-89.188. Tolls on converted highways.**

The Authority Board may impose a toll for travel over existing non-tolled State highways if converted to a toll facility consistent with this Article.

"**§ 136-89.189. Use of surplus revenues.**

The Authority Board may authorize the use of surplus revenue of the Turnpike System to pay the costs of other Turnpike Projects or for any other lawful purpose consistent with this Article.

"**§ 136-89.190. Lease, sale, or conveyance of Turnpike Projects.**

The Authority may lease, sell, grant a concession or franchise, or otherwise convey all or a portion of the Turnpike System to another governmental or private entity, if such conveyance is in the best interest of the State.

"**§ 136-89.191. Turnpike Authority revenue bonds.**

(a) The Authority Board, in cooperation with the Department of State Treasurer, by the adoption of a bond resolution, may authorize the issuance of bonds to pay all or a portion of the cost of a Turnpike Project or to refund any previously issued bonds.

(b) The Authority may sell bonds at public or private sale in a manner and for a price it determined to be in the best interest of the Authority.

(c) The Authority may sell bonds secured by a lien on the revenues of the Turnpike System or a Turnpike Project.

(d) The Authority may sell bonds secured by lien of revenues subordinate to the lien of other bonds.

(e) The Authority may execute a revenue bond indenture or other similar agreement with bondholders in a form and with such covenants and provisions it finds to be in the best interest of the Authority.

"**§ 136-89.192. Payment of bonds; State credit not pledged.**

Bonds issued by the Authority under this Article shall not be deemed to constitute a debt of the State of North Carolina or a pledge of the full faith and credit of the State.

"**§ 136-89.193. Cost participation by Department of Transportation.**

The Department of Transportation may participate in the cost of preconstruction activities, construction, maintenance, or operation of a Turnpike Project.

"**§ 136-89.194. Equity distribution formula.**

Only those funds applied to a Turnpike Project from the State Highway Fund, State Highway Trust Fund, or federal-aid funds that might otherwise be used for other roadway projects within the State, and are otherwise already subject to the distribution formula under G.S. 136-17.2A, shall be included in the distribution formula.

Other revenue from the sale of bonds, project loans, or toll collections shall not be included in the distribution formula.

"**§ 136-89.195. Annual plan of work; annual and quarterly reports.**

(a) Annual Plan of Work. -- The Authority shall annually develop a plan of work for the fiscal year, describing the activities and projects to be undertaken, accompanied by a budget. This annual plan of work shall be subject to the concurrence of the Board of Transportation.

(b) Annual Reports. -- The Authority shall, promptly following the close of each fiscal year, submit an annual report of its activities for the preceding year to the Governor, the General Assembly, and the Department of Transportation. Each report shall be accompanied by an audit of its books and accounts.

(c) Quarterly Reports. -- The Authority shall submit quarterly reports to the Joint Legislative Transportation Oversight Committee. The reports shall summarize the Authority's activities during the quarter and contain any information about the Authority's activities that is requested by the Committee.

"**§ 136-89.196. Laws applicable to the Authority; exceptions.**

(a) Motor Vehicle Laws. -- The Turnpike System shall be considered a "highway" as defined in G.S. 20-4.01(13) and a "public vehicular area" as defined in G.S. 20-4.01(32). All law enforcement and emergency personnel, including the State Highway Patrol and the Division of Motor Vehicles, shall have the same powers and duties on the Turnpike System as on any other highway or public vehicular area.

(b) Purchases of Supplies, Material, Equipment, and Building Contracts. -- For the purposes of implementing this Article, the Authority is exempted from the provisions of G.S. 136-28.1 and G.S. 136-28.4 and Articles 3 and 8 of Chapter 143 of the General Statutes and all rules associated with those provisions."

SECTION 3. Chapter 20 of the General Statutes is amended to add a new section to read:

"**§ 20-158.2. Control of vehicles on Turnpike System.**

The North Carolina Turnpike Authority may control vehicles at appropriate places by erecting traffic control devices to collect tolls.

Failure to pay a proper toll, as evidenced by a traffic control photographic system or other enforcement mechanism, is a noncriminal violation for which a civil penalty set by the Turnpike Authority shall be assessed."

SECTION 4. G.S. 136-176(b) reads as rewritten:

"(b) Funds in the Trust Fund are annually appropriated to the Department of Transportation to be allocated and used as provided in this subsection. A sum, not to exceed four and one-half percent (4.5%) of the amount of revenue deposited in the Trust Fund under subdivisions (a)(1), (2), and (3) of this section, may be used each fiscal year by the Department for expenses to administer the Trust Fund. Operation of the North Carolina Turnpike Authority is an eligible administrative expense under this subsection. The rest of the funds in the Trust Fund shall be allocated and used as follows:

(1) Sixty-one and ninety-five hundredths percent (61.95%) to plan, design, and construct the projects of the Intrastate System described in G.S. 136-179 and to pay debt service on highway bonds and notes that are issued under the State Highway Bond Act of 1996 and whose proceeds are applied to these projects.

(2) Twenty-five and five hundredths percent (25.05%) to plan, design, and construct the urban loops described in G.S. 136-180 and to pay debt service on highway bonds and notes that are issued under the State Highway Bond Act of 1996 and whose proceeds are applied to these urban loops.

(3) Six and one-half percent (6.5%) to supplement the appropriation to cities for city streets under G.S. 136-181.

(4) Six and one-half percent (6.5%) for secondary road construction as provided in G.S. 136-182 and to pay debt service on highway bonds and notes that are issued under the State Highway Bond Act of 1996 and whose proceeds are applied to secondary road construction.

The Department must administer funds allocated under subdivisions (1), (2), and (4) of this subsection in a manner that ensures that sufficient funds are available to make the debt service payments on bonds issued under the State Highway Bond Act of 1996 as they become due."

SECTION 5. G.S. 126-5 is amended by adding a new subdivision to read:

"(c1) Except as to the provisions of Articles 6 and 7 of this Chapter, the provisions of this Chapter shall not apply to:

...

(21) Employees of the North Carolina Turnpike Authority."

SECTION 6. G.S. 120-123 is amended by adding a new subdivision to read:

"**§ 120-123. Service by members of the General Assembly on certain boards and commissions.**

No member of the General Assembly may serve on any of the following boards or commissions:

...

(75) The North Carolina Turnpike Authority."

SECTION 7. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 3

SENATE BILL 600
Transportation Committee Substitute Adopted 4/23/01
Third Edition Engrossed 4/25/01

Short Title: MV Technical Changes. (Public)

Sponsors:

Referred to:

March 22, 2001

A BILL TO BE ENTITLED

AN ACT TO MAKE VARIOUS TECHNICAL AND OTHER CHANGES TO THE MOTOR VEHICLE STATUTES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-4.01(12a) reads as rewritten:

"(12a) Gross Vehicle Weight Rating (GVWR). – The value specified by the manufacturer as the maximum loaded weight ~~of a vehicle.~~ a vehicle is capable of safely hauling. The GVWR of a combination vehicle is the GVWR of the power unit plus the GVWR of the towed unit or units. When a vehicle is determined by an enforcement officer to be structurally altered in any way from the manufacturer's original ~~design,~~ design in an attempt to increase the hauling capacity of the vehicle, the GVWR of that vehicle will then be determined by the license weight or the total weight of the vehicle or combination of vehicles ~~may be deemed as the GVWR~~ for the purpose of enforcing this Chapter."

SECTION 2. G.S. 20-30(6) reads as rewritten:

"(6) ~~To photostat or otherwise reproduce a driver's license or learner's permit or to possess a driver's license or learner's permit which has been photostated or otherwise reproduced, unless such photostat or other reproduction was authorized by the Commissioner.~~ To make a color photocopy or otherwise make a color reproduction of a drivers license, learner's permit, or special identification card which has been color-photocopied or otherwise reproduced in color, unless such color photocopy or other color reproduction was authorized by the Commissioner. It shall be lawful to make a black and white photocopy of a drivers license, learner's permit, or special identification card or otherwise make a black and white reproduction of a drivers license, learner's permit, or special identification card."

SECTION 3. G.S. 20-63(b) reads as rewritten:

"(b) Every license plate shall have displayed upon it the registration number assigned to the vehicle for which it is issued, the name of the State of North Carolina, which may be abbreviated, and the year number for which it is issued or the date of expiration. A plate issued for a commercial vehicle, as defined in G.S. 20-4.2(1), and weighing 26,001 pounds or more, must bear the word "commercial," unless the plate is a special registration plate authorized in G.S. 20-79.4 or the commercial vehicle is a trailer or is licensed for 6,000 pounds or less. The plate issued for vehicles licensed for 7,000 pounds through 26,000 pounds must bear the word "weighted".

A registration plate issued by the Division for a private passenger vehicle or for a private hauler vehicle licensed for 6,000 pounds or less, other than a Friends of the Great Smoky Mountains National Park special registration plate, shall be a "First in Flight" plate. A "First in Flight" plate shall have the words "First in Flight" printed at the top of the plate above all other letters and numerals. The background of the plate shall depict the Wright Brothers biplane flying over Kitty Hawk Beach, with the plane flying slightly upward and to the right."

SECTION 4. G.S. 20-101 reads as rewritten:

"**§ 20-101. Certain business vehicles to be marked.**

A motor vehicle that is subject to 49 C.F.R. Part 390, the federal motor carrier safety regulations, shall be marked as required by that Part.

A motor vehicle that is not subject to those regulations, has a gross vehicle weight rating of more than 10,000 pounds, but less than 26,001 pounds, and is used in intrastate commerce, and is not a farm vehicle, as further described in G.S. 20-118 (c)(4), (c)(5), or (c)(12), shall have the name of the owner printed on the side of the vehicle in letters not less than three inches in height.

A motor vehicle that is subject to regulation by the North Carolina Utilities Commission shall be marked as required by that Commission and as otherwise required by this section."

"**SECTION 5.** G.S. 20-116(g) reads as rewritten:

"(g) (1) No vehicle shall be driven or moved on any highway unless ~~such~~ the vehicle is ~~so~~ constructed ~~or~~ and loaded ~~as~~ to prevent any of its load from falling, blowing, dropping, sifting, leaking, or otherwise escaping ~~therefrom, except that~~ therefrom, and the vehicle shall not contain any holes, cracks, or openings through which any of its load may escape. However, sand may be dropped for the purpose of securing traction, or water or other substance may be ~~sprinkled~~ sprinkled, dumped, or spread on a roadway in cleaning or maintaining ~~such~~ the roadway.

(2) Trucks, trailers or other vehicles when loaded with rock, gravel, stone or ~~other~~ any other similar ~~substances which~~ substance that could fall, blow, leak, sift or drop shall not be driven or moved on any highway unless the height of the load against all four walls does not extend above a horizontal line six inches below their tops when loaded at the

loading ~~point, or if not so loaded, unless~~ point and the load shall be securely covered by tarpaulin or some other suitable ~~covering, or unless it is otherwise constructed so as~~ covering to prevent any of its load from falling, dropping, sifting, leaking, blowing, or otherwise escaping therefrom. This subdivision does not apply to a vehicle licensed for 7,500 pounds or less gross vehicle weight.

(3) ~~Provided this~~ This section shall not be applicable to or in any manner restrict the transportation of seed cotton, of poultry or livestock or silage or other feed grain used in the feeding of poultry or livestock."

SECTION 6. G.S. 20-118(c)(14) reads as rewritten:

"(14) Subsections (b) and (e) of this section do not apply to a vehicle that meets all of the following conditions:

a. Is hauling aggregates from a distribution yard or a State-permitted production site within a North Carolina county contiguous to the North Carolina State border to a destination in ~~an adjacent state~~ another state adjacent to that county as verified by a weight ticket in the driver's possession and available for inspection by enforcement personnel.

b. Does not operate on an interstate highway or posted bridge.

c. Does not exceed 69,850 pounds gross vehicle weight and 53,850 pounds per axle grouping for tri-axle vehicles. For purposes of this subsection, a tri-axle vehicle is a single power unit vehicle with a three consecutive axle group on which the respective distance between any two consecutive axles of the group, measured longitudinally center to center to the nearest foot, does not exceed eight feet. For purposes of this subsection, the tolerance provisions of subsection (h) of this section do not ~~apply.~~apply and vehicles must be licensed in accordance with G.S. 20-88.

d. All other enforcement provisions of this Article remain applicable."

SECTION 7. G.S. 20-118.1 reads as rewritten:

"**§ 20-118.1. Officers may weigh vehicles and require overloads to be removed.**

A law enforcement officer may stop and weigh a vehicle to determine if the vehicle's weight is in compliance with the vehicle's declared gross weight and the weight limits set in this Part. The officer may require the driver of the vehicle to drive to a scale located within five miles of where the officer stopped the vehicle.

Any person operating a truck must enter a permanent weigh station or temporary inspection or weigh site as directed by duly erected signs or an electronic transponder for the purpose of being electronically screened for compliance, or weighed, or inspected.

If the vehicle's weight exceeds the amount allowable, the officer may detain the vehicle until the overload has been removed. Any property removed from a vehicle because the vehicle was overloaded is the responsibility of the owner or operator of the vehicle. The State is not liable for damage to or loss of the removed property.

Failure to permit a vehicle to be weighed or to remove an overload is a misdemeanor of the Class set in G.S. 20-176. An officer must weigh a vehicle with a scale that has been approved by the Department of Agriculture and Consumer Services."

SECTION 8. G.S. 20-142.3 reads as rewritten:

"**§ 20-142.3. Certain vehicles must stop at railroad grade ~~crossing; placarding certain vehicles.~~crossing.**

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

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

(1) At railroad tracks used exclusively for industrial switching purposes within a business district.

(2) At a railroad grade crossing which a police officer or crossing flagman directs traffic to proceed.

(3) At a railroad grade crossing protected by a gate or flashing signal designed to stop traffic upon the approach of a train, when the gate or flashing signal does not indicate the approach of a train.

(4) At an abandoned railroad grade crossing which is marked with a sign indicating that the rail line is abandoned.

(5) At an industrial or spur line railroad grade crossing marked with a sign reading "Exempt" erected by or with the consent of the appropriate State or local authority.

(c) ~~It shall be unlawful to transport by motor vehicle upon the highways of this State any hazardous material without conspicuously marking or placarding the motor vehicle on each side and on the rear with the word "DANGEROUS" or the common or generic name of the article transported or its principal hazard. Additionally, the rear of any such vehicle shall be conspicuously marked with the words "THIS VEHICLE STOPS AT RAILROAD CROSSINGS" or "WE STOP AT RR CROSSINGS." A~~ person violating the provisions of this ~~subsection~~ section shall be guilty of an infraction

and punished in accordance with G.S. 20-176. Violation of this section shall not constitute negligence per se.

(d) "Hazardous materials," for purposes of this section only, means any hazardous material required to be placarded under 49 C.F.R. § 171-180.

~~(e) The provisions of this section shall not apply to vehicles subject to Federal Motor Carrier Safety rules adopted by the Division of Motor Vehicles.~~"

SECTION 9. Section 3 of this act becomes effective January 1, 2003. The remainder of this act becomes effective December 1, 2001, and applies to offenses occurring on or after that date.

SENATE BILL 600:
Motor Vehicle Technical Changes

BILL ANALYSIS

Committee:	Senate Transportation	**Introduced by:**	Senator Gulley
Date:	May 23, 2001	**Summary by:**	Giles S. Perry
Version:	Third Edition		Committee Counsel

SUMMARY: ***Senate Bill 600 makes various technical and other changes to the motor vehicle statutes.***

BILL ANALYSIS:

Section 1 of the bill changes the definition of "gross vehicle weight rating" from the value specified by the manufacturer as the *maximum loaded weight* of a vehicle to *the maximum loaded weight a vehicle is capable of safely hauling.* The bill also provides that when a vehicle is structurally altered in any way from the manufacturer's original design in an attempt to increase the hauling capacity of the vehicle, the gross vehicle weight rating of that vehicle will then be determined by the license weight or the total weight of the vehicle or combination of vehicles.

Section 2 rewrites the provision concerning copying or possessing a copy of a driver's license or learner's permit to allow black and white copies. The section also adds special identification cards to the coverage of this section.

Section 3 makes the requirement that a plate issued for a commercial vehicle must bear the word "commercial" applicable only to commercial vehicles weighing 26,001 pounds or more. The plate issued for commercial vehicles licensed for 7,000 pounds up to 26,000 pounds must bear the word "weighted".

Section 4 amends the State requirement that certain business vehicles be marked, by limiting its applicability to vehicles with a gross vehicle weight rating of more than 10,000 pounds *but less than 26,001 pounds.*

Section 5 makes technical and clarifying amendments to the provision that prohibits a vehicle from being operated on a highway unless the vehicle is constructed or loaded to prevent its load from escaping. This section would now require vehicles licensed for over 7,500 pounds and transporting loads that could escape to have a tarpaulin or other suitable covering.

Section 6 clarifies an exception to the law regarding the weight of vehicles and load. Current law includes a weight and penalty exception for vehicles hauling aggregates from a distribution yard or a State-permitted production site within a North Carolina county contiguous to the North Carolina border to a destination *in an adjacent state.* This section of the bill amends the exception so that it applies to the described hauling to *another state adjacent to that county.* This section also requires that vehicles subject to this exception must be licensed in accordance with requirements for property hauling vehicles.

Section 7 amends the statute that authorizes law enforcement officers to weigh vehicles and require overloads to be removed. Under current law the officer may require the driver of the vehicle to drive to a scale located within five miles of where the officer stopped the vehicle. The bill specifies that any person operating a truck must enter a weigh station for the purpose of being electronically screened for compliance, or weighed, or inspected.

Section 8 amends the statute that requires certain vehicles to stop at railroad grade crossings. This section makes three changes:

--clarifies that the requirement to stop at a RR crossing applies to any commercial motor vehicle for which the driver is required to possess a commercial drivers license to operate;

--deletes a provision concerning marking of hazardous materials that conflicts with federal regulation; and

--includes vehicles subject to federal motor carrier rules in the requirement to stop at RR crossings.

Effective Date:
Section 3 of the bill would become effective January 1, 2003. The remainder of the bill would become effective December 1, 2001 and apply to offenses occurring on or after that date.

S600-SMRW-001
Brenda J. Carter, Attorney, Research Divison, contributed substantially to this summary.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE BILL 644
PROPOSED COMMITTEE SUBSTITUTE H644-CSRW-16 [v.13]

5/30/2001 4:53:00 PM

Short Title: Toll Road and Bridge Authority Created. (Public)

Sponsors:

Referred to:

March 15, 2001

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE PUBLIC TOLL ROADS AND BRIDGES IN NORTH CAROLINA AND THE CREATION OF A TURNPIKE AUTHORITY.

The General Assembly of North Carolina enacts:

SECTION 1. Article 6F of Chapter 136 of the General Statutes is repealed.

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

"Article 6H.

"Public Toll Roads and Bridges.

"**§ 136-89.180. Legislative findings.**

The General Assembly finds that the existing State road system is becoming increasingly congested and overburdened with traffic in many areas of the State; that the sharp surge of vehicle miles traveled is overwhelming the State's ability to build and pay for adequate road improvements; and that an adequate answer to this challenge will require the State to be innovative and utilize several new approaches to transportation improvements in North Carolina.

Toll funding of highway construction is feasible in North Carolina and can contribute to addressing the critical transportation needs of the State. A toll program can speed the implementation of needed transportation improvements by funding some projects with tolls.

"**§ 136-89.181. Definitions.**

The following definitions apply to this Article:

(1) "Turnpike authority" means the public agency created by this Article.

(2) "Turnpike authority board" means the governing board of the Turnpike Authority.

(3) "Turnpike project" means any part of the State highway system, including primary and secondary roads, bridges, tunnels, and feeder roads and approaches.

(4) "Turnpike system" means collectively all Turnpike Projects developed under this Article.

"**§ 136-89.182. North Carolina Turnpike Authority.**

(a) Creation. -- There is created a body politic and corporate to be known as the "North Carolina Turnpike Authority." The Authority is constituted as a public agency, and the exercise by the Authority of the powers conferred by this Article in the construction, operation, and maintenance of toll roads and bridges shall be deemed and held to be the performance of an essential governmental function.

(b) Administrative Placement. -- The Authority shall be located within the Department of Transportation for administrative purposes but shall exercise all of its powers independently of the Department of Transportation except as otherwise specified in this Article.

(c) Board of Directors. -- The North Carolina Turnpike Authority shall be governed by a seven-member Board of Directors consisting of the designee of the Secretary of Transportation, and six members appointed by the Governor. One Authority member shall reside in each of the seven regions of the State specified in G.S. 136-17.2A(a). The Chair of the Authority shall be selected by the members of the Board. The Secretary of Transportation shall serve as an ex-officio member of the Board.

(d) Board of Transportation Members. -- Not more than two members of the North Carolina Board of Transportation may serve as members of the Authority Board.

(e) Staggered Terms. -- The initial appointments by the Governor to the Authority Board shall consist of three members appointed to terms ending January 14, 2003, and three members appointed to terms ending January 14, 2005. The initial member of the Board designated by the Secretary of Transportation shall serve a term ending January 14, 2005. Thereafter, at the expiration of each stipulated term of office, all appointments shall be to a term of four years from the date of the expiration of the term.

(f) Vacancies. -- All members of the Authority Board shall remain in office until their successors are appointed and qualify. The Governor may appoint a member to serve out the unexpired term of the any member appointed by the Governor. The Secretary may designate a member to serve out the unexpired term of the Secretary's designee.

(g) Removal of Board Members. -- Each member of the Authority Board appointed by the Governor, notwithstanding subsection (e) of this section, shall serve at the pleasure of the Governor. The member designated by the Secretary of Transportation shall serve at the pleasure of the Secretary. The Chair of the Authority serves at the pleasure of the Authority Board.

(h) Conflicts of Interest, Ethics, etc. -- Members of the Authority Board shall be subject to provisions of G.S. 136-13, 136-13.1, and 136-14.

(i) Compensation. -- The appointed members of the Authority Board shall receive no salary for their services but shall be entitled to receive per diem and travel

allowances in accordance with the provisions of G.S. 138-5 and G.S. 138-6 as appropriate.

(j) Bylaws. -- The Authority Board shall adopt, change or amend bylaws with respect to the calling of meetings, quorums, voting procedures, the keeping of records, and other organizational, staffing, and administrative matters as the Authority Board may determine. Any bylaws, or subsequent changes or amendments to the bylaws, shall be submitted to the Board of Transportation and Joint Legislative Transportation Oversight Committee for review and comment at least 45 days prior to adoption by the Authority Board.

(k) Executive Director and Administrative Employees. -- The Authority Board shall appoint an Executive Director, whose salary shall be fixed by the Authority, to serve at its pleasure. The Executive Director shall be the Authority's chief administrative officer and shall be responsible for the daily administration of the toll roads and bridges constructed, maintained, or operated pursuant to this Article. The Executive Director or his designee shall appoint, employ, dismiss, and within the limits approved by the Authority Board, fix the compensation of administrative employees as the Director deems necessary to carry out this Article. The Authority shall report the hiring of all administrative employees to the Joint Legislative Transportation Oversight Committee within 30 days of the date of employment.

(l) Office. -- The offices of the Authority may be housed in one or more facilities of the Department of Transportation.

"**§ 136-89.183. Powers of the Authority.**

(a) The Authority shall have all of the powers necessary to execute the provisions of this Article including the following powers:

(1) The powers of a corporate body, including the power to sue and be sued, to make contracts, to adopt and use a common seal, and to alter the adopted seal as needed.

(2) To study, plan, develop, design, establish, purchase, construct, operate, and maintain a Turnpike Project, either on its own initiative or at the request of the Board of Transportation.

(3) To rent, lease, purchase, acquire, own, encumber, dispose of, or mortgage real or personal property, including the power to acquire property by eminent domain pursuant to G.S. 136-89.184.

(4) To fix, revise, charge, and collect tolls and fees for the use of the Turnpike projects.

(5) To issue bonds or notes of the Authority as provided in this Article.

(6) To establish, construct, purchase, maintain, equip, and operate any structure or facilities associated with the Turnpike System.

(7) To pay all necessary costs and expenses in the formation, organization, administration, and operation of the Authority.

(8) To apply for, accept, and administer loans and grants of money or real or personal property from any federal agency, from the State or its

political subdivisions, local government, or from any other public or private sources available.

(9) To adopt, alter, or repeal its own bylaws or rules implementing the provisions of this Article, in accordance with the review and comment requirements of G.S. 136-89.182(j).

(10) To utilize employees of the Department of Transportation; to contract for the services of consulting engineers, architects, attorneys, real estate counselors, appraisers, and other consultants; to employ administrative staff as may be required in the judgment of the Authority; and to fix and pay fees or compensation to the Department, contractors, and administrative employees from funds available to the Authority.

(11) To select and retain financial consultants, underwriters, and bond attorneys in connection with the issuance of any bonds and to pay for their services out of the proceeds of any bond issue for which their services were performed.

(12) To execute financing agreements, security documents, and other instruments necessary in exercising its power under this Article.

(13) To receive and use appropriations from the State.

(14) To adopt procedures to govern its procurement of services and delivery of Turnpike Projects.

(15) To perform or procure any portion of services required by the Authority.

(16) To use officers, employees, agents, and facilities of the Department of Transportation for the purposes and upon the terms as may be mutually agreeable.

(17) To contract for the construction, maintenance, and operation of a Turnpike Project.

(18) To enter into partnership agreements, including agreements for the issuance of obligations by a non-profit corporation in compliance with the provisions of federal Rev. Rul. 63-20, agreements with political subdivisions of the State, and agreements with private entities, and to expend such funds as it deems necessary, pursuant to such an agreement, for the purpose of financing the cost of acquiring, constructing, equipping, operating, or maintaining any Turnpike Project.

(b) To execute the powers provided in subsection (a) of this section, the Authority shall determine its policies by majority vote of the members of the Authority present and voting, a quorum having been established. Once a policy is established, the Authority Board shall communicate it to the Executive Director or the Director's designee, who shall have the sole and exclusive authority to execute the policy of the Authority. No member of the Authority Board shall have the responsibility or authority

to give operational directives to any employee of the Authority other than the Executive Director, or the Director's designee.

"**§ 136-89.184. Acquisition of real property.**

(a) General. -- The Authority may acquire public or private real property by purchase, negotiation, gift, or devise, or condemnation that it determines to be necessary and convenient for the construction, expansion, enlargement, extension, improvement, or operation of a Turnpike Project. When the Authority acquires real property owned by the State, the Secretary of the Department of Administration shall execute and deliver to the Authority a deed transferring fee simple title to the property to the Authority.

(b) Condemnation. -- To exercise the power of eminent domain, the Authority shall commence a proceeding in its name and shall follow the procedure set forth in Article 9 of Chapter 136 of the General Statutes.

"**§ 136-89.185. Taxation of property of Authority.**

Property owned by the Authority is exempt from taxation in accordance with Section 2 of Article V of the North Carolina Constitution.

"**§ 136-89.186. Audit.**

The operations of the Authority shall be subject to the oversight of the State Auditor pursuant to Article 5A of Chapter 147 of the General Statutes.

"**§ 136-89.187. Conversion of free highways prohibited.**

The Authority Board is prohibited from converting any segment of the non-tolled State highway system to a toll facility.

"**§ 136-89.188. Use of revenues.**

(a) Revenues derived from Turnpike Projects authorized under this Article shall only be used for Authority administration costs; Turnpike project development, construction, operation, and maintenance; and Turnpike project debt service.

(b) The Authority may use up to one hundred percent (100%) of the revenue derived from a Turnpike project for debt service on that project, or for a combination of debt service, operation, and maintenance of the Turnpike project..

(c) The Authority shall use not more than ten percent (10%) of total revenue derived from all Turnpike projects for Authority administration costs. The Authority shall endeavor to use no more than five percent (5%) of total revenue derived from all turnpike projects for Authority administration costs.

(d) If not required for debt service, operation, and maintenance of the Turnpike project, as provided in subsection (b) of this section, the Authority shall use at least twenty percent (20%) of the excess revenue derived in each fiscal year from a Turnpike Project for other highway construction and maintenance in the next fiscal year in the County in which the Turnpike project is located.

(e) If not required for debt service, operation, and maintenance of the Turnpike project, as provided in subsection (b) of this section, the Authority shall use at least seventy percent (70%) of the excess revenue derived in each fiscal year from a Turnpike Project for necessary expansion of the capacity of the Turnpike Project, or if no

expansion is necessary, for other Turnpike projects in the same region, as defined in G.S. 136-17.2A(a).

"**§ 136-89.189. Turnpike Authority revenue bonds.**

(a) The Authority Board, by the adoption of a bond resolution, and with the approval of the State Treasurer and the Local Government Commission, may authorize the issuance of bonds to pay all or a portion of the cost of a Turnpike Project or to refund any previously issued bonds.

(b) The Authority may sell bonds at public or private sale in a manner and for a price as the Local Government Commission shall determine to be in the best interest of the Authority.

(c) The Authority may sell bonds secured by a lien on the revenues of the Turnpike System or a Turnpike Project.

(d) The Authority may sell bonds secured by lien of revenues subordinate to the lien of other bonds.

(e) The Authority may execute a revenue bond indenture or other similar agreement with bondholders in a form and with such covenants and provisions it finds to be in the best interest of the Authority.

"**§ 136-89.190. Payment of bonds; State credit not pledged.**

Bonds issued by the Authority under this Article shall not be deemed to constitute a debt of the State of North Carolina or a pledge of the full faith and credit of the State.

"**§ 136-89.191. Cost participation by Department of Transportation.**

The Department of Transportation may participate in the cost of preconstruction activities, construction, maintenance, or operation of a Turnpike Project.

"**§ 136-89.192. Equity distribution formula.**

Only those funds applied to a Turnpike Project from the State Highway Fund, State Highway Trust Fund, or federal-aid funds that might otherwise be used for other roadway projects within the State, and are otherwise already subject to the distribution formula under G.S. 136-17.2A, shall be included in the distribution formula.

Other revenue from the sale of bonds, project loans, or toll collections shall not be included in the distribution formula.

"**§ 136-89.193. Annual plan of work; annual and quarterly reports.**

(a) Annual Plan of Work. -- The Authority shall annually develop a plan of work for the fiscal year, describing the activities and projects to be undertaken, accompanied by a budget. This annual plan of work shall be subject to the concurrence of the Board of Transportation.

(b) Annual Reports. -- The Authority shall, promptly following the close of each fiscal year, submit an annual report of its activities for the preceding year to the Governor, the General Assembly, and the Department of Transportation. Each report shall be accompanied by an audit of its books and accounts.

(c) Quarterly Reports. -- The Authority shall submit quarterly reports to the Joint Legislative Transportation Oversight Committee. The reports shall summarize the

Authority's activities during the quarter and contain any information about the Authority's activities that is requested by the Committee.

"**§ 136-89.194. Laws applicable to the Authority; exceptions.**

(a) Motor Vehicle Laws. -- The Turnpike System shall be considered a "highway" as defined in G.S. 20-4.01(13) and a "public vehicular area" as defined in G.S. 20-4.01(32). All law enforcement and emergency personnel, including the State Highway Patrol and the Division of Motor Vehicles, shall have the same powers and duties on the Turnpike System as on any other highway or public vehicular area.

(b) Contracting. -- For the purposes of implementing this Article, the Authority shall solicit competitive proposals for the construction of Turnpike projects in accordance with the provision of Article 2 of this Chapter. Contracts for professional engineering services and other kinds of professional or specialized services necessary in connection with construction of Turnpike projects shall be solicited in accordance with procedures utilized by the Department of Transportation.

(c) Alternative Contracting Methods.—Notwithstanding the provisions of subsection (b) of this section, the Authority may authorize the use of alternative contracting methods if:

(1) The authorization applies to an individual project;

(2) The Authority has concluded, and documented in writing, that the alternative contracting method is necessary because the project cannot be completed utilizing the procedures of Article 2 of this Chapter within the necessary time frame or available funding, or for other reasons the Authority deems in the public interest;

(3) The Authority has provided, to the extent possible, for the solicitation of competitive proposals prior to awarding a contract; and

(4) The approved alternative contracting method provides for reasonable compliance with the disadvantaged business participation goals of G.S. 136-28.4.

"**§ 136-89.195. Internet report of funds expended.**

The Department shall publish and update annually on it internet website a record of all expenditures of the Turnpike Authority for highway construction, maintenance, and administration. The record shall include a total expenditure amount by county. For each Turnpike project, the record shall include a readily identifiable project name or location, the nature of the project, the amount of the project, the contractor for the project, the date of project letting, and the actual or expected project completion date.

"**§ 136-89.196. Removal of tolls.**

The Authority shall remove tolls from a Turnpike project when all revenue bonds issued to fund the project have been repaid and satisfied in full; an adequate fund has been established to maintain the Turnpike project; and the Authority determines that no additional capacity expansion is needed on the Turnpike project."

SECTION 3. Chapter 20 of the General Statutes is amended to add a new section to read:

"§ 20-158.2. Control of vehicles on Turnpike System.

The North Carolina Turnpike Authority may control vehicles at appropriate places by erecting traffic control devices to collect tolls.

Failure to pay a proper toll, as evidenced by a traffic control photographic system or other enforcement mechanism, is a noncriminal violation for which a civil penalty set by the Turnpike Authority shall be assessed."

SECTION 4. G.S. 136-176(b) reads as rewritten:

"(b) Funds in the Trust Fund are annually appropriated to the Department of Transportation to be allocated and used as provided in this subsection. A sum, not to exceed four and one-half percent (4.5%) of the amount of revenue deposited in the Trust Fund under subdivisions (a)(1), (2), and (3) of this section, may be used each fiscal year by the Department for expenses to administer the Trust Fund. Operation and project development costs of the North Carolina Turnpike Authority are eligible administrative expenses under this subsection. The rest of the funds in the Trust Fund shall be allocated and used as follows:

(1) Sixty-one and ninety-five hundredths percent (61.95%) to plan, design, and construct the projects of the Intrastate System described in G.S. 136-179 and to pay debt service on highway bonds and notes that are issued under the State Highway Bond Act of 1996 and whose proceeds are applied to these projects.

(2) Twenty-five and five hundredths percent (25.05%) to plan, design, and construct the urban loops described in G.S. 136-180 and to pay debt service on highway bonds and notes that are issued under the State Highway Bond Act of 1996 and whose proceeds are applied to these urban loops.

(3) Six and one-half percent (6.5%) to supplement the appropriation to cities for city streets under G.S. 136-181.

(4) Six and one-half percent (6.5%) for secondary road construction as provided in G.S. 136-182 and to pay debt service on highway bonds and notes that are issued under the State Highway Bond Act of 1996 and whose proceeds are applied to secondary road construction.

The Department must administer funds allocated under subdivisions (1), (2), and (4) of this subsection in a manner that ensures that sufficient funds are available to make the debt service payments on bonds issued under the State Highway Bond Act of 1996 as they become due."

SECTION 5. G.S. 126-5 is amended by adding a new subdivision to read:

"(c1) Except as to the provisions of Articles 6 and 7 of this Chapter, the provisions of this Chapter shall not apply to:

...

(21) Employees of the North Carolina Turnpike Authority."

SECTION 6. G.S. 120-123 is amended by adding a new subdivision to read:

"**§ 120-123. Service by members of the General Assembly on certain boards and commissions.**

No member of the General Assembly may serve on any of the following boards or commissions:

...

(75) The North Carolina Turnpike Authority."

SECTION 7. This act is effective when it becomes law.

HOUSE BILL 644:
Toll Road and Bridge Authority Created

BILL ANALYSIS

Committee:	House Transportation	**Introduced by:**	Rep. Crawford
Date:	June 6, 2001	**Summary by:**	Giles S. Perry
Version:	PCS H644-CSRW-16[v.13]		Committee Counsel

SUMMARY: House Bill 644 authorizes the creation of a public agency, the "North Carolina Turnpike Authority" to construct operate and maintain toll roads in the State.

CURRENT LAW: Under current law, toll roads are authorized in two limited circumstances: The construction of a listed Highway Trust Fund project bridge, (G.S. 136-82.2) or the construction of a private pilot toll road project. (G.S. 136-89.171 and-172).

BILL ANALYSIS:

Creates Turnpike Authority--House Bill 644 would create a public agency, to be called the "North Carolina Turnpike Authority," to construct, operate, and maintain toll roads and bridges in the State.

Governance--The Authority would be governed by a 7 member Board of Directors, consisting of six members appointed by the Governor and one designated by the Secretary of Transportation. The Secretary would serve as an ex officio member of the Board of Directors. Members of the Board of Directors would serve four year staggered terms.

Bylaws—The Board would be authorized to adopt and revise bylaws. Prior to adoption, bylaws would be subject to review and comment by the Board of Transportation and the Joint Legislative Transportation Oversight Committee.

Executive Director--The Authority would be operated by an executive director, appointed by the Board of Directors.

Limitation on Employees—The Authority would have the authority to hire only administrative personnel. The Authority would be authorized to contract for the services of other needed personnel, and utilize personnel of the Department of Transportation. The Authority would be required to report all employment of administrative personnel to the Joint Legislative Transportation Oversight Committee.

Powers of Authority—The Authority would have the power to: build an operate a turnpike project, either on its own initiative, or at the request of the Board of Transportation; to condemn property by "quick-take"; to issue revenue bonds; and to enter into partnership agreements with non profit entities, political subdivision of the State, or private entities. The Authority would be specifically authorized to enter into agreements with non-profit entities pursuant to the provisions of federal Revenue Ruling 63-20. The ruling considers bonds issued under such agreement to have been issued on behalf of the entity, and exempt from interest taxation.

Conversion of Free Highways Prohibited—The Authority would be prohibited from converting a non-tolled segment of the State highway system to a toll facility.

Limitation on Use of Revenues—The Authority would be subject to limits on the use of revenue derived from toll projects. Revenue could only be sued for the following purposes: Turnpike administration; Turnpike Project development, construction, operation, and maintenance; and Turnpike project debt service. Spending on administration would be limited to 10% of Turnpike project revenue. 20% of

excess Turnpike project revenue would have to be used in the county in which the Turnpike project was located. 70% of the excess revenue from a Turnpike Project would have to be used on expansion of the Turnpike project, or on other Turnpike Projects in same funding region.

Lease or Sale of Turnpike—The Authority would have the power to lease, sell or grant a concession or franchise of the operation of all or a portion of the turnpike system.

Revenue Bonds—The authority would have the authority to sell revenue bonds to finance all or a portion of its projects.

Cost Participation by DOT—NC DOT would be authorized to participate in the cost of preconstruction, construction, maintenance, or operation of a turnpike project.

Equity Formula—Turnpike projects would be subject to the equity distribution formula for State Highway Funds only to the extent that the project is funded from Highway Fund, Highway Trust Fund, or federal-aid funds that would otherwise be subject to the formula.

Motor Vehicle Laws—State motor vehicle laws would apply to Turnpike Authority projects.

Authorization of Alternative Contracting Methods—The act would authorize the Authority to use alternative contracting methods under specified circumstances.

Internet Report of Expenditures—The act would require the Department to publish and update annually a report of all Turnpike Authority expenditures.

Removal of Tolls—The act would require tolls to be removed from Turnpike projects when all revenue bonds were repaid, a maintenance fund was established, and the Authority determined that no additional capacity expansion was needed on the project.

Toll Violations—Tolls violations by persons traveling on Turnpike projects would be noncriminal civil violations.

Use of Highway Trust Fund Revenue –Operation and project development costs of the Authority would be an eligible administrative expense of the Highway Trust Fund.

State Personnel Act—The employees of the Turnpike Authority would be exempt from the State Personnel Act.

General Assembly Members Cannot Serve on Board—Members of the General Assembly would not be eligible to serve on the Turnpike Authority Board.

Effective Date—House Bill 644 would become effective when it becomes law.

H644-SMRW-002

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. 3

H. B. No. _____ DATE _____

S. B. No. 600 Amendment No. _____
(to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE _____

(Rep.) ~~Alfred~~ Saunders
Sen.)

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

2 ( ) WHICH CHANGES THE TITLE

3 by _____

4 deleting the word "similar" and

5 adding "~~similar~~"

6

7

9

10

11

12

13

14

15

16

17

18

19

SIGNED _____

ADOPTED _____ FAILED _____ TABLED _____

GA-33-A

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

VISITOR REGISTRATION SHEET

TRANSPORTATION — June 6, 2001

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Melvin Marin.	Vencloda e.c.
Sharon Matthews	DOT/DMV
BERRY JENKINS	CAROLINAS AGC
C.A. GARDNER	CAPA
Bob Sloan	NC Poultry Association
John STANLEY	GASTON Chamber / Greater GASTONIA Dev.
Stephen Stout	Greater Gastonia Development Corp.
Dr. W. W. (Dub) Dickson	Greater Gastonia Dev. Corp. / Gaston Chamber
Boyd Cauble	City of Charlotte
Natalie Englis	Charlotte Chamber
Mark Seiss	Capitol Group
DALE	W S Jones
DEAN Proctor	Procter Wholesale Co., Hickory N.C.

VISITOR REGISTRATION SHEET

TRANSPORTATION — June 6, 2001

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Diane Johnson	DMV
Matt Osborne	AOC
DAVID KING	DOT
Maria Landley	WNC-TV
Fred Allen	NC Aggregates Assn.
Barry Smith	Freedom Newspapers
Lynn Banner	NFO
Lea M Kellum	Moore & Van Allen
John Long	Martin Marietta
Joe Boxley	NC Aggregates
Andy Romanet	NCLM
BRUCE THOMPSON	PARKER POE ADAMS & BERNSTEIN
David Knight	NC Sierra Club

VISITOR REGISTRATION SHEET

TRANSPORTATION — June 6, 2001

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
John Cyrus	N.C. State Grange
V C McBride	NCFA
Charlie Diehl	NC Trucking Assoc.
Andrew Hainsworth	Intern UNICA Rep Luebke
Ruth Sappie	NCDOT
Calvin Leggett	NCDOT
Cheryl Barbee	CAPA
Gary Robertson	AP
Kim Hibbard	NCLM
[illegible]	Moss & Van Allen
Doug [illegible]	NC Septic Tank Assoc
[illegible]	AT&T
Paul [illegible]	City of Hickory

AGENDA

HOUSE COMMITTEE ON TRANSPORTATION

June 13, 2001

OPENING REMARKS

Representative Drew Saunders, Chair

BILLS TO BE DISCUSSED

HB 644 – Toll Road and Bridge Authority Created

Representative Crawford, Bill Sponsor

SB 600 MV Technical Changes

Senator Gulley, Bill Sponsor

SB 9 High Speed Interstate Rail Commission

Senator Gulley, Bill Sponsor

SB 614 Local Roadway Expenditures

Senator Gulley, Bill Sponsor

ADJOURNMENT

MINUTES

HOUSE COMMITTEE ON TRANSPORTATION

June 13, 2001

The House Committee on Transportation met at 11:00 A.M. on June 13, 2001, in Room 643 of the Legislative Office Building. Members present were: Representative Cary Allred, Chair, Representative Drew Saunders, Chair, Representative Jeff Barnhart, Vice Chair, and Representatives Allen, Clary, Cole, Crawford, Culp, Dedmon, Eddins, Gillespie, Hill, Holliman, Lucas, McComas, McLawhorn, Sexton, Sherrill, Shubert, Sutton, Teague, Warwick, and C. Wilson. Giles Perry and Wendy Graf Ray, Committee Counsel members were also in attendance. A Visitor Registration List is attached and made a part of the minutes. (See Attachment #1.)

Representative Saunders, Chair, called the meeting to order and introduced Pages: Adam Sain from Davie County, sponsored by Representative J. Howard, and Mary Pat Kenyon of Wake County, sponsored by Representative Pope. He also recognized Sergeant At Arms staff members Dusty Rhodes and Martha Parrish. He announced that Committee Counsel member Wendy Graf had a name change, due to marriage. She is now Wendy Graf Ray.

The first bill to be discussed was **HB 644 AN ACT TO AUTHORIZE PUBLIC TOLL ROADS AND BRIDGES IN NORTH CAROLINA AND THE CREATION OF A TURNPIKE AUTHORITY.** Representative Crawford, Bill Sponsor, was recognized to explain a committee substitute bill. He stated that Representative Sutton would like to amend the bill, and Representative Sutton was called on to explain the amendment. (See Attachment #2.) He explained the amendment and moved that it be adopted. A vote was taken, and the amendment was approved. Jane Pinsky with AAA Carolinas was recognized to speak on the bill. She read a resolution from the AAA Carolinas. (See Attachment #3.) Representative McComas offered an amendment stating that billboard operators would pay a fee based on the number of cars that pay tolls. Following discussion, Representative McComas withdrew the amendment. Representative Sutton moved that the committee substitute, with the approved amendment, be given a favorable report, the original bill be given an unfavorable report, and be referred to the Committee on Finance. The motion was approved by vote.

The second bill to be considered was **HB 600 AN ACT TO MAKE VARIOUS TECHNICAL AND OTHER CHANGES TO THE MOTOR VEHICLE STATUTES.** Senator Gulley, Bill Sponsor, was asked to explain a House committee substitute bill. Following the explanation, Representative Culp offered to amend the bill on Page 4, lines 3-4. (See Attachment #4.) A question and answer period followed, and Ruth Sappie with the Department of Transportation, Lt. Dave Moody with Division of Motor Vehicles Enforcement, and Mr. Glenn Petty, President of the North Carolina Horse Council, assisted in answering questions. A vote was taken on the amendment, and the amendment failed. Then, Representative Gillespie offered to amend the bill on Page

2, Line 31 through Page 3, Line 11, by deleting Section 5 in its entirety. A vote was taken after discussion of the amendment, and the amendment failed. Representative McComas moved to amend the bill, but the amendment was displaced for copies to be made. He later withdrew the amendment. Representative Sherrill moved to give the House Committee substitute bill a favorable report and the original bill an unfavorable report. A vote was taken, and the motion was approved.

The third bill on the agenda was **SB 9 AN ACT TO APPOINT MEMBERS TO THE VIRGINIA-NORTH CAROLINA INTERSTATE HIGH-SPEED RAIL COMMISSION.** Senator Gulley, Bill Sponsor, was called upon to explain the bill. He explained the bill; and there being no questions, Representative Sutton moved for a favorable report on the bill. The motion was approved by vote.

The final bill to be considered was **SB 614 AN ACT TO AUTHORIZE THE TOWN OF CARY AND THE CITIES OF CHARLOTTE AND CONCORD TO EXPEND FUNDS ON ROADS OUTSIDE THE CORPORATE LIMITS AND FOR PARTICIPATION IN CONSTRUCTION OF ROADS OUTSIDE THE CORPORATE LIMITS BY THE DEPARTMENT OF TRANSPORTATION.** Senator Gulley, Bill Sponsor, was recognized to explain the bill. A discussion followed the explanation. Ruth Sappie of the Department of Transportation (DOT) assisted in the discussion and stated that DOT had no opposition to the bill. Representative Sutton moved to give the bill a favorable report, and it was approved by vote.

The meeting was adjourned at 11:52 A.M.

Representative Drew Saunders, Presiding Chair

Ruth Fish, Committee Assistant

Attachments

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **ALLRED & SAUNDERS** (Chairs) for the Committee on **TRANSPORTATION**.

☐ Committee Substitute for
H.B. 644 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE PUBLIC TOLL ROADS AND BRIDGES IN NORTH CAROLINA AND THE CREATION OF A TURNPIKE AUTHORITY.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☒ With a favorable report as to committee substitute bill ~~(#), ☐ which changes the title,~~ unfavorable as to (original bill) ~~(Committee Substitute Bill #),~~ (and recommendation that the committee substitute bill ~~#~~) be re-referred to the Committee on Finance .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Allred and Saunders** (Chair/Chairs) for the Committee on **Transportation**.

☒ Committee Substitute for
S.B. 600 A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS TECHNICAL AND OTHER CHANGES TO THE MOTOR VEHICLE STATUTES.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☒ With a favorable report as to House committee substitute bill ~~(#), ☐ which changes the title,~~ unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **ALLRED & SAUNDERS** (Chair/Chairs) for the Committee on **TRANSPORTATION.**

☐ Committee Substitute for
S.B. 9 A BILL TO BE ENTITLED AN ACT TO APPOINT MEMBERS TO THE VIRGINIA-NORTH CAROLINA INTERSTATE HIGH-SPEED RAIL COMMISSION.

☒ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **ALLRED & SAUNDERS** (Chair/Chairs) for the Committee on **TRANSPORTATION**.

☐ Committee Substitute for
S.B. 614 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF CARY AND THE CITIES OF CHARLOTTE AND CONCORD TO EXPEND FUNDS ON ROADS OUTSIDE THE CORPORATE LIMITS AND FOR PARTICIPATION IN CONSTRUCTION OF ROADS OUTSIDE THE CORPORATE LIMITS BY THE DEPARTMENT OF TRANSPORTATION.

☒ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H 1

HOUSE BILL 644

Short Title:	Toll Road and Bridge Authority Created.	(Public)
Sponsors:	Representatives Crawford; Bowie and Cole.	
Referred to:	Transportation.	

March 15, 2001

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE PUBLIC TOLL ROADS AND BRIDGES IN NORTH CAROLINA AND THE CREATION OF A TURNPIKE AUTHORITY.

The General Assembly of North Carolina enacts:

SECTION 1. Article 6F of Chapter 136 of the General Statutes is repealed.

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

"Article 6H.

"Public Toll Roads and Bridges.

"**§ 136-89.180. Legislative findings.**

The General Assembly finds that the existing State road system is becoming increasingly congested and overburdened with traffic in many areas of the State; that the sharp surge of vehicle miles traveled is overwhelming the State's ability to build and pay for adequate road improvements; and that an adequate answer to this challenge will require the State to be innovative and utilize several new approaches to transportation improvements in North Carolina.

Toll funding of highway construction is feasible in North Carolina and can contribute to addressing the critical transportation needs of the State. A toll program can speed the implementation of needed transportation improvements by funding some projects with tolls.

"**§ 136-89.181. Definitions.**

The following definitions apply to this Article:

(1) "Turnpike authority" means the public agency created by this Article.

(2) "Turnpike authority board" means the governing board of the Turnpike Authority.

(3) "Turnpike project" means any part of the State highway system, including primary and secondary roads, bridges, tunnels, feeder roads and approaches, and converted free highways and other facilities.

(4) "Turnpike system" means collectively all Turnpike Projects developed under this Article.

"**§ 136-89.182. North Carolina Turnpike Authority.**

(a) Creation. -- There is created a body politic and corporate to be known as the "North Carolina Turnpike Authority." The Authority is constituted as a public agency, and the exercise by the Authority of the powers conferred by this Article in the construction, operation, and maintenance of toll roads and bridges shall be deemed and held to be the performance of an essential governmental function.

(b) Administrative Placement. -- The Authority shall be located within the Department of Transportation for administrative purposes but shall exercise all of its powers independently of the Department of Transportation except as otherwise specified in this Article.

(c) Board of Directors. -- The North Carolina Turnpike Authority shall be governed by a seven-member Board of Directors consisting of the Secretary of Transportation, who shall serve as chairman of the Authority Board, and six members who shall be appointed by the Governor, at least three of whom shall reside in metropolitan areas.

(d) Board of Transportation Members. -- Not more than two members of the North Carolina Board of Transportation, in addition to the Secretary of Transportation, may serve as members of the Authority Board.

(e) Staggered Terms. -- The initial appointments by the Governor to the Authority Board shall consist of two members appointed to terms ending January 14, 2003, two members appointed to terms ending January 14, 2005, and two members appointed to terms ending January 14, 2007.

Thereafter, at the expiration of each stipulated term of office, all appointments shall be to a term of six years from the date of the expiration of the term.

(f) Vacancies. -- All members of the Authority Board shall remain in office until their successors are appointed and qualify. The Governor may appoint a member to serve out the unexpired term of any Board member.

(g) Removal of Board Members. -- Each appointed member of the Authority Board, notwithstanding subsection (e) of this section, shall serve at the pleasure of the Governor.

(h) Conflicts of Interest, Ethics, etc. -- Members of the Authority Board shall be subject to provisions of G.S. 136-13, 136-13.1, and 136-14.

(i) Compensation. -- The appointed members of the Authority Board shall receive no salary for their services but shall be entitled to receive per diem and travel allowances in accordance with the provisions of G.S. 138-5 and G.S. 138-6 as appropriate.

(j) Bylaws. -- The Authority Board shall adopt bylaws with respect to the calling of meetings, quorums, voting procedures, the keeping of records, and other organizational, staffing, and administrative matters as the Authority Board may determine.

(k) Executive Director and Other Employees. -- The Authority Board shall appoint an Executive Director, whose salary shall be fixed by the Authority, to serve at its pleasure.

The Executive Director shall be the Authority's chief administrative officer and shall be responsible for the daily administration of the toll roads and bridges constructed, maintained, or operated pursuant to this Article.

The Executive Director or his designee shall appoint, employ, dismiss, and within the limits approved by the Authority Board, fix the compensation of such other employees as he deems necessary to carry out this Article.

(l) Office. -- The offices of the Authority may be housed in one or more facilities of the Department of Transportation.

"**§ 136-89.183. Powers of the Authority.**

(a) The Authority shall have all of the powers necessary to execute the provisions of this Article including the following powers:

(1) The powers of a corporate body, including the power to sue and be sued, to make contracts, to adopt and use a common seal, and to alter the adopted seal as needed.

(2) To study, plan, develop, design, establish, purchase, construct, operate, and maintain a Turnpike Project, either on its own initiative or at the request of the Board of Transportation.

(3) To rent, lease, purchase, acquire, own, encumber, dispose of, or mortgage real or personal property, including the power to acquire property by eminent domain pursuant to G.S. 136-89.184.

(4) To fix, revise, charge, and collect tolls and fees for the use of the Turnpike Authority.

(5) To issue bonds or notes of the Authority as provided in this Article.

(6) To establish, construct, purchase, maintain, equip, and operate any structure or facilities associated with the Turnpike System.

(7) To pay all necessary costs and expenses in the formation, organization, administration, and operation of the Authority.

(8) To apply for, accept, and administer loans and grants of money or real or personal property from any federal agency, from the State or its political subdivisions, local government, or from any other public or private sources available.

(9) To adopt, alter, or repeal its own bylaws or rules implementing the provisions of this Article.

(10) To employ consulting engineers, architects, attorneys, real estate counselors, appraisers, and other consultants and employees as may be required in the judgment of the Authority and to fix and pay their compensation from funds available to the Authority.

(11) To select and retain financial consultants, underwriters, and bond attorneys in connection with the issuance of any bonds and to pay for their services out of the proceeds of any bond issue for which their services were performed.

(12) To execute financing agreements, security documents, and other instruments necessary in exercising its power under this Article.
(13) To receive and use appropriations from the State.
(14) To adopt procedures to govern its procurement of services and delivery of Turnpike Projects.
(15) To perform or procure any portion of services required by the Authority.
(16) To use officers, employees, agents, and facilities of the Department of Transportation for the purposes and upon the terms as may be mutually agreeable.
(17) To contract for the construction, maintenance, and operation of a Turnpike Project.
(18) To expend such funds as it deems necessary to enter into partnership agreements with political subdivisions of the State, or with private entities, for the purpose of financing the cost of acquiring, constructing, equipping, operating, or maintaining any Turnpike Project.

(b) To execute the powers provided in subsection (a) of this section, the Authority shall determine its policies by majority vote of the members of the Authority present and voting, a quorum having been established. Once a policy is established, the Authority Board shall communicate it to the Executive Director, who shall have the sole and exclusive authority to execute the policy of the Authority. No member of the Authority Board shall have the responsibility or authority to give operational directives to any employee of the Authority other than the Executive Director.

"**§ 136-89.184. Acquisition of real property.**

(a) General. -- The Authority may acquire public or private real property by purchase, negotiation, gift, or devise, or condemnation that it determines to be necessary and convenient for the construction, expansion, enlargement, extension, improvement, or operation of a Turnpike Project. When the Authority acquires real property owned by the State, the Secretary of the Department of Administration shall execute and deliver to the Authority a deed transferring fee simple title to the property to the Authority.

(b) Condemnation. -- To exercise the power of eminent domain, the Authority shall commence a proceeding in its name and shall follow the procedure set forth in Article 9 of Chapter 136 of the General Statutes.

"**§ 136-89.185. Taxation of property of Authority.**

Property owned by the Authority is exempt from taxation in accordance with Section 2 of Article V of the North Carolina Constitution.

"**§ 136-89.186. Audit.**

The operations of the Authority shall be subject to the oversight of the State Auditor pursuant to Article 5A of Chapter 147 of the General Statutes.

"**§ 136-89.187. Conversion of free highways.**

The Authority Board, with the concurrence of the Board of Transportation, may convert a segment of the non-tolled State highway system to a toll facility if that

conversion is the most feasible and economic means to accomplish a desired expansion or extension improvements to the State highway system.

"**§ 136-89.188. Tolls on converted highways.**

The Authority Board may impose a toll for travel over existing non-tolled State highways if converted to a toll facility consistent with this Article.

"**§ 136-89.189. Use of surplus revenues.**

The Authority Board may authorize the use of surplus revenue of the Turnpike System to pay the costs of other Turnpike Projects or for any other lawful purpose consistent with this Article.

"**§ 136-89.190. Lease, sale, or conveyance of Turnpike Projects.**

The Authority may lease, sell, grant a concession or franchise, or otherwise convey all or a portion of the Turnpike System to another governmental or private entity, if such conveyance is in the best interest of the State.

"**§ 136-89.191. Turnpike Authority revenue bonds.**

(a) The Authority Board, in cooperation with the Department of State Treasurer, by the adoption of a bond resolution, may authorize the issuance of bonds to pay all or a portion of the cost of a Turnpike Project or to refund any previously issued bonds.

(b) The Authority may sell bonds at public or private sale in a manner and for a price it determined to be in the best interest of the Authority.

(c) The Authority may sell bonds secured by a lien on the revenues of the Turnpike System or a Turnpike Project.

(d) The Authority may sell bonds secured by lien of revenues subordinate to the lien of other bonds.

(e) The Authority may execute a revenue bond indenture or other similar agreement with bondholders in a form and with such covenants and provisions it finds to be in the best interest of the Authority.

"**§ 136-89.192. Payment of bonds; State credit not pledged.**

Bonds issued by the Authority under this Article shall not be deemed to constitute a debt of the State of North Carolina or a pledge of the full faith and credit of the State.

"**§ 136-89.193. Cost participation by Department of Transportation.**

The Department of Transportation may participate in the cost of preconstruction activities, construction, maintenance, or operation of a Turnpike Project.

"**§ 136-89.194. Equity distribution formula.**

Only those funds applied to a Turnpike Project from the State Highway Fund, State Highway Trust Fund, or federal-aid funds that might otherwise be used for other roadway projects within the State, and are otherwise already subject to the distribution formula under G.S. 136-17.2A, shall be included in the distribution formula.

Other revenue from the sale of bonds, project loans, or toll collections shall not be included in the distribution formula.

"**§ 136-89.195. Annual plan of work; annual and quarterly reports.**

(a) Annual Plan of Work. -- The Authority shall annually develop a plan of work for the fiscal year, describing the activities and projects to be undertaken, accompanied by a budget. This annual plan of work shall be subject to the concurrence of the Board of Transportation.

(b) Annual Reports. -- The Authority shall, promptly following the close of each fiscal year, submit an annual report of its activities for the preceding year to the Governor, the General Assembly, and the Department of Transportation. Each report shall be accompanied by an audit of its books and accounts.

(c) Quarterly Reports. -- The Authority shall submit quarterly reports to the Joint Legislative Transportation Oversight Committee. The reports shall summarize the Authority's activities during the quarter and contain any information about the Authority's activities that is requested by the Committee.

"**§ 136-89.196. Laws applicable to the Authority; exceptions.**

(a) Motor Vehicle Laws. -- The Turnpike System shall be considered a "highway" as defined in G.S. 20-4.01(13) and a "public vehicular area" as defined in G.S. 20-4.01(32). All law enforcement and emergency personnel, including the State Highway Patrol and the Division of Motor Vehicles, shall have the same powers and duties on the Turnpike System as on any other highway or public vehicular area.

(b) Purchases of Supplies, Material, Equipment, and Building Contracts. -- For the purposes of implementing this Article, the Authority is exempted from the provisions of G.S. 136-28.1 and G.S. 136-28.4 and Articles 3 and 8 of Chapter 143 of the General Statutes and all rules associated with those provisions."

SECTION 3. Chapter 20 of the General Statutes is amended to add a new section to read:

"**§ 20-158.2. Control of vehicles on Turnpike System.**

The North Carolina Turnpike Authority may control vehicles at appropriate places by erecting traffic control devices to collect tolls.

Failure to pay a proper toll, as evidenced by a traffic control photographic system or other enforcement mechanism, is a noncriminal violation for which a civil penalty set by the Turnpike Authority shall be assessed."

SECTION 4. G.S. 136-176(b) reads as rewritten:

"(b) Funds in the Trust Fund are annually appropriated to the Department of Transportation to be allocated and used as provided in this subsection. A sum, not to exceed four and one-half percent (4.5%) of the amount of revenue deposited in the Trust Fund under subdivisions (a)(1), (2), and (3) of this section, may be used each fiscal year by the Department for expenses to administer the Trust Fund. Operation of the North Carolina Turnpike Authority is an eligible administrative expense under this subsection. The rest of the funds in the Trust Fund shall be allocated and used as follows:

(1) Sixty-one and ninety-five hundredths percent (61.95%) to plan, design, and construct the projects of the Intrastate System described in G.S. 136-179 and to pay debt service on highway bonds and notes that are issued under the State Highway Bond Act of 1996 and whose proceeds are applied to these projects.

(2) Twenty-five and five hundredths percent (25.05%) to plan, design, and construct the urban loops described in G.S. 136-180 and to pay debt service on highway bonds and notes that are issued under the State Highway Bond Act of 1996 and whose proceeds are applied to these urban loops.

(3) Six and one-half percent (6.5%) to supplement the appropriation to cities for city streets under G.S. 136-181.

(4) Six and one-half percent (6.5%) for secondary road construction as provided in G.S. 136-182 and to pay debt service on highway bonds and notes that are issued under the State Highway Bond Act of 1996 and whose proceeds are applied to secondary road construction.

The Department must administer funds allocated under subdivisions (1), (2), and (4) of this subsection in a manner that ensures that sufficient funds are available to make the debt service payments on bonds issued under the State Highway Bond Act of 1996 as they become due."

SECTION 5. G.S. 126-5 is amended by adding a new subdivision to read:

"(c1) Except as to the provisions of Articles 6 and 7 of this Chapter, the provisions of this Chapter shall not apply to:

...

(21) Employees of the North Carolina Turnpike Authority."

SECTION 6. G.S. 120-123 is amended by adding a new subdivision to read:

"**§ 120-123. Service by members of the General Assembly on certain boards and commissions.**

No member of the General Assembly may serve on any of the following boards or commissions:

...

(75) The North Carolina Turnpike Authority."

SECTION 7. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 3

SENATE BILL 600

Transportation Committee Substitute Adopted 4/23/01
Third Edition Engrossed 4/25/01

Short Title: MV Technical Changes. (Public)

Sponsors:

Referred to:

March 22, 2001

A BILL TO BE ENTITLED

AN ACT TO MAKE VARIOUS TECHNICAL AND OTHER CHANGES TO THE MOTOR VEHICLE STATUTES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-4.01(12a) reads as rewritten:

"(12a) Gross Vehicle Weight Rating (GVWR). – The value specified by the manufacturer as the maximum loaded weight ~~of a vehicle.~~ a vehicle is capable of safely hauling. The GVWR of a combination vehicle is the GVWR of the power unit plus the GVWR of the towed unit or units. When a vehicle is determined by an enforcement officer to be structurally altered in any way from the manufacturer's original ~~design,~~ design in an attempt to increase the hauling capacity of the vehicle, the GVWR of that vehicle will then be determined by the license weight or the total weight of the vehicle or combination of vehicles ~~may be deemed as the GVWR~~ for the purpose of enforcing this Chapter."

SECTION 2. G.S. 20-30(6) reads as rewritten:

"(6) ~~To photostat or otherwise reproduce a driver's license or learner's permit or to possess a driver's license or learner's permit which has been photostated or otherwise reproduced, unless such photostat or other reproduction was authorized by the Commissioner.~~To make a color photocopy or otherwise make a color reproduction of a drivers license, learner's permit, or special identification card which has been color-photocopied or otherwise reproduced in color, unless such color photocopy or other color reproduction was authorized by the Commissioner. It shall be lawful to make a black and white photocopy of a drivers license, learner's permit, or special identification card or otherwise make a black and white reproduction of a drivers license, learner's permit, or special identification card."

SECTION 3. G.S. 20-63(b) reads as rewritten:

"(b) Every license plate shall have displayed upon it the registration number assigned to the vehicle for which it is issued, the name of the State of North Carolina, which may be abbreviated, and the year number for which it is issued or the date of expiration. A plate issued for a commercial vehicle, as defined in G.S. 20-4.2(1), and weighing 26,001 pounds or more, must bear the word "commercial," unless the plate is a special registration plate authorized in G.S. 20-79.4 or the commercial vehicle is a trailer or is licensed for 6,000 pounds or less. The plate issued for vehicles licensed for 7,000 pounds through 26,000 pounds must bear the word "weighted".

A registration plate issued by the Division for a private passenger vehicle or for a private hauler vehicle licensed for 6,000 pounds or less, other than a Friends of the Great Smoky Mountains National Park special registration plate, shall be a "First in Flight" plate. A "First in Flight" plate shall have the words "First in Flight" printed at the top of the plate above all other letters and numerals. The background of the plate shall depict the Wright Brothers biplane flying over Kitty Hawk Beach, with the plane flying slightly upward and to the right."

SECTION 4. G.S. 20-101 reads as rewritten:

"**§ 20-101. Certain business vehicles to be marked.**

A motor vehicle that is subject to 49 C.F.R. Part 390, the federal motor carrier safety regulations, shall be marked as required by that Part.

A motor vehicle that is not subject to those regulations, has a gross vehicle weight rating of more than 10,000 pounds, but less than 26,001 pounds, and is used in intrastate commerce, and is not a farm vehicle, as further described in G.S. 20-118 (c)(4), (c)(5), or (c)(12), shall have the name of the owner printed on the side of the vehicle in letters not less than three inches in height.

A motor vehicle that is subject to regulation by the North Carolina Utilities Commission shall be marked as required by that Commission and as otherwise required by this section."

"**SECTION 5.** G.S. 20-116(g) reads as rewritten:

"(g) (1) No vehicle shall be driven or moved on any highway unless ~~such~~ the vehicle is ~~so~~ constructed ~~or~~ and loaded ~~as~~ to prevent any of its load from falling, blowing, dropping, sifting, leaking, or otherwise escaping ~~therefrom, except that~~ therefrom, and the vehicle shall not contain any holes, cracks, or openings through which any of its load may escape. However, sand may be dropped for the purpose of securing traction, or water or other substance may be ~~sprinkled~~ sprinkled, dumped, or spread on a roadway in cleaning or maintaining ~~such~~ the roadway.

(2) Trucks, trailers or other vehicles when loaded with rock, gravel, stone or ~~other~~ any other similar ~~substances which~~ substance that could fall, blow, leak, sift or drop shall not be driven or moved on any highway unless the height of the load against all four walls does not extend above a horizontal line six inches below their tops when loaded at the

loading ~~point, or if not so loaded, unless~~ point and the load shall be securely covered by tarpaulin or some other suitable ~~covering, or unless it is otherwise constructed so as~~ covering to prevent any of its load from falling, dropping, sifting, leaking, blowing, or otherwise escaping therefrom. This subdivision does not apply to a vehicle licensed for 7,500 pounds or less gross vehicle weight.

(3) ~~Provided this~~ This section shall not be applicable to or in any manner restrict the transportation of seed cotton, of poultry or livestock or silage or other feed grain used in the feeding of poultry or livestock."

SECTION 6. G.S. 20-118(c)(14) reads as rewritten:

"(14) Subsections (b) and (e) of this section do not apply to a vehicle that meets all of the following conditions:

a. Is hauling aggregates from a distribution yard or a State-permitted production site within a North Carolina county contiguous to the North Carolina State border to a destination in ~~an adjacent state~~ another state adjacent to that county as verified by a weight ticket in the driver's possession and available for inspection by enforcement personnel.

b. Does not operate on an interstate highway or posted bridge.

c. Does not exceed 69,850 pounds gross vehicle weight and 53,850 pounds per axle grouping for tri-axle vehicles. For purposes of this subsection, a tri-axle vehicle is a single power unit vehicle with a three consecutive axle group on which the respective distance between any two consecutive axles of the group, measured longitudinally center to center to the nearest foot, does not exceed eight feet. For purposes of this subsection, the tolerance provisions of subsection (h) of this section do not ~~apply.~~apply and vehicles must be licensed in accordance with G.S. 20-88.

d. All other enforcement provisions of this Article remain applicable."

SECTION 7. G.S. 20-118.1 reads as rewritten:

"**§ 20-118.1. Officers may weigh vehicles and require overloads to be removed.**

A law enforcement officer may stop and weigh a vehicle to determine if the vehicle's weight is in compliance with the vehicle's declared gross weight and the weight limits set in this Part. The officer may require the driver of the vehicle to drive to a scale located within five miles of where the officer stopped the vehicle.

Any person operating a truck must enter a permanent weigh station or temporary inspection or weigh site as directed by duly erected signs or an electronic transponder for the purpose of being electronically screened for compliance, or weighed, or inspected.

If the vehicle's weight exceeds the amount allowable, the officer may detain the vehicle until the overload has been removed. Any property removed from a vehicle because the vehicle was overloaded is the responsibility of the owner or operator of the vehicle. The State is not liable for damage to or loss of the removed property.

Failure to permit a vehicle to be weighed or to remove an overload is a misdemeanor of the Class set in G.S. 20-176. An officer must weigh a vehicle with a scale that has been approved by the Department of Agriculture and Consumer Services."

SECTION 8. G.S. 20-142.3 reads as rewritten:

"**§ 20-142.3. Certain vehicles must stop at railroad grade ~~crossing; placarding certain vehicles.~~crossing.**

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

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

(1) At railroad tracks used exclusively for industrial switching purposes within a business district.

(2) At a railroad grade crossing which a police officer or crossing flagman directs traffic to proceed.

(3) At a railroad grade crossing protected by a gate or flashing signal designed to stop traffic upon the approach of a train, when the gate or flashing signal does not indicate the approach of a train.

(4) At an abandoned railroad grade crossing which is marked with a sign indicating that the rail line is abandoned.

(5) At an industrial or spur line railroad grade crossing marked with a sign reading "Exempt" erected by or with the consent of the appropriate State or local authority.

(c) ~~It shall be unlawful to transport by motor vehicle upon the highways of this State any hazardous material without conspicuously marking or placarding the motor vehicle on each side and on the rear with the word "DANGEROUS" or the common or generic name of the article transported or its principal hazard. Additionally, the rear of any such vehicle shall be conspicuously marked with the words "THIS VEHICLE STOPS AT RAILROAD CROSSINGS" or "WE STOP AT RR CROSSINGS." A~~ person violating the provisions of this ~~subsection~~ section shall be guilty of an infraction

and punished in accordance with G.S. 20-176. Violation of this section shall not constitute negligence per se.

(d) "Hazardous materials," for purposes of this section only, means any hazardous material required to be placarded under 49 C.F.R. § 171-180.

~~(e) The provisions of this section shall not apply to vehicles subject to Federal Motor Carrier Safety rules adopted by the Division of Motor Vehicles.~~"

SECTION 9. Section 3 of this act becomes effective January 1, 2003. The remainder of this act becomes effective December 1, 2001, and applies to offenses occurring on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 3

SENATE BILL 9

Second Edition Engrossed 2/21/01
Third Edition Engrossed 3/22/01

Short Title:	Interstate High-Speed Rail Commission.	(Public)
Sponsors:	Senators Gulley; Clodfelter, Hartsell, Hoyle, Metcalf, and Plyler.	
Referred to:	Transportation.	

January 25, 2001

A BILL TO BE ENTITLED

AN ACT TO APPOINT MEMBERS TO THE VIRGINIA-NORTH CAROLINA INTERSTATE HIGH-SPEED RAIL COMMISSION.

Whereas, levels of congestion on interstate highways and at major airports along the east coast of the United States are rapidly rising, and in some locations have reached virtual gridlock for hours each day; and

Whereas, it is therefore necessary to develop and use alternative modes of transportation for the movement of goods and passengers long distances along the east-coast corridor; and

Whereas, preliminary engineering studies have documented that the creation of high-speed passenger rail service between points in Virginia and points in North Carolina could provide travelers along the corridor with an attractive alternative to highway travel, thus reducing highway congestion; and

Whereas, establishment of high-speed passenger rail service between Virginia and North Carolina offers the additional possibility of connection through the District of Columbia to origins and destinations as far north as New England; and

Whereas, establishment of high-speed passenger rail service between Virginia and North Carolina offers the additional possibility of connections to destinations in the South, including Florida, Greenville-Spartanburg, South Carolina, and Atlanta, Georgia; and

Whereas, it is useful and prudent to have a panel of legislators from both Virginia and North Carolina established in order to explore the benefits, costs, and required legislative actions associated with establishing high-speed passenger rail service; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. Upon the Virginia General Assembly's concurring action, the Virginia-North Carolina Interstate High-Speed Rail Commission is established. The North Carolina component shall consist of six members to be appointed as follows:

(1) Three members of the House of Representatives to be appointed by the Speaker of the House of Representatives; and

(2) Three members of the Senate to be appointed by the President Pro Tempore of the Senate.

SECTION 2. In conducting its study, the Commission shall hold meetings, tours of inspection, and public hearings as appropriate to determine the desirability and feasibility of establishing high-speed passenger rail service between Virginia and North Carolina. If it appears to the Commission that establishment of such service is desirable and feasible, the Commission shall consider and recommend to the Governor and General Assembly those legislative actions necessary to do so, including the identification of the necessary levels of funding and the sources of those funds.

SECTION 3. Upon approval of the Legislative Services Commission, the Legislative Services Officer shall assign professional and clerical staff to assist in the work of the Commission. Technical support shall be provided by the Rail Division of the Department of Transportation. Clerical staff shall be furnished to the Commission through the offices of the House of Representatives and Senate Supervisors of Clerks. The Commission may meet in the Legislative Building or the Legislative Office Building upon the approval of the Legislative Services Commission. The North Carolina members of the Commission, while in the discharge of official duties, may exercise all the powers provided under the provisions of G.S. 120-19 through G.S. 120-19.4, including the power to request all officers, agents, agencies, and departments of the State to provide any information, data, or documents within their possession, ascertainable from their records, or otherwise available to them, and the power to subpoena witnesses. North Carolina members of the Commission shall receive per diem, subsistence, and travel allowances as follows:

(1) Commission members who are members of the General Assembly at the rate established in G.S. 120-3.1;

(2) Commission members who are officials or employees of the State or of local government agencies at the rate established in G.S. 138-6; and

(3) All other Commission members at the rate established in G.S. 138-5.

SECTION 4. The Commission shall report its findings and any recommendations to the Governor and the General Assembly upon the convening of the 2002 Regular Session of the 2001 General Assembly.

SECTION 5. From funds appropriated to the General Assembly, the Legislative Services Commission shall allocate funds for the expenses of the Interstate High-Speed Rail Commission.

SECTION 6. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 2

SENATE BILL 614
Second Edition Engrossed 3/29/01

Short Title:	Cary, Charlotte, Concord Roadway Expenditures.	(Local)
Sponsors:	Senator Gulley.	
Referred to:	State and Local Government.	

March 22, 2001

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE TOWN OF CARY AND THE CITIES OF CHARLOTTE AND CONCORD TO EXPEND FUNDS ON ROADS OUTSIDE THE CORPORATE LIMITS AND FOR PARTICIPATION IN CONSTRUCTION OF ROADS OUTSIDE THE CORPORATE LIMITS BY THE DEPARTMENT OF TRANSPORTATION.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 160A of the General Statutes is amended by adding a new section to read:

"**§ 160A-296.1. Expenditure of funds for roads outside the corporate limits.**

A city may appropriate funds not otherwise limited as to use by law to construct roadways in areas outside its corporate boundaries and outside its extraterritorial planning and zoning jurisdiction only if those roadways are owned by the State and maintained by the Department of Transportation."

SECTION 2. G.S. 136-66.3(a) reads as rewritten:

"(a) Municipal Participation Authorized. – A municipality may, but is not required to, participate in the right-of-way and construction cost of a State highway improvement approved by the Board of Transportation under ~~G.S. 143B-350(f)(4) that is located in the municipality or its extraterritorial jurisdiction.~~ G.S. 143B-350(f)(4)."

SECTION 3. This act applies to the Town of Cary and to the Cities of Charlotte and Concord only.

SECTION 4. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE BILL 644
PROPOSED COMMITTEE SUBSTITUTE H644-PCS8226-RW-16

Short Title: Toll Road and Bridge Authority Created. (Public)

Sponsors:

Referred to:

March 15, 2001

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE PUBLIC TOLL ROADS AND BRIDGES IN NORTH CAROLINA AND THE CREATION OF A TURNPIKE AUTHORITY.

The General Assembly of North Carolina enacts:

SECTION 1. Article 6F of Chapter 136 of the General Statutes is repealed.

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

"Article 6H.

"Public Toll Roads and Bridges.

"**§ 136-89.180. Legislative findings.**

The General Assembly finds that the existing State road system is becoming increasingly congested and overburdened with traffic in many areas of the State; that the sharp surge of vehicle miles traveled is overwhelming the State's ability to build and pay for adequate road improvements; and that an adequate answer to this challenge will require the State to be innovative and utilize several new approaches to transportation improvements in North Carolina.

Toll funding of highway construction is feasible in North Carolina and can contribute to addressing the critical transportation needs of the State. A toll program can speed the implementation of needed transportation improvements by funding some projects with tolls.

"**§ 136-89.181. Definitions.**

The following definitions apply to this Article:

(1) "Turnpike Authority" means the public agency created by this Article.

(2) "Turnpike Authority Board" means the governing board of the Turnpike Authority.

(3) "Turnpike Project" means any part of the State highway system, including primary and secondary roads, bridges, tunnels, and feeder roads and approaches.

(4) "Turnpike System" means collectively all Turnpike Projects developed under this Article.

"**§ 136-89.182. North Carolina Turnpike Authority.**

(a) Creation. – There is created a body politic and corporate to be known as the "North Carolina Turnpike Authority." The Authority is constituted as a public agency, and the exercise by the Authority of the powers conferred by this Article in the construction, operation, and maintenance of toll roads and bridges shall be deemed and held to be the performance of an essential governmental function.

(b) Administrative Placement. – The Authority shall be located within the Department of Transportation for administrative purposes but shall exercise all of its powers independently of the Department of Transportation except as otherwise specified in this Article.

(c) Board of Directors. – The North Carolina Turnpike Authority shall be governed by a seven-member Board of Directors consisting of the Secretary of Transportation and six members appointed by the Governor. One Authority member shall reside in each of the seven regions of the State specified in G.S. 136-17.2A(a). The Chair of the Authority shall be selected by the Board of Directors.

(d) Board of Transportation Members. – Not more than two members of the North Carolina Board of Transportation may serve as members of the Authority Board.

(e) Staggered Terms. – The initial appointments by the Governor to the Authority Board shall consist of three members appointed to terms ending January 14, 2003, and three members appointed to terms ending January 14, 2005. The initial member of the Board designated by the Secretary of Transportation shall serve a term ending January 14, 2005. Thereafter, at the expiration of each stipulated term of office, all appointments shall be to a term of four years from the date of the expiration of the term.

(f) Vacancies. – All members of the Authority Board shall remain in office until their successors are appointed and qualify. The Governor may appoint a member to serve out the unexpired term of any member appointed by the Governor.

(g) Removal of Board Members. – Each member of the Authority Board appointed by the Governor, notwithstanding subsection (e) of this section, shall serve at the pleasure of the Governor. The member designated by the Secretary of Transportation shall serve at the pleasure of the Secretary. The Chair of the Authority serves at the pleasure of the Authority Board.

(h) Conflicts of Interest, Ethics, etc. – Members of the Authority Board shall be subject to provisions of G.S. 136-13, 136-13.1, and 136-14.

(i) Compensation. – The appointed members of the Authority Board shall receive no salary for their services but shall be entitled to receive per diem and travel allowances in accordance with the provisions of G.S. 138-5 and G.S. 138-6 as appropriate.

(j) Bylaws. – The Authority Board shall adopt, change, or amend bylaws with respect to the calling of meetings, quorums, voting procedures, the keeping of records, and other organizational, staffing, and administrative matters as the Authority Board

may determine. Any bylaws, or subsequent changes or amendments to the bylaws, shall be submitted to the Board of Transportation and Joint Legislative Transportation Oversight Committee for review and comment at least 45 days prior to adoption by the Authority Board.

(k) Executive Director and Administrative Employees. – The Authority Board shall appoint an Executive Director, whose salary shall be fixed by the Authority, to serve at its pleasure. The Executive Director shall be the Authority's chief administrative officer and shall be responsible for the daily administration of the toll roads and bridges constructed, maintained, or operated pursuant to this Article. The Executive Director or his designee shall appoint, employ, dismiss, and within the limits approved by the Authority Board, fix the compensation of administrative employees as the Director deems necessary to carry out this Article. The Authority shall report the hiring of all administrative employees to the Joint Legislative Transportation Oversight Committee within 30 days of the date of employment.

(l) Office. – The offices of the Authority may be housed in one or more facilities of the Department of Transportation.

"**§ 136-89.183. Powers of the Authority.**

(a) The Authority shall have all of the powers necessary to execute the provisions of this Article including the following powers:

(1) The powers of a corporate body, including the power to sue and be sued, to make contracts, to adopt and use a common seal, and to alter the adopted seal as needed.

(2) To study, plan, develop, design, establish, purchase, construct, operate, and maintain a Turnpike Project, either on its own initiative or at the request of the Board of Transportation.

(3) To rent, lease, purchase, acquire, own, encumber, dispose of, or mortgage real or personal property, including the power to acquire property by eminent domain pursuant to G.S. 136-89.184.

(4) To fix, revise, charge, and collect tolls and fees for the use of the Turnpike Projects.

(5) To issue bonds or notes of the Authority as provided in this Article.

(6) To establish, construct, purchase, maintain, equip, and operate any structure or facilities associated with the Turnpike System.

(7) To pay all necessary costs and expenses in the formation, organization, administration, and operation of the Authority.

(8) To apply for, accept, and administer loans and grants of money or real or personal property from any federal agency, from the State or its political subdivisions, local government, or from any other public or private sources available.

(9) To adopt, alter, or repeal its own bylaws or rules implementing the provisions of this Article, in accordance with the review and comment requirements of G.S. 136-89.182(j).

(10) To utilize employees of the Department of Transportation; to contract for the services of consulting engineers, architects, attorneys, real estate counselors, appraisers, and other consultants; to employ administrative staff as may be required in the judgment of the Authority; and to fix and pay fees or compensation to the Department, contractors, and administrative employees from funds available to the Authority.

(11) To select and retain financial consultants, underwriters, and bond attorneys in connection with the issuance of any bonds and to pay for their services out of the proceeds of any bond issue for which their services were performed.

(12) To execute financing agreements, security documents, and other instruments necessary in exercising its power under this Article.

(13) To receive and use appropriations from the State.

(14) To adopt procedures to govern its procurement of services and delivery of Turnpike Projects.

(15) To perform or procure any portion of services required by the Authority.

(16) To use officers, employees, agents, and facilities of the Department of Transportation for the purposes and upon the terms as may be mutually agreeable.

(17) To contract for the construction, maintenance, and operation of a Turnpike Project.

(18) To enter into partnership agreements, including agreements for the issuance of obligations by a nonprofit corporation in compliance with the provisions of federal Rev. Rul. 63-20, agreements with political subdivisions of the State, and agreements with private entities, and to expend such funds as it deems necessary, pursuant to such an agreement, for the purpose of financing the cost of acquiring, constructing, equipping, operating, or maintaining any Turnpike Project.

(b) To execute the powers provided in subsection (a) of this section, the Authority shall determine its policies by majority vote of the members of the Authority present and voting, a quorum having been established. Once a policy is established, the Authority Board shall communicate it to the Executive Director or the Director's designee, who shall have the sole and exclusive authority to execute the policy of the Authority. No member of the Authority Board shall have the responsibility or authority to give operational directives to any employee of the Authority other than the Executive Director, or the Director's designee.

"**§ 136-89.184. Acquisition of real property.**

(a) General. – The Authority may acquire public or private real property by purchase, negotiation, gift, or devise, or condemnation that it determines to be necessary

and convenient for the construction, expansion, enlargement, extension, improvement, or operation of a Turnpike Project. When the Authority acquires real property owned by the State, the Secretary of the Department of Administration shall execute and deliver to the Authority a deed transferring fee simple title to the property to the Authority.

(b) Condemnation. – To exercise the power of eminent domain, the Authority shall commence a proceeding in its name and shall follow the procedure set forth in Article 9 of Chapter 136 of the General Statutes.

"**§ 136-89.185. Taxation of property of Authority.**

Property owned by the Authority is exempt from taxation in accordance with Section 2 of Article V of the North Carolina Constitution.

"**§ 136-89.186. Audit.**

The operations of the Authority shall be subject to the oversight of the State Auditor pursuant to Article 5A of Chapter 147 of the General Statutes.

"**§ 136-89.187. Conversion of free highways prohibited.**

The Authority Board is prohibited from converting any segment of the non-tolled State highway system to a toll facility.

"**§ 136-89.188. Use of revenues.**

(a) Revenues derived from Turnpike Projects authorized under this Article shall only be used for Authority administration costs; Turnpike Project development, construction, operation, and maintenance; and Turnpike Project debt service.

(b) The Authority may use up to one hundred percent (100%) of the revenue derived from a Turnpike Project for debt service on that project, or for a combination of debt service, operation, and maintenance of the Turnpike Project..

(c) The Authority shall use not more than ten percent (10%) of total revenue derived from all Turnpike Projects for Authority administration costs. The Authority shall endeavor to use no more than five percent (5%) of total revenue derived from all Turnpike Projects for Authority administration costs.

(d) If not required for debt service, operation, and maintenance of the Turnpike Project, as provided in subsection (b) of this section, the Authority shall use at least twenty percent (20%) of the excess revenue derived in each fiscal year from a Turnpike Project for other highway construction and maintenance in the next fiscal year in the county in which the Turnpike Project is located.

(e) If not required for debt service, operation, and maintenance of the Turnpike Project, as provided in subsection (b) of this section, the Authority shall use at least seventy percent (70%) of the excess revenue derived in each fiscal year from a Turnpike Project for necessary expansion of the capacity of the Turnpike Project, or if no expansion is necessary, for other Turnpike Projects in the same region, as defined in G.S. 136-17.2A(a).

"**§ 136-89.189. Turnpike Authority revenue bonds.**

(a) The Authority Board, by the adoption of a bond resolution, and with the approval of the State Treasurer and the Local Government Commission, may authorize

the issuance of bonds to pay all or a portion of the cost of a Turnpike Project or to refund any previously issued bonds.

(b) The Authority may sell bonds at public or private sale in a manner and for a price as the Local Government Commission shall determine to be in the best interest of the Authority.

(c) The Authority may sell bonds secured by a lien on the revenues of the Turnpike System or a Turnpike Project.

(d) The Authority may sell bonds secured by lien of revenues subordinate to the lien of other bonds.

(e) The Authority may execute a revenue bond indenture or other similar agreement with bondholders in a form and with such covenants and provisions it finds to be in the best interest of the Authority.

"**§ 136-89.190. Payment of bonds; State credit not pledged.**

Bonds issued by the Authority under this Article shall not be deemed to constitute a debt of the State of North Carolina or a pledge of the full faith and credit of the State.

"**§ 136-89.191. Cost participation by Department of Transportation.**

The Department of Transportation may participate in the cost of preconstruction activities, construction, maintenance, or operation of a Turnpike Project.

"**§ 136-89.192. Equity distribution formula.**

Only those funds applied to a Turnpike Project from the State Highway Fund, State Highway Trust Fund, or federal-aid funds that might otherwise be used for other roadway projects within the State, and are otherwise already subject to the distribution formula under G.S. 136-17.2A, shall be included in the distribution formula.

Other revenue from the sale of bonds, project loans, or toll collections shall not be included in the distribution formula.

"**§ 136-89.193. Annual plan of work; annual and quarterly reports.**

(a) Annual Plan of Work. – The Authority shall annually develop a plan of work for the fiscal year, describing the activities and projects to be undertaken, accompanied by a budget. This annual plan of work shall be subject to the concurrence of the Board of Transportation.

(b) Annual Reports. – The Authority shall, promptly following the close of each fiscal year, submit an annual report of its activities for the preceding year to the Governor, the General Assembly, and the Department of Transportation. Each report shall be accompanied by an audit of its books and accounts.

(c) Quarterly Reports. – The Authority shall submit quarterly reports to the Joint Legislative Transportation Oversight Committee. The reports shall summarize the Authority's activities during the quarter and contain any information about the Authority's activities that is requested by the Committee.

"**§ 136-89.194. Laws applicable to the Authority; exceptions.**

(a) Motor Vehicle Laws. – The Turnpike System shall be considered a "highway" as defined in G.S. 20-4.01(13) and a "public vehicular area" as defined in G.S. 20-4.01(32). All law enforcement and emergency personnel, including the State

Highway Patrol and the Division of Motor Vehicles, shall have the same powers and duties on the Turnpike System as on any other highway or public vehicular area.

(b) Contracting. – For the purposes of implementing this Article, the Authority shall solicit competitive proposals for the construction of Turnpike Projects in accordance with the provision of Article 2 of this Chapter. Contracts for professional engineering services and other kinds of professional or specialized services necessary in connection with construction of Turnpike Projects shall be solicited in accordance with procedures utilized by the Department of Transportation.

(c) Alternative Contracting Methods. – Notwithstanding the provisions of subsection (b) of this section, the Authority may authorize the use of alternative contracting methods if:

(1) The authorization applies to an individual project;

(2) The Authority has concluded, and documented in writing, that the alternative contracting method is necessary because the project cannot be completed utilizing the procedures of Article 2 of this Chapter within the necessary time frame or available funding, or for other reasons the Authority deems in the public interest;

(3) The Authority has provided, to the extent possible, for the solicitation of competitive proposals prior to awarding a contract; and

(4) The approved alternative contracting method provides for reasonable compliance with the disadvantaged business participation goals of G.S. 136-28.4.

"**§ 136-89.195. Internet report of funds expended.**

The Department shall publish and update annually on its Internet web site a record of all expenditures of the Turnpike Authority for highway construction, maintenance, and administration. The record shall include a total expenditure amount by county. For each Turnpike Project, the record shall include a readily identifiable project name or location, the nature of the project, the amount of the project, the contractor for the project, the date of project letting, and the actual or expected project completion date.

"**§ 136-89.196. Removal of tolls.**

The Authority shall remove tolls from a Turnpike Project when all revenue bonds issued to fund the project have been repaid and satisfied in full; an adequate fund has been established to maintain the Turnpike Project; and the Authority determines that no additional capacity expansion is needed on the Turnpike Project."

SECTION 3. Chapter 20 of the General Statutes is amended to add a new section to read:

"**§ 20-158.2. Control of vehicles on Turnpike System.**

The North Carolina Turnpike Authority may control vehicles at appropriate places by erecting traffic control devices to collect tolls.

Failure to pay a proper toll, as evidenced by a traffic control photographic system or other enforcement mechanism, is a noncriminal violation for which a civil penalty set by the Turnpike Authority shall be assessed."

SECTION 4. G.S. 136-176(b) reads as rewritten:

"(b) Funds in the Trust Fund are annually appropriated to the Department of Transportation to be allocated and used as provided in this subsection. A sum, not to exceed four and one-half percent (4.5%) of the amount of revenue deposited in the Trust Fund under subdivisions (a)(1), (2), and (3) of this section, may be used each fiscal year by the Department for expenses to administer the Trust Fund. Operation and project development costs of the North Carolina Turnpike Authority are eligible administrative expenses under this subsection. The rest of the funds in the Trust Fund shall be allocated and used as follows:

(1) Sixty-one and ninety-five hundredths percent (61.95%) to plan, design, and construct the projects of the Intrastate System described in G.S. 136-179 and to pay debt service on highway bonds and notes that are issued under the State Highway Bond Act of 1996 and whose proceeds are applied to these projects.

(2) Twenty-five and five hundredths percent (25.05%) to plan, design, and construct the urban loops described in G.S. 136-180 and to pay debt service on highway bonds and notes that are issued under the State Highway Bond Act of 1996 and whose proceeds are applied to these urban loops.

(3) Six and one-half percent (6.5%) to supplement the appropriation to cities for city streets under G.S. 136-181.

(4) Six and one-half percent (6.5%) for secondary road construction as provided in G.S. 136-182 and to pay debt service on highway bonds and notes that are issued under the State Highway Bond Act of 1996 and whose proceeds are applied to secondary road construction.

The Department must administer funds allocated under subdivisions (1), (2), and (4) of this subsection in a manner that ensures that sufficient funds are available to make the debt service payments on bonds issued under the State Highway Bond Act of 1996 as they become due."

SECTION 5. G.S. 126-5(c1) is amended by adding a new subdivision to read:

"(c1) Except as to the provisions of Articles 6 and 7 of this Chapter, the provisions of this Chapter shall not apply to:

...

(21) Employees of the North Carolina Turnpike Authority."

SECTION 6. G.S. 120-123 is amended by adding a new subdivision to read:

"**§ 120-123. Service by members of the General Assembly on certain boards and commissions.**

No member of the General Assembly may serve on any of the following boards or commissions:

...

(75) The North Carolina Turnpike Authority."

SECTION 7. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S D

SENATE BILL 600

Transportation Committee Substitute Adopted 4/23/01
Third Edition Engrossed 4/25/01
PROPOSED HOUSE COMMITTEE SUBSTITUTE S600-CSRW-29 [v.5]

6/12/2001 11:20:00 AM

Short Title: MV Technical Changes. (Public)

Sponsors:

Referred to:

March 22, 2001

A BILL TO BE ENTITLED

AN ACT TO MAKE VARIOUS TECHNICAL AND OTHER CHANGES TO THE MOTOR VEHICLE STATUTES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-4.01(12a) reads as rewritten:

"(12a) Gross Vehicle Weight Rating (GVWR). – The value specified by the manufacturer as the maximum loaded weight ~~of a vehicle.~~ a vehicle is capable of safely hauling. The GVWR of a combination vehicle is the GVWR of the power unit plus the GVWR of the towed unit or units. When a vehicle is determined by an enforcement officer to be structurally altered in any way from the manufacturer's original ~~design,~~ design in an attempt to increase the hauling capacity of the vehicle, the GVWR of that vehicle shall be deemed to be the greater of the license weight or the total weight of the vehicle or combination of vehicles ~~may be deemed as the GVWR~~ for the purpose of enforcing this Chapter."

SECTION 2. G.S. 20-30(6) reads as rewritten:

"(6) ~~To photostat or otherwise reproduce a driver's license or learner's permit or to possess a driver's license or learner's permit which has been photostated or otherwise reproduced, unless such photostat or other reproduction was authorized by the Commissioner.~~ To make a color photocopy or otherwise make a color reproduction of a drivers license, learner's permit, or special identification card which has been color-photocopied or otherwise reproduced in color, unless such color photocopy or other color reproduction was authorized by the Commissioner. It shall be lawful to make a black and white photocopy of a drivers license, learner's permit, or special identification card or

otherwise make a black and white reproduction of a drivers license, learner's permit, or special identification card."

SECTION 3. G.S. 20-63(b) reads as rewritten:

"(b) Every license plate shall have displayed upon it the registration number assigned to the vehicle for which it is issued, the name of the State of North Carolina, which may be abbreviated, and the year number for which it is issued or the date of expiration. A plate issued for a commercial vehicle, as defined in G.S. 20-4.2(1), and weighing 26,001 pounds or more, must bear the word "commercial," unless the plate is a special registration plate authorized in G.S. 20-79.4 or the commercial vehicle is a trailer or is licensed for 6,000 pounds or less. The plate issued for vehicles licensed for 7,000 pounds through 26,000 pounds must bear the word "weighted".

A registration plate issued by the Division for a private passenger vehicle or for a private hauler vehicle licensed for 6,000 pounds or less, other than a Friends of the Great Smoky Mountains National Park special registration plate, shall be a "First in Flight" plate. A "First in Flight" plate shall have the words "First in Flight" printed at the top of the plate above all other letters and numerals. The background of the plate shall depict the Wright Brothers biplane flying over Kitty Hawk Beach, with the plane flying slightly upward and to the right."

SECTION 4. G.S. 20-101 reads as rewritten:

"**§ 20-101. Certain business vehicles to be marked.**

A motor vehicle that is subject to 49 C.F.R. Part 390, the federal motor carrier safety regulations, shall be marked as required by that Part.

A motor vehicle that is not subject to those regulations, has a gross vehicle weight rating of more than 10,000 pounds, but less than 26,001 pounds, and is used in intrastate commerce, and is not a farm vehicle, as further described in G.S. 20-118 (c)(4), (c)(5), or (c)(12), shall have the name of the owner printed on the side of the vehicle in letters not less than three inches in height.

A motor vehicle that is subject to regulation by the North Carolina Utilities Commission shall be marked as required by that Commission and as otherwise required by this section."

"**SECTION 5.** G.S. 20-116(g) reads as rewritten:

"(g) (1) No vehicle shall be driven or moved on any highway unless ~~such~~ the vehicle is ~~so~~ constructed ~~or~~ and loaded ~~as~~ to prevent any of its load from falling, blowing, dropping, sifting, leaking, or otherwise escaping ~~therefrom, except that~~ therefrom, and the vehicle shall not contain any holes, cracks, or openings through which any of its load may escape. However, sand may be dropped for the purpose of securing traction, or water or other substance may be ~~sprinkled~~ sprinkled, dumped, or spread on a roadway in cleaning or maintaining ~~such~~ the roadway.

(2) Trucks, trailers or other vehicles when loaded with rock, gravel, stone or ~~other~~ any other similar ~~substances which~~ substance that could fall, blow, leak, sift or drop shall not be driven or moved on any highway

unless the height of the load against all four walls does not extend above a horizontal line six inches below their tops when loaded at the loading ~~point, or if not so loaded, unless~~ point and the load shall be securely covered by tarpaulin or some other suitable ~~covering, or unless it is otherwise constructed so as~~ covering to prevent any of its load from falling, dropping, sifting, leaking, blowing, or otherwise escaping therefrom. This subdivision does not apply to a vehicle licensed for 7,500 pounds or less gross vehicle weight.

(3) ~~Provided this~~ This section shall not be applicable to or in any manner restrict the transportation of seed cotton, of poultry or livestock or silage or other feed grain used in the feeding of poultry or livestock."

SECTION 6. G.S. 20-118(c)(14) reads as rewritten:

"(14) Subsections (b) and (e) of this section do not apply to a vehicle that meets all of the following conditions:

a. Is hauling aggregates from a distribution yard or a State-permitted production site within a North Carolina county contiguous to the North Carolina State border to a destination in ~~an adjacent state~~ another state adjacent to that county as verified by a weight ticket in the driver's possession and available for inspection by enforcement personnel.

b. Does not operate on an interstate highway or posted bridge.

c. Does not exceed 69,850 pounds gross vehicle weight and 53,850 pounds per axle grouping for tri-axle vehicles. For purposes of this subsection, a tri-axle vehicle is a single power unit vehicle with a three consecutive axle group on which the respective distance between any two consecutive axles of the group, measured longitudinally center to center to the nearest foot, does not exceed eight feet. For purposes of this subsection, the tolerance provisions of subsection (h) of this section do not ~~apply.~~apply and vehicles must be licensed in accordance with G.S. 20-88.

d. All other enforcement provisions of this Article remain applicable."

SECTION 7. G.S. 20-118.1 reads as rewritten:

"**§ 20-118.1. Officers may weigh vehicles and require overloads to be removed.**

A law enforcement officer may stop and weigh a vehicle to determine if the vehicle's weight is in compliance with the vehicle's declared gross weight and the weight limits set in this Part. The officer may require the driver of the vehicle to drive to a scale located within five miles of where the officer stopped the vehicle.

Any person operating a vehicle or a combination of vehicles having a GVWR of 10,001 pounds or more or any vehicle transporting hazardous materials that is required to be placarded under 49 C.F.R. §171-180 must enter a permanent weigh station or

temporary inspection or weigh site as directed by duly erected signs or an electronic transponder for the purpose of being electronically screened for compliance, or weighed, or inspected.

If the vehicle's weight exceeds the amount allowable, the officer may detain the vehicle until the overload has been removed. Any property removed from a vehicle because the vehicle was overloaded is the responsibility of the owner or operator of the vehicle. The State is not liable for damage to or loss of the removed property.

Failure to permit a vehicle to be weighed or to remove an overload is a misdemeanor of the Class set in G.S. 20-176. An officer must weigh a vehicle with a scale that has been approved by the Department of Agriculture and Consumer Services."

SECTION 8. G.S. 20-142.3 reads as rewritten:

"**§ 20-142.3. Certain vehicles must stop at railroad grade ~~crossing; placarding certain vehicles.~~crossing.**

(a) Before crossing at grade any track or tracks of a railroad, the driver of any school bus, any activity bus, any motor vehicle carrying passengers for compensation, ~~any property-hauling motor vehicle carrying hazardous materials,~~ any commercial motor vehicle listed in 49 C.F.R. §392.10, and any motor vehicle with a capacity of 16 or more persons shall stop the vehicle within 50 feet but not less than 15 feet from the nearest rail of the railroad. While stopped, the driver shall listen and look in both directions along the track for any approaching train and shall not proceed until ~~he~~ the driver can do so safely. Upon proceeding, the driver of the vehicle shall cross the track in a gear that allows the driver to cross the track without changing gears and the driver shall not change gears while crossing the track or tracks.

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

(1) At railroad tracks used exclusively for industrial switching purposes within a business district.

(2) At a railroad grade crossing which a police officer or crossing flagman directs traffic to proceed.

(3) At a railroad grade crossing protected by a gate or flashing signal designed to stop traffic upon the approach of a train, when the gate or flashing signal does not indicate the approach of a train.

(4) At an abandoned railroad grade crossing which is marked with a sign indicating that the rail line is abandoned.

(5) At an industrial or spur line railroad grade crossing marked with a sign reading "Exempt" erected by or with the consent of the appropriate State or local authority.

(c) ~~It shall be unlawful to transport by motor vehicle upon the highways of this State any hazardous material without conspicuously marking or placarding the motor vehicle on each side and on the rear with the word "DANGEROUS" or the common or generic name of the article transported or its principal hazard. Additionally, the rear of any such vehicle shall be conspicuously marked with the words "THIS VEHICLE~~

~~STOPS AT RAILROAD CROSSINGS" or "WE STOP AT RR CROSSINGS."~~ A person violating the provisions of this ~~subsection~~ section shall be guilty of an infraction and punished in accordance with G.S. 20-176. Violation of this section shall not constitute negligence per se.

~~(d) "Hazardous materials," for purposes of this section only, means any hazardous material required to be placarded under 49 C.F.R. § 171-180.~~

~~(e) The provisions of this section shall not apply to vehicles subject to Federal Motor Carrier Safety rules adopted by the Division of Motor Vehicles.~~"

SECTION 9. Section 3 of this act becomes effective January 1, 2003. The remainder of this act becomes effective December 1, 2001, and applies to offenses occurring on or after that date.

SENATE BILL 9:
Interstate High-Speed Rail Commission

BILL ANALYSIS

Committee:	House Transportation Committee	**Introduced by:**	Senator Gulley
Date:	June 13, 2001	**Summary by:**	Wendy Graf
Version:	Third Edition		Committee Counsel

SUMMARY: ***Senate Bill 9 authorizes the establishment of the Virginia-North Carolina Interstate High Speed Rail Commission.***

BILL ANALYSIS: Upon concurring action by the Virginia General Assembly, Senate Bill 9 establishes the Virginia-North Carolina Interstate High Speed Rail Commission. The Commission will determine the desirability and feasibility of establishing high-speed passenger rail service between Virginia and North Carolina, and shall consider and recommend to the Governor and General Assembly whatever legislative action is necessary – including identification of the necessary levels of funding and sources of those funds.

The Speaker of the House and the President Pro Tempore of the Senate will each appoint three members to the Commission. These North Carolina members of the Commission, while in the discharge of official duties, will have powers normally granted to legislative committees to hold hearings, call witnesses, and compel testimony relevant to any matter properly before the committee. North Carolina members of the Commission will receive appropriate per diem, subsistence, and travel.

The Commission is required to report its findings and any recommendations to the Governor and the General Assembly upon the convening of the 2003 General Assembly.

EFFECTIVE DATE: The act will be effective when it becomes law.

This summary was substantially contributed to by Brenda Carter.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 644

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

H644-ARW-16 [v.2]

Date _____,2001

Comm. Sub. [YES]
Amends Title [NO]
H644-CSRW-16

Representative Sutton

moves to amend the bill
on page 2 lines 13-19 by rewriting those lines to read:
"(c) Board of Directors. – The North Carolina Turnpike Authority shall be governed by a seven-member Board of Directors consisting of the Secretary of Transportation and six members appointed by the Governor. One Authority member shall reside in each of the seven regions of the State specified in G.S. 136-17.2A(a). The Chair of the Authority shall be selected by the members of the Board of Directors."

and on page2, lines 31-33 by deleting the sentence reading:
"The Secretary may designate a member to serve out the unexpired term of the Secretary's designee.".

SIGNED _____
Amendment Sponsor

SIGNED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 644

AMENDMENT NO._____
(to be filled in by
Principal Clerk)

H644-ARW-16 [v.2]

Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

RESOLUTION

Passed
June 2, 2001
AAA Carolinas Board of Directors Meeting

AAA CAROLINAS' POSITION ON TOLL ROADS

AAA Carolinas recognizes that North and South Carolina face severe highway funding shortages, both for maintenance of existing roads and construction of new roads. Therefore, let it be resolved that:

In order to build new roads in areas facing traffic congestion and the pressures created by new growth, AAA Carolinas supports the construction of toll roads financed solely by private corporations or entities.

Using the Southern Connector in Greenville, SC as a model, AAA supports:

- The use of the state's eminent domain powers to condemn privately held land to build a toll road and collection facilities;
- The toll road builder/operator pays for the eminent domain or other land purchases needed;
- An as-needed road maintenance contract overseen by the state DOT to ensure that the road is maintained to state standards at a cost to be borne by the toll road entity;
- Turning the road over to the state at no cost after a pre-determined length of time.

Any toll road constructed must parallel or nearly parallel existing pubic roads so that those who chose not to use the toll road have a free alternative routing.

AAA Carolinas remains opposed to any state operated tolling or turnpike authority and the imposition of tolls on any currently existing state roads.

HOUSE BILL 644:
Toll Road and Bridge Authority Created

BILL ANALYSIS

Committee:	House Transportation	**Introduced by:**	Rep. Crawford
Date:	June 6, 2001	**Summary by:**	Giles S. Perry
Version:	PCS H644-CSRW-16[v.13]		Committee Counsel

SUMMARY: House Bill 644 authorizes the creation of a public agency, the "North Carolina Turnpike Authority" to construct operate and maintain toll roads in the State.

CURRENT LAW: Under current law, toll roads are authorized in two limited circumstances: The construction of a listed Highway Trust Fund project bridge, (G.S. 136-82.2) or the construction of a private pilot toll road project. (G.S. 136-89.171 and-172).

BILL ANALYSIS:

Creates Turnpike Authority--House Bill 644 would create a public agency, to be called the "North Carolina Turnpike Authority," to construct, operate, and maintain toll roads and bridges in the State.

Governance--The Authority would be governed by a 7 member Board of Directors, consisting of six members appointed by the Governor and one designated by the Secretary of Transportation. The Secretary would serve as an ex officio member of the Board of Directors. Members of the Board of Directors would serve four year staggered terms.

Bylaws—The Board would be authorized to adopt and revise bylaws. Prior to adoption, bylaws would be subject to review and comment by the Board of Transportation and the Joint Legislative Transportation Oversight Committee.

Executive Director--The Authority would be operated by an executive director, appointed by the Board of Directors.

Limitation on Employees—The Authority would have the authority to hire only administrative personnel. The Authority would be authorized to contract for the services of other needed personnel, and utilize personnel of the Department of Transportation. The Authority would be required to report all employment of administrative personnel to the Joint Legislative Transportation Oversight Committee.

Powers of Authority—The Authority would have the power to: build an operate a turnpike project, either on its own initiative, or at the request of the Board of Transportation; to condemn property by "quick-take"; to issue revenue bonds; and to enter into partnership agreements with non profit entities, political subdivision of the State, or private entities. The Authority would be specifically authorized to enter into agreements with non-profit entities pursuant to the provisions of federal Revenue Ruling 63-20. The ruling considers bonds issued under such agreement to have been issued on behalf of the entity, and exempt from interest taxation.

Conversion of Free Highways Prohibited—The Authority would be prohibited from converting a non-tolled segment of the State highway system to a toll facility.

Limitation on Use of Revenues—The Authority would be subject to limits on the use of revenue derived from toll projects. Revenue could only be sued for the following purposes: Turnpike administration; Turnpike Project development, construction, operation, and maintenance; and Turnpike project debt service. Spending on administration would be limited to 10% of Turnpike project revenue. 20% of

excess Turnpike project revenue would have to be used in the county in which the Turnpike project was located. 70% of the excess revenue from a Turnpike Project would have to be used on expansion of the Turnpike project, or on other Turnpike Projects in same funding region.

Lease or Sale of Turnpike—The Authority would have the power to lease, sell or grant a concession or franchise of the operation of all or a portion of the turnpike system.

Revenue Bonds—The authority would have the authority to sell revenue bonds to finance all or a portion of its projects.

Cost Participation by DOT—NC DOT would be authorized to participate in the cost of preconstruction, construction, maintenance, or operation of a turnpike project.

Equity Formula—Turnpike projects would be subject to the equity distribution formula for State Highway Funds only to the extent that the project is funded from Highway Fund, Highway Trust Fund, or federal-aid funds that would otherwise be subject to the formula.

Motor Vehicle Laws—State motor vehicle laws would apply to Turnpike Authority projects.

Authorization of Alternative Contracting Methods—The act would authorize the Authority to use alternative contracting methods under specified circumstances.

Internet Report of Expenditures—The act would require the Department to publish and update annually a report of all Turnpike Authority expenditures.

Removal of Tolls—The act would require tolls to be removed from Turnpike projects when all revenue bonds were repaid, a maintenance fund was established, and the Authority determined that no additional capacity expansion was needed on the project.

Toll Violations—Tolls violations by persons traveling on Turnpike projects would be noncriminal civil violations.

Use of Highway Trust Fund Revenue –Operation and project development costs of the Authority would be an eligible administrative expense of the Highway Trust Fund.

State Personnel Act—The employees of the Turnpike Authority would be exempt from the State Personnel Act.

General Assembly Members Cannot Serve on Board—Members of the General Assembly would not be eligible to serve on the Turnpike Authority Board.

Effective Date—House Bill 644 would become effective when it becomes law.

H644-SMRW-002

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 600

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S600-ARW-15 [v.1]

Date _____ ,2001

Comm. Sub. [YES]
Amends Title [NO]
PCS

Representative Culp

moves to amend the bill
on page 4, lines 3-4 by adding between those lines the following:

"A trailer being towed by another vehicle and transporting six or fewer animals shall not be required to enter a permanent weight station or temporary inspection or weigh site unless specifically directed to do so by an officer.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

SENATE BILL 600:
Motor Vehicle Technical Changes

BILL ANALYSIS

Committee:	House Transportation	**Introduced by:**	Senator Gulley
Date:	June 13, 2001	**Summary by:**	Giles S. Perry
Version:	S600-CSRW-29		Committee Counsel

SUMMARY: ***Senate Bill 600 makes various technical and other changes to the motor vehicle statutes.***

BILL ANALYSIS:

Section 1 of the bill changes the definition of "gross vehicle weight rating" from the value specified by the manufacturer as the *maximum loaded weight* of a vehicle to *the maximum loaded weight a vehicle is capable of safely hauling.* The bill also provides that when a vehicle is structurally altered in any way from the manufacturer's original design in an attempt to increase the hauling capacity of the vehicle, the gross vehicle weight rating of that vehicle will then be deemed to be the greater of the license weight or the total weight of the vehicle or combination of vehicles.

Section 2 rewrites the provision concerning copying or possessing a copy of a driver's license or learner's permit to allow black and white copies. The section also adds special identification cards to the coverage of this section.

Section 3 makes the requirement that a plate issued for a commercial vehicle must bear the word "commercial" applicable only to commercial vehicles weighing 26,001 pounds or more. The plate issued for commercial vehicles licensed for 7,000 pounds up to 26,000 pounds must bear the word "weighted".

Section 4 amends the State requirement that certain business vehicles be marked, by limiting its applicability to vehicles with a gross vehicle weight rating of more than 10,000 pounds *but less than 26,001 pounds.*

Section 5 makes technical and clarifying amendments to the provision that prohibits a vehicle from being operated on a highway unless the vehicle is constructed or loaded to prevent its load from escaping. This section would now require vehicles transporting aggregates and licensed for over 7,500 pounds to have a tarpaulin or other suitable covering.

Section 6 clarifies an exception to the law regarding the weight of vehicles and load. Current law includes a weight and penalty exception for vehicles hauling aggregates from a distribution yard or a State-permitted production site within a North Carolina county contiguous to the North Carolina border to a destination *in an adjacent state.* This section of the bill amends the exception so that it applies to the described hauling to *another state adjacent to that county.* This section also requires that vehicles subject to this exception must be licensed in accordance with requirements for property hauling vehicles.

Section 7 amends the statute that authorizes law enforcement officers to weigh vehicles and require overloads to be removed. This section would specifically require vehicles with a GVRW of 10,001 pounds or more and vehicles transporting placardable amounts of hazardous materials enter a weigh station when directed by signs or electronic transponders.

Section 8 amends the statute that requires certain vehicles to stop at railroad grade crossings. This section makes three changes:

--clarifies the existing requirement that vehicles transporting placardable amounts of hazardous material must stop at RR crossings by adding an appropriate reference to federal law in G.S. 20-142.3(a) and deleting a reference in G.S. 20-142.3(d);

--clarifies that G.S. 20-142.3, which requires certain vehicles stop at RR crossings, applies to vehicles subject to federal Motor Carrier Safety regulations by deleting G.S. 20-142.3(e); and

--deletes a provision concerning marking of hazardous materials that conflicts with federal regulations (G.S. 20-142.3(c)).

Effective Date:
Section 3 of the bill would become effective January 1, 2003. The remainder of the bill would become effective December 1, 2001 and apply to offenses occurring on or after that date.

S600-SMRW-003

SENATE BILL 614:
Cary, Charlotte, Concord Roadway Expenditures

BILL ANALYSIS

Committee:	House Transportation	**Introduced by:**	Senator Gulley
Date:	June 13, 2001	**Summary by:**	Wendy Graf
Version:	Second Edition		Committee Counsel

SUMMARY: ***Senate Bill 614 would authorize the Town of Cary and the Cities of Charlotte and Concord to expend funds to construct roads outside their corporate limits and to participate in the costs of State highway improvement projects outside their corporate limits.***

CURRENT LAW: Currently, a municipality may, under G.S. 136-66.3(a), participate in the construction cost of State highway improvement projects that are approved by the Board of Transportation and that are located inside the municipality or its extraterritorial jurisdiction.

BILL ANALYSIS: Senate Bill 614 would amend Chapter 160A to add a new section G.S. 160A-296.1. This new section would allow a city to appropriate funds to construct roads outside of its corporate boundaries or extraterritorial jurisdiction if they are owned by the State and maintained by the Department of Transportation.

The bill would also amend G.S. 136-66.3, dealing with municipal participation in improvements to the State highway system, to allow municipalities the right to participate in the cost of improvements made outside of their corporate boundaries or extraterritorial jurisdiction.

The act would only apply to the Town of Cary and the Cities of Charlotte and Concord.

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

This summary was contributed to by Barbara Riley.

VISITOR REGISTRATION SHEET

HOUSE COMMITTEE ON TRANSPORTATION — June 13, 2001

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Dale Jackson	C of C Gaston
Boyd Cauble	City of Charlotte
Paula Hopper	Moore : Van Allen
Sandra Long	Martin Marietta
John Long	Martin Marietta
John Cyrus	N.C. State Grange
Jeb Polk	DOT
Jane Pinsky	AAA Carolinas
Pat Simmons	NCDOT
Andrew Chire	John Locke Foundation
Matt Osborne	AOC

VISITOR REGISTRATION SHEET

HOUSE COMMITTEE ON TRANSPORTATION — June 13, 2001

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Mark Benson	Capitol Group
BRUCE THOMPSON	PARKER POE ADAMS & BERNSTEIN
Heather Thompson	NCDOT
Sharon Matthews	DOT/DMV
Mike Causey	NC Glass Assn, I.A.B.D.
Tommy Hewett	NCADA
Calvin Leggett	NCDOT
DAVID KING	NCDOT
[illegible] Woody	NC DMV ENFORCEMENT
[illegible]	NCICU
[illegible]	NCCBI

VISITOR REGISTRATION SHEET

HOUSE COMMITTEE ON TRANSPORTATION — June 13, 2001

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Natalie English	Charlotte Chamber
Glenn T. Petty	Pres., NC House Council
Mac Bagley	NC Aggregates
Craig Deal	NCDENR
Benny Seabro	NC HC
R L Adams	North Carolina House Council
John Phelps	NCLM
H. Webb	NC ADA
Adam Hall	INTERN
BERRY JENKINS	CAROLINAS AGC
SAM JOHNSON	ATTY

VISITOR REGISTRATION SHEET

Transportation Committee
Name of Committee

June 13, 2001
Date

VISITORS:. PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Bill Pittman	Kilpatrick Stockton

AGENDA

HOUSE COMMITTEE ON TRANSPORTATION

June 20, 2001

OPENING REMARKS

Representative Cary Allred, Chair

BILLS TO BE DISCUSSED

SB 206 Tourist Directional Sign Program

Senator Plyler, Bill Sponsor

ADJOURNMENT

MINUTES
HOUSE COMMITTEE ON TRANSPORTATION

June 20, 2001

The House Committee on Transportation met on Wednesday, June 20, 2001, at 11:00 A.M. in Room 643 of the Legislative Office Building. The following members were present: Representative Cary Allred, Chair, Representative Drew Saunders, Chair, Representative Jeff Barnhart, Vice Chair and Representatives Allen, Buchanan, Clary, Cole, Culp, Eddins, Gibson, Gillespie, Hill, Holliman, McLawhorn, Sexton, Sherrill, Shubert, Sutton, Teague, Walker and Warwick. Giles Perry and Wendy Graf Ray, Committee Counsel members were present. Assisting the meeting were Ann Lassiter and Martha Parrish, House Sergeants-at-Arms, Ruth Fish, Committee Assistant and Judy Porter, Legislative Assistant. A Visitor Registration List was made available and is attached as part of the minutes.

Representative Allred, presiding Chair, called the meeting to order and introduced Pages: Sara Ely from Alamance County, sponsored by Representative Teague, Renee Sexton and Jessica Fox from Rockingham County, sponsored by Representative Sexton.

The only bill for discussion was **SB 206 – A BILL TO BE ENTITLED AN ACT TO ESTABLISH A TOURIST-ORIENTED DIRECTIONAL SIGN (TODS) PROGRAM.** Senator Plyler, Bill Sponsor, was recognized to explain the bill. He stated that SB 206 required the Department of Transportation to administer a tourist-oriented directional sign program that would provide guide signs and directional information for businesses whose products or services are of significant interest to tourist. The signs would go on roads within five (5) miles from the location of the participating business. This legislation would give the business owners a chance to pay for the signs to enhance the sale of their products or services in cities with a population of 25,000 or less. Senator Plyler told the committee he would support an amendment to increase the population section to 40,000 because areas, which SB 206 would address, were growing so fast. Chairman Allred asked for discussion from the members.

Representative McLawhorn wanted to know the size of the signs. Representative Eddins asked about the cost and who would pay for the signs. Representative Gibson asked if there had been a fiscal note prepared (none was needed). Representative Sutton asked if they had considered including outdoor dramas. Ruth Sappie, Department of Transportation Liaison, addressing the members' questions said DOT is required to set a fee to cover the initial cost of signs (about $1,000 which is to be paid for by the businesses using the program) sign maintenance and administration of the program and to establish a standard for the size, color and letter height of the TODS consistent with the National Manual of Uniform Traffic Control Devises for Streets and Highways.

Representative Gillespie asked if the bill needed a variance with the five (5) mile limit stating that he thought the bill was needed but he wanted to make sure no one would be excluded if their business fell a tenth of a mile or so over the 5-mile limit. Ron King, North Carolina Department of Transportation, said the variance issue would be included in the rules, which were to be adopted to implement the program. Representative Gibson urged

the members to vote on the bill as it is without amending further. He said it was a good bill and a starting place for the TODS program.

Discussion concluded with Representative Sutton offering an amendment to include TODS for outdoor dramas, by deleting lines 23, 24 and 25 on page 2; deleting section a.; making section b. - section a.; and making section c. - section b.. Representative Sutton also offered an amendment to increase the population section from 25,000 to 40,000; line 28 page 3. The two amendments were adopted.

Ruth Sappie, DOT, told the committee that SB 206 would be a new program and that the Department of Transportation would make every effort to implement it to best serve the public.

Representative Buchanan moved to roll the amendments into a House committee substitute bill with a favorable report, unfavorable as to original bill, and that the bill be re-referred to the House Committee on Finance.

The motion passed and the meeting was adjourned at 11:20 A.M.

Respectfully submitted,

Representative Cary Allred
Presiding Chair

Jean Allred
Committee Assistant

Committee Report
Attachments
Visitor Registration Sheet

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representatives **Allred and Saunders** Chairs for the Committee on **Transportation**.

☐ Committee Substitute for
S.B. 206 A BILL TO BE ENTITLED AN ACT TO ESTABLISH A TOURIST-ORIENTED DIRECTIONAL SIGN (TODS) PROGRAM.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☒ With a favorable report as to House committee substitute bill, unfavorable as to original bill, and recommendation that the House committee substitute bill be re-referred to the House Committee on Finance

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 2

SENATE BILL 206
Second Edition Engrossed 4/10/01

Short Title:	Tourist Directional Sign Program.	(Public)
Sponsors:	Senators Plyler, Purcell, Albertson, Hoyle, Rand, Metcalf, Lee, Odom, Dalton, Wellons, Soles, Garrou, Thomas; Bingham, Carpenter, Forrester, Garwood, Gulley, Hagan, Hartsell, Horton, Martin of Pitt, Miller, Robinson, and Weinstein.	
Referred to:	Transportation.	

February 22, 2001

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A TOURIST-ORIENTED DIRECTIONAL SIGN (TODS) PROGRAM.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 136 of the General Statutes is amended by adding a new Article to read:

"Article 11B.

"Tourist-Oriented Directional Sign Program.

"**§ 136-140.15. Scope of operations.**

(a) Program. – The Department of Transportation shall administer a tourist-oriented directional signs (TODS) program.

(b) Definitions. – The following definitions apply in this Article:

(1) TODS. – Tourist-oriented directional signs (TODS) are guide signs that display the business identification of and directional information for tourist-oriented facilities or for classes of businesses or facilities that are tourist-oriented.

(2) Tourist-oriented business. – A business, the substantial portion of whose products or services are of significant interest to tourists. The term may include a business involved with seasonal agricultural products.

(3) Tourist-oriented facility. – A business, service, or activity facility that derives a major portion of income or visitors during the normal business season from road users not residing in the immediate area of the facility.

(c) Limitation. – The Department shall not install TODS for a business if the signs would be required at intersections where, due to the number of conflicting locations of other highway signs or traffic control devices, or other physical or topographical features of the roadside, their presence would be impractical or unfeasible, or result in an unsafe or hazardous condition.

(d) Duplication. – If a business is currently shown on another official highway guide sign, such as a logo sign or supplemental guide sign, on the same approach to an intersection where a TODS panel for that business would be located, the business may elect to keep the existing highway guide sign or have it removed and replaced with TODS. If the business elects to retain the existing highway guide sign, the business is ineligible for TODS at that intersection.

"**§ 136-140.16. Business eligibility criteria.**

Any tourist-oriented business is eligible to participate in the TODS program if it meets all of the following conditions:

(1) It is open to the general public and is not restricted to 'members only'.

(2) It does not restrict access to its facilities by the general public.

(3) It complies with all applicable laws, ordinances, rules, and regulations concerning the provision of public accommodations without regard to race, religion, color, age, sex, national origin, disability, and any other category protected by federal or State constitutional or statutory law concerning the granting of licenses and approvals for public facilities.

(4) It meets the following standards:

a. It has the name of the business prominently displayed on the premises in a manner that makes it readily visible to motorists from the public highway on which the business is located.

b. It is in continuous operation at least eight hours a day, five days a week during its normal season or the normal operating season for the type of business.

c. It is licensed and approved by the appropriate State and local agencies regulating the particular type of business or activity.

"**§ 136-140.17. Terminating participation in program.**

A business may terminate its participation in the TODS program at any time. The business is not entitled to a refund of any part of any fees paid because of voluntary termination of participation by the business, for any reason, before the end of its current contract period.

"**§ 136-140.18. Temporary modification of TODS panels.**

(a) The Department shall allow a participating business to close for remodeling or to repair damage from fire or other natural disaster if its TODS panels are covered or removed while the business is closed. No refund of fees or extension of the time remaining in the contract for participation will be provided for the period of closure.

(b) The Department may, at its discretion, remove or cover TODS panels for roadway construction or maintenance, for routine maintenance of the TODS assembly, for traffic research study, or for any other reason it considers appropriate. Businesses

are not entitled to any refunds of fee amounts for the period that the TODS panels are covered or removed under this subsection unless the period exceeds seven days.

(c) The TODS panels for seasonal businesses shall have an appropriate message added during the period in which the businesses are open to the public as part of their normal seasonal operation.

"**§ 136-140.19. Department to adopt rules to implement the TODS program.**

The Department shall adopt rules to implement the TODS program created by this Article. The rules shall include all of the following:

(1) The Department shall set a fee to cover the initial costs of signs, sign maintenance, and administering the program.

(2) The Department shall establish a standard for the size, color, and letter height of the TODS as specified in the National Manual of Uniform Traffic Control Devices for Streets and Highways.

(3) TODS shall not be placed more than five miles from the business.

(4) TODS shall not be placed where prohibited by local ordinance.

(5) The number of TODS panels shall not exceed six per intersection with only one tourist-related facility on each panel.

(6) If a business is not directly on a State highway, it is eligible for TODS panels only if both of the following requirements are met:

a. It is located on a street that directly connects with a State road.

b. It is located so that only one directional sign, placed on a State road, will lead the tourist to the place of business.

(7) A TODS shall not be placed immediately in advance of the business if the facility and its on-premise advertising signs are readily visible from the roadway.

(8) The Department shall limit the placement of TODS to highways other than fully controlled access highways and to rural areas in and around towns or cities with a population of less than 25,000."

SECTION 2. This act becomes effective July 1, 2001.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S D

SENATE BILL 206
Second Edition Engrossed 4/10/01
PROPOSED HOUSE COMMITTEE SUBSTITUTE S206-PCS6312-SU-45

Short Title: Tourist Directional Sign Program. (Public)

Sponsors:

Referred to:

February 22, 2001

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A TOURIST-ORIENTED DIRECTIONAL SIGN (TODS) PROGRAM.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 136 of the General Statutes is amended by adding a new Article to read:

"Article 11B.

"Tourist-Oriented Directional Sign Program.

"**§ 136-140.15. Scope of operations.**

(a) Program. – The Department of Transportation shall administer a tourist-oriented directional signs (TODS) program.

(b) Definitions. – The following definitions apply in this Article:

(1) TODS. – Tourist-oriented directional signs (TODS) are guide signs that display the business identification of and directional information for tourist-oriented facilities or for classes of businesses or facilities that are tourist-oriented.

(2) Tourist-oriented business. – A business, the substantial portion of whose products or services are of significant interest to tourists. The term may include a business involved with seasonal agricultural products.

(3) Tourist-oriented facility. – A business, service, or activity facility that derives a major portion of income or visitors during the normal business season from road users not residing in the immediate area of the facility.

(c) Limitation. – The Department shall not install TODS for a business if the signs would be required at intersections where, due to the number of conflicting locations of other highway signs or traffic control devices, or other physical or

topographical features of the roadside, their presence would be impractical or unfeasible, or result in an unsafe or hazardous condition.

(d) Duplication. – If a business is currently shown on another official highway guide sign, such as a logo sign or supplemental guide sign, on the same approach to an intersection where a TODS panel for that business would be located, the business may elect to keep the existing highway guide sign or have it removed and replaced with TODS. If the business elects to retain the existing highway guide sign, the business is ineligible for TODS at that intersection.

"**§ 136-140.16. Business eligibility criteria.**

Any tourist-oriented business is eligible to participate in the TODS program if it meets all of the following conditions:

(1) It is open to the general public and is not restricted to 'members only'.

(2) It does not restrict access to its facilities by the general public.

(3) It complies with all applicable laws, ordinances, rules, and regulations concerning the provision of public accommodations without regard to race, religion, color, age, sex, national origin, disability, and any other category protected by federal or State constitutional or statutory law concerning the granting of licenses and approvals for public facilities.

(4) It meets the following standards:

a. It is in continuous operation at least eight hours a day, five days a week during its normal season or the normal operating season for the type of business.

b. It is licensed and approved by the appropriate State and local agencies regulating the particular type of business or activity.

"**§ 136-140.17. Terminating participation in program.**

A business may terminate its participation in the TODS program at any time. The business is not entitled to a refund of any part of any fees paid because of voluntary termination of participation by the business, for any reason, before the end of its current contract period.

"**§ 136-140.18. Temporary modification of TODS panels.**

(a) The Department shall allow a participating business to close for remodeling or to repair damage from fire or other natural disaster if its TODS panels are covered or removed while the business is closed. No refund of fees or extension of the time remaining in the contract for participation will be provided for the period of closure.

(b) The Department may, at its discretion, remove or cover TODS panels for roadway construction or maintenance, for routine maintenance of the TODS assembly, for traffic research study, or for any other reason it considers appropriate. Businesses are not entitled to any refunds of fee amounts for the period that the TODS panels are covered or removed under this subsection unless the period exceeds seven days.

(c) The TODS panels for seasonal businesses shall have an appropriate message added during the period in which the businesses are open to the public as part of their normal seasonal operation.

"**§ 136-140.19. Department to adopt rules to implement the TODS program.**

The Department shall adopt rules to implement the TODS program created by this Article. The rules shall include all of the following:

(1) The Department shall set a fee to cover the initial costs of signs, sign maintenance, and administering the program.

(2) The Department shall establish a standard for the size, color, and letter height of the TODS as specified in the National Manual of Uniform Traffic Control Devices for Streets and Highways.

(3) TODS shall not be placed more than five miles from the business.

(4) TODS shall not be placed where prohibited by local ordinance.

(5) The number of TODS panels shall not exceed six per intersection with only one tourist-related facility on each panel.

(6) If a business is not directly on a State highway, it is eligible for TODS panels only if both of the following requirements are met:

a. It is located on a street that directly connects with a State road.

b. It is located so that only one directional sign, placed on a State road, will lead the tourist to the place of business.

(7) A TODS shall not be placed immediately in advance of the business if the facility and its on-premise advertising signs are readily visible from the roadway.

(8) The Department shall limit the placement of TODS to highways other than fully controlled access highways and to rural areas in and around towns or cities with a population of less than 40,000."

SECTION 2. This act becomes effective July 1, 2001.

SENATE BILL 206:
Tourist Directional Sign Program

BILL ANALYSIS

Committee:	House Transportation	**Introduced by:**	Senator Plyler
Date:	June 20, 2001	**Summary by:**	Wendy Graf Ray
Version:	Second Edition		Committee Counsel

SUMMARY: ***Senate Bill 206 requires the Department of Transportation to administer a tourist-oriented directional sign program that would provide guide signs and directional information for businesses whose products or services are of significant interest to tourists.***

BILL ANALYSIS: The bill amends Chapter 136 of the General Statutes (Roads and Highways) by adding a new Article creating the Tourist-Oriented Directional Sign Program. The Department of Transportation (DOT) would be required to administer the program, and to adopt rules to implement the program. Tourist-Oriented Directional Signs (TODS) are guide signs that display the business identification of and directional information for tourist-oriented businesses and facilities, as defined in the bill. Under rules to be adopted by DOT, the placement of TODS will be limited to highways other than fully controlled access highways and to rural areas in and around towns or cities with a population of less than 25,000.

A business is eligible to participate in the TODS program if it is open to the public and does not restrict access to its facilities by the general public, if it complies with applicable laws regarding public accommodations, and if it meets specified requirements regarding operating hours, licensing, and visibility from a public highway. When a business is not directly on a State highway, it will be eligible to participate in the program if it is located on a street that directly connects with a State road and it is located so that only one directional sign will lead the tourist to the business. The TODS is to be placed within 5 miles of the participating business. A business may terminate its participation in the TODS program at any time.

DOT is required to set a fee to cover the initial costs of signs, sign maintenance, and administration of the program and to establish a standard for the size, color, and letter height of the TODS consistent with the National Manual of Uniform Traffic Control Devices for Streets and Highways.

The bill contains provisions regarding the temporary modification of TODS panels when a business is closed for remodeling or repairs, and for removing or covering TODS panels for reasons including roadway construction or maintenance.

EFFECTIVE DATE: The bill would become effective July 1, 2001.

This summary was substantially contributed to by Brenda Carter.

VISITOR REGISTRATION SHEET

Transportation
Name of Committee

6-20-01
Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME	FIRM OR AGENCY AND ADDRESS
Andrew Meehan	4C Comm.
~~Steve Reese~~	4C Comm.
[illegible]	NCRA
Carole Lawler	ECHS
Adrienne Korblewski	Judy Porter Step daughter
Benjamin Gaddis	NC Sierra Club
Matt Brody	CCNC
Dale Mikel	
Jim Hobbs	NCHMA
Amy Hobbs	NCHMA
Craig Deal	NCDENR
Ron King	NCDOT
BRANDON THOMAS	SELANC
VL McBride	~~NCDOT~~

AGENDA

HOUSE COMMITTEE ON TRANSPORTATION

July 11, 2001

OPENING REMARKS

Representative Drew Saunders, Chair

BILLS TO BE DISCUSSED

HB 76 Purple Heart Memorial Highway

Representative Carolyn Russell, Bill Sponsor

HB 1130 Municipal Secondary Roads Paved

Representative Michael Decker, Bill Sponsor

ADJOURNMENT

MINUTES

HOUSE COMMITTEE ON TRANSPORTATION

July 11, 2001

The House Committee on Transportation met on at 11:00 A.M. on July 11, 2001, in Room 643 of the Legislative Office Building. Members in attendance were: Representative Cary Allred, Chair, Representative Drew Saunders, Chair, Representative Jeff Barnhart, Vice Chair, and Representatives: Allen, Buchanan, Clary, Culp, Eddins, Gibson, Gillespie, Hill, Holliman, Lucas, McComas, Sherrill, Shubert, Sutton, Teague, and Walker. Giles Perry and Wendy Graf-Ray, Staff Counsel members, were also present. A Visitor Registration List is attached and made a part of the minutes (Attachment #1.)

Representative Saunders, Chair, called the meeting to order and introduced Pages: Walter Shepherd of Martin County, sponsored by Representative Brubaker; Jason Wells of Wake County, sponsored by Representative Sexton; and Justin Smith of Columbus County, sponsored by Representative Hill.

The first bill to be considered was **HB 76 AN ACT TO DESIGNATE INTERSTATE HIGHWAY 95 AS THE PURPLE HEART MEMORIAL HIGHWAY.** Representative Russell, Bill Sponsor, was recognized to explain the bill. Following the explanation, Representative Barnhart offered to amend the bill on Page 2, Line 1 (Attachment #2.) The amendment was discussed, and Representative Sutton moved to adopt the amendment. The amendment was approved by vote. Representative Barnhart sent forth a second amendment, which deleted lines 26-28 on Page 1 of the bill (Attachment #3.) Representative Sutton made a motion to adopt the amendment, and it was approved by vote. Ruth Sappie with the Department of Transportation (DOT) was asked to state the position for DOT. She stated that the policy in the past had been to recognize US Highway 70 as a Blue Star Memorial Highway for all veterans, but DOT had no position on this bill. Representative Buchanan moved to roll the amendments into a committee substitute bill and give it a favorable report. A vote was taken, and the motion was approved.

The next bill on the agenda was **HB 1130 AN ACT TO PROVIDE THAT CERTAIN NEWLY INCORPORATED MUNICIPALITIES THAT ARE NOT ELIGIBLE FOR POWELL BILL FUNDS AND THAT HAD ROADS ON THE SECONDARY PAVING PRIORITY LIST SHALL KEEP THEIR PRE-INCORPORATION SECONDARY ROAD PAVING PRIORITY.** Representative Buchanan moved to consider a committee substitute bill. There being no objection, Representative Decker was called upon to explain the committee substitute bill. Ruth Sappie with DOT was recognized to explain DOT's position. She said that DOT did not have a position on the bill. Representative Allred moved to give the committee substitute bill a favorable report. A question and answer period followed. Representative Shubert suggested that the dates in the bill should be changed to 2001, but she said she would wait to amend the

bill on the chamber floor. This would give DOT a chance to do research pertaining to the date change. A vote was taken on Representative Allred's motion to give the committee substitute bill a favorable report, and the motion carried.

The meeting was adjourned at 11:35 A.M.

Representative Drew Saunders, Presiding Chair

Ruth Fish, Committee Assistant

Attachments

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **ALLRED & SAUNDERS** (Chair/Chairs) for the Committee on **TRANSPORTATION**.

☐ Committee Substitute for
H.B. 76 A BILL TO BE ENTITLED AN ACT TO DESIGNATE INTERSTATE HIGHWAY 95 AS THE PURPLE HEART MEMORIAL HIGHWAY.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☒ With a favorable report as to committee substitute bill ~~(#), ☐ which changes the title,~~ unfavorable as to ~~(~~original bill~~) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)~~

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **ALLRED & SAUNDERS** (Chair/Chairs) for the Committee on **TRANSPORTATION**.

☐ Committee Substitute for
H.B. 1130 A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A NEWLY INCORPORATED MUNICIPALITY MAY WAIVE ITS POWELL BILL FUNDS AND HAVE SECONDARY ROADS THAT WERE ON THE PAVEMENT PRIORITY LIST AND SCHEDULED TO BE PAVED PRIOR TO INCORPORATION PAVED BY THE DEPARTMENT OF TRANSPORTATION ACCORDING TO THE PRIORITY LIST.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☒ With a favorable report as to committee substitute bill ~~(#)~~; ☒ which changes the title, unfavorable as to ~~(~~original bill~~) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)~~

☐ With a favorable report as to House committee substitute bill (#); ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

HOUSE BILL 76

Short Title:	Purple Heart Memorial Highway.	(Public)
Sponsors:	Representatives Russell; Sexton, Warner, Davis, and Morris.	
Referred to:	Rules, Calendar, and Operations of the House.	

February 8, 2001

A BILL TO BE ENTITLED

AN ACT TO DESIGNATE INTERSTATE HIGHWAY 95 AS THE PURPLE HEART MEMORIAL HIGHWAY.

Whereas, throughout history brave Americans and brave North Carolinians have shed their blood during wars and conflicts to preserve, protect, and defend the foundation of the principles of democracy and freedom, and many have paid the ultimate sacrifice to ensure that future generations enjoy life's liberties; and

Whereas, General George Washington, who was born on February 22, 1732, established, on August 7, 1782, the Military Badge of Merit which on February 22, 1932, became the present Purple Heart medal, now the oldest military decoration in the world; and

Whereas, the Purple Heart medal is awarded to all military personnel who are killed or wounded in action against the enemy; Now, therefore,

The General Assembly of North Carolina enacts:

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

"**§ 136-18.5A. Purple Heart Memorial Highway.**

Interstate Highway 95 in North Carolina is designated as the 'Purple Heart Memorial Highway' to pay tribute to the many North Carolinians who have been awarded the Purple Heart medal after being wounded or killed in action against the enemy."

SECTION 2. The Department of Transportation shall, with the assistance of the Military Order of the Purple Heart and the Division of Veterans Affairs, design and place appropriate signage on Interstate Highway 95 at suitable locations, consistent with State and federal regulations, near the South Carolina and Virginia borders and at the intersection of Interstate Highway 40, implementing Section 1 of this act.

SECTION 3. The signs required by Section 2 of this act shall be placed and dedicated on August 7, 2001, the anniversary of the creation of the Purple Heart medal by General George Washington.

SECTION 4. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H

HOUSE BILL 1130

Short Title:	Municipal Secondary Roads Paved.	(Public)
Sponsors:	Representatives Decker; and Sexton.	
Referred to:	Transportation.	

April 12, 2001

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT A NEWLY INCORPORATED MUNICIPALITY MAY WAIVE ITS POWELL BILL FUNDS AND HAVE SECONDARY ROADS THAT WERE ON THE PAVEMENT PRIORITY LIST AND SCHEDULED TO BE PAVED PRIOR TO INCORPORATION PAVED BY THE DEPARTMENT OF TRANSPORTATION ACCORDING TO THE PRIORITY LIST.

The General Assembly of North Carolina enacts:

SECTION 1. Section 169.1 of Chapter 321 of the 1993 Session Laws reads as rewritten:

"Sec. 169.1. Notwithstanding any other provision of law, the Department of Transportation shall maintain the streets and highways on the State highway system within municipalities that are not eligible for funds under G.S. 136-41.2. The Department of Transportation shall maintain the streets and highways as part of the State secondary system, and maintain the paving priority for the secondary roads the same as if the municipality were not incorporated, as long as the ineligibility for funds under G.S. 136-41.2 continues. The provisions of this section apply only to municipalities incorporated between July 1, 1989, and June 30, ~~1993.~~ 1993, and apply to municipalities incorporated between May 8, 1996, and November 8, 1998, which are ineligible for funds under G.S. 136-41.2(b)."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE BILL 76
PROPOSED COMMITTEE SUBSTITUTE H76-PCS9312-SU-49

Short Title: Purple Heart Memorial Highway. (Public)

Sponsors:

Referred to:

February 8, 2001

A BILL TO BE ENTITLED

AN ACT TO DESIGNATE INTERSTATE HIGHWAY 95 AS THE PURPLE HEART MEMORIAL HIGHWAY.

Whereas, throughout history brave Americans and brave North Carolinians have shed their blood during wars and conflicts to preserve, protect, and defend the foundation of the principles of democracy and freedom, and many have paid the ultimate sacrifice to ensure that future generations enjoy life's liberties; and

Whereas, General George Washington, who was born on February 22, 1732, established, on August 7, 1782, the Military Badge of Merit which, on February 22, 1932, became the present Purple Heart medal, now the oldest military decoration in the world; and

Whereas, the Purple Heart medal is awarded to all military personnel who are killed or wounded in action against the enemy; Now, therefore,

The General Assembly of North Carolina enacts:

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

"**§ 136-18.5A. Purple Heart Memorial Highway.**

Interstate Highway 95 in North Carolina is designated as the 'Purple Heart Memorial Highway' to pay tribute to the many North Carolinians who have been awarded the Purple Heart medal after being wounded or killed in action against the enemy."

SECTION 2. The Department of Transportation shall, with the assistance of the Military Order of the Purple Heart and the Division of Veterans Affairs, design and place appropriate signage on Interstate Highway 95 at suitable locations, consistent with State and federal regulations, near the South Carolina and Virginia borders and at the intersection of Interstate Highway 40, implementing Section 1 of this act.

SECTION 3. The Department of Transportation shall calculate the costs of designing and placing the signs required by Section 2 of this act, and the Military Order of the Purple Heart shall pay those costs to the Department prior to the erection of the signs.

SECTION 4. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE BILL 1130
PROPOSED COMMITTEE SUBSTITUTE H1130-PCS1213-RW-35

Short Title: Municipal Secondary Roads Paved. (Public)

Sponsors:

Referred to:

April 12, 2001

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT CERTAIN NEWLY INCORPORATED MUNICIPALITIES THAT ARE NOT ELIGIBLE FOR POWELL BILL FUNDS AND THAT HAD ROADS ON THE SECONDARY PAVING PRIORITY LIST SHALL KEEP THEIR PREINCORPORATION SECONDARY ROAD PAVING PRIORITY.

The General Assembly of North Carolina enacts:

SECTION 1. Section 169.1 of Chapter 321 of the 1993 Session Laws, as amended by Section 1.1 of S.L. 2000-165, reads as rewritten:

"Sec. 169.1. Notwithstanding any other provision of law, the Department of Transportation shall maintain the streets and highways on the State highway system within municipalities that are not eligible for funds under G.S. 136-41.2. The Department of Transportation shall maintain the streets and highways as part of the State secondary system, and maintain the paving priority for the secondary roads the same as if the municipality were not incorporated, as long as the ineligibility for funds under G.S. 136-41.2 continues. The provisions of this section apply only to municipalities incorporated between July 1, ~~1989,~~ 1989 and June 30, ~~1993 or~~ 1993, between June 1, 1978 and June 30, ~~1978.~~1978, and between May 8, 1996 and November 8, 1998."

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

Attachment #2

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 76

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

H76-ALK-1 [v.0]

Date July 11 ,2001

Comm. Sub. [NO]
Amends Title [NO]
First Edition

Representative Russell

moves to amend the bill on page 2, line 1,
by rewriting that line to read:

"**SECTION 4.** The Department of Transportation shall calculate the costs of designing and placing the signs required by Section 2 of this act and the Military Order of the Purple Heart shall pay those costs to the Department prior to erection of the signs.

SECTION 5. This act is effective when it becomes law."

SIGNED Russell
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

41595 SHIELDS BUSINESS FORMS, RALEIGH, NC 27605

PLEASE PRESS HARD - 5 COPIES

Attachment #3

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. 76 DATE 7-11-01

S. B. No. _____ Amendment No. _____
(to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE _____

✓Rep.) Russell
)
Sen.)

1 moves to amend the bill on page 1, line 26-28
2 ( ) WHICH CHANGES THE TITLE
3 by _____
4 deleting those lines and renumbering
5 the remaining sections.
6
7
8
9
10
11
12
13
14
15
16
17
18
19

SIGNED C. B. Russell

ADOPTED _____ FAILED _____ TABLED _____

HOUSE BILL 76:
Purple Heart Memorial Highway

BILL ANALYSIS

Committee:	House Transportation Committee	**Introduced by:**	Representative Russell
Date:	July 11, 2001	**Summary by:**	Wendy Graf Ray
Version:	First Edition		Committee Counsel

SUMMARY: House Bill 76 would designate Interstate 95 as the Purple Heart Memorial Highway.

BILL ANALYSIS: In order to honor North Carolinians who have been awarded the Purple Heart medal after being killed or wounded in action, House Bill 76 would designate those portions of Interstate Highway 95 that are located within the borders of North Carolina as the Purple Heart Memorial Highway.

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

H76-SMSU-001

HOUSE BILL 1130:
Municipal secondary roads paved

BILL ANALYSIS

Committee:	House Transportation	**Introduced by:**	Rep. Decker; and Sexton
Date:	July 11, 2001	**Summary by:**	Giles S. Perry
Version:	PCS		Committee Counsel

SUMMARY: ***House Bill 1130 would require DOT to maintain the secondary road paving priority for municipalities that are not eligible for State Powell Bill road maintenance funds and that were incorporated between May 8, 1996 and November 8, 1998.***

CURRENT LAW: Under State law (G.S. 136-41.2) eligible municipalities receive State funds for municipal street maintenance and construction.

Municipalities that are not eligible for State road (Powell Bill) funds, but still have unpaved State roads within their boundaries, are generally not given priority for secondary road paving under DOT rules.

A 1993 special provision (Section 169.1 of S.L. 1993-321) altered this rule for municipalities incorporated between July 1, 1989 and June 30, 1993. The effect of this provision is to allow those municipalities to continue to maintain their pre-incorporation State-secondary road paving priority.

This provision applies to the municipalities of Momeyer in Nash County, Stokesdale in Guildford County, Whitsett in Guilford County, and Chimney Road Village in Rutherford County. This provision formerly applied to Boardman in Columbus County and Northwest in Brunswick County.. Those two towns have since begun receiving Powell Bill funds.

This special provision was amended in the 2000 session (S.L. 2000-165) to add municipalities incorporated between June 1, 1978 and June 30, 1978. This provision applies to the Town of Belwood in Cleveland County.

House Bill 1130: House Bill 1130 would extend the applicability of the 1993 and 2000 special provisions by requiring DOT to maintain the pre-incorporation secondary road paving priority for municipalities not eligible for Powell Bill funds that were incorporated between May 8, 1996 and November 8, 1998.

This change will affect the following municipalities: Grantsboro, Hemby Bridge, Oak Ridge, Pleasant Garden, Sedalia, Summerfield, Swepsonville, Unionville, Wentworth, and Wesley Chapel.

House Bill 1130 would become effective when it becomes law.

H1130-SMRW-001

Attachment #1

VISITOR REGISTRATION SHEET

HOUSE COMMITTEE ON TRANSPORTATION — July 11, 2001

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
JOHN PERMAR	NCDOT
Craig Deal	NCDENR
JIM RAND	NC DOT
DON GOINS	NC DOT CHIEF ENG.
JEFF PICKLESIMER	NCDOT DIV B
Bill Rosser	NCDOT Div 8
Ruth Sappie	NCDOT
Kristen Laney	AAA
John Cyrus	N.C. State Grange
John Long	Mail in Marietta
VL McBride	NCDOT

VISITOR REGISTRATION SHEET

HOUSE COMMITTEE ON TRANSPORTATION — July 11, 2001

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Andy Romanet	NCLM
Charlie Smith	NCDOA
Bill Carstarphen	Charlotte Area Transit System (CATS)
John Polinski	AT&T

2002

HOUSE TRANSPORTATION

MINUTES

2002 SESSION

HOUSE COMMITTEE ON TRANSPORTATION

REPRESENTATIVE CARY ALLRED, CHAIR

REPRESENTATIVE DREW SAUNDERS, CHAIR

JEAN ALLRED & RUTH FISH

COMMITTEE ASSISTANTS

HOUSE COMMITTEE ON TRANSPORTATION
2002 SESSION

MEMBER	ASSISTANT	PHONE	OFFICE
ALLRED, Cary, Chair	Jean Allred	733-5878	611LOB
SAUNDERS, Drew, Chair	Ruth Fish	733-5606	2217 LB
BARNHART, Jeff	Pamela Ahlin	733-5661	1019 LB
ALLEN, Gordon	Nancy Brantley	733-5995	532 LOB
BUCHANAN, Monroe	Glenda Jones	733-5825	536 LOB
CLARY, Debbie	Shirley Winstead	733-5654	1211 LB
COLE, Nelson	Suzanne Smith	733-5779	1218 LB
CRAWFORD, Jim	Linda Winstead	733-5824	1301 LB
CULP, Arlie	Waneta Lord	733-5865	1010 LB
DEDMON, Andy	Lisa Brown	733-5732	2213 LB
EARLE, Beverly	Ann Raeford	733-5747	535 LOB
EDDINS, Rick	Dorie Monroe	733-5800	1319 LB
GIBSON, Pryor	Shirlyn MacPherson	715-3007	419A LOB
GILLESPIE, Mitch	Cindy Hobbs	733-5987	1201LB
HILL, Dewey	Gennie Thurlow	733-5830	1309 LB
HOLLIMAN, Hugh	Carol Bowers	733-5827	1211 LB
LUCAS, Marvin	Thelma Utley	733-5775	1323 LB
LUEBKE, Paul	Joyce Harris	733-7663	529 LOB
McCOMAS, Danny	Jayne Nelson	733-5786	606 LOB
McLAWHORN, Marian	Susan Burleson	715-3017	417B LOB

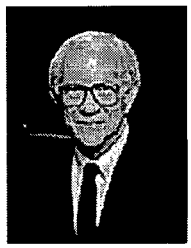
NYE, Edd	Jo Bobbitt	733-5477	639 LOB
SEXTON, Wayne	Debbie Turner	733-5905	508 LOB
SHERRILL, Wilma	Rosa Kelley	715-3026	403 LOB
SHUBERT, Fern	Carol Wilson	733-5602	1426 LB
SUTTON, Ron	Juanita Coley	715-0875	1321 LB
TEAGUE, Worthy	Anna Kidd	733-5530	1017 LB
WALKER, Tracy	Barbara Powell	733-5935	1111 LB
WARWICK, Nurham	Linda Uzzle	715-3003	419C LOB
WILSON, Connie	Chris Floyd	733-5903	501 LOB

Giles Perry, Committee Counsel
Wendy Graf, Committee Counsel

Jean Allred, Committee Assistant
Ruth Fish, Committee Assistant

NORTH CAROLINA GENERAL ASSEMBLY

HOUSE TRANSPORTATION COMMITTEE
2001 – 2002 SESSION



Rep. Allred
Chair



Rep. Saunders
Chair



Rep. Barnhart
Vice-Chair



Rep. Allen



Rep. Buchanan



Rep. Clary



Rep. Cole



Rep. Crawford



Rep. Culp



Rep. Dedmon



Rep. Earle



Rep. Eddins



Rep. Gibson



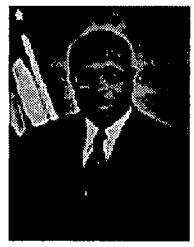
Rep. Gillespie



Rep. Hill



Rep. Holliman



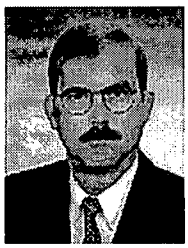
Rep. Lucas



Rep. Luebke

NORTH CAROLINA GENERAL ASSEMBLY

HOUSE TRANSPORTATION COMMITTEE
2001 – 2002 SESSION


Rep. McComas


Rep. McLawhorn

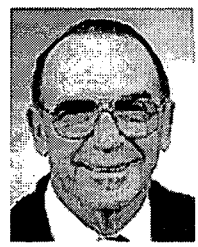

Rep. Nye


Rep. Sexton

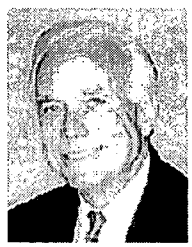

Rep. Sherrill


Rep. Shubert


Rep. Sutton


Rep. Teague


Rep. Walker


Rep. Warwick


Rep. Wilson, C.

ATTENDANCE

HOUSE COMMITTEE ON TRANSPORTATION

(Name of Committee)

DATES	6/5	6/17	7/24	10/3											
ALLRED, Cary, Chair	✓	✓	✓	✓											
SAUNDERS, Drew, Chair	✓	✓	✓	X											
BARNHART, Jeff, Vice Chair	✓	✓	✓	X											
ALLEN, Gordon	✓	✓	✓	X											
BUCHANAN, Monroe	✓	✓	✓	✓											
CLARY, Debbie	X	✓	X	X											
COLE, Nelson	✓	✓	✓	X											
CRAWFORD, Jim	✓	✓	✓	X											
CULP, Arlie	✓	✓	✓	X											
DEDMON, Andy	✓	✓	✓	X											
EARLE, Beverly	X	X	X	X											
EDDINS, Rick	✓	✓	X	X											
GIBSON, Pryor	✓	✓	✓	X											
GILLESPIE, Mitch	✓	✓	✓	X											
HILL, Dewey	X	✓	✓	X											
HOLLIMAN, Hugh	✓	✓	✓	X											
LUCAS, Marvin	✓	✓	✓	✓											
LUEBKE, Paul	✓	X	X	X											
McCOMAS, Danny	X	✓	✓	X											
McLAWHORN, Marian	✓	X	✓	✓											
NYE, Edd	✓	✓	✓	X											
SEXTON, Wayne	X	✓	✓	X											
SHERRILL, Wilma	✓	✓	✓	X											
SHUBERT, Fern	✓	✓	✓	X											
SUTTON, Ronnie	✓	✓	✓	X											
TEAGUE, Junior	X	✓	X	X											

ATTENDANCE

HOUSE COMMITTEE ON TRANSPORTATION – Page 2

(Name of Committee)

DATES	6/5	7/17	7/24	10/3										
WALKER, Tracy	✓	✓	✓	✓										
WARWICK, Nurham	X	X	X	✓										
WILSON, Connie	X	✓	X	X										
Ex-Officio Members:														
HACKNEY, Joe, Speaker Tempore														
BADDOUR, Philip, Majority Leader														
CUNNINGHAM, Pete														
Giles Perry, Counsel	✓	✓	✓	X										
Wendy Graf, Counsel	✓	✓	X	X										
Jean Allred, Committee Assistant	X	X	X	X										
Ruth Fish, Committee Assistant	✓	✓	✓	✓										

2001-2002 Biennium

Bill	Introducer	Short Title		Latest Action	In Date	Out Date
0043	Cansler	NONBETTERMENT RELOCATION COSTS.	HF	Postponed Indefinitely	02-05-01	03-07-01
$ H0069=	**Bowie**	**REPEAL HIGHWAY USE TAX TRANSFER-3 YRS.**	***HF**	**Postponed Indefinitely**	**02-07-01**	**03-28-01**
H0076	Russell	PURPLE HEART MEMORIAL HIGHWAY.	*H	Re-ref Com On Finance	02-20-01	07-11-01
H0112=	McComas	CORNING ACCESS BRIDGE (NC 132).	H	Ref To Com On Transportation	02-14-01	
H0114	Warner	AMERICAN EX-PRISONERS OF WAR HIGHWAY.	HR	Ch. SL 2001-196	02-15-01	02-27-01
H0289	Wilson, C	HIGHWAY USE TAX EXEMPTION-ADD SPOUSE.	HF	Postponed Indefinitely	02-28-01	10-03-02
H0340	Tolson	AFV'S-HOV USE/PRIME PARKING.	H	Ref to the Com on Transportation and, if favorable, to the Com on Finance	03-01-01	
H0432	Saunders	LICENSING SELLING OF CARS.	*HR	Ch. SL 2001-345	03-01-01	03-22-01
H0455	McCombs	SHP REIMBURSEMENT FOR SPECIAL EVENTS.	HF	Postponed Indefinitely	03-28-01	04-11-01
H0460	Ellis	DRIVING WHILE IMPAIRED ROADSIDE MEMORIAL MARKERS	*H	Ref To Com On Appropriations/ Base Budget	03-05-01	04-19-01
H0552	Allred	OPTIONAL TWO YEAR LICENSE PLATES.	*HF	Postponed Indefinitely	03-12-01	04-05-01
H0600	Brubaker	NCDL APPOINTMENT RENEWALS/COUNTY RESIDENTS.	*H	Ref To Com On Transportation	03-14-01	04-05-01
617	**Luebke**	**FREEZE CERTAIN HIGHWAY FUNDS.**	**H**	**Re-ref Com On Environment and Natural Resources**	**03-14-01**	**06-28-01**
H0644=	Crawford, J.	TOLL ROAD AND BRIDGE AUTHORITY CREATED.	*HR	Ch. SL 2002-133	03-15-01	06-18-01
H0644=	Crawford, J.	TOLL ROAD AND BRIDGE AUTHORITY CREATED.	*HR	Ch. SL 2002-133	07-11-02	07-17-02
H0686	Gibson	RECREATION VEHICLES-WIDTH/LENGTH CHANGES.	*HR	Ch. SL 2001-341	03-19-01	04-24-01
H0809	Alexander	MUNICIPAL ETJ ROADWAY IMPROVEMENTS.	H	Ref To Com On Transportation	03-26-01	
H0821	Nye	STUDY OF INEXPERIENCED DRIVERS.	H	Ref to the Com on Transportation and, if favorable, to the Com on Rules, Calendar, and Operations of the House	03-27-01	
H0907=	Weiss	CARY ROADWAY EXPENDITURES.	H	Ref To Com On Transportation	03-29-01	
H0945	Barnhart	TRANSPORTATION FUNDING EQUITY COMMISSION.	HF	Postponed Indefinitely	12-06-01	10-03-02
H1089	Russell	REVISE HIGHWAY EQUITY FUNDING FORMULA.	HF	Postponed Indefinitely	04-11-01	10-03-02
H1130	Decker	MUNICIPAL SECONDARY	*H	Re-ref Com On	04-12-01	07-11-01

'$' indicates the bill is an appropriation bill.
A bold line indicates the bill is an appropriation bill.
'*' indicates that the text of the original bill was changed by some action.
'=' indicates that the original bill is identical to another bill.

2001-2002 Biennium

Bill	Introducer	Short Title		Latest Action	In Date	Out Date
		ROADS PAVED.		Transportation		
1130	Decker	MUNICIPAL SECONDARY ROADS PAVED.	*H	Re-ref Com On Transportation	07-30-01	
H1175	Howard	EMISSIONS INSP.-NOT FOR 25 YEAR OLD VEHICLES.	H	Ref To Com On Transportation	04-12-01	
H1226	Hackney	IMPROVE AIR QUALITY WITH LOCAL PLAN.	H	Ref To Com On Transportation	04-12-01	
H1229	Shubert	HIGHWAY MAINTENANCE FUNDS-SOURCES/ DISTRIBUTION.	HF	Postponed Indefinitely	04-12-01	04-25-01
H1309	Gibson	REDUCE LITTER/ INCREASE STATE RECYCLING.	*H	Re-ref Com On State Government	04-12-01	06-04-01
H1328	Blust	AIRPORT CORRIDOR OFFICIAL MAP ACT.	HF	Postponed Indefinitely	04-12-01	10-03-02
H1333	Hensley	WINDSHIELDS REQUIRED AND INSPECTED.	H	Ref To Com On Transportation	04-12-01	
H1487		BILLBOARD JUST COMP. SUNSET EXTENDED.	*HR	Ch. SL 2002-11	05-30-02	06-05-02
H1488=		OPEN CONTAINER SUNSET REPEAL.	*HR	Ch. SL 2002-25	05-30-02	06-06-02
H1492		SECONDARY ROAD PAVING.	*HR	Ch. SL 2002-86	06-03-02	06-05-02
H1516=		DOT PLANNING.	*H	Pres. To Gov. 10/ 4/2002	06-05-02	07-17-02
H1518=		DOT CONTRACTS.	*H	Pres. To Gov. 10/ 3/2002	06-05-02	07-24-02
H1673=		CHARLOTTE RAIL LIABILITY LIMITATION.	H	Ref To Com On Transportation	06-13-02	
0009	Wib Gulley	INTERSTATE HIGH-SPEED RAIL COMMISSION.	*HR	Ch. SL 2001-266	03-29-01	06-13-01
S0029=	Patrick J. Balla	CORNING ACCESS BRIDGE (NC132).	HR	Ch. SL 2001-1	02-21-01	02-27-01
S0091	David W. Hoyle	DEALER PLATE CHANGES.	*HR	Ch. SL 2001-212	04-19-01	05-24-01
S0148	Larry Shaw	LAW OFFICERS MEMORIAL SIGNS.	*H	Re-ref Com On Transportation	03-01-01	06-04-01
S0148	Larry Shaw	LAW OFFICERS MEMORIAL SIGNS.	*H	Re-ref Com On Transportation	06-06-01	
S0206	Aaron W. Plyler	TOURIST DIRECTIONAL SIGN PROGRAM.	*HR	Ch. SL 2001-383	04-12-01	06-20-01
S0249	John H. Kerr III	TRUST FUND TRANSFERS ALLOWED.	*H	Ref To Com On Transportation	04-30-01	
S0380	Daniel G. Clodfe	COUNTY ROAD NAMES.	HR	Ch. SL 2001-145	04-25-01	05-16-01
S0600	Wib Gulley	MV TECHNICAL CHANGES.	*H	Re-ref Com On Appropriations	04-30-01	06-14-01
S0614=	Wib Gulley	VARIOUS CITIES' ROADWAY EXPENSES.	*HR	Ch. SL 2001-245	04-03-01	06-13-01
S0719	Wib Gulley	TTA EMINENT DOMAIN.	*HR	Ch. SL 2001-239	04-19-01	05-15-01
S0731	Daniel G. Clodfe	TRANSPORTATION PLANNING.	*HR	Ch. SL 2001-168	04-25-01	05-21-01
S0942	Charles Carter	TRANSPORTER PLATES TO COUNTIES.	*HR	Ch. SL 2001-147	04-30-01	05-16-01
S1135		US HIGHWAY 601 CONTRACTS.	*HR	Ch. SL 2002-60	07-11-02	07-24-02
S1395=		CHARLOTTE RAIL LIABILITY LIMITATION.	*H	Ref To Com On Transportation	07-24-02	

'$' indicates the bill is an appropriation bill.
A bold line indicates the bill is an appropriation bill.
'*' indicates that the text of the original bill was changed by some action.
'=' indicates that the original bill is identical to another bill.

AGENDA

HOUSE COMMITTEE ON TRANSPORTATION

June 5, 2002
Room 643 LOB
11:00 A.M.

OPENING REMARKS

Representative Drew Saunders, Chair
Transportation Committee

AGENDA ITEMS

HB 1487 BILLBOARD JUST COMPENSATION SUNSET EXTENDED
Representative James Crawford, Sponsor

HB 1488 OPEN CONTAINER SUNSET REPEAL
Representative James Crawford, Sponsor

HB 1492 SECONDARY ROAD PAVING
Representative Charles Buchanan, Sponsor

ADJOURNMENT

MINUTES

HOUSE COMMITTEE ON TRANSPORTATION

June 5, 2002

The House Committee on Transportation met at 11:00 A.M. on June 5, 2002, in Room 643 of the Legislative Office Building. Members present were: Representative Cary Allred, Chair, Representative Drew Saunders, Chair, Representative Jeff Barnhart, Vice Chair, and Representatives Allen, Buchanan, Cole, Crawford, Culp, Dedmon, Eddins, Gibson, Gillespie, Holliman, Lucas, Luebke, McLawhorn, Nye, Sherrill, Shubert, Sutton, and Walker. Giles Perry and Wendy Graf Ray, Staff Counsel, were also in attendance. A Visitor Registration Sheet is attached and made a part of the minutes.

Representative Saunders, Chair, called the meeting to order and introduced Pages: Kathryn King, sponsored by Representative Nye; Brandi Pugh, sponsored by Representative Hunter; and Angela Hinton, sponsored by Representative Weiss. They assisted House Sergeant at Arms staff members, Dusty Rhodes, Martha Parrish, and James Worth. Representative Saunders also introduced Emily Cook, Intern, later in the meeting.

The first bill to be discussed was **HB 1487 AN ACT TO EXTEND EXPIRATION OF THE REQUIREMENT THAT JUST COMPENSATION BE PAID FOR THE REMOVAL BY LOCAL AUTHORITIES OF BILLBOARDS ON INTERSTATE AND FEDERAL-AID PRIMARY HIGHWAYS, AS REQUIRED BY FEDERAL LAW.** Representative Crawford, bill sponsor, was recognized to explain the bill. A discussion period followed the explanation, and Representative Buchanan moved to give the bill a favorable report. A vote was taken, and the motion was approved.

The second bill to be considered was **HB 1488 AN ACT TO REPEAL THE SUNSET ON THE LAW GOVERNING TRANSPORTATION OF OPEN CONTAINERS OF ALCOHOLIC BEVERAGES.** Representative Crawford, bill sponsor, was called upon to explain the bill. Following the explanation, Representative Sutton proposed to amend the bill, and a discussion followed. Mr. Burt Tasaico, with the Program Development Branch of the North Carolina Department of Transportation, and Ms. Susan Sitze with the Research Division of the General Assembly assisted in answering questions. A vote was taken on the amendment, and it passed. Representative Sutton moved to give the committee substitute bill, with the approved amendment, a favorable report, and the motion was approved by vote.

The last bill to be discussed was **HB 1492 AN ACT TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO CONDEMN LAND FOR SECONDARY ROAD PAVING OR MAINTENANCE PROJECTS WHEN THE OWNERS OF THE MAJORITY OF THE ROAD FRONTAGE ADJACENT TO THE PROJECT AGREE TO PROVIDE THE NECESSARY RIGHT-OF-WAY**

FOR THE PROJECT. Representative Buchanan, bill sponsor, was recognized to explain the bill. He explained the bill and made a motion for a favorable report on the bill. Following a discussion period, a vote was taken on the motion; and it was approved.

Representative Saunders, Chair, adjourned the meeting at 12:33 P.M.

Representative Drew P. Saunders, Presiding Chair

Ruth Fish, Committee Assistant

2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **ALLRED & SAUNDERS** (Chair/Chairs) for the Committee on **TRANSPORTATION.**

☐ Committee Substitute for
H.B. 1487 A BILL TO BE ENTITLED AN ACT TO EXTEND EXPIRATION OF THE REQUIREMENT THAT JUST COMPENSATION BE PAID FOR THE REMOVAL BY LOCAL AUTHORITIES OF BILLBOARDS ON INTERSTATE AND FEDERAL-AID PRIMARY HIGHWAYS, AS REQUIRED BY FEDERAL LAW.

☒ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to the committee substitute bill (#), ☐ which changes the title, unfavorable as to (the original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/13/02

2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **ALLRED & SAUNDERS** (Chair/Chairs) for the Committee on **TRANSPORTATION**.

☐ Committee Substitute for
H.B. 1488 A BILL TO BE ENTITLED AN ACT TO REPEAL THE SUNSET ON THE LAW GOVERNING TRANSPORTATION OF OPEN CONTAINERS OF ALCOHOLIC BEVERAGES.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☒ With a favorable report as to the committee substitute bill ~~(#), ☐ which changes the title,~~ unfavorable as to ~~(~~the original bill~~)(Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)~~

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/13/02

2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **ALLRED & SAUNDERS** (Chair/Chairs) for the Committee on **TRANSPORTATION**.

☐ Committee Substitute for
H.B. 1492 A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO CONDEMN LAND FOR SECONDARY ROAD PAVING OR MAINTENANCE PROJECTS WHEN THE OWNERS OF THE MAJORITY OF THE ROAD FRONTAGE ADJACENT TO THE PROJECT AGREE TO PROVIDE THE NECESSARY RIGHT-OF-WAY FOR THE PROJECT.

☒ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to the committee substitute bill (#), ☐ which changes the title, unfavorable as to (the original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/13/02

HOUSE BILL 1487 :
Billboard Just Compensation Sunset Extended

BILL ANALYSIS

Committee:	House Transportation	**Introduced by:**	Rep.Crawford; and Cole
Date:	June 5, 2002	**Summary by:**	Giles S. Perry
Version:	1st Edition		Committee Counsel

SUMMARY: ***House Bill 1487 would extend for two years current State law that requires local governments to pay just compensation for removal of permitted outdoor advertising located along federal aid-highways, as required by federal law (23 U.S.C. 131(g)).***

BACKGROUND: In 1978, Congress amended the federal Highway Beautification Act to require just compensation be paid for the removal by local governments of billboards lawfully erected under State law adjacent to an Interstate or federal-aid primary highway. This requirement is found in 23 U.S.C. 131(g).

To comply with this federal directive, and avoid a potential loss of 10% of the State's federal highway funds, in 1982 the General Assembly enacted G.S. 136-131.1. This section prohibits local governments from removing billboards lawfully erected under State law and adjacent to an Interstate or federal-aid primary highway without the payment of just compensation.

G.S. 136-131.1 was originally given a sunset date of June 30, 1984, in case the federal law was subsequently repealed. The federal law has remained in effect, and G.S. 136-131.1 was, as a result, extended to June 30, 1988, 1990, 1994, 1998, and 2002. House Bill 1487 would extend this statute once again, to June 30, 2004.

House Bill 1487 would become effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

HOUSE BILL 1487*

Short Title:	Billboard Just Comp. Sunset Extended.	(Public)
Sponsors:	Representatives J. Crawford; and Cole.	
Referred to:	Transportation.	

May 30, 2002

A BILL TO BE ENTITLED

AN ACT TO EXTEND EXPIRATION OF THE REQUIREMENT THAT JUST COMPENSATION BE PAID FOR THE REMOVAL BY LOCAL AUTHORITIES OF BILLBOARDS ON INTERSTATE AND FEDERAL-AID PRIMARY HIGHWAYS, AS REQUIRED BY FEDERAL LAW.

The General Assembly of North Carolina enacts:

SECTION 1. Section 2 of Chapter 1147 of the 1981 Session Laws, as amended by Chapter 318 of the 1983 Session Laws, Chapter 1024 of the 1987 Session Laws, Section 1 of Chapter 166 of the 1989 Session Laws, Section 1 of Chapter 725 of the 1993 Session Laws, Section 7 of S.L. 1998-23, and Section 27.5 of S.L. 1998-212, reads as rewritten:

"Sec. 2. This act is effective upon ratification, but shall expire ~~June 30, 2002,~~ June 30, 2004, and shall have no force or effect after that date."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE BILL 1488
PROPOSED COMMITTEE SUBSTITUTE H1488-PCS8314-SU-57

Short Title: Open Container Sunset Extended. (Public)

Sponsors:

Referred to:

May 30, 2002

A BILL TO BE ENTITLED

AN ACT TO EXTEND THE SUNSET ON THE LAW GOVERNING TRANSPORTATION OF OPEN CONTAINERS OF ALCOHOLIC BEVERAGES.

The General Assembly of North Carolina enacts:

SECTION 1. Section 21 of Session Law 2000-155 reads as rewritten:

"Section 21. Section 4 of this act is effective September 1, 2000, and expires September 30, ~~2002.~~2006. Sections 19 and 20 of this act are effective when those sections become law. The remainder of this act becomes effective September 1, 2000, and applies to offenses committed on or after that date."

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

HOUSE BILL 1488:
Open Container Sunset Repeal

BILL ANALYSIS

Committee:	House Transportation Committee	**Introduced by:**	Representatives Crawford and Cole
Date:	June 5, 2002		
Version:	First Edition	**Summary by:**	Wendy Graf Ray Committee Counsel

SUMMARY: ***House Bill 1488 would repeal the sunset on the law governing the transportation of open containers of alcoholic beverages in motor vehicles.***

CURRENT LAW: Under current G.S. 20-138.7, which was amended by S.L. 2000-155, it is an infraction to possess an alcoholic beverage in an open container, or to consume an alcoholic beverage, in the passenger area of a motor vehicle, even if the driver has not been drinking. The section of S.L. 2000-155 that amended G.S. 20-138.7 took effect on September 1, 2000, and it expires on September 30, 2002.

Current federal law (23 U.S.C. 154) links the transfer of federal highway funds to a requirement that states ban open containers of alcohol in all vehicles. If House Bill 1488 is not passed and open containers of alcoholic beverages are no longer prohibited, approximately $17 million in federal funding will be transferred from three core programs (National Highway System, Surface Transportation Program, and Interstate Maintenance) to safety programs such as the Governor's Highway Safety Program.

BILL ANALYSIS: House Bill 1488 would amend the effective date of S.L. 2000-155 so that the amendments made to G.S. 20-138.7 would not expire on September 30, 2002, and the transportation of open containers of alcoholic beverages in vehicles would continue to be prohibited.

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

H1488-SMSU-001

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

HOUSE BILL 1488*

Short Title:	Open Container Sunset Repeal.	(Public)
Sponsors:	Representatives J. Crawford; and Cole.	
Referred to:	Transportation.	

May 30, 2002

A BILL TO BE ENTITLED

AN ACT TO REPEAL THE SUNSET ON THE LAW GOVERNING TRANSPORTATION OF OPEN CONTAINERS OF ALCOHOLIC BEVERAGES.

The General Assembly of North Carolina enacts:

SECTION 1. Section 21 of Session Law 2000-155 reads as rewritten:

"Section 21. Section 4 of this act is effective ~~September 1, 2000, and expires September 30, 2002.~~ September 1, 2000. Sections 19 and 20 of this act are effective when those sections become law. The remainder of this act becomes effective September 1, 2000, and applies to offenses committed on or after that date."

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

HOUSE BILL 1492:
Secondary Road Paving

BILL ANALYSIS

Committee:	House Transportation	**Introduced by:**	Rep. Buchanan
Date:	June 5, 2002	**Summary by:**	Giles S. Perry
Version:	1st Edition		Committee Counsel

SUMMARY: ***House Bill 1492 authorizes DOT to condemn right-of way needed for a secondary road paving or maintenance project if***

--75% or more of the property owners adjacent to the project, and

--the owners of the majority of the road frontage adjacent to the project

have provided the necessary right-of-way and provided funds to cover the condemnation costs.

CURRENT LAW: Under current G.S. 136-44.7(c), enacted in 2001 by S.L. 2001-501 (SB 1038), if DOT is planning to pave a secondary road, and it needs right-of-way for the project, it is required to negotiate for acquisition of the right-of-way for up to six months, and then is required to condemn the necessary right-of-way, if

--75% or more of the property owners adjacent to the project, and
--the owners of 75% of the road frontage adjacent to the project

have provided the necessary right-of-way and funds to cover the condemnation costs (up to $2500).

BILL ANALYSIS: House Bill 1492 changes G.S. 136-44.7(c) to require DOT to condemn property needed for a planned secondary road project, if

--75% or more of the property owners adjacent to the project, and
--the owners of the majority of the road frontage adjacent to the project

have provided the necessary right-of-way and funds to cover the condemnation costs (up to $2500).

House Bill 1492 would become effective when it becomes law.

BACKGROUND:

According to DOT, there is no recorded DOT-owned easement for many State-maintained unpaved secondary roads. Prior to 2001, the Department did not condemn land for secondary road paving and maintenance projects. Although DOT has been authorized to condemn property for secondary roads for many years, DOT's policy was to request donation of an easement before paving a State-maintained road. On many secondary road projects, DOT reported that most adjacent landowners agreed to donate the needed right-of-way. With some proposed paving projects, however, there are landowners who refuse to donate the needed right-of-way. DOT's policy prior to 2001was to (1) ask adjacent landowners to provide up to $2500 to cover condemnation costs for that parcel, or (2) not pave the road, or (3) only pave the

portion of the road for which DOT obtained a right-of-way. Following enactment of new G.S. 136-44.7(c) in 2001, DOT was required to condemn land for secondary road projects in the described circumstances. House Bill 1492 changes the standards enacted in 2001 to expand the situations where DOT is required to condemn land for a secondary road project.

HOUSE BILL 1492

Short Title:	Secondary Road Paving.	(Public)
Sponsors:	Representative Buchanan.	
Referred to:	Transportation.	

June 3, 2002

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO CONDEMN LAND FOR SECONDARY ROAD PAVING OR MAINTENANCE PROJECTS WHEN THE OWNERS OF THE MAJORITY OF THE ROAD FRONTAGE ADJACENT TO THE PROJECT AGREE TO PROVIDE THE NECESSARY RIGHT-OF-WAY FOR THE PROJECT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-44.7(c) reads as rewritten:

"(c) When it is necessary for the Department of Transportation to acquire a right-of-way in accordance with (a) and (b) of this section in order to pave a secondary road or undertake a maintenance project, the Department shall negotiate the acquisition of the right-of-way for a period of up to six months. At the end of that period, if one or more property owners have not dedicated the necessary right-of-way and at least seventy-five percent (75%) of the property owners adjacent to the project and the owners of ~~seventy-five percent (75%)~~ the majority of the road frontage adjacent to the project have dedicated the necessary property for the right-of-way and have provided funds required by Department rule to the Department to cover the costs of condemning the remaining property, the Department shall initiate condemnation proceedings pursuant to Article 9 of this Chapter to acquire the remaining property necessary for the project."

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

BILL ADDITION TO MEETING NOTICE

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
2001-2002 SESSION

You are hereby notified that the Committee on **Transportation** will meet as follows:

DAY & DATE: **Wednesday, June 5, 2002**

TIME: **11:00 A.M.**

LOCATION: **643 LOB**

The following bills will be considered (Bill # & Short Title & Bill Sponsor):

HB 1487 BILLBOARD JUST COMPENSATION SUNSET EXTENDED
Representative James Crawford, Bill Sponsor

HB 1488 OPEN CONTAINER SUNSET REPEAL
Representative James Crawford, Bill Sponsor

HB 1492 SECONDARY ROAD PAVING
Representative Charles Buchanan, Bill Sponsor

Respectfully,

Representatives Allred and Saunders
Co-chairs

I hereby certify this notice was filed by the committee clerk at the following offices at **2:00 P.M.** on **May 30, 2002.**

___Principal Clerk
___Reading Clerk - House Chamber

Jean Allred & Ruth Fish (Committee Assistants)

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
2001-2002 SESSION

You are hereby notified that the Committee on **Transportation** will meet as follows:

DAY & DATE: **Wednesday, June 5, 2002**

TIME: **11:00 A.M.**

LOCATION: **643 LOB**

The following bills will be considered (Bill # & Short Title & Bill Sponsor):
HB 1487 BILLBOARD JUST COMPENSATION SUNSET EXTENDED
Representative James Crawford, Bill Sponsor

HB 1488 OPEN CONTAINER SUNSET REPEAL
Representative James Crawford, Bill Sponsor

Respectfully,

Representatives Allred and Saunders
Co-chairs

I hereby certify this notice was filed by the committee clerk at the following offices at **2:00 P.M.** on **May 30, 2002.**

___Principal Clerk
___Reading Clerk - House Chamber

Jean Allred & Ruth Fish (Committee Assistants)

VISITOR REGISTRATION SHEET

HOUSE COMMITTEE ON TRANSPORTATION — June 4, 2002

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Brock Winstead	NC Sierra Club
Eric Cochran	NC Sierra Club
Brad Krehely	NC Gen. Assembly - Research
Ted Kaplan	NCGA - Research
Tim MacLean	CWA 3611 Raleigh
Drew Edwards	CWA 3611 Raleigh
Doris Weaver	NC CWA Political Council
Bonnie Overman	CWA 3603 Charlotte
John Cyrus	N.C. State Grange
John May	NC CWA Council
[illegible]	NC CWA Council

VISITOR REGISTRATION SHEET

HOUSE COMMITTEE ON TRANSPORTATION — June 4, 2002

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
[signature]	NCRA
Dean Shatley	Speaker's Office
Sharal Reed	3261 Linden Lee Dr. W-S NC 27127
Joanne Clayton	Communication Workers of America Union 3611
Katie Hunter	NC Statewatch
Robert Moore	Eastern Outdoor
Omid Nasab	Hunton & Williams
Josiah Barnhart	
Matt Osborne	AOC
Susan Conard	NCDOT
Burt Tasaico	NCDOT - Program Development

VISITOR REGISTRATION SHEET

HOUSE COMMITTEE ON TRANSPORTATION — June 4, 2002

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Carl McCann	NCDOT – Div. 11
James Rand	NC DOT - Highways
Don Goins	N.C.D.O.T. – Chief Engineer
Doug Allison	NCDOT - Right of Way Branch
Lacy Love	NCDOT
Beau Mills	NCLM
Andy Romanet	NCLM

CANCELLATION NOTICE

This Meeting Has Been Cancelled

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
2001-2002 SESSION

You are hereby notified that the Committee on **Transportation** will meet as follows:

DAY & DATE: **Wednesday, June 19, 2002**

TIME: **11:00 A.M.**

LOCATION: **643 LOB**

The following bills will be considered (Bill # & Short Title & Bill Sponsor):
HB 1516 DEPARTMENT OF TRANSPORTATION PLANNING - Bill Sponsor, Rep. Jim Crawford

HB 1518 DEPARTMENT OF TRANSPORTATION CONTRACTS - Bill Sponsor, Rep. Jim Crawford

Respectfully,

Representatives Allred & Saunders
Co-chairs

I hereby certify this notice was filed by the committee clerk at the following offices at **3:10 P.M.** on **June 12, 2002.**

___Principal Clerk
___Reading Clerk - House Chamber

Ruth Fish (Committee Assistant)

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
2001-2002 SESSION

You are hereby notified that the Committee on **Transportation** will meet as follows:

DAY & DATE: **Wednesday, June 19, 2002**

TIME: **11:00 A.M.**

LOCATION: **643 LOB**

The following bills will be considered (Bill # & Short Title & Bill Sponsor):
HB 1516 DEPARTMENT OF TRANSPORTATION PLANNING - Bill Sponsor, Rep. Jim Crawford

HB 1518 DEPARTMENT OF TRANSPORTATION CONTRACTS - Bill Sponsor, Rep. Jim Crawford

Respectfully,

Representatives Allred & Saunders
Co-chairs

I hereby certify this notice was filed by the committee clerk at the following offices at **3:10 P.M.** on **June 12, 2002**.

___Principal Clerk
___Reading Clerk - House Chamber

Ruth Fish (Committee Assistant)

AGENDA

HOUSE COMMITTEE ON TRANSPORTATION

June 19, 2002
Room 643 LOB
11:00 A.M.

OPENING REMARKS

Representative Drew Saunders, Chair
Transportation Committee

BILLS TO BE DISCUSSED

HB 1516 DEPARTMENT OF TRANSPORTATION PLANNING
Representative James Crawford, Sponsor

HB 1518 DEPARTMENT OF TRANSPORTATION CONTRACTS
Representative James Crawford, Sponsor

ADJOURNMENT

HOUSE BILL 1516: DOT Planning

BILL ANALYSIS

Committee:	House Transportation	**Introduced by:**	Representative Crawford
Date:	June 19, 2002	**Summary by:**	Wendy Graf Ray
Version:	First Edition		Committee Counsel

SUMMARY: House Bill 1516 would amend the law governing planning by the Department of Transportation.

BILL ANALYSIS:

Section 1. This section would make a conforming change to G.S. 136-28.6, updating the term "thoroughfare plan", which is now referred to as "transportation plan" in other sections of the statutes.

Section 2. This section would repeal G.S. 136-203, which the Department of Transportation believes is no longer necessary in light of more recent legislation that deals with the same issues.

G.S. 136-203, enacted in 1999, requires the Department of Transportation and the Department of Environment and Natural Resources to convene joint study groups to examine options for major travel corridors in which there have been air quality violations or that affect an area where there has been air quality violations. The Departments must then report on the findings of each study group to the Joint Legislative Transportation Oversight Committee and the Environmental Review Commission.

G.S. 136-200.4, enacted in 2000, sets out requirements for Metropolitan Planning Organizations (MPOs) located in areas of the State designated as non-attainment under the federal Clean Air Act. (A non-attainment area is one that does not meet, or that contributes to ambient air quality in a nearby area that does not meet, the national primary or secondary ambient air quality standard for a pollutant.) Under G.S. 136-200.4, when an area is designated as non-attainment, all MPOs with at least 25% of their area of jurisdiction located in the non-attainment area must consult and adopt a unified plan for achieving conformity with federal air quality requirements. If an MPO fails to do this within a year of designation, it will lose funding for projects within its area of jurisdiction. In addition, each MPO located in whole or in part in areas that are designated as non-attainment must complete an evaluation and submit its findings and recommendations to the Department of Transportation within one year of the effective date of the designation.

Section 2 of House Bill 1516 would repeal G.S. 136-203, but G.S. 136-200.4 would remain in effect.

Section 3. This section would amend G.S. 136-211, which sets out eligibility requirements for areas to be included in Rural Transportation Planning Organizations (RTPOs). Currently, RTPOs must include representatives from contiguous areas, but this section would allow noncontiguous counties to form RTPOs if they are adjacent to the same MPO.

Section 4. This section expands the eligible uses of grants from the Department of Transportation to RTPOs. Currently G.S. 136-213 allows the use of grants for professional planning staff, but this section would allow the use of grants to carry out any of the duties of RTPOs, as set out in G.S. 136-212.

BACKGROUND: The provisions proposed in House Bill 1516 were recommendations of the Joint Legislative Transportation Oversight Committee.

EFFECTIVE DATE: This act would be effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H 1

HOUSE BILL 1516*

Short Title:	DOT Planning.	(Public)
Sponsors:	Representatives J. Crawford; and M. Crawford.	
Referred to:	Transportation.	

June 5, 2002

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAW GOVERNING PLANNING BY THE DEPARTMENT OF TRANSPORTATION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-28.6 reads as rewritten:

"**§ 136-28.6. Private contract participation by the Department of Transportation.**

(a) The Department of Transportation may participate in private engineering and construction contracts for State highways.

(b) In order to qualify for State participation, the project must be:

(1) The construction of a street or highway on the Transportation Improvement Plan adopted by the Department of Transportation; or

(2) The construction of a street or highway on a mutually adopted ~~thoroughfare plan~~ transportation plan that is designated a Department of Transportation responsibility.

(c) Only those projects in which the developer furnishes the right-of-way without cost to the Department of Transportation are eligible.

(d) The Department's participation shall be limited to fifty percent (50%) of the amount of any engineering contract and/or any construction contract let by the developer for the project.

(e) Participation in the contracts shall be limited to cost associated with normal practices of the Department of Transportation.

(f) Plans for the project must meet Department of Transportation standards and shall be approved by the Department of Transportation.

(g) Projects shall be constructed in accordance with the plans and specifications approved by the Department of Transportation.

(h) The Secretary shall report in writing, on a quarterly basis, to the Joint Legislative Commission on Governmental Operations on all agreements entered into

between a private developer and the Department of Transportation for participation in private engineering and construction contracts under this section.

(i) Municipalities may participate financially in private engineering and construction contracts for projects pertaining to streets or highways which are on a mutually adopted ~~thoroughfare plan~~ transportation plan for said municipality."

SECTION 2. G.S. 136-203 is repealed.

SECTION 3. G.S. 136-211 reads as written:

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

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

(b) Area Represented. – Rural Transportation Planning Organizations shall include representatives from contiguous areas in three to fifteen counties, with a total population of the entire area represented of at least 50,000 persons according to the latest population estimate of the Office of State Planning. Noncontiguous counties adjacent to the same Metropolitan Planning Organization may form a Rural Transportation Planning Organization. Areas already included in a Metropolitan Planning Organization shall not be included in the area represented by a Rural Transportation Planning Organization.

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

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

SECTION 4. G.S. 136-213 reads as rewritten:

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

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

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

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

~~staff.~~ to carry out the duties listed in G.S. 136-212. The members of the Rural Transportation Planning Organization shall contribute at least twenty percent (20%) of the cost of any staff resources employed by the organization. The Department may make additional planning grants to economically distressed counties, as designated by the North Carolina Department of Commerce."

SECTION 5. This act is effective when it becomes law.

HOUSE BILL 1518:
DOT Contracts

BILL ANALYSIS

Committee:	House Transportation	**Introduced by:**	Rep. Crawford; and Bowie
Date:	June 19, 2002	**Summary by:**	Giles S. Perry
Version:	Proposed Committee Substitute		Committee Counsel

SUMMARY: ***House Bill 1518 makes three changes to the laws governing DOT contracts:***

BILL ANALYSIS:

Section 1 increases the limit below which DOT may solicit informal bids on projects from $800,000 to $1,200,000.

Section 2 increases to twenty (20) the limit on the number of design-build projects that DOT may award each year.

Section 3 changes State law to require DOT to include a provision in its construction contracts that requires iron used in DOT projects be produced in the U.S. Section 3 also repeals a requirement that DOT include a provision in its construction contracts that requires cement used in DOT projects be made in the U.S.
Similar language is already included in federal law, and is applicable to federal-aid highway construction projects.

Section 4 provides that the bill would become effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE BILL 1518
PROPOSED COMMITTEE SUBSTITUTE H1518-CSRW-61 [v.1]

6/13/2002 4:20:57 PM

Short Title: DOT Contracts. (Public)

Sponsors:

Referred to:

June 5, 2002

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE INFORMAL BID LIMIT FOR DEPARTMENT OF TRANSPORTATION PROJECTS, TO INCREASE FROM THREE TO TWENTY THE LIMIT ON THE NUMBER OF DESIGN-BUILD PROJECTS THE DEPARTMENT OF TRANSPORTATION MAY AWARD EACH YEAR, AND CONCERNING CONTRACT REQUIREMENTS FOR IRON USED IN DOT PROJECTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-28.1 reads as rewritten:

"**§ 136-28.1. Letting of contracts to bidders after advertisement; exceptions.**

(a) All contracts over ~~eight hundred thousand dollars ($800,000)~~ one million two hundred thousand dollars ($1,200,000) that the Department of Transportation may let for construction or repair necessary to carry out the provisions of this Chapter shall be let to a responsible bidder after public advertising under rules and regulations to be made and published by the Department of Transportation. The right to reject any and all bids shall be reserved to the Board of Transportation. Contracts for construction or repair for federal aid projects entered into pursuant to this section shall not contain the standardized contract clauses prescribed by 23 U.S.C. § 112(e) and 23 C.F.R. § 635.131(a) for differing site conditions, suspensions of work ordered by the engineer or significant changes in the character of the work. The Department of Transportation shall use only the contract provisions provided in the North Carolina Department of Transportation, Standard Specifications for Roads and Structures, January 1, 1984, except as each may be changed or provided for by rule adopted by the Board of Transportation in accordance with the Administrative Procedure Act.

(b) In those cases in which the amount of work to be let to contract for highway construction, maintenance, or repair is ~~eight hundred thousand dollars ($800,000)~~ one million two hundred thousand dollars ($1,200,000) or less, at least three informal bids shall be solicited. The term "informal bids" is defined as bids in writing, received

pursuant to a written request, without public advertising. All such contracts shall be awarded to the lowest responsible bidder. The Secretary of Transportation shall keep a record of all bids submitted, which record shall be subject to public inspection at any time after the bids are opened.

(c) The construction, maintenance, and repair of ferryboats and all other marine floating equipment and the construction and repair of all types of docks by the Department of Transportation shall be deemed highway construction, maintenance, or repair for the purpose of G.S. 136-28.1 and Chapter 44A and Article 1 of Chapter 143, "The Executive Budget Act." In cases of a written determination by the Secretary of Transportation that the requirement for compatibility does not make public advertising feasible for the repair of ferryboats, the public advertising as well as the soliciting of informal bids may be waived.

(d) The construction, maintenance, and repair of the highway rest area buildings and facilities, weight stations and the Department of Transportation's participation in the construction of welcome center buildings shall be deemed highway construction, maintenance, or repair for the purpose of G.S. 136-28.1 and G.S. 136-28.3 and Article 1 of Chapter 143 of the General Statutes, "The Executive Budget Act."

(e) The Department of Transportation may enter into contracts for construction, maintenance, or repair without complying with the bidding requirements of this section upon a determination of the Secretary of Transportation or the State Highway Administrator that an emergency exists and that it is not feasible or not in the public interest for the Department of Transportation to comply with the bidding requirements.

(f) Notwithstanding any other provision of law, the Department of Transportation may solicit proposals under rules and regulations adopted by the Department of Transportation for all contracts for professional engineering services and other kinds of professional or specialized services necessary in connection with highway construction, maintenance, or repair. In order to promote engineering and design quality and ensure maximum competition by professional firms of all sizes, the Department may establish fiscal guidelines and limitations necessary to promote cost-efficiencies in overhead, salary, and expense reimbursement rates. The right to reject any and all proposals is reserved to the Board of Transportation.

(g) The Department of Transportation may enter into contracts for research and development with educational institutions and nonprofit organizations without soliciting bids or proposals.

(h) The Department of Transportation may enter into contracts for applied research and experimental work without soliciting bids or proposals; provided, however, that if the research or work is for the purpose of testing equipment, materials, or supplies, the provisions of Article 3 of Chapter 143 of the General Statutes shall apply. The Department of Transportation is encouraged to solicit proposals when contracts are entered into with private firms when it is in the public interest to do so.

(i) The Department of Transportation may negotiate and enter into contracts with public utility companies for the lease, purchase, installation, and maintenance of generators for electricity for its ferry repair facilities.

~~(j) Notwithstanding any other provision of law, the Board of Transportation may award up to three contracts annually for construction of transportation projects on a design-build basis. These contracts may be awarded after a determination by the Department of Transportation that delivery of the projects must be expedited and that it is not in the public interest to comply with normal design and construction contracting procedures. Prior to the award of a design-build contract, the Secretary of Transportation shall report to the Joint Legislative Transportation Oversight Committee and to the Joint Legislative Commission on Governmental Operations on the nature and scope of the project and the reasons an award on a design-build basis will best serve the public interest.~~"

SECTION 2. G.S. 136-28.11 reads as rewritten:

"**§ 136-28.11. Design-build construction of transportation projects.**

Notwithstanding any other provision of law, the Board of Transportation may award ~~up to three~~ 20 contracts annually for construction of transportation projects on a design-build basis. These contracts may be awarded after a determination by the Department of Transportation that delivery of the projects must be expedited and that it is not in the public interest to comply with normal design and construction contracting procedures. Prior to the award of a design-build contract, the Secretary of Transportation shall report to the Joint Legislative Transportation Oversight Committee and to the Joint Legislative Commission on Governmental Operations on the nature and scope of the project and the reasons an award on a design-build basis will best serve the public interest."

SECTION 3. G.S. 136-28.7 reads as rewritten:

"**§ 136-28.7. Contract requirements relating to construction materials.**

(a) The Department of Transportation shall require that every contract for construction or repair necessary to carry out the provisions of this Chapter shall contain a provision requiring that all steel and ~~cement~~ iron permanently incorporated into the construction or repair project be produced in the United States.

(b) Subsection (a) shall not apply whenever the Department of Transportation determines in writing that this provision required by subsection (a) cannot be complied with because such products are not produced in the United States in sufficient quantities to meet the requirements of such contracts or cannot be complied with because the cost of such products produced in the United States unreasonably exceeds other such products.

(c) The Department of Transportation shall apply this section consistent with the requirements in 23 C.F.R. § 635.410(b)(4).

(d) The Department of Transportation shall not authorize, provide for, or make payments to any person pursuant to any contract containing the provision required by subsection (a) unless such person has fully complied with such provision."

SECTION 4. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H 1

HOUSE BILL 1518*

Short Title: DOT Contracts. (Public)

Sponsors: Representatives J. Crawford; and Bowie.

Referred to: Transportation.

June 5, 2002

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE INFORMAL BID LIMIT FOR DEPARTMENT OF TRANSPORTATION PROJECTS, AND TO INCREASE FROM THREE TO TWENTY THE LIMIT ON THE NUMBER OF DESIGN-BUILD PROJECTS THE DEPARTMENT OF TRANSPORTATION MAY AWARD EACH YEAR.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-28.1 reads as rewritten:

"**§ 136-28.1. Letting of contracts to bidders after advertisement; exceptions.**

(a) All contracts over ~~eight hundred thousand dollars ($800,000)~~ one million two hundred thousand dollars ($1,200,000) that the Department of Transportation may let for construction or repair necessary to carry out the provisions of this Chapter shall be let to a responsible bidder after public advertising under rules and regulations to be made and published by the Department of Transportation. The right to reject any and all bids shall be reserved to the Board of Transportation. Contracts for construction or repair for federal aid projects entered into pursuant to this section shall not contain the standardized contract clauses prescribed by 23 U.S.C. § 112(e) and 23 C.F.R. § 635.131(a) for differing site conditions, suspensions of work ordered by the engineer or significant changes in the character of the work. The Department of Transportation shall use only the contract provisions provided in the North Carolina Department of Transportation, Standard Specifications for Roads and Structures, January 1, 1984, except as each may be changed or provided for by rule adopted by the Board of Transportation in accordance with the Administrative Procedure Act.

(b) In those cases in which the amount of work to be let to contract for highway construction, maintenance, or repair is ~~eight hundred thousand dollars ($800,000)~~ one million two hundred thousand dollars ($1,200,000) or less, at least three informal bids shall be solicited. The term "informal bids" is defined as bids in writing, received pursuant to a written request, without public advertising. All such contracts shall be

awarded to the lowest responsible bidder. The Secretary of Transportation shall keep a record of all bids submitted, which record shall be subject to public inspection at any time after the bids are opened.

(c) The construction, maintenance, and repair of ferryboats and all other marine floating equipment and the construction and repair of all types of docks by the Department of Transportation shall be deemed highway construction, maintenance, or repair for the purpose of G.S. 136-28.1 and Chapter 44A and Article 1 of Chapter 143, "The Executive Budget Act." In cases of a written determination by the Secretary of Transportation that the requirement for compatibility does not make public advertising feasible for the repair of ferryboats, the public advertising as well as the soliciting of informal bids may be waived.

(d) The construction, maintenance, and repair of the highway rest area buildings and facilities, weight stations and the Department of Transportation's participation in the construction of welcome center buildings shall be deemed highway construction, maintenance, or repair for the purpose of G.S. 136-28.1 and G.S. 136-28.3 and Article 1 of Chapter 143 of the General Statutes, "The Executive Budget Act."

(e) The Department of Transportation may enter into contracts for construction, maintenance, or repair without complying with the bidding requirements of this section upon a determination of the Secretary of Transportation or the State Highway Administrator that an emergency exists and that it is not feasible or not in the public interest for the Department of Transportation to comply with the bidding requirements.

(f) Notwithstanding any other provision of law, the Department of Transportation may solicit proposals under rules and regulations adopted by the Department of Transportation for all contracts for professional engineering services and other kinds of professional or specialized services necessary in connection with highway construction, maintenance, or repair. In order to promote engineering and design quality and ensure maximum competition by professional firms of all sizes, the Department may establish fiscal guidelines and limitations necessary to promote cost-efficiencies in overhead, salary, and expense reimbursement rates. The right to reject any and all proposals is reserved to the Board of Transportation.

(g) The Department of Transportation may enter into contracts for research and development with educational institutions and nonprofit organizations without soliciting bids or proposals.

(h) The Department of Transportation may enter into contracts for applied research and experimental work without soliciting bids or proposals; provided, however, that if the research or work is for the purpose of testing equipment, materials, or supplies, the provisions of Article 3 of Chapter 143 of the General Statutes shall apply. The Department of Transportation is encouraged to solicit proposals when contracts are entered into with private firms when it is in the public interest to do so.

(i) The Department of Transportation may negotiate and enter into contracts with public utility companies for the lease, purchase, installation, and maintenance of generators for electricity for its ferry repair facilities.

(j) Notwithstanding any other provision of law, the Board of Transportation may award up to three contracts annually for construction of transportation projects on a design-build basis. These contracts may be awarded after a determination by the Department of Transportation that delivery of the projects must be expedited and that it is not in the public interest to comply with normal design and construction contracting procedures. Prior to the award of a design-build contract, the Secretary of Transportation shall report to the Joint Legislative Transportation Oversight Committee and to the Joint Legislative Commission on Governmental Operations on the nature and scope of the project and the reasons an award on a design-build basis will best serve the public interest."

SECTION 2. G.S. 136-28.11 reads as rewritten:

"**§ 136-28.11. Design-build construction of transportation projects.**

Notwithstanding any other provision of law, the Board of Transportation may award ~~up to three~~ 20 contracts annually for construction of transportation projects on a design-build basis. These contracts may be awarded after a determination by the Department of Transportation that delivery of the projects must be expedited and that it is not in the public interest to comply with normal design and construction contracting procedures. Prior to the award of a design-build contract, the Secretary of Transportation shall report to the Joint Legislative Transportation Oversight Committee and to the Joint Legislative Commission on Governmental Operations on the nature and scope of the project and the reasons an award on a design-build basis will best serve the public interest."

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

THIS MEETING HAS BEEN CANCELLED

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
2001-2002 SESSION

You are hereby notified that the Committee on **Transportation** will meet as follows:

DAY & DATE: **July 10, 2002**

TIME: **11:00 A.M.**

LOCATION: **643 LOB**

The following bills will be considered (Bill # & Short Title & Bill Sponsor):
HB 1516 Department of Transportation Planning - Rep. James Crawford, Sponsor
HB 1518 Department of Transportation Contracts - Rep. James Crawford, Sponsor

Respectfully,

Representatives Allred & Saunders
Co-chairs

I hereby certify this notice was filed by the committee clerk at the following offices at **1:45 P.M.** on **July 3, 2002**.

___Principal Clerk
___Reading Clerk - House Chamber

Ruth Fish (Committee Assistant)

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
2001-2002 SESSION

You are hereby notified that the Committee on **Transportation** will meet as follows:

DAY & DATE: **July 10, 2002**

TIME: **11:00 A.M.**

LOCATION: **643 LOB**

The following bills will be considered (Bill # & Short Title & Bill Sponsor):
HB 1516 Department of Transportation Planning - Rep. James Crawford, Sponsor
HB 1518 Department of Transportation Contracts - Rep. James Crawford, Sponsor

Respectfully,

Representatives Allred & Saunders
Co-chairs

I hereby certify this notice was filed by the committee clerk at the following offices at **1:45 P.M.** on **July 3, 2002**.

___Principal Clerk
___Reading Clerk - House Chamber

Ruth Fish (Committee Assistant)

AGENDA

HOUSE COMMITTEE ON TRANSPORTATION

July 10, 2002
Room 643 LOB
11:00 A.M.

OPENING REMARKS

Representative Drew Saunders, Chair
Transportation Committee

BILLS TO BE DISCUSSED

HB 1516 DEPARTMENT OF TRANSPORTATION PLANNING
Representative James Crawford, Sponsor

HB 1518 DEPARTMENT OF TRANSPORTATION CONTRACTS
Representative James Crawford, Sponsor

ADJOURNMENT

HOUSE BILL 1516: DOT Planning

BILL ANALYSIS

Committee:	House Transportation	**Introduced by:**	Representative Crawford
Date:	July 10, 2002	**Summary by:**	Wendy Graf Ray
Version:	First Edition		Committee Counsel

SUMMARY: House Bill 1516 would amend the law governing planning by the Department of Transportation.

BILL ANALYSIS:

Section 1. This section would make a conforming change to G.S. 136-28.6, updating the term "thoroughfare plan", which is now referred to as "transportation plan" in other sections of the statutes.

Section 2. This section would repeal G.S. 136-203, which the Department of Transportation believes is no longer necessary in light of more recent legislation that deals with the same issues.

G.S. 136-203, enacted in 1999, requires the Department of Transportation and the Department of Environment and Natural Resources to convene joint study groups to examine options for major travel corridors in which there have been air quality violations or that affect an area where there has been air quality violations. The Departments must then report on the findings of each study group to the Joint Legislative Transportation Oversight Committee and the Environmental Review Commission.

G.S. 136-200.4, enacted in 2000, sets out requirements for Metropolitan Planning Organizations (MPOs) located in areas of the State designated as non-attainment under the federal Clean Air Act. (A non-attainment area is one that does not meet, or that contributes to ambient air quality in a nearby area that does not meet, the national primary or secondary ambient air quality standard for a pollutant.) Under G.S. 136-200.4, when an area is designated as non-attainment, all MPOs with at least 25% of their area of jurisdiction located in the non-attainment area must consult and adopt a unified plan for achieving conformity with federal air quality requirements. If an MPO fails to do this within a year of designation, it will lose funding for projects within its area of jurisdiction. In addition, each MPO located in whole or in part in areas that are designated as non-attainment must complete an evaluation and submit its findings and recommendations to the Department of Transportation within one year of the effective date of the designation.

Section 2 of House Bill 1516 would repeal G.S. 136-203, but G.S. 136-200.4 would remain in effect.

Section 3. This section would amend G.S. 136-211, which sets out eligibility requirements for areas to be included in Rural Transportation Planning Organizations (RTPOs). Currently, RTPOs must include representatives from contiguous areas, but this section would allow noncontiguous counties to form RTPOs if they are adjacent to the same MPO.

Section 4. This section expands the eligible uses of grants from the Department of Transportation to RTPOs. Currently G.S. 136-213 allows the use of grants for professional planning staff, but this section would allow the use of grants to carry out any of the duties of RTPOs, as set out in G.S. 136-212.

BACKGROUND: The provisions proposed in House Bill 1516 were recommendations of the Joint Legislative Transportation Oversight Committee.

EFFECTIVE DATE: This act would be effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H 1

HOUSE BILL 1516*

Short Title: DOT Planning. (Public)

Sponsors: Representatives J. Crawford; and M. Crawford.

Referred to: Transportation.

June 5, 2002

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAW GOVERNING PLANNING BY THE DEPARTMENT OF TRANSPORTATION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-28.6 reads as rewritten:

"**§ 136-28.6. Private contract participation by the Department of Transportation.**

(a) The Department of Transportation may participate in private engineering and construction contracts for State highways.

(b) In order to qualify for State participation, the project must be:

(1) The construction of a street or highway on the Transportation Improvement Plan adopted by the Department of Transportation; or

(2) The construction of a street or highway on a mutually adopted ~~thoroughfare plan~~ transportation plan that is designated a Department of Transportation responsibility.

(c) Only those projects in which the developer furnishes the right-of-way without cost to the Department of Transportation are eligible.

(d) The Department's participation shall be limited to fifty percent (50%) of the amount of any engineering contract and/or any construction contract let by the developer for the project.

(e) Participation in the contracts shall be limited to cost associated with normal practices of the Department of Transportation.

(f) Plans for the project must meet Department of Transportation standards and shall be approved by the Department of Transportation.

(g) Projects shall be constructed in accordance with the plans and specifications approved by the Department of Transportation.

(h) The Secretary shall report in writing, on a quarterly basis, to the Joint Legislative Commission on Governmental Operations on all agreements entered into

between a private developer and the Department of Transportation for participation in private engineering and construction contracts under this section.

(i) Municipalities may participate financially in private engineering and construction contracts for projects pertaining to streets or highways which are on a mutually adopted ~~thoroughfare plan~~ transportation plan for said municipality."

SECTION 2. G.S. 136-203 is repealed.

SECTION 3. G.S. 136-211 reads as written:

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

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

(b) Area Represented. – Rural Transportation Planning Organizations shall include representatives from contiguous areas in three to fifteen counties, with a total population of the entire area represented of at least 50,000 persons according to the latest population estimate of the Office of State Planning. Noncontiguous counties adjacent to the same Metropolitan Planning Organization may form a Rural Transportation Planning Organization. Areas already included in a Metropolitan Planning Organization shall not be included in the area represented by a Rural Transportation Planning Organization.

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

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

SECTION 4. G.S. 136-213 reads as rewritten:

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

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

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

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

~~staff.~~ to carry out the duties listed in G.S. 136-212. The members of the Rural Transportation Planning Organization shall contribute at least twenty percent (20%) of the cost of any staff resources employed by the organization. The Department may make additional planning grants to economically distressed counties, as designated by the North Carolina Department of Commerce."

SECTION 5. This act is effective when it becomes law.

HOUSE BILL 1518:
DOT Contracts

BILL ANALYSIS

Committee:	House Transportation	**Introduced by:**	Rep. Crawford; and Bowie
Date:	July 9, 2002	**Summary by:**	Giles S. Perry
Version:	Proposed Committee Substitute		Committee Counsel

SUMMARY: House Bill 1518 makes three changes to the laws governing DOT contracts:

BILL ANALYSIS:

Section 1 increases the limit below which DOT may solicit informal bids on projects from $800,000 to $1,200,000.

Section 2 increases to twenty (20) the limit on the number of design-build projects that DOT may award each year.

Section 3 changes State law to require DOT to include a provision in its construction contracts that requires iron used in DOT projects be produced in the U.S. Section 3 also repeals a requirement that DOT include a provision in its construction contracts that requires cement used in DOT projects be made in the U.S.
Similar language is already included in federal law, and is applicable to federal-aid highway construction projects.

Section 4 provides that the bill would become effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE BILL 1518
PROPOSED COMMITTEE SUBSTITUTE H1518-CSRW-61 [v.1]

6/13/2002 4:20:57 PM

Short Title: DOT Contracts. (Public)

Sponsors:

Referred to:

June 5, 2002

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE INFORMAL BID LIMIT FOR DEPARTMENT OF TRANSPORTATION PROJECTS, TO INCREASE FROM THREE TO TWENTY THE LIMIT ON THE NUMBER OF DESIGN-BUILD PROJECTS THE DEPARTMENT OF TRANSPORTATION MAY AWARD EACH YEAR, AND CONCERNING CONTRACT REQUIREMENTS FOR IRON USED IN DOT PROJECTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-28.1 reads as rewritten:

"**§ 136-28.1. Letting of contracts to bidders after advertisement; exceptions.**

(a) All contracts over ~~eight hundred thousand dollars ($800,000)~~ one million two hundred thousand dollars ($1,200,000) that the Department of Transportation may let for construction or repair necessary to carry out the provisions of this Chapter shall be let to a responsible bidder after public advertising under rules and regulations to be made and published by the Department of Transportation. The right to reject any and all bids shall be reserved to the Board of Transportation. Contracts for construction or repair for federal aid projects entered into pursuant to this section shall not contain the standardized contract clauses prescribed by 23 U.S.C. § 112(e) and 23 C.F.R. § 635.131(a) for differing site conditions, suspensions of work ordered by the engineer or significant changes in the character of the work. The Department of Transportation shall use only the contract provisions provided in the North Carolina Department of Transportation, Standard Specifications for Roads and Structures, January 1, 1984, except as each may be changed or provided for by rule adopted by the Board of Transportation in accordance with the Administrative Procedure Act.

(b) In those cases in which the amount of work to be let to contract for highway construction, maintenance, or repair is ~~eight hundred thousand dollars ($800,000)~~ one million two hundred thousand dollars ($1,200,000) or less, at least three informal bids shall be solicited. The term "informal bids" is defined as bids in writing, received

pursuant to a written request, without public advertising. All such contracts shall be awarded to the lowest responsible bidder. The Secretary of Transportation shall keep a record of all bids submitted, which record shall be subject to public inspection at any time after the bids are opened.

(c) The construction, maintenance, and repair of ferryboats and all other marine floating equipment and the construction and repair of all types of docks by the Department of Transportation shall be deemed highway construction, maintenance, or repair for the purpose of G.S. 136-28.1 and Chapter 44A and Article 1 of Chapter 143, "The Executive Budget Act." In cases of a written determination by the Secretary of Transportation that the requirement for compatibility does not make public advertising feasible for the repair of ferryboats, the public advertising as well as the soliciting of informal bids may be waived.

(d) The construction, maintenance, and repair of the highway rest area buildings and facilities, weight stations and the Department of Transportation's participation in the construction of welcome center buildings shall be deemed highway construction, maintenance, or repair for the purpose of G.S. 136-28.1 and G.S. 136-28.3 and Article 1 of Chapter 143 of the General Statutes, "The Executive Budget Act."

(e) The Department of Transportation may enter into contracts for construction, maintenance, or repair without complying with the bidding requirements of this section upon a determination of the Secretary of Transportation or the State Highway Administrator that an emergency exists and that it is not feasible or not in the public interest for the Department of Transportation to comply with the bidding requirements.

(f) Notwithstanding any other provision of law, the Department of Transportation may solicit proposals under rules and regulations adopted by the Department of Transportation for all contracts for professional engineering services and other kinds of professional or specialized services necessary in connection with highway construction, maintenance, or repair. In order to promote engineering and design quality and ensure maximum competition by professional firms of all sizes, the Department may establish fiscal guidelines and limitations necessary to promote cost-efficiencies in overhead, salary, and expense reimbursement rates. The right to reject any and all proposals is reserved to the Board of Transportation.

(g) The Department of Transportation may enter into contracts for research and development with educational institutions and nonprofit organizations without soliciting bids or proposals.

(h) The Department of Transportation may enter into contracts for applied research and experimental work without soliciting bids or proposals; provided, however, that if the research or work is for the purpose of testing equipment, materials, or supplies, the provisions of Article 3 of Chapter 143 of the General Statutes shall apply. The Department of Transportation is encouraged to solicit proposals when contracts are entered into with private firms when it is in the public interest to do so.

(i) The Department of Transportation may negotiate and enter into contracts with public utility companies for the lease, purchase, installation, and maintenance of generators for electricity for its ferry repair facilities.

~~(j) Notwithstanding any other provision of law, the Board of Transportation may award up to three contracts annually for construction of transportation projects on a design-build basis. These contracts may be awarded after a determination by the Department of Transportation that delivery of the projects must be expedited and that it is not in the public interest to comply with normal design and construction contracting procedures. Prior to the award of a design-build contract, the Secretary of Transportation shall report to the Joint Legislative Transportation Oversight Committee and to the Joint Legislative Commission on Governmental Operations on the nature and scope of the project and the reasons an award on a design-build basis will best serve the public interest.~~"

SECTION 2. G.S. 136-28.11 reads as rewritten:

"**§ 136-28.11. Design-build construction of transportation projects.**

Notwithstanding any other provision of law, the Board of Transportation may award ~~up to three~~ 20 contracts annually for construction of transportation projects on a design-build basis. These contracts may be awarded after a determination by the Department of Transportation that delivery of the projects must be expedited and that it is not in the public interest to comply with normal design and construction contracting procedures. Prior to the award of a design-build contract, the Secretary of Transportation shall report to the Joint Legislative Transportation Oversight Committee and to the Joint Legislative Commission on Governmental Operations on the nature and scope of the project and the reasons an award on a design-build basis will best serve the public interest."

SECTION 3. G.S. 136-28.7 reads as rewritten:

"**§ 136-28.7. Contract requirements relating to construction materials.**

(a) The Department of Transportation shall require that every contract for construction or repair necessary to carry out the provisions of this Chapter shall contain a provision requiring that all steel and ~~cement~~ iron permanently incorporated into the construction or repair project be produced in the United States.

(b) Subsection (a) shall not apply whenever the Department of Transportation determines in writing that this provision required by subsection (a) cannot be complied with because such products are not produced in the United States in sufficient quantities to meet the requirements of such contracts or cannot be complied with because the cost of such products produced in the United States unreasonably exceeds other such products.

(c) The Department of Transportation shall apply this section consistent with the requirements in 23 C.F.R. § 635.410(b)(4).

(d) The Department of Transportation shall not authorize, provide for, or make payments to any person pursuant to any contract containing the provision required by subsection (a) unless such person has fully complied with such provision."

SECTION 4. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H 1

HOUSE BILL 1518*

Short Title: DOT Contracts. (Public)

Sponsors: Representatives J. Crawford; and Bowie.

Referred to: Transportation.

June 5, 2002

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE INFORMAL BID LIMIT FOR DEPARTMENT OF TRANSPORTATION PROJECTS, AND TO INCREASE FROM THREE TO TWENTY THE LIMIT ON THE NUMBER OF DESIGN-BUILD PROJECTS THE DEPARTMENT OF TRANSPORTATION MAY AWARD EACH YEAR.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-28.1 reads as rewritten:

"**§ 136-28.1. Letting of contracts to bidders after advertisement; exceptions.**

(a) All contracts over ~~eight hundred thousand dollars ($800,000)~~ one million two hundred thousand dollars ($1,200,000) that the Department of Transportation may let for construction or repair necessary to carry out the provisions of this Chapter shall be let to a responsible bidder after public advertising under rules and regulations to be made and published by the Department of Transportation. The right to reject any and all bids shall be reserved to the Board of Transportation. Contracts for construction or repair for federal aid projects entered into pursuant to this section shall not contain the standardized contract clauses prescribed by 23 U.S.C. § 112(e) and 23 C.F.R. § 635.131(a) for differing site conditions, suspensions of work ordered by the engineer or significant changes in the character of the work. The Department of Transportation shall use only the contract provisions provided in the North Carolina Department of Transportation, Standard Specifications for Roads and Structures, January 1, 1984, except as each may be changed or provided for by rule adopted by the Board of Transportation in accordance with the Administrative Procedure Act.

(b) In those cases in which the amount of work to be let to contract for highway construction, maintenance, or repair is ~~eight hundred thousand dollars ($800,000)~~ one million two hundred thousand dollars ($1,200,000) or less, at least three informal bids shall be solicited. The term "informal bids" is defined as bids in writing, received pursuant to a written request, without public advertising. All such contracts shall be

awarded to the lowest responsible bidder. The Secretary of Transportation shall keep a record of all bids submitted, which record shall be subject to public inspection at any time after the bids are opened.

(c) The construction, maintenance, and repair of ferryboats and all other marine floating equipment and the construction and repair of all types of docks by the Department of Transportation shall be deemed highway construction, maintenance, or repair for the purpose of G.S. 136-28.1 and Chapter 44A and Article 1 of Chapter 143, "The Executive Budget Act." In cases of a written determination by the Secretary of Transportation that the requirement for compatibility does not make public advertising feasible for the repair of ferryboats, the public advertising as well as the soliciting of informal bids may be waived.

(d) The construction, maintenance, and repair of the highway rest area buildings and facilities, weight stations and the Department of Transportation's participation in the construction of welcome center buildings shall be deemed highway construction, maintenance, or repair for the purpose of G.S. 136-28.1 and G.S. 136-28.3 and Article 1 of Chapter 143 of the General Statutes, "The Executive Budget Act."

(e) The Department of Transportation may enter into contracts for construction, maintenance, or repair without complying with the bidding requirements of this section upon a determination of the Secretary of Transportation or the State Highway Administrator that an emergency exists and that it is not feasible or not in the public interest for the Department of Transportation to comply with the bidding requirements.

(f) Notwithstanding any other provision of law, the Department of Transportation may solicit proposals under rules and regulations adopted by the Department of Transportation for all contracts for professional engineering services and other kinds of professional or specialized services necessary in connection with highway construction, maintenance, or repair. In order to promote engineering and design quality and ensure maximum competition by professional firms of all sizes, the Department may establish fiscal guidelines and limitations necessary to promote cost-efficiencies in overhead, salary, and expense reimbursement rates. The right to reject any and all proposals is reserved to the Board of Transportation.

(g) The Department of Transportation may enter into contracts for research and development with educational institutions and nonprofit organizations without soliciting bids or proposals.

(h) The Department of Transportation may enter into contracts for applied research and experimental work without soliciting bids or proposals; provided, however, that if the research or work is for the purpose of testing equipment, materials, or supplies, the provisions of Article 3 of Chapter 143 of the General Statutes shall apply. The Department of Transportation is encouraged to solicit proposals when contracts are entered into with private firms when it is in the public interest to do so.

(i) The Department of Transportation may negotiate and enter into contracts with public utility companies for the lease, purchase, installation, and maintenance of generators for electricity for its ferry repair facilities.

(j) Notwithstanding any other provision of law, the Board of Transportation may award up to three contracts annually for construction of transportation projects on a design-build basis. These contracts may be awarded after a determination by the Department of Transportation that delivery of the projects must be expedited and that it is not in the public interest to comply with normal design and construction contracting procedures. Prior to the award of a design-build contract, the Secretary of Transportation shall report to the Joint Legislative Transportation Oversight Committee and to the Joint Legislative Commission on Governmental Operations on the nature and scope of the project and the reasons an award on a design-build basis will best serve the public interest."

SECTION 2. G.S. 136-28.11 reads as rewritten:

"**§ 136-28.11. Design-build construction of transportation projects.**

Notwithstanding any other provision of law, the Board of Transportation may award ~~up to three~~ 20 contracts annually for construction of transportation projects on a design-build basis. These contracts may be awarded after a determination by the Department of Transportation that delivery of the projects must be expedited and that it is not in the public interest to comply with normal design and construction contracting procedures. Prior to the award of a design-build contract, the Secretary of Transportation shall report to the Joint Legislative Transportation Oversight Committee and to the Joint Legislative Commission on Governmental Operations on the nature and scope of the project and the reasons an award on a design-build basis will best serve the public interest."

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

AGENDA

HOUSE COMMITTEE ON TRANSPORTATION

July 17, 2002
Room 643 LOB
11:00 A.M.

OPENING REMARKS

Representative Drew Saunders, Chair
Transportation Committee

BILLS TO BE DISCUSSED

HB 1516 DEPARTMENT OF TRANSPORTATION PLANNING
Representative James Crawford, Sponsor

HB 1518 DEPARTMENT OF TRANSPORTATION CONTRACTS
Representative James Crawford, Sponsor

ADJOURNMENT

MINUTES

HOUSE COMMITTEE ON TRANSPORTATION

July 17, 2002

The House Committee on Transportation met at 11:00 A.M. on July 17, 2002, in Room 643 of the Legislative Office Building. Members present were: Representatives Allen, Allred, Barnhart, Buchanan, Clary, Cole, Crawford, Culp, Dedmon, Eddins, Gibson, Gillespie, Hill, Holliman, Lucas, McComas, Nye, Saunders, Sexton, Sherrill, Shubert, Sutton, Teague, Walker, and C. Wilson. Giles Perry and Wendy Graf Ray, Staff Counsel members, were also in attendance. A Visitor Registration List is attached and made a part of the file.

Representative Drew Saunders, Chair, called the meeting to order and recognized the following Pages: Wes Hight of Vance County, sponsored by Rep. Crawford; Amanda Kolb of Wake County, sponsored by Rep. Holliman; Carrie Egerton of New Hanover County, sponsored by Rep. McComas; and Lisa Peterson of Wake County, sponsored by Rep. Eddins. He also recognized Sergeant At Arms staff members: Martha Parrish, Charles Williams, and Aaron Woodlief.

The first bill to be considered was **HB 1516 AN ACT TO AMEND THE LAW GOVERNING PLANNING BY THE DEPARTMENT OF TRANSPORTATION.** Representative Sutton moved to place a committee substitute bill before the committee, and there was no objection. Representative Crawford was asked to explain the committee substitute bill. There were no questions following the explanation, and Representative Hill made a motion to give the committee substitute bill a favorable report and the original bill an unfavorable report. The motion was approved by vote.

The next bill on the agenda was **HB 1518 AN ACT TO INCREASE THE INFORMAL BID LIMIT FOR DEPARTMENT OF TRANSPORTATION PROJECTS, AND TO INCREASE FROM THREE TO TWENTY THE LIMIT ON THE NUMBER OF DESIGN-BUILD PROJECTS THE DEPARTMENT OF TRANSPORTATION MAY AWARD EACH YEAR.** Representative Buchanan moved to consider a committee substitute bill, and there was no objection. Representative Crawford was recognized to explain the committee substitute bill.

Several speakers asked to talk about the bill. The first was Mr. Len Sanderson with the North Carolina Department of Transportation, and he spoke in favor of the bill. He stated that three Design-Build projects had been time-savers. The next speaker was Mr. Berry Jenkins with Carolina AGC. He was concerned about the increase in the number of design-build projects in the bill. Ms. Christie Barbee with Carolina Asphalt Pavement Association and Mr. Jack Cozort with Consulting Engineers Council of North Carolina also expressed the same concern as Mr. Jenkins. Several members had questions about the bill, and Representative Saunders assigned the bill to a subcommittee to be studied

and brought back to the Transportation Committee meeting next week. The following subcommittee members were appointed: Rep. Crawford, Chair, and Rep. Cole, Sherrill, Allred, and Holliman.

There were no further items on the agenda, and Representative Saunders adjourned the meeting at 11:45 A.M.

Rep. Drew Saunders, Presiding Chair

Ruth Fish, Committee Assistant

Attachment

2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **ALLRED & SAUNDERS** (Chair/Chairs) for the Committee on **TRANSPORTATION**.

☐ Committee Substitute for
H.B. 1516 A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING PLANNING BY THE DEPARTMENT OF TRANSPORTATION.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☒ With a favorable report as to the committee substitute bill ~~(#), ☐ which changes the title~~, unfavorable as to ~~(~~the original bill~~) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)~~

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/13/02

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE BILL 1516
PROPOSED COMMITTEE SUBSTITUTE H1516-PCS6457-RW-70

Short Title: DOT Planning. (Public)

Sponsors:

Referred to:

June 5, 2002

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAW GOVERNING PLANNING BY THE DEPARTMENT OF TRANSPORTATION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-28.6 reads as rewritten:

"**§ 136-28.6. Private contract participation by the Department of Transportation.**

(a) The Department of Transportation may participate in private engineering and construction contracts for State highways.

(b) In order to qualify for State participation, the project must be:

(1) The construction of a street or highway on the Transportation Improvement Plan adopted by the Department of Transportation; or

(2) The construction of a street or highway on a mutually adopted ~~thoroughfare plan~~ transportation plan that is designated a Department of Transportation responsibility.

(c) Only those projects in which the developer furnishes the right-of-way without cost to the Department of Transportation are eligible.

(d) The Department's participation shall be limited to fifty percent (50%) of the amount of any engineering contract and/or any construction contract let by the developer for the project.

(e) Participation in the contracts shall be limited to cost associated with normal practices of the Department of Transportation.

(f) Plans for the project must meet Department of Transportation standards and shall be approved by the Department of Transportation.

(g) Projects shall be constructed in accordance with the plans and specifications approved by the Department of Transportation.

(h) The Secretary shall report in writing, on a quarterly basis, to the Joint Legislative Commission on Governmental Operations on all agreements entered into

between a private developer and the Department of Transportation for participation in private engineering and construction contracts under this section.

(i) Municipalities may participate financially in private engineering and construction contracts for projects pertaining to streets or highways which are on a mutually adopted ~~thoroughfare plan~~ transportation plan for said municipality."

SECTION 2. G.S. 136-203 is repealed.

SECTION 3. G.S. 136-211 reads as rewritten:

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

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

(b) Area Represented. – Rural Transportation Planning Organizations shall include representatives from contiguous areas in three to fifteen counties, with a total population of the entire area represented of at least 50,000 persons according to the latest population estimate of the Office of State Planning. Noncontiguous counties adjacent to the same Metropolitan Planning Organization may form a Rural Transportation Planning Organization. Areas already included in a Metropolitan Planning Organization shall not be included in the area represented by a Rural Transportation Planning Organization.

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

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

SECTION 4. G.S. 136-213 reads as rewritten:

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

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

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

(c) Funding. – If funds are appropriated for that purpose, the Department may make grants to Rural Transportation Planning Organizations ~~for professional planning staff.~~ to carry out the duties listed in G.S. 136-212. The members of the Rural

Transportation Planning Organization shall contribute at least twenty percent (20%) of the cost of any staff resources employed by the ~~organization.~~ organization to carry out the duties listed in G.S. 136-212. The Department may make additional planning grants to economically distressed counties, as designated by the North Carolina Department of Commerce."

SECTION 5. This act is effective when it becomes law.

HOUSE BILL 1516:
DOT Planning

BILL ANALYSIS

Committee:	House Transportation	**Introduced by:**	Representative Crawford
Date:	July 17, 2002	**Summary by:**	Wendy Graf Ray
Version:	First Edition		Committee Counsel

SUMMARY: House Bill 1516 would amend the law governing planning by the Department of Transportation.

BILL ANALYSIS:

Section 1. This section would make a conforming change to G.S. 136-28.6, updating the term "thoroughfare plan", which is now referred to as "transportation plan" in other sections of the statutes.

Section 2. This section would repeal G.S. 136-203, which the Department of Transportation believes is no longer necessary in light of more recent legislation that deals with the same issues.

G.S. 136-203, enacted in 1999, requires the Department of Transportation and the Department of Environment and Natural Resources to convene joint study groups to examine options for major travel corridors in which there have been air quality violations or that affect an area where there has been air quality violations. The Departments must then report on the findings of each study group to the Joint Legislative Transportation Oversight Committee and the Environmental Review Commission.

G.S. 136-200.4, enacted in 2000, sets out requirements for Metropolitan Planning Organizations (MPOs) located in areas of the State designated as non-attainment under the federal Clean Air Act. (A non-attainment area is one that does not meet, or that contributes to ambient air quality in a nearby area that does not meet, the national primary or secondary ambient air quality standard for a pollutant.) Under G.S. 136-200.4, when an area is designated as non-attainment, all MPOs with at least 25% of their area of jurisdiction located in the non-attainment area must consult and adopt a unified plan for achieving conformity with federal air quality requirements. If an MPO fails to do this within a year of designation, it will lose funding for projects within its area of jurisdiction. In addition, each MPO located in whole or in part in areas that are designated as non-attainment must complete an evaluation and submit its findings and recommendations to the Department of Transportation within one year of the effective date of the designation.

Section 2 of House Bill 1516 would repeal G.S. 136-203, but G.S. 136-200.4 would remain in effect.

Section 3. This section would amend G.S. 136-211, which sets out eligibility requirements for areas to be included in Rural Transportation Planning Organizations (RTPOs). Currently, RTPOs must include representatives from contiguous areas, but this section would allow noncontiguous counties to form RTPOs if they are adjacent to the same MPO.

Section 4. This section expands the eligible uses of grants from the Department of Transportation to RTPOs. Currently G.S. 136-213 allows the use of grants for professional planning staff, but this section would allow the use of grants to carry out any of the duties of RTPOs, as set out in G.S. 136-212.

BACKGROUND: The provisions proposed in House Bill 1516 were recommendations of the Joint Legislative Transportation Oversight Committee.

EFFECTIVE DATE: This act would be effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H 1

HOUSE BILL 1516*

Short Title:	DOT Planning.	(Public)
Sponsors:	Representatives J. Crawford; and M. Crawford.	
Referred to:	Transportation.	

June 5, 2002

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAW GOVERNING PLANNING BY THE DEPARTMENT OF TRANSPORTATION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-28.6 reads as rewritten:

"**§ 136-28.6. Private contract participation by the Department of Transportation.**

(a) The Department of Transportation may participate in private engineering and construction contracts for State highways.

(b) In order to qualify for State participation, the project must be:

(1) The construction of a street or highway on the Transportation Improvement Plan adopted by the Department of Transportation; or

(2) The construction of a street or highway on a mutually adopted ~~thoroughfare plan~~ transportation plan that is designated a Department of Transportation responsibility.

(c) Only those projects in which the developer furnishes the right-of-way without cost to the Department of Transportation are eligible.

(d) The Department's participation shall be limited to fifty percent (50%) of the amount of any engineering contract and/or any construction contract let by the developer for the project.

(e) Participation in the contracts shall be limited to cost associated with normal practices of the Department of Transportation.

(f) Plans for the project must meet Department of Transportation standards and shall be approved by the Department of Transportation.

(g) Projects shall be constructed in accordance with the plans and specifications approved by the Department of Transportation.

(h) The Secretary shall report in writing, on a quarterly basis, to the Joint Legislative Commission on Governmental Operations on all agreements entered into

between a private developer and the Department of Transportation for participation in private engineering and construction contracts under this section.

(i) Municipalities may participate financially in private engineering and construction contracts for projects pertaining to streets or highways which are on a mutually adopted ~~thoroughfare plan~~ transportation plan for said municipality."

SECTION 2. G.S. 136-203 is repealed.

SECTION 3. G.S. 136-211 reads as written:

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

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

(b) Area Represented. – Rural Transportation Planning Organizations shall include representatives from contiguous areas in three to fifteen counties, with a total population of the entire area represented of at least 50,000 persons according to the latest population estimate of the Office of State Planning. Noncontiguous counties adjacent to the same Metropolitan Planning Organization may form a Rural Transportation Planning Organization. Areas already included in a Metropolitan Planning Organization shall not be included in the area represented by a Rural Transportation Planning Organization.

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

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

SECTION 4. G.S. 136-213 reads as rewritten:

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

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

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

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

~~staff.~~ to carry out the duties listed in G.S. 136-212. The members of the Rural Transportation Planning Organization shall contribute at least twenty percent (20%) of the cost of any staff resources employed by the organization. The Department may make additional planning grants to economically distressed counties, as designated by the North Carolina Department of Commerce."

SECTION 5. This act is effective when it becomes law.

HOUSE BILL 1518:
DOT Contracts

BILL ANALYSIS

Committee:	House Transportation	**Introduced by:**	Rep. Crawford; and Bowie
Date:	July 17, 2002	**Summary by:**	Giles S. Perry
Version:	H 1518-CSRW-69[v.1]		Committee Counsel

SUMMARY: ***House Bill 1518 makes three changes to the laws governing DOT contracts:***

BILL ANALYSIS:

Section 1 increases the limit at or below which DOT may solicit informal bids on projects from $800,000 to $1,200,000.

Section 2 increases the number of design-build projects that DOT may award each year. The bill provides that the Department may award up to
-- 10 design-build projects in FY 2002-2003,
-- 25 in FY 2003-2004,
-- 40 in FY 2004-2005, and
-- 60 in each fiscal year thereafter.

Section 2 also:
-- specifies that the Department may award design-build contracts of any amount,
-- encourages the Department to promote maximum participation in design-build contracts, and
-- requires minority participation goals for design-build contracts.

Section 3 changes State law to require DOT to include a provision in its construction contracts that requires iron used in DOT projects be produced in the U.S. Section 3 also repeals a requirement that DOT include a provision in its construction contracts that requires cement used in DOT projects be made in the U.S.
Similar language is already included in federal law, and is applicable to federal-aid highway construction projects.

Section 4 provides that the bill would become effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE BILL 1518
PROPOSED COMMITTEE SUBSTITUTE H1518-CSRW-69 [v.1]

7/16/2002 6:13:48 PM

Short Title: DOT Contracts. (Public)

Sponsors:

Referred to:

June 5, 2002

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE INFORMAL BID LIMIT FOR DEPARTMENT OF TRANSPORTATION PROJECTS, TO MODIFY THE CURRENT AUTHORIZATION OF THE DEPARTMENT OF TRANSPORTATION TO AWARD DESIGN-BUILD CONTRACTS, AND CONCERNING CONTRACT REQUIREMENTS FOR IRON USED IN DOT PROJECTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-28.1 reads as rewritten:

"**§ 136-28.1. Letting of contracts to bidders after advertisement; exceptions.**

(a) All contracts over ~~eight hundred thousand dollars ($800,000)~~ one million two hundred thousand dollars ($1,200,000) that the Department of Transportation may let for construction or repair necessary to carry out the provisions of this Chapter shall be let to a responsible bidder after public advertising under rules and regulations to be made and published by the Department of Transportation. The right to reject any and all bids shall be reserved to the Board of Transportation. Contracts for construction or repair for federal aid projects entered into pursuant to this section shall not contain the standardized contract clauses prescribed by 23 U.S.C. § 112(e) and 23 C.F.R. § 635.131(a) for differing site conditions, suspensions of work ordered by the engineer or significant changes in the character of the work. The Department of Transportation shall use only the contract provisions provided in the North Carolina Department of Transportation, Standard Specifications for Roads and Structures, January 1, 1984, except as each may be changed or provided for by rule adopted by the Board of Transportation in accordance with the Administrative Procedure Act.

(b) In those cases in which the amount of work to be let to contract for highway construction, maintenance, or repair is ~~eight hundred thousand dollars ($800,000)~~ one million two hundred thousand dollars ($1,200,000) or less, at least three informal bids shall be solicited. The term "informal bids" is defined as bids in writing, received pursuant to a written request, without public advertising. All such contracts shall be

awarded to the lowest responsible bidder. The Secretary of Transportation shall keep a record of all bids submitted, which record shall be subject to public inspection at any time after the bids are opened.

(c) The construction, maintenance, and repair of ferryboats and all other marine floating equipment and the construction and repair of all types of docks by the Department of Transportation shall be deemed highway construction, maintenance, or repair for the purpose of G.S. 136-28.1 and Chapter 44A and Article 1 of Chapter 143, "The Executive Budget Act." In cases of a written determination by the Secretary of Transportation that the requirement for compatibility does not make public advertising feasible for the repair of ferryboats, the public advertising as well as the soliciting of informal bids may be waived.

(d) The construction, maintenance, and repair of the highway rest area buildings and facilities, weight stations and the Department of Transportation's participation in the construction of welcome center buildings shall be deemed highway construction, maintenance, or repair for the purpose of G.S. 136-28.1 and G.S. 136-28.3 and Article 1 of Chapter 143 of the General Statutes, "The Executive Budget Act."

(e) The Department of Transportation may enter into contracts for construction, maintenance, or repair without complying with the bidding requirements of this section upon a determination of the Secretary of Transportation or the State Highway Administrator that an emergency exists and that it is not feasible or not in the public interest for the Department of Transportation to comply with the bidding requirements.

(f) Notwithstanding any other provision of law, the Department of Transportation may solicit proposals under rules and regulations adopted by the Department of Transportation for all contracts for professional engineering services and other kinds of professional or specialized services necessary in connection with highway construction, maintenance, or repair. In order to promote engineering and design quality and ensure maximum competition by professional firms of all sizes, the Department may establish fiscal guidelines and limitations necessary to promote cost-efficiencies in overhead, salary, and expense reimbursement rates. The right to reject any and all proposals is reserved to the Board of Transportation.

(g) The Department of Transportation may enter into contracts for research and development with educational institutions and nonprofit organizations without soliciting bids or proposals.

(h) The Department of Transportation may enter into contracts for applied research and experimental work without soliciting bids or proposals; provided, however, that if the research or work is for the purpose of testing equipment, materials, or supplies, the provisions of Article 3 of Chapter 143 of the General Statutes shall apply. The Department of Transportation is encouraged to solicit proposals when contracts are entered into with private firms when it is in the public interest to do so.

(i) The Department of Transportation may negotiate and enter into contracts with public utility companies for the lease, purchase, installation, and maintenance of generators for electricity for its ferry repair facilities.

~~(j) Notwithstanding any other provision of law, the Board of Transportation may award up to three contracts annually for construction of transportation projects on a~~

~~design-build basis. These contracts may be awarded after a determination by the Department of Transportation that delivery of the projects must be expedited and that it is not in the public interest to comply with normal design and construction contracting procedures. Prior to the award of a design-build contract, the Secretary of Transportation shall report to the Joint Legislative Transportation Oversight Committee and to the Joint Legislative Commission on Governmental Operations on the nature and scope of the project and the reasons an award on a design-build basis will best serve the public interest.~~"

SECTION 2. G.S. 136-28.11 reads as rewritten:

"**§ 136-28.11. Design-build construction of transportation projects.**

(a) Design-Build Contracts Authorized. -- Notwithstanding any other provision of law, the Board of Transportation may award ~~up to three~~ contracts ~~annually~~ for 10 projects in fiscal year 2002-2003, 25 projects in fiscal year 2003-2004, 40 projects in fiscal year 2004-2005, and 60 projects in each fiscal year thereafter for construction of transportation projects on a design-build basis.

(b) Design-Build Contract Amounts. -- The Department may award contracts for the construction of transportation projects on a design-build basis of any amount. The Department shall endeavor to award contracts for construction of projects on a design-build basis in recognition of the need to promote a maximum level of participation in contract awards.

(c) Minority Business Participation Goals. – The provisions of G.S. 136-28.4 and 49 C.F.R. Part 26 shall apply to the award of contracts under this section.

(d) Findings Required. -- These contracts may be awarded after a determination by the Department of Transportation that delivery of the projects must be expedited and that it is not in the public interest to comply with normal design and construction contracting procedures.

(e) Reporting Requirements. -- Prior to the award of a design-build contract, the Secretary of Transportation shall report to the Joint Legislative Transportation Oversight Committee and to the Joint Legislative Commission on Governmental Operations on the nature and scope of the project and the reasons an award on a design-build basis will best serve the public interest. All reports by the Department on a proposed design-build contract shall include the findings specified in this section."

SECTION 3. G.S. 136-28.7 reads as rewritten:

"**§ 136-28.7. Contract requirements relating to construction materials.**

(a) The Department of Transportation shall require that every contract for construction or repair necessary to carry out the provisions of this Chapter shall contain a provision requiring that all steel and ~~cement~~ iron permanently incorporated into the construction or repair project be produced in the United States.

(b) Subsection (a) shall not apply whenever the Department of Transportation determines in writing that this provision required by subsection (a) cannot be complied with because such products are not produced in the United States in sufficient quantities to meet the requirements of such contracts or cannot be complied with because the cost of such products produced in the United States unreasonably exceeds other such products.

(c) The Department of Transportation shall apply this section consistent with the requirements in 23 C.F.R. § 635.410(b)(4).

(d) The Department of Transportation shall not authorize, provide for, or make payments to any person pursuant to any contract containing the provision required by subsection (a) unless such person has fully complied with such provision."

SECTION 4. This act is effective when it becomes law.

HOUSE BILL 1518*

Short Title: DOT Contracts. (Public)

Sponsors: Representatives J. Crawford; and Bowie.

Referred to: Transportation.

June 5, 2002

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE INFORMAL BID LIMIT FOR DEPARTMENT OF TRANSPORTATION PROJECTS, AND TO INCREASE FROM THREE TO TWENTY THE LIMIT ON THE NUMBER OF DESIGN-BUILD PROJECTS THE DEPARTMENT OF TRANSPORTATION MAY AWARD EACH YEAR.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-28.1 reads as rewritten:

"**§ 136-28.1. Letting of contracts to bidders after advertisement; exceptions.**

(a) All contracts over ~~eight hundred thousand dollars ($800,000)~~ one million two hundred thousand dollars ($1,200,000) that the Department of Transportation may let for construction or repair necessary to carry out the provisions of this Chapter shall be let to a responsible bidder after public advertising under rules and regulations to be made and published by the Department of Transportation. The right to reject any and all bids shall be reserved to the Board of Transportation. Contracts for construction or repair for federal aid projects entered into pursuant to this section shall not contain the standardized contract clauses prescribed by 23 U.S.C. § 112(e) and 23 C.F.R. § 635.131(a) for differing site conditions, suspensions of work ordered by the engineer or significant changes in the character of the work. The Department of Transportation shall use only the contract provisions provided in the North Carolina Department of Transportation, Standard Specifications for Roads and Structures, January 1, 1984, except as each may be changed or provided for by rule adopted by the Board of Transportation in accordance with the Administrative Procedure Act.

(b) In those cases in which the amount of work to be let to contract for highway construction, maintenance, or repair is ~~eight hundred thousand dollars ($800,000)~~ one million two hundred thousand dollars ($1,200,000) or less, at least three informal bids shall be solicited. The term "informal bids" is defined as bids in writing, received pursuant to a written request, without public advertising. All such contracts shall be

awarded to the lowest responsible bidder. The Secretary of Transportation shall keep a record of all bids submitted, which record shall be subject to public inspection at any time after the bids are opened.

(c) The construction, maintenance, and repair of ferryboats and all other marine floating equipment and the construction and repair of all types of docks by the Department of Transportation shall be deemed highway construction, maintenance, or repair for the purpose of G.S. 136-28.1 and Chapter 44A and Article 1 of Chapter 143, "The Executive Budget Act." In cases of a written determination by the Secretary of Transportation that the requirement for compatibility does not make public advertising feasible for the repair of ferryboats, the public advertising as well as the soliciting of informal bids may be waived.

(d) The construction, maintenance, and repair of the highway rest area buildings and facilities, weight stations and the Department of Transportation's participation in the construction of welcome center buildings shall be deemed highway construction, maintenance, or repair for the purpose of G.S. 136-28.1 and G.S. 136-28.3 and Article 1 of Chapter 143 of the General Statutes, "The Executive Budget Act."

(e) The Department of Transportation may enter into contracts for construction, maintenance, or repair without complying with the bidding requirements of this section upon a determination of the Secretary of Transportation or the State Highway Administrator that an emergency exists and that it is not feasible or not in the public interest for the Department of Transportation to comply with the bidding requirements.

(f) Notwithstanding any other provision of law, the Department of Transportation may solicit proposals under rules and regulations adopted by the Department of Transportation for all contracts for professional engineering services and other kinds of professional or specialized services necessary in connection with highway construction, maintenance, or repair. In order to promote engineering and design quality and ensure maximum competition by professional firms of all sizes, the Department may establish fiscal guidelines and limitations necessary to promote cost-efficiencies in overhead, salary, and expense reimbursement rates. The right to reject any and all proposals is reserved to the Board of Transportation.

(g) The Department of Transportation may enter into contracts for research and development with educational institutions and nonprofit organizations without soliciting bids or proposals.

(h) The Department of Transportation may enter into contracts for applied research and experimental work without soliciting bids or proposals; provided, however, that if the research or work is for the purpose of testing equipment, materials, or supplies, the provisions of Article 3 of Chapter 143 of the General Statutes shall apply. The Department of Transportation is encouraged to solicit proposals when contracts are entered into with private firms when it is in the public interest to do so.

(i) The Department of Transportation may negotiate and enter into contracts with public utility companies for the lease, purchase, installation, and maintenance of generators for electricity for its ferry repair facilities.

(j) Notwithstanding any other provision of law, the Board of Transportation may award up to three contracts annually for construction of transportation projects on a design-build basis. These contracts may be awarded after a determination by the Department of Transportation that delivery of the projects must be expedited and that it is not in the public interest to comply with normal design and construction contracting procedures. Prior to the award of a design-build contract, the Secretary of Transportation shall report to the Joint Legislative Transportation Oversight Committee and to the Joint Legislative Commission on Governmental Operations on the nature and scope of the project and the reasons an award on a design-build basis will best serve the public interest."

SECTION 2. G.S. 136-28.11 reads as rewritten:

"**§ 136-28.11. Design-build construction of transportation projects.**

Notwithstanding any other provision of law, the Board of Transportation may award ~~up to three~~ 20 contracts annually for construction of transportation projects on a design-build basis. These contracts may be awarded after a determination by the Department of Transportation that delivery of the projects must be expedited and that it is not in the public interest to comply with normal design and construction contracting procedures. Prior to the award of a design-build contract, the Secretary of Transportation shall report to the Joint Legislative Transportation Oversight Committee and to the Joint Legislative Commission on Governmental Operations on the nature and scope of the project and the reasons an award on a design-build basis will best serve the public interest."

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

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
2001-2002 SESSION

You are hereby notified that the Committee on **Transportation** will meet as follows:

DAY & DATE: **Wednesday - July 17, 2002**

TIME: **11:00 A.M.**

LOCATION: **643 LOB**

The following bills will be considered (Bill # & Short Title & Bill Sponsor):
HB 1516 Department of Transportation Planning - Rep. James Crawford, Sponsor
HB 1518 Department of Transportation Contracts - Rep. James Crawford, Sponsor

Respectfully,

Representatives Allred & Saunders
Co-chairs

I hereby certify this notice was filed by the committee clerk at the following offices at **9:45 A.M.** on **July 11, 2002.**

___Principal Clerk
___Reading Clerk - House Chamber

Ruth Fish (Committee Assistant)

VISITOR REGISTRATION SHEET

HOUSE COMMITTEE ON TRANSPORTATION — July 17, 2002

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Jim Blackburn	NC Association of County Commissioners
Natalie English	Charlotte Chamber
Steven DeWitt	NCDOT
Lon Sanderson	NC DOT
Travis Marshall	NC DOT
DAVID GREENE	NC DOT
Susan Coward	NCDOT
John Phelps	NCLM
David Allebrook	NCDOT
Craig Deal	NCDENR
Danny Scarbro	NCHC

VISITOR REGISTRATION SHEET

HOUSE COMMITTEE ON TRANSPORTATION — July 17, 2002

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Sandra Long	Martin Marietta
Jeffrey Long	" "
Fred Allen	NC Aggregates Assn.
VL McBride	NCDOT
Letitia Withrow	NC State Watch
Tim Shields	TOWN OF KERNERSVILLE
FRANZ ADER	TOWN OF KERNERSVILLE
BILL CARSTARPHEN	CHARLOTTE AREA TRANSIT SYSTEM
DAVE PHILLIPS	CONCORD CITY COUNCIL
Brian Hadt	City of Concord
Jim Greene	City of Concord

VISITOR REGISTRATION SHEET

HOUSE COMMITTEE ON TRANSPORTATION — July 17, 2002

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Michael E Krannitz	ACEC/NC 333 Fayetteville St Mall Ste 1450 Raleigh NC 27601
Lisa Walter	CoNet
Steve Wall	CCNC
Sharon Matthews	DOT
Dan Devane	NCDOT
[signature]	UTC
John McKnight	governor's office
Dave Simpson	Carolina ABC
Scott Bascom	Town of Marshville
CARL WEBBER	TOWN OF MARSHVILLE
Doug Blanchard	Town of Wingate

VISITOR REGISTRATION SHEET

Name of Committee

Date

VISITORS:. PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Linda M. Lisenby	Commissioner, Lee & Wingate
Berry Tomkins	Cotton Inc #60
Ashley Shuffstall	The Capitol Group
James Pinsky	AAA Carolinas
Jack Cecil	ACEC-NC
Leslie Bowman	NCCBI
Henry Jones	Attorney - Raleigh
Elaine Gia	NC BTC
Kim Cawood	NC BTC
Hal Miller	NCAGCT

AGENDA

HOUSE COMMITTEE ON TRANSPORTATION

July 24, 2002
Room 643 LOB
11:00 A.M.

OPENING REMARKS

Representative Drew Saunders, Chair
Transportation Committee

AGENDA ITEMS

SB 1135 US HIGHWAY 601 CONTRACTS
Senator Aaron Plyler, Sponsor

HB 1518 DOT CONTRACTS
Representative James Crawford, Sponsor

ADJOURNMENT

MINUTES

HOUSE COMMITTEE ON TRANSPORTATION

July 24, 2002

The House Committee on Transportation met at 11:00 A.M. on July 24, 2002, in Room 643 of the Legislative Office Building. Members in attendance were: Representatives Allen, Allred, Barnhart, Buchanan, Cole, J. Crawford, Culp, Dedmon, Gibson, Gillespie, Hill, Holliman, Lucas, McComas, McLawhorn, Nye, Saunders, Sexton, Sherrill, Shubert, Sutton, and Walker. Mr. Giles Perry, Staff Counsel, was also present. A Visitor Registration Form is attached and made a part of the minutes.

Representative Drew Saunders, Chair, called the meeting to order and introduced Pages: Meghan Herridge of Johnston County, sponsored by Representative Creech, and Melanie Houston of Duplin County, sponsored by Representative Tucker. He also recognized Sergeant At Arms staff members: Dusty Rhodes, Martha Gadison, and Jim Brewer.

The first bill to be discussed was **SB 1135 AN ACT TO ALLOW THE DEPARTMENT OF TRANSPORTATION TO USE THE DESIGN-BUILD METHOD OF CONTRACTING FOR THE MULTILANING OF US HIGHWAY 601 FROM THE SOUTH CAROLINA STATE LINE TO US HIGHWAY 74 IN UNION COUNTY.** Senator Plyler, Bill Sponsor, was recognized to explain the bill. A question and answer period followed the explanation, and Representative Gibson moved to give the bill a favorable report. A vote was taken, and the motion was approved.

The next bill on the agenda was **HB 1518 AN ACT TO INCREASE THE INFORMAL BID LIMIT FOR DEPARTMENT OF TRANSPORTATION PROJECTS, AND TO INCREASE FROM THREE TO TWENTY THE LIMIT ON THE NUMBER OF DESIGN-BUILD PROJECTS THE DEPARTMENT OF TRANSPORTATION MAY AWARD EACH YEAR.** Representative Buchanan moved to consider a committee substitute bill, which had been studied and brought to the Transportation Committee by a subcommittee. There was no objection, and Representative Jim Crawford, Bill Sponsor, was asked to explain the bill. He discussed the changes made to the bill in the subcommittee and made a motion to give the committee substitute bill a favorable report and to give the original bill an unfavorable report. Several speakers were called upon to speak on the bill. The first speaker was Mr. Len Sanderson with the North Carolina Department of Transportation. He spoke in support of the bill. Mr. David Greene of the Department of Transportation also spoke in favor of the bill. Mr. Berry Jenkins of Carolina AGC was the next speaker. He stated that the bill was better than the committee substitute bill considered in the July 17, 20002, meeting, but he was still concerned about the bill. Ms. Christie Barbee with Carolina Asphalt Pavement Association was the next speaker. She supported the bill and asked for projects totaling over $100 million to be reported to the Joint Legislative Transportation Oversight Committee. The final speaker was Mr. Jack Cosart with Consulting Engineers Council of

North Carolina. He stated that he supported the compromise bill. Several Representatives asked questions of the speakers; and the speakers and Mr. Giles Perry assisted in answering questions. A vote was taken on Representative Crawford's motion, and the motion carried.

There being no further business, the meeting was adjourned at 11:40 A.M.

Representative Drew Saunders
Presiding Chair

Ruth Fish
Committee Assistant

Attachment

2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **ALLRED & SAUNDERS** (Chair/Chairs) for the Committee on **TRANSPORTATION.**

☐ Committee Substitute for
H.B. 1518 A BILL TO BE ENTITLED AN ACT TO INCREASE THE INFORMAL BID LIMIT FOR DEPARTMENT OF TRANSPORTATION PROJECTS, AND TO INCREASE FROM THREE TO TWENTY THE LIMIT ON THE NUMBER OF DESIGN-BUILD PROJECTS THE DEPARTMENT OF TRANSPORTATION MAY AWARD EACH YEAR.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☒ With a favorable report as to the committee substitute bill ~~(# _____)~~, ☒ which changes the title, unfavorable as to ~~(~~the original bill~~)~~ ~~(Committee Substitute Bill # _____)~~, ~~(and recommendation that the committee substitute bill # _____) be re-referred to the Committee on _____.)~~

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/13/02

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE BILL 1518
PROPOSED COMMITTEE SUBSTITUTE H1518-PCS7397-RW-69

Short Title: DOT Contracts. (Public)

Sponsors:

Referred to:

June 5, 2002

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE INFORMAL BID LIMIT FOR DEPARTMENT OF TRANSPORTATION PROJECTS, TO MODIFY THE CURRENT AUTHORIZATION OF THE DEPARTMENT OF TRANSPORTATION TO AWARD DESIGN-BUILD CONTRACTS, AND CONCERNING CONTRACT REQUIREMENTS FOR IRON USED IN DOT PROJECTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-28.1 reads as rewritten:

"**§ 136-28.1. Letting of contracts to bidders after advertisement; exceptions.**

(a) All contracts over ~~eight hundred thousand dollars ($800,000)~~ one million two hundred thousand dollars ($1,200,000) that the Department of Transportation may let for construction or repair necessary to carry out the provisions of this Chapter shall be let to a responsible bidder after public advertising under rules and regulations to be made and published by the Department of Transportation. The right to reject any and all bids shall be reserved to the Board of Transportation. Contracts for construction or repair for federal aid projects entered into pursuant to this section shall not contain the standardized contract clauses prescribed by 23 U.S.C. § 112(e) and 23 C.F.R. § 635.131(a) for differing site conditions, suspensions of work ordered by the engineer or significant changes in the character of the work. The Department of Transportation shall use only the contract provisions provided in the North Carolina Department of Transportation, Standard Specifications for Roads and Structures, January 1, 1984, except as each may be changed or provided for by rule adopted by the Board of Transportation in accordance with the Administrative Procedure Act.

(b) In those cases in which the amount of work to be let to contract for highway construction, maintenance, or repair is ~~eight hundred thousand dollars ($800,000)~~ one million two hundred thousand dollars ($1,200,000) or less, at least three informal bids shall be solicited. The term "informal bids" is defined as bids in writing, received pursuant to a written request, without public advertising. All such contracts shall be

awarded to the lowest responsible bidder. The Secretary of Transportation shall keep a record of all bids submitted, which record shall be subject to public inspection at any time after the bids are opened.

(c) The construction, maintenance, and repair of ferryboats and all other marine floating equipment and the construction and repair of all types of docks by the Department of Transportation shall be deemed highway construction, maintenance, or repair for the purpose of G.S. 136-28.1 and Chapter 44A and Article 1 of Chapter 143, "The Executive Budget Act." In cases of a written determination by the Secretary of Transportation that the requirement for compatibility does not make public advertising feasible for the repair of ferryboats, the public advertising as well as the soliciting of informal bids may be waived.

(d) The construction, maintenance, and repair of the highway rest area buildings and facilities, weight stations and the Department of Transportation's participation in the construction of welcome center buildings shall be deemed highway construction, maintenance, or repair for the purpose of G.S. 136-28.1 and G.S. 136-28.3 and Article 1 of Chapter 143 of the General Statutes, "The Executive Budget Act."

(e) The Department of Transportation may enter into contracts for construction, maintenance, or repair without complying with the bidding requirements of this section upon a determination of the Secretary of Transportation or the State Highway Administrator that an emergency exists and that it is not feasible or not in the public interest for the Department of Transportation to comply with the bidding requirements.

(f) Notwithstanding any other provision of law, the Department of Transportation may solicit proposals under rules and regulations adopted by the Department of Transportation for all contracts for professional engineering services and other kinds of professional or specialized services necessary in connection with highway construction, maintenance, or repair. In order to promote engineering and design quality and ensure maximum competition by professional firms of all sizes, the Department may establish fiscal guidelines and limitations necessary to promote cost-efficiencies in overhead, salary, and expense reimbursement rates. The right to reject any and all proposals is reserved to the Board of Transportation.

(g) The Department of Transportation may enter into contracts for research and development with educational institutions and nonprofit organizations without soliciting bids or proposals.

(h) The Department of Transportation may enter into contracts for applied research and experimental work without soliciting bids or proposals; provided, however, that if the research or work is for the purpose of testing equipment, materials, or supplies, the provisions of Article 3 of Chapter 143 of the General Statutes shall apply. The Department of Transportation is encouraged to solicit proposals when contracts are entered into with private firms when it is in the public interest to do so.

(i) The Department of Transportation may negotiate and enter into contracts with public utility companies for the lease, purchase, installation, and maintenance of generators for electricity for its ferry repair facilities.

~~(j) Notwithstanding any other provision of law, the Board of Transportation may award up to three contracts annually for construction of transportation projects on a~~

~~design-build basis. These contracts may be awarded after a determination by the Department of Transportation that delivery of the projects must be expedited and that it is not in the public interest to comply with normal design and construction contracting procedures. Prior to the award of a design-build contract, the Secretary of Transportation shall report to the Joint Legislative Transportation Oversight Committee and to the Joint Legislative Commission on Governmental Operations on the nature and scope of the project and the reasons an award on a design-build basis will best serve the public interest.~~"

SECTION 2. G.S. 136-28.11 reads as rewritten:

"**§ 136-28.11. Design-build construction of transportation projects.**

(a) Design-Build Contracts Authorized. – Notwithstanding any other provision of law, the Board of Transportation may award ~~up to three~~ contracts ~~annually~~ for 10 projects in fiscal year 2002-2003, and 25 projects in fiscal years 2003-2004, 2004-2005, 2005-2006, 2006-2007, 2007-2008, and 2008-2009 for construction of transportation projects on a design-build basis.

(b) Design-Build Contract Amounts; Basis of Award. – The Department may award contracts for the construction of transportation projects on a design-build basis of any amount. The Department shall endeavor to ensure design-build projects are awarded on a basis to maximize participation, competition, and cost benefit. On any project for which the Department proposes to use the design-build contracting method, the Department shall attempt to structure and size the contracts for the project in order that contracting firms and engineering firms based in North Carolina have a fair and equal opportunity to compete for the contracts.

(c) Disadvantaged Business Participation Goals. – The provisions of G.S. 136-28.4 and 49 C.F.R. Part 26 shall apply to the award of contracts under this section.

(d) Findings Required. – These contracts may be awarded after a determination by the Department of Transportation that delivery of the projects must be expedited and that it is not in the public interest to comply with normal design and construction contracting procedures.

(e) Reporting Requirements. – Prior to the award of a design-build contract, the Secretary of Transportation shall report to the Joint Legislative Transportation Oversight Committee and to the Joint Legislative Commission on Governmental Operations on the nature and scope of the project and the reasons an award on a design-build basis will best serve the public interest. No later than January 1 of each year, the Department shall provide to the Joint Legislative Transportation Oversight Committee a report that shall, as a minimum, include the number and size of all projects awarded on a design-build basis, and a listing of the design-build teams short-listed for each project."

SECTION 3. G.S. 136-28.7 reads as rewritten:

"**§ 136-28.7. Contract requirements relating to construction materials.**

(a) The Department of Transportation shall require that every contract for construction or repair necessary to carry out the provisions of this Chapter shall contain

a provision requiring that all steel and ~~cement~~ iron permanently incorporated into the construction or repair project be produced in the United States.

(b) Subsection (a) shall not apply whenever the Department of Transportation determines in writing that this provision required by subsection (a) cannot be complied with because such products are not produced in the United States in sufficient quantities to meet the requirements of such contracts or cannot be complied with because the cost of such products produced in the United States unreasonably exceeds other such products.

(c) The Department of Transportation shall apply this section consistent with the requirements in 23 C.F.R. § 635.410(b)(4).

(d) The Department of Transportation shall not authorize, provide for, or make payments to any person pursuant to any contract containing the provision required by subsection (a) unless such person has fully complied with such provision."

SECTION 4. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 2

SENATE BILL 1135

Rules and Operations of the Senate Committee Substitute Adopted 7/1/02

Short Title:	US Highway 601 Contracts.	(Public)
Sponsors:	Senators Plyler and Purcell.	
Referred to:		

June 3, 2002

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE DEPARTMENT OF TRANSPORTATION TO USE THE DESIGN-BUILD METHOD OF CONTRACTING FOR THE MULTILANING OF US HIGHWAY 601 FROM THE SOUTH CAROLINA STATE LINE TO US HIGHWAY 74 IN UNION COUNTY.

Whereas, the segment of US Highway 601 from the South Carolina State line to US Highway 74 in Union County is one of the most hazardous in the State, with numerous fatalities; and

Whereas, using the design-build method can speed up the multilaning of this segment by several years, as well as saving money; and

Whereas, the Department of Transportation is currently limited in the number of design-build contracts it can award; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. In addition to the authority granted by G.S. 136-28.11, the Department of Transportation may award contracts by the design-build method for the multilaning of US Highway 601 from the South Carolina State line to US Highway 74 in Union County.

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

2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **ALLRED & SAUNDERS** (Chair/Chairs) for the Committee on **TRANSPORTATION.**

☒ Committee Substitute for
S.B. 1135 A BILL TO BE ENTITLED AN ACT TO ALLOW THE DEPARTMENT OF TRANSPORTATION TO USE THE DESIGN-BUILD METHOD OF CONTRACTING FOR THE MULTILANING OF US HIGHWAY 601 FROM THE SOUTH CAROLINA STATE LINE TO US HIGHWAY 74 IN UNION COUNTY.

☒ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to the committee substitute bill (#), ☐ which changes the title, unfavorable as to (the original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/13/02

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE BILL 1518
PROPOSED COMMITTEE SUBSTITUTE H1518-CSRW-69 [v.3]

7/24/2002 10:59:17 AM

Short Title: DOT Contracts. (Public)

Sponsors:

Referred to:

June 5, 2002

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE INFORMAL BID LIMIT FOR DEPARTMENT OF TRANSPORTATION PROJECTS, TO MODIFY THE CURRENT AUTHORIZATION OF THE DEPARTMENT OF TRANSPORTATION TO AWARD DESIGN-BUILD CONTRACTS, AND CONCERNING CONTRACT REQUIREMENTS FOR IRON USED IN DOT PROJECTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-28.1 reads as rewritten:

"**§ 136-28.1. Letting of contracts to bidders after advertisement; exceptions.**

(a) All contracts over ~~eight hundred thousand dollars ($800,000)~~ one million two hundred thousand dollars ($1,200,000) that the Department of Transportation may let for construction or repair necessary to carry out the provisions of this Chapter shall be let to a responsible bidder after public advertising under rules and regulations to be made and published by the Department of Transportation. The right to reject any and all bids shall be reserved to the Board of Transportation. Contracts for construction or repair for federal aid projects entered into pursuant to this section shall not contain the standardized contract clauses prescribed by 23 U.S.C. § 112(e) and 23 C.F.R. § 635.131(a) for differing site conditions, suspensions of work ordered by the engineer or significant changes in the character of the work. The Department of Transportation shall use only the contract provisions provided in the North Carolina Department of Transportation, Standard Specifications for Roads and Structures, January 1, 1984, except as each may be changed or provided for by rule adopted by the Board of Transportation in accordance with the Administrative Procedure Act.

(b) In those cases in which the amount of work to be let to contract for highway construction, maintenance, or repair is ~~eight hundred thousand dollars ($800,000)~~ one million two hundred thousand dollars ($1,200,000) or less, at least three informal bids shall be solicited. The term "informal bids" is defined as bids in writing, received pursuant to a written request, without public advertising. All such contracts shall be

awarded to the lowest responsible bidder. The Secretary of Transportation shall keep a record of all bids submitted, which record shall be subject to public inspection at any time after the bids are opened.

(c) The construction, maintenance, and repair of ferryboats and all other marine floating equipment and the construction and repair of all types of docks by the Department of Transportation shall be deemed highway construction, maintenance, or repair for the purpose of G.S. 136-28.1 and Chapter 44A and Article 1 of Chapter 143, "The Executive Budget Act." In cases of a written determination by the Secretary of Transportation that the requirement for compatibility does not make public advertising feasible for the repair of ferryboats, the public advertising as well as the soliciting of informal bids may be waived.

(d) The construction, maintenance, and repair of the highway rest area buildings and facilities, weight stations and the Department of Transportation's participation in the construction of welcome center buildings shall be deemed highway construction, maintenance, or repair for the purpose of G.S. 136-28.1 and G.S. 136-28.3 and Article 1 of Chapter 143 of the General Statutes, "The Executive Budget Act."

(e) The Department of Transportation may enter into contracts for construction, maintenance, or repair without complying with the bidding requirements of this section upon a determination of the Secretary of Transportation or the State Highway Administrator that an emergency exists and that it is not feasible or not in the public interest for the Department of Transportation to comply with the bidding requirements.

(f) Notwithstanding any other provision of law, the Department of Transportation may solicit proposals under rules and regulations adopted by the Department of Transportation for all contracts for professional engineering services and other kinds of professional or specialized services necessary in connection with highway construction, maintenance, or repair. In order to promote engineering and design quality and ensure maximum competition by professional firms of all sizes, the Department may establish fiscal guidelines and limitations necessary to promote cost-efficiencies in overhead, salary, and expense reimbursement rates. The right to reject any and all proposals is reserved to the Board of Transportation.

(g) The Department of Transportation may enter into contracts for research and development with educational institutions and nonprofit organizations without soliciting bids or proposals.

(h) The Department of Transportation may enter into contracts for applied research and experimental work without soliciting bids or proposals; provided, however, that if the research or work is for the purpose of testing equipment, materials, or supplies, the provisions of Article 3 of Chapter 143 of the General Statutes shall apply. The Department of Transportation is encouraged to solicit proposals when contracts are entered into with private firms when it is in the public interest to do so.

(i) The Department of Transportation may negotiate and enter into contracts with public utility companies for the lease, purchase, installation, and maintenance of generators for electricity for its ferry repair facilities.

~~(j) Notwithstanding any other provision of law, the Board of Transportation may award up to three contracts annually for construction of transportation projects on a~~

~~design-build basis. These contracts may be awarded after a determination by the Department of Transportation that delivery of the projects must be expedited and that it is not in the public interest to comply with normal design and construction contracting procedures. Prior to the award of a design-build contract, the Secretary of Transportation shall report to the Joint Legislative Transportation Oversight Committee and to the Joint Legislative Commission on Governmental Operations on the nature and scope of the project and the reasons an award on a design-build basis will best serve the public interest.~~"

SECTION 2. G.S. 136-28.11 reads as rewritten:

"**§ 136-28.11. Design-build construction of transportation projects.**

(a) Design-Build Contracts Authorized. -- Notwithstanding any other provision of law, the Board of Transportation may award ~~up to three~~ contracts ~~annually~~ for 10 projects in fiscal year 2002-2003, and 25 projects in fiscal year 2003-2004, 2004-2005, 2005-2006, 2006-2007, 2007-2008, and 2008-2009 for construction of transportation projects on a design-build basis.

(b) Design-Build Contract Amounts; Basis of Award. -- The Department may award contracts for the construction of transportation projects on a design-build basis of any amount. The Department shall endeavor to ensure design-build projects are awarded on a basis to maximize participation, competition, and cost benefit. On any project for which the Department proposes to use the design-build contracting method, the Department shall attempt to structure and size the contracts for the project in order that contracting firms and engineering firms based in North Carolina have a fair and equal opportunity to compete for the contracts.

(c) Disadvantaged Business Participation Goals. – The provisions of G.S. 136-28.4 and 49 C.F.R. Part 26 shall apply to the award of contracts under this section.

(d) Findings Required. -- These contracts may be awarded after a determination by the Department of Transportation that delivery of the projects must be expedited and that it is not in the public interest to comply with normal design and construction contracting procedures.

(e) Reporting Requirements. -- Prior to the award of a design-build contract, the Secretary of Transportation shall report to the Joint Legislative Transportation Oversight Committee and to the Joint Legislative Commission on Governmental Operations on the nature and scope of the project and the reasons an award on a design-build basis will best serve the public interest. No later than January 1 of each year, the Department shall provide to the Joint Legislative Transportation Oversight Committee a report that shall, as a minimum, include the number and size of all projects awarded on a design build basis, and a listing the design-build teams short-listed for each project."

SECTION 3. G.S. 136-28.7 reads as rewritten:

"**§ 136-28.7. Contract requirements relating to construction materials.**

(a) The Department of Transportation shall require that every contract for construction or repair necessary to carry out the provisions of this Chapter shall contain a provision requiring that all steel and ~~cement~~ iron permanently incorporated into the construction or repair project be produced in the United States.

(b) Subsection (a) shall not apply whenever the Department of Transportation determines in writing that this provision required by subsection (a) cannot be complied with because such products are not produced in the United States in sufficient quantities to meet the requirements of such contracts or cannot be complied with because the cost of such products produced in the United States unreasonably exceeds other such products.

(c) The Department of Transportation shall apply this section consistent with the requirements in 23 C.F.R. § 635.410(b)(4).

(d) The Department of Transportation shall not authorize, provide for, or make payments to any person pursuant to any contract containing the provision required by subsection (a) unless such person has fully complied with such provision."

SECTION 4. This act is effective when it becomes law.

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
2001-2002 SESSION

You are hereby notified that the Committee on **Transportation** will meet as follows:

DAY & DATE: **Wednesday, July 24, 2002**

TIME: **11:00 A.M.**

LOCATION: **643 LOB**

The following bills will be considered (Bill # & Short Title & Bill Sponsor):
SB 1135 US HIGHWAY 601 CONTRACTS - Sen. Plyler, Bill Sponsor
HB 1518 DOT CONTRACTS - Rep. J. Crawford, Bill Sponsor

Respectfully,

Representatives Allred & Saunders
Co-chairs

I hereby certify this notice was filed by the committee clerk at the following offices at **10:00 A.M.** on **July 18, 2002**.

___Principal Clerk
___Reading Clerk - House Chamber

Ruth Fish (Committee Assistant)

VISITOR REGISTRATION SHEET

HOUSE COMMITTEE ON TRANSPORTATION — July 24, 2002

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Glenn Barnhardt	NC PTA
DAVID GREENE	NC DOT
Susan Conard	NC DOT
DAN DEVANE	NCDOT
Len Sanderson	NCDOT
Margaret McAvoy	Intern
Cheryl Bowen	CDPD
Steve DeWitt	NC DOT
Natalie English	Charlotte Chamber
John Phelps	NCLM
John Cyrus	N.C. State Grange

VISITOR REGISTRATION SHEET

HOUSE COMMITTEE ON TRANSPORTATION — July 24, 2002

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Sandra Long	Martin Marietta
Joni Albers	Beginning
Shonda Matthews	DOT-DMV
Jane Pinsky	AAA Carolinas
BERRY Jenkins	CAROLINAS AGC
Steve Criscenzo	ACEC/NC
Jack Cozort	ACEC/NC

AGENDA

HOUSE COMMITTEE ON TRANSPORTATION

August 7, 2002
Room 643 LOB
11:00 A.M.

OPENING REMARKS

Representative Cary Allred, Chair
Transportation Committee

AGENDA ITEMS

SB 1395 Charlotte Rail Liability Limitation
Bill Sponsor – Senator Dan Clodfelter

ADJOURNMENT

THIS MEETING HAS BEEN CANCELLED

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
2001-2002 SESSION

You are hereby notified that the Committee on **Transportation** will meet as follows:

DAY & DATE: **Wednesday, August 7,2002**

TIME: **11:00 A.M.**

LOCATION: **643 LOB**

The following bills will be considered (Bill # & Short Title & Bill Sponsor):
SB 1395 Charlotte Rail Liability - Sen. Clodfelter, Bill Sponsor

Respectfully,

Representatives Allred & Saunders
Co-chairs

I hereby certify this notice was filed by the committee clerk at the following offices at **3:00 P.M.** on **July 31, 2002**.

___Principal Clerk
___Reading Clerk - House Chamber

Ruth Fish (Committee Assistant)

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

S 2

SENATE BILL 1395
Judiciary I Committee Substitute Adopted 7/18/02

Short Title: Charlotte Rail Liability Limitation. (Local)

Sponsors:

Referred to:

June 13, 2002

A BILL TO BE ENTITLED

AN ACT TO PROVIDE LIMITATIONS ON RAIL TRANSPORTATION LIABILITY FOR PASSENGER RAIL SERVICES IN MECKLENBURG COUNTY AND MUNICIPALITIES IN MECKLENBURG COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 153A of the General Statutes is amended by adding a new section to read:

"**§ 153A-279. Limitations on rail transportation liability.**

(a) As used in this section:

(1) 'Claim' means a claim, action, suit, or request for damages, whether compensatory, punitive, or otherwise, made by any person or entity against:

a. The County, a railroad, or an operating rights railroad; or

b. An officer, director, trustee, employee, parent, subsidiary, or affiliated corporation as defined in G.S. 105-130.6, or agent of: the County, a railroad, or an operating rights railroad.

(2) 'Passenger rail services' means the transportation of rail passengers by or on behalf of the County and all services performed by a railroad pursuant to a contract with the County in connection with the transportation of rail passengers, including, but not limited to, the operation of trains; the use of right-of-way, trackage, public or private roadway and rail crossings, equipment, or station areas or appurtenant facilities; the design, construction, reconstruction, operation, or maintenance of rail-related equipment, tracks, and any appurtenant facilities; or the provision of access rights over or adjacent to lines owned by the County or a railroad, or otherwise occupied by the County or a railroad, pursuant to charter grant, fee-simple deed, lease, easement, license, trackage rights, or other form of ownership or authorized use.

(3) 'Railroad' means a railroad corporation or railroad company, including a State-Owned Railroad Company as defined in G.S. 124-11, that has entered into any contracts or operating agreements of any kind with the County concerning passenger rail services.

(4) 'Operating rights railroad' means a railroad corporation or railroad company that, prior to January 1, 2001, was granted operating rights by a State-Owned Railroad Company or operated over the property of a State-owned railroad company under a claim of right over or adjacent to facilities used by or on behalf of the County.

(b) Contracts Allocating Financial Responsibility Authorized. – The County may contract with any railroad to allocate financial responsibility for passenger rail services claims, including, but not limited to, the execution of indemnity agreements, notwithstanding any other statutory, common law, public policy, or other prohibition against same, and regardless of the nature of the claim or the conduct giving rise to such claim.

(c) Insurance Required. –

(1) If the County enters into any contract authorized by subsection (b) of this section, the contract shall require the County to secure and maintain, upon and after the commencement of the operation of trains by or on behalf of the county, a liability insurance policy covering the liability of the parties to the contract, a State-Owned Railroad Company as defined in G.S. 124-11 that owns or claims an interest in any real property subject to the contract, and any operating rights railroad for all claims for property damage, personal injury, bodily injury, and death arising out of or related to passenger rail services. The policy shall name the parties to the contract, a State-Owned Railroad Company as defined in G.S. 124-11 that owns or claims an interest in any real property subject to the contract, and any operating rights railroad as named insureds and shall have policy limits of not less than two hundred million dollars ($200,000,000) per single accident or incident, and may include a self-insured retention in an amount of not more than five million dollars ($5,000,000).

(2) If the County does not enter into any contract authorized by subsection (b) of this section, upon and after the commencement of the operation of trains by or on behalf of the County, the County shall secure and maintain a liability insurance policy, with policy limits and a self-insured retention consistent with subdivision (1) of this subsection, for all claims for property damage, personal injury, bodily injury, and death arising out of or related to passenger rail services.

(d) Liability Limit. – The aggregate liability of the County, the parties to the contract or contracts authorized by subsection (b) of this section, a State-Owned Railroad Company as defined in G.S. 124-11, and any operating rights railroad for all claims arising from a single accident or incident related to passenger rail services for property damage, personal injury, bodily injury, and death is limited to two hundred

million dollars ($200,000,000) per single accident or incident or to any proceeds available under any insurance policy secured pursuant to subsection (c) of this section, whichever is greater.

(e) Effect on Other Laws. – This section shall not affect the damages that may be recovered under the Federal Employers' Liability Act, 45 U.S.C. § 51, et seq., (1908); or under Article 1 of Chapter 97 of the General Statutes.

(f) Applicability. – This section shall apply only to counties that have entered into a transit governance interlocal agreement with, among other local governments, a city with a population of more than 500,000 persons."

SECTION 2. Chapter 160A of the General Statutes is amended by adding a new section to read:

"**§ 160A-326. Limitations on rail transportation liability.**

(a) As used in this section:

(1) 'Claim' means a claim, action, suit, or request for damages, whether compensatory, punitive, or otherwise, made by any person or entity against:

a. The City, a railroad, or an operating rights railroad; or

b. An officer, director, trustee, employee, parent, subsidiary, or affiliated corporation as defined in G.S. 105-130.6, or agent of: the City, a railroad, or an operating rights railroad.

(2) 'Passenger rail services' means the transportation of rail passengers by or on behalf of the City and all services performed by a railroad pursuant to a contract with the City in connection with the transportation of rail passengers, including, but not limited to, the operation of trains; the use of right-of-way, trackage, public or private roadway and rail crossings, equipment, or station areas or appurtenant facilities; the design, construction, reconstruction, operation, or maintenance of rail-related equipment, tracks, and any appurtenant facilities; or the provision of access rights over or adjacent to lines owned by the City or a railroad, or otherwise occupied by the City or a railroad, pursuant to charter grant, fee-simple deed, lease, easement, license, trackage rights, or other form of ownership or authorized use.

(3) 'Railroad' means a railroad corporation or railroad company, including a State-Owned Railroad Company as defined in G.S. 124-11, that has entered into any contracts or operating agreements of any kind with the City concerning passenger rail services.

(4) 'Operating rights railroad' means a railroad corporation or railroad company that, prior to January 1, 2001, was granted operating rights by a State-Owned Railroad Company or operated over the property of a State-Owned Railroad Company under a claim of right over or adjacent to facilities used by or on behalf of the City.

(b) Contracts Allocating Financial Responsibility Authorized. – The City may contract with any railroad to allocate financial responsibility for passenger rail services claims, including, but not limited to, the execution of indemnity agreements,

notwithstanding any other statutory, common law, public policy, or other prohibition against same, and regardless of the nature of the claim or the conduct giving rise to such claim.

(c) Insurance Required. –

(1) If the City enters into any contract authorized by subsection (b) of this section, the contract shall require the City to secure and maintain, upon and after the commencement of the operation of trains by or on behalf of the City, a liability insurance policy covering the liability of the parties to the contract, a State-Owned Railroad Company as defined in G.S. 124-11 that owns or claims an interest in any real property subject to the contract, and any operating rights railroad for all claims for property damage, personal injury, bodily injury, and death arising out of or related to passenger rail services. The policy shall name the parties to the contract, a State-Owned Railroad Company as defined in G.S. 124-11 that owns or claims an interest in any real property subject to the contract, and any operating rights railroad as named insureds and shall have policy limits of not less than two hundred million dollars ($200,000,000) per single accident or incident, and may include a self-insured retention in an amount of not more than five million dollars ($5,000,000).

(2) If the City does not enter into any contract authorized by subsection (b) of this section, upon and after the commencement of the operation of trains by or on behalf of the City, the City shall secure and maintain a liability insurance policy, with policy limits and a self-insured retention consistent with subdivision (1) of this subsection, for all claims for property damage, personal injury, bodily injury, and death arising out of or related to passenger rail services.

(d) Liability Limit. – The aggregate liability of the City, the parties to the contract or contracts authorized by subsection (b) of this section, a State-Owned Railroad Company as defined in G.S. 124-11, and any operating rights railroad for all claims arising from a single accident or incident related to passenger rail services for property damage, personal injury, bodily injury, and death is limited to two hundred million dollars ($200,000,000) per single accident or incident or to any proceeds available under any insurance policy secured pursuant to subsection (c) of this section, whichever is greater.

(e) Effect on Other Laws. – This section shall not affect the damages that may be recovered under the Federal Employers' Liability Act, 45 U.S.C. § 51, et seq., (1908); or under Article 1 of Chapter 97 of the General Statutes.

(f) Applicability. – This section shall apply only to municipalities with a population of more than 500,000 persons, according to the latest decennial census, or to municipalities that have entered into a transit governance interlocal agreement with, among other local governments, a city with a population of more than 500,000 persons."

SECTION 3. If any provision of this act or its application is held invalid, the invalidity does not affect other provisions or applications of this act that can be given

effect without the invalid provisions or applications, and to this end the provisions of this act are severable.

SECTION 4. This act applies only to Mecklenburg County and municipalities in Mecklenburg County.

SECTION 5. This act is effective when it becomes law.

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
2001-2002 SESSION

You are hereby notified that the Committee on **Transportation** will meet as follows:

DAY & DATE: **Wednesday, August 7,2002**

TIME: **11:00 A.M.**

LOCATION: **643 LOB**

The following bills will be considered (Bill # & Short Title & Bill Sponsor):
SB 1395 Charlotte Rail Liability - Sen. Clodfelter, Bill Sponsor

Respectfully,

Representatives Allred & Saunders
Co-chairs

I hereby certify this notice was filed by the committee clerk at the following offices at **3:00 P.M.** on **July 31, 2002**.

___Principal Clerk
___Reading Clerk - House Chamber

Ruth Fish (Committee Assistant)

MINUTES

HOUSE COMMITTEE ON TRANSPORTATION

October 3, 2002

The House Committee on Transportation met at 11:55 A.M. in the House Chamber around the desk of Representative Cary Allred, Chair. Members present were: Representatives Allred, Buchanan, Lucas, McLawhorn, Walker, and Warwick.

Representative Allred, Chair, called the meeting to order. The bills to be considered were:

HB 289, Highway Use Tax Exemption – Add Spouse, Rep. C. Wilson, Bill Sponsor;

HB 945, Transportation Funding Equity Commission, Rep. Barnhart, Bill Sponsor;

HB 1089, Revise Highway Equity Funding Formula, Rep. Russell, Bill Sponsor;

HB 1328, Airport Corridor Official Map Act, Rep. Blust, Bill Sponsor.

Representative Buchanan moved to postpone all of the bills indefinitely. A vote was taken, and the motion was approved.

There being no further business, Representative Allred adjourned the meeting at 12:00 Noon.

Representative Cary Allred, Presiding Chair

Ruth Fish, Committee Assistant

2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Allred and Saunders** Chairs for the Committee on **TRANSPORTATION.**

Reports the following bills
☒ With an indefinite postponement report.

HOUSE BILL	SHORT TITLE
H 289	HIGHWAY USE TAX EXEMPTION – ADD SPOUSE.
H 945	TRANSPORTATION FUNDING EQUITY COMMISSION.
H 1089	REVISE HIGHWAY EQUITY FUNDING FORMULA.
H 1328	AIRPORT CORRIDOR OFFICIAL MAP ACT.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H 1

HOUSE BILL 289

Short Title:	Highway Use Tax Exemption-Add Spouse.	(Public)
Sponsors:	Representatives C. Wilson; Carpenter, Morris, Preston, and Shubert.	
Referred to:	Transportation, if favorable, Finance.	

February 28, 2001

A BILL TO BE ENTITLED

AN ACT TO EXEMPT FROM THE HIGHWAY USE TAX A TRANSFER OF A VEHICLE FROM AN OWNER TO THE SAME OWNER AND HIS OR HER SPOUSE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 105-187.6(a) reads as rewritten:

"(a) Full Exemptions. – The tax imposed by this Article does not apply when a certificate of title is issued as the result of a transfer of a motor vehicle:

(1) To the insurer of the motor vehicle under G.S. 20-109.1 because the vehicle is a salvage vehicle.

(2) To either a manufacturer, as defined in G.S. 20-286, or a motor vehicle retailer for the purpose of resale.

(3) To the same owner to reflect a change or correction in the owner's name.

(3a) To the same owner and the owner's spouse.

(4) By will or intestacy.

(5) By a gift between a husband and wife, a parent and child, or a stepparent and a stepchild.

(6) By a distribution of marital or divisible property incident to a marital separation or divorce.

(7) To a handicapped person from the Department of Health and Human Services after the vehicle has been equipped by the Department for use by the handicapped.

(8) To a local board of education for use in the driver education program of a public school when the motor vehicle is transferred:

a. By a retailer and is to be transferred back to the retailer within 300 days after the transfer to the local board.

b. By a local board of education."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H 1

HOUSE BILL 945

Short Title:	Transportation Funding Equity Commission.	(Public)
Sponsors:	Representatives Barnhart; Morris and McMahan.	
Referred to:	Rules, Calendar, and Operations of the House.	

April 2, 2001

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A TRANSPORTATION FUNDING EQUITY STUDY COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. Commission Established. – There is established a Transportation Funding Equity Study Commission.

SECTION 2. Membership. – The Commission shall be composed of 15 members as follows:

(1) Four members of the House of Representatives appointed by the Speaker of the House of Representatives.

(2) Four members of the Senate appointed by the President Pro Tempore of the Senate.

(3) Three members of the public appointed by the Governor, none of whom shall be State officials, and two of whom shall have expertise in transportation matters.

(4) Two members of the public appointed by the Speaker of the House of Representatives, one of whom shall be an elected municipal official, and one of whom shall have experience in business and transportation matters.

(5) Two members of the public appointed by the President Pro Tempore of the Senate, one of whom shall be an elected county official, and one of whom shall have experience in business and transportation matters.

Any persons appointed pursuant to Section 27.2 of S.L. 99-237 shall continue as members of this Study Commission.

SECTION 3. Secretary of Transportation. – The Commission shall invite the Secretary of Transportation to attend each meeting of the Commission and encourage his participation in the Commission's deliberations.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H 1

HOUSE BILL 1089

Short Title:	Revise Highway Equity Funding Formula.	(Public)
Sponsors:	Representative Russell.	
Referred to:	Transportation.	

April 11, 2001

A BILL TO BE ENTITLED

AN ACT TO EXEMPT CERTAIN INTRASTATE PROJECTS SERVING LARGE-SCALE ECONOMIC DEVELOPMENT PROJECTS FROM THE HIGHWAY EQUITY FUNDING FORMULA.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-17.2A(a) reads as rewritten:

"(a) Funds expended for the Intrastate System projects listed in G.S. 136-179 and both State and federal-aid funds expended under the Transportation Improvement Program, other than federal congestion mitigation and air quality improvement program funds appropriated to the State by the United States pursuant to 23 U.S.C. § 104(b)(2) and 23 U.S.C. § 149, funds expended on an urban loop project listed in ~~G.S. 136-180~~ G.S. 136-180, funds expended for an Intrastate System project listed in G.S. 136-179 which will serve a large-scale economic development project planned to create thousands of new jobs and impacting two or more funding regions, and funds received through competitive awards or discretionary grants through federal appropriations either for local governments, transportation authorities, transit authorities, or the Department, shall be distributed throughout the State in accordance with this section.

(1) Distribution Region A consists of the following counties: Bertie, Camden, Chowan, Currituck, Dare, Edgecombe, Gates, Halifax, Hertford, Hyde, Johnston, Martin, Nash, Northampton, Pasquotank, Perquimans, Tyrrell, Washington, Wayne, and Wilson.

(2) Distribution Region B consists of the following counties: Beaufort, Brunswick, Carteret, Craven, Duplin, Greene, Jones, Lenoir, New Hanover, Onslow, Pamlico, Pender, Pitt, and Sampson.

(3) Distribution Region C consists of the following counties: Bladen, Columbus, Cumberland, Durham, Franklin, Granville, Harnett, Person, Robeson, Vance, Wake, and Warren.

(4) Distribution Region D consists of the following counties: Alamance, Caswell, Davidson, Davie, Forsyth, Guilford, Orange, Rockingham, Rowan, and Stokes.

(5) Distribution Region E consists of the following counties: Anson, Cabarrus, Chatham, Hoke, Lee, Mecklenburg, Montgomery, Moore, Randolph, Richmond, Scotland, Stanly, and Union.

(6) Distribution Region F consists of the following counties: Alexander, Alleghany, Ashe, Avery, Caldwell, Catawba, Cleveland, Gaston, Iredell, Lincoln, Surry, Watauga, Wilkes, and Yadkin.

(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."

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

2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Allred and Saunders** Chairs for the Committee on **TRANSPORTATION**.

Reports the following bills
☒ With an indefinite postponement report.

HOUSE BILL	SHORT TITLE
H 289	HIGHWAY USE TAX EXEMPTION – ADD SPOUSE.
H 945	TRANSPORTATION FUNDING EQUITY COMMISSION.
H 1089	REVISE HIGHWAY EQUITY FUNDING FORMULA.
H 1328	AIRPORT CORRIDOR OFFICIAL MAP ACT.

HOUSE BILL 289

Short Title:	Highway Use Tax Exemption-Add Spouse.	(Public)
Sponsors:	Representatives C. Wilson; Carpenter, Morris, Preston, and Shubert.	
Referred to:	Transportation, if favorable, Finance.	

February 28, 2001

A BILL TO BE ENTITLED

AN ACT TO EXEMPT FROM THE HIGHWAY USE TAX A TRANSFER OF A VEHICLE FROM AN OWNER TO THE SAME OWNER AND HIS OR HER SPOUSE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 105-187.6(a) reads as rewritten:

"(a) Full Exemptions. – The tax imposed by this Article does not apply when a certificate of title is issued as the result of a transfer of a motor vehicle:

(1) To the insurer of the motor vehicle under G.S. 20-109.1 because the vehicle is a salvage vehicle.

(2) To either a manufacturer, as defined in G.S. 20-286, or a motor vehicle retailer for the purpose of resale.

(3) To the same owner to reflect a change or correction in the owner's name.

(3a) To the same owner and the owner's spouse.

(4) By will or intestacy.

(5) By a gift between a husband and wife, a parent and child, or a stepparent and a stepchild.

(6) By a distribution of marital or divisible property incident to a marital separation or divorce.

(7) To a handicapped person from the Department of Health and Human Services after the vehicle has been equipped by the Department for use by the handicapped.

(8) To a local board of education for use in the driver education program of a public school when the motor vehicle is transferred:

a. By a retailer and is to be transferred back to the retailer within 300 days after the transfer to the local board.

b. By a local board of education."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H 1

HOUSE BILL 945

Short Title:	Transportation Funding Equity Commission.	(Public)
Sponsors:	Representatives Barnhart; Morris and McMahan.	
Referred to:	Rules, Calendar, and Operations of the House.	

April 2, 2001

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A TRANSPORTATION FUNDING EQUITY STUDY COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. Commission Established. – There is established a Transportation Funding Equity Study Commission.

SECTION 2. Membership. – The Commission shall be composed of 15 members as follows:

(1) Four members of the House of Representatives appointed by the Speaker of the House of Representatives.

(2) Four members of the Senate appointed by the President Pro Tempore of the Senate.

(3) Three members of the public appointed by the Governor, none of whom shall be State officials, and two of whom shall have expertise in transportation matters.

(4) Two members of the public appointed by the Speaker of the House of Representatives, one of whom shall be an elected municipal official, and one of whom shall have experience in business and transportation matters.

(5) Two members of the public appointed by the President Pro Tempore of the Senate, one of whom shall be an elected county official, and one of whom shall have experience in business and transportation matters.

Any persons appointed pursuant to Section 27.2 of S.L. 99-237 shall continue as members of this Study Commission.

SECTION 3. Secretary of Transportation. – The Commission shall invite the Secretary of Transportation to attend each meeting of the Commission and encourage his participation in the Commission's deliberations.

SECTION 4. Duties of Commission. – The Commission shall study the following matters related to transportation funding:

(1) The Highway Trust Fund Act of 1989. – The Commission shall review the current law, specifically the existing equity formula and mandated percentages in the spending formula and recommend any revisions to the funding formula that may be necessary, based on the 10-year history of the fund and the current transportation needs of the State.

(2) Current planning and funding procedures. – The Commission shall review all current planning and funding procedures, including the Transportation Improvement Program, that impact the funding of State transportation programs and recommend changes, additions, or deletions based on projected needs for the next 25 years. The Commission shall specifically consider measures to allow for acceleration of projects while maintaining geographical equity in funding new road construction.

(3) Transportation system maintenance. – The Commission shall review current funding of transportation system maintenance and recommend changes to accommodate the equitable maintenance of new construction and increased traffic volume.

(4) Public transportation. – The Commission shall evaluate the funding of public transportation with dedicated sources of funds. The Commission's recommendation shall include specific sources and amounts of any dedicated funds, if recommended.

(5) Highway Fund transfers. – Transfers from the Highway Fund to other State agencies, including how they impact the equitable funding of transportation projects and whether or not those funds would more appropriately come from the General Fund.

(6) Transportation spending. – Proposals for (i) separate funding allocations for roads that impact large-scale economic development projects, including projects that would create new industries, (ii) separate funding allocations for major highways that impact no fewer than two funding regions, and (iii) methods to accommodate these spending proposals in the existing or some other equity formula.

(7) Other transportation funding issues. – The Commission may study any other transportation finance-related issue approved by the cochairs or recommended by the Secretary of Transportation and approved by the cochairs.

SECTION 5. Vacancies. – Any vacancy on the Commission shall be filled by the appointing authority.

SECTION 6. Cochairs. – Cochairs of the Commission shall be designated by the Speaker of the House of Representatives and the President Pro Tempore of the Senate from among their respective appointees. The Commission shall meet upon the call of the chairs. A quorum of the Commission shall be eight members.

SECTION 7. Expenses of Members. – Members of the Commission shall receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1, 138-5, or 138-6, as appropriate.

SECTION 8. Staff. – Adequate staff shall be provided to the Commission by the Legislative Services Office.

SECTION 9. Consultants. – The Commission may hire consultants to assist with the study. Before expending any funds for a consultant, the Commission shall report to the Joint Legislative Commission on Governmental Operations on the consultant selected, the work products to be provided by the consultant, and the cost of the contract, including an itemization of the cost components.

SECTION 10. Meetings During Legislative Session. – The Commission may meet during a regular or extra session of the General Assembly, subject to approval of the Speaker of the House of Representatives and the President Pro Tempore of the Senate.

SECTION 11. Meeting Location. – The Commission shall meet at various locations around the State in order to promote greater public participation in its deliberations. The Legislative Services Commission shall grant adequate meeting space to the Commission in the State Legislative Building or the Legislative Office Building.

SECTION 12. Report. – The Commission shall submit an interim report to the Joint Legislative Transportation Oversight Committee on or before March 1, 2002. The Commission shall submit a final report to the Joint Legislative Transportation Oversight Committee by December 1, 2002. Upon the filing of its final report, the Commission shall terminate.

SECTION 13. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H

HOUSE BILL 1089

Short Title:	Revise Highway Equity Funding Formula.	(Public)
Sponsors:	Representative Russell.	
Referred to:	Transportation.	

April 11, 2001

A BILL TO BE ENTITLED

AN ACT TO EXEMPT CERTAIN INTRASTATE PROJECTS SERVING LARGE-SCALE ECONOMIC DEVELOPMENT PROJECTS FROM THE HIGHWAY EQUITY FUNDING FORMULA.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-17.2A(a) reads as rewritten:

"(a) Funds expended for the Intrastate System projects listed in G.S. 136-179 and both State and federal-aid funds expended under the Transportation Improvement Program, other than federal congestion mitigation and air quality improvement program funds appropriated to the State by the United States pursuant to 23 U.S.C. § 104(b)(2) and 23 U.S.C. § 149, funds expended on an urban loop project listed in ~~G.S. 136-180~~ G.S. 136-180, funds expended for an Intrastate System project listed in G.S. 136-179 which will serve a large-scale economic development project planned to create thousands of new jobs and impacting two or more funding regions, and funds received through competitive awards or discretionary grants through federal appropriations either for local governments, transportation authorities, transit authorities, or the Department, shall be distributed throughout the State in accordance with this section.

(1) Distribution Region A consists of the following counties: Bertie, Camden, Chowan, Currituck, Dare, Edgecombe, Gates, Halifax, Hertford, Hyde, Johnston, Martin, Nash, Northampton, Pasquotank, Perquimans, Tyrrell, Washington, Wayne, and Wilson.

(2) Distribution Region B consists of the following counties: Beaufort, Brunswick, Carteret, Craven, Duplin, Greene, Jones, Lenoir, New Hanover, Onslow, Pamlico, Pender, Pitt, and Sampson.

(3) Distribution Region C consists of the following counties: Bladen, Columbus, Cumberland, Durham, Franklin, Granville, Harnett, Person, Robeson, Vance, Wake, and Warren.

(4) Distribution Region D consists of the following counties: Alamance, Caswell, Davidson, Davie, Forsyth, Guilford, Orange, Rockingham, Rowan, and Stokes.

(5) Distribution Region E consists of the following counties: Anson, Cabarrus, Chatham, Hoke, Lee, Mecklenburg, Montgomery, Moore, Randolph, Richmond, Scotland, Stanly, and Union.

(6) Distribution Region F consists of the following counties: Alexander, Alleghany, Ashe, Avery, Caldwell, Catawba, Cleveland, Gaston, Iredell, Lincoln, Surry, Watauga, Wilkes, and Yadkin.

(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."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H

HOUSE DRH8178-LK-207 (03/21)

D

1328 APR 11 01

HOUSE PRINCIPAL CLERK

Short Title: Airport Corridor Official Map Act. (Public)

Sponsors: Representative Blust.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO ENACT THE AIRPORT CORRIDOR OFFICIAL MAP ACT.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 63 of the General Statutes is amended by adding a new Article to read:

"Article 10.

"Airport Corridor Official Map Act.

"**§ 63-95. Aiport Ccorridor Official Map Act.**

(a) An airport corridor official map may be adopted or amended by any of the following:

(1) The governing board of any city or county for any existing or planned airport as part of a comprehensive plan for development of an airport included in an adopted long-range transportation plan.

(2) A regional airport authority created by statute for any existing or planned airport in an adopted long-range transportation plan.

Before a city adopts an airport corridor official map that extends beyond the extraterritorial jurisdiction of its building permit issuance and subdivision control ordinances or adopts an amendment to an airport corridor official map outside the extraterritorial jurisdiction of its building permit issuance and subdivision control ordinances, the city shall obtain approval from the board of county commissioners.

No airport corridor official map shall be adopted or amended, nor may any property be regulated under this Article until:

(1) The governing board of the city, county, or the regional airport authority has held a public hearing in each county affected by the map on the proposed map or amendment. Notice of the hearing shall be provided:

a. By publication at least once a week for four successive weeks prior to the hearing in a newspaper having general circulation in the county in which the transportation corridor to be designated is located.

b. By two-week written notice to the Secretary of Transportation, the chairman of the board of county commissioners, and the mayor of any city or town through whose corporate or extraterritorial jurisdiction the transportation corridor passes.

c. By posting copies of the proposed transportation corridor map or amendment at the courthouse door for at least 21 days prior to the hearing date. The notice required in sub-subdivision a. of this subsection shall make reference to this posting.

d. By first-class mail sent to each property owner affected by the corridor. The notice shall be sent to the address listed for the owner in the county tax records.

(2) A permanent certified copy of the airport corridor official map or amendment has been filed with the register of deeds. The boundaries may be defined by map or by written description, or a combination thereof. The copy shall comply with the register of deeds filing requirements.

(3) The names of all property owners affected by the corridor have been submitted to the register of deeds.

(b) Airport corridor official maps and amendments shall be distributed and maintained in the following manner:

(1) A copy of the official map and each amendment thereto shall be filed in the office of the city or county clerk and in the office of the district transportation engineer.

(2) A copy of the official map, each amendment thereto, and any variance therefrom granted pursuant to G.S. 63-97 shall be furnished to the tax supervisor of any county and tax collector of any city or county affected thereby. The portion of properties embraced within an airport corridor and any variance granted shall be clearly indicated on all tax maps maintained by the county or city for such period as the designation remains in effect.

(3) Notwithstanding any other provision of law, the certified copy filed with the register of deeds shall be placed in a book maintained for that purpose and cross-indexed by number of road, street name, or other appropriate description. The register of deeds shall collect a fee of five dollars ($5.00) for each map sheet or page recorded.

(4) The names submitted as required under subdivision (a)(3) of this section shall be indexed in the "grantor" index by the register of deeds.

(c) Within one year following the establishment of an airport corridor official map or amendment, work shall begin on an environmental impact statement or preliminary engineering. The failure to begin work on the environmental impact

statement or preliminary engineering within the one-year period shall constitute an abandonment of the corridor, and the provisions of this Article shall no longer apply to properties or portions of properties embraced within the airport corridor. A city, county, or airport authority may prepare environmental impact studies and preliminary engineering work in connection with the establishment of an airport corridor official map or amendments to an airport corridor official map. When a city prepares an airport corridor official map for a street or highway that has been designated a State responsibility pursuant to G.S. 136-66.2, the environmental impact study and preliminary engineering work shall be reviewed and approved by the Department of Transportation. An amendment to a corridor shall not extend the two-year period provided by this section unless it establishes a substantially different corridor in a primarily new location.

(d) The term "amendment", for purposes of this section, includes any change to an airport corridor official map, including:

(1) Failure of the Department of Transportation, a city, county, or an airport authority to begin work on an environmental impact statement or preliminary engineering as required by this section; or

(2) Deletion of the corridor from the transportation corridor official map by action of the Board of Transportation, or deletion of the corridor from the long-range transportation plan of a city, county, or airport authority by action of the city, county, or airport authority governing Board.

"**§ 63-96. Effect of airport corridor official map.**

(a) After an airport corridor official map is filed with the register of deeds, no building permit shall be issued for any building or structure or part thereof located within the airport corridor, nor shall approval of a subdivision, as defined in G.S. 153A-335 and G.S. 160A-376, be granted with respect to property within the airport corridor. The provisions of this section shall not apply to valid building permits issued prior to the filing of the airport corridor official map provided the size of the building or structure is not increased and the type of building code occupancy as set forth in the North Carolina Building Code is not changed.

(b) In any event, no application for building permit issuance or subdivision plat approval for a tract subject to a valid airport corridor official map shall be delayed by the provisions of this section for more than three years from the date of its original submittal.

"**§ 63-97. Variance from transportation corridor official map.**

(a) The city, county, or airport authority which initiated the airport corridor official map shall establish procedures for considering petitions for variance from the requirements of G.S. 63-96.

(b) The procedure established shall provide for written notice to the mayor and chairman of the board of county commissioners of any affected city or county, and for the hearing to be held in the county where the affected property is located.

(c) Cities may provide for petitions for variances to be heard by the board of adjustment or other boards or commissions which can hear variances authorized by G.S.

160A-388. The procedures for boards of adjustment shall be followed except that no vote greater than a majority shall be required to grant a variance.

(d) The procedure established by an airport authority pursuant to subsection (a) of this section shall provide for a hearing de novo by the Department of Transportation for any petition for variance that is denied by the airport authority. All hearings held by the Department of Transportation under this subsection shall be conducted in accordance with procedures established by the Department of Transportation pursuant to subsection (a) of this section.

(e) A variance may be granted upon a showing that:

(1) Even with the tax benefits authorized by this Article, no reasonable return may be earned from the land; and

(2) The requirements of G.S. 63-96 result in practical difficulties or unnecessary hardships.

"**§ 63-98. Advance acquisition of right-of-way within the transportation corridor.**

(a) After an airport corridor official map is filed with the register of deeds, a property owner has the right of petition to the filer of the map for acquisition of the property due to an imposed hardship. The city, county, or airport authority which initiated the airport corridor official map may make advanced acquisition of specific parcels of property when that acquisition is determined by the respective governing board to be in the best public interest to protect the airport corridor from development or when the airport corridor official map creates an undue hardship on the affected property owner. The procedure established by an airport authority pursuant to subsection (b) of this section shall provide for a hearing de novo by the Department of Transportation for any request for advance acquisition due to hardship that is denied by an authority. All hearings held by the Department under this subsection shall be conducted in accordance with procedures established by the Department pursuant to subsection (b) of this section. Any decision of the Department pursuant to this subsection shall be final and binding. Any property determined eligible for hardship acquisition shall be acquired within three years of the finding, or the restrictions of the map shall be removed from the property.

(b) Prior to making any advanced acquisition of right-of-way under the authority of this Article, a city, county, or airport authority that initiated the airport corridor official map shall develop and adopt appropriate policies and procedures to govern the advanced acquisition of right-of-way and to assure that the advanced acquisition is in the best overall public interest.

(c) In exercising the authority granted by this section, a municipality is authorized to expend municipal funds for the protection of airport corridors on a duly adopted airport corridor official map whether the right-of-way to be acquired is located inside or outside the municipal corporate limits."

SECTION 2. This act becomes effective December 1, 2001.

MEMORANDUM

DATE: **September 25, 2002**

TO: **Representative McComas**

FROM: **Representatives Allred & Saunders**

SUBJECT: **Bills Pending in the Committee on Transportation**

Pursuant to House Rule 36(a) all House bills and resolutions shall be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make **except in the case where the principal introducer requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the bill not be considered.**

If you would like to request that your bill not be considered by the Committee on Transportation, for your convenience, a printed form is included at the bottom of this page. Please complete, sign and return the form to Room 2217 LB. This form may not be e-mailed because it requires the sponsor's signature.

MEMORANDUM

TO: **Representatives Allred & Saunders**
FROM: **Representative McComas**
Bill Sponsor

SUBJECT: **HB 112, CORNING ACCESS BRIDGE (132).** (Short Title)

I request that HB 112 not be considered by the Committee on Transportation.

(Sponsor's Signature)

9/25/02 Date

MEMORANDUM

DATE: **September 25, 2002**

TO: **Representatives Tolson**

FROM: **Representatives Allred & Saunders**

SUBJECT: **Bills Pending in the Committee on Transportation**

Pursuant to House Rule 36(a) all House bills and resolutions shall be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make **except in the case where the principal introducer requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the bill not be considered.**

If you would like to request that your bill not be considered by the Committee on Transportation, for your convenience, a printed form is included at the bottom of this page. Please complete, sign and return the form to Room 2217 LB. This form may not be e-mailed because it requires the sponsor's signature.

MEMORANDUM

TO: **Representatives Allred & Saunders**

FROM: **Representative Tolson**
Bill Sponsor

SUBJECT: **HB 340 AFV'S HOV USE/PRIME PARKING.** (Short Title)

I request that HB 809 not be considered by the Committee on Transportation.

(Sponsor's Signature)

9/30/2002 Date

MEMORANDUM

DATE: **September 25, 2002**

TO: **Representative Alexander**

FROM: **Representatives Allred & Saunders**

SUBJECT: **Bills Pending in the Committee on Transportation**

Pursuant to House Rule 36(a) all House bills and resolutions shall be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make **except in the case where the principal introducer requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the bill not be considered.**

If you would like to request that your bill not be considered by the Committee on Transportation, for your convenience, a printed form is included at the bottom of this page. Please complete, sign and return the form to Room 2217 LB. This form may not be e-mailed because it requires the sponsor's signature.

MEMORANDUM

TO: **Representatives Allred & Saunders**

FROM: **Representative Alexander**
Bill Sponsor

SUBJECT: **HB 809, MUNICIPAL ETJ ROADWAY IMPROVEMENTS,** (Short Title)

I request that HB 809 not be considered by the Committee on Transportation.

(Sponsor's Signature)

September 25 2002 Date

MEMORANDUM

DATE: **September 25, 2002**

TO: **Representative Nye**

FROM: **Representatives Allred & Saunders**

SUBJECT: **Bills Pending in the Committee on Transportation**

Pursuant to House Rule 36(a) all House bills and resolutions shall be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make **except in the case where the principal introducer requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the bill not be considered.**

If you would like to request that your bill not be considered by the Committee on Transportation, for your convenience, a printed form is included at the bottom of this page. Please complete, sign and return the form to Room 2217 LB. This form may not be e-mailed because it requires the sponsor's signature.

MEMORANDUM

TO: **Representatives Allred & Saunders**

FROM: **Representative Nye**
Bill Sponsor

SUBJECT: **HB 821, STUDY OF INEXPERIENCED DRIVERS.** (Short Title)

I request that HB 821 not be considered by the Committee on Transportation.

(Sponsor's Signature)

9-25-02 Date

S 614 = companion bill
Chaptered SL 2001-245
6/29/01

MEMORANDUM

DATE: **September 25, 2002**

TO: **Representative Weiss**

FROM: **Representatives Allred & Saunders**

SUBJECT: **Bills Pending in the Committee on Transportation**

Pursuant to House Rule 36(a) all House bills and resolutions shall be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make **except in the case where the principal introducer requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the bill not be considered.**

If you would like to request that your bill not be considered by the Committee on Transportation, for your convenience, a printed form is included at the bottom of this page. Please complete, sign and return the form to Room 2217 LB. This form may not be e-mailed because it requires the sponsor's signature.

MEMORANDUM

TO: **Representatives Allred & Saunders**

FROM: **Representative Weiss**
Bill Sponsor

SUBJECT: **HB 907, CARY ROADWAY EXPENDITURES.** (Short Title)

I request that HB 907 not be considered by the Committee on Transportation.

Jennifer Weiss
(Sponsor's Signature)

9/25/02
Date

MEMORANDUM

DATE: **September 25, 2002**

TO: **Representative Decker**

FROM: **Representatives Allred & Saunders**

SUBJECT: **Bills Pending in the Committee on Transportation**

Pursuant to House Rule 36(a) all House bills and resolutions shall be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make **except in the case where the principal introducer requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the bill not be considered.**

If you would like to request that your bill not be considered by the Committee on Transportation, for your convenience, a printed form is included at the bottom of this page. Please complete, sign and return the form to Room 2217 LB. This form may not be e-mailed because it requires the sponsor's signature.

MEMORANDUM

TO: **Representatives Allred & Saunders**

FROM: **Representative Decker**
Bill Sponsor

SUBJECT: **HB 1130, MUNCIPAL SECONDARY ROADS PAVED.** (Short Title)

I request that HB 1130 not be considered by the Committee on Transportation.

(Sponsor's Signature)

9-26-02 Date

MEMORANDUM

DATE: **September 25, 2002**

TO: **Representative Howard**

FROM: **Representatives Allred & Saunders**

SUBJECT: **Bills Pending in the Committee on Transportation**

Pursuant to House Rule 36(a) all House bills and resolutions shall be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make **except in the case where the principal introducer requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the bill not be considered.**

If you would like to request that your bill not be considered by the Committee on Transportation, for your convenience, a printed form is included at the bottom of this page. Please complete, sign and return the form to Room 2217 LB. This form may not be e-mailed because it requires the sponsor's signature.

MEMORANDUM

TO: **Representatives Allred & Saunders**

FROM: **Representative Howard**
Bill Sponsor

SUBJECT: **HB 1175, EMISSIONS INSP.-NOT FOR 25 YEAR OLD VEHICLES.**
(Short Title)

I request that HB 1175 not be considered by the Committee on Transportation.

(Sponsor's Signature)

9-25-02 Date

MEMORANDUM

DATE: **September 25, 2002**

TO: **Representative Hackney**

FROM: **Representatives Allred & Saunders**

SUBJECT: **Bills Pending in the Committee on Transportation**

Pursuant to House Rule 36(a) all House bills and resolutions shall be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make **except in the case where the principal introducer requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the bill not be considered.**

If you would like to request that your bill not be considered by the Committee on Transportation, for your convenience, a printed form is included at the bottom of this page. Please complete, sign and return the form to Room 2217 LB. This form may not be e-mailed because it requires the sponsor's signature.

MEMORANDUM

TO: **Representatives Allred & Saunders**

FROM: **Representative Hackney**
Bill Sponsor

SUBJECT: **HB 1226, IMPROVE AIR QUALITY WITH LOCAL PLAN.** (Short Title)

I request that HB 1226 not be considered by the Committee on Transportation.

(Sponsor's Signature)

10/2/02 Date

MEMORANDUM

DATE: **September 25, 2002**

TO: **Representative Saunders**

FROM: **Representative Allred**

SUBJECT: **Bills Pending in the Committee on Transportation**

Pursuant to House Rule 36(a) all House bills and resolutions shall be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make **except in the case where the principal introducer requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the bill not be considered.**

If you would like to request that your bill not be considered by the Committee on Transportation, for your convenience, a printed form is included at the bottom of this page. Please complete, sign and return the form to Room 2217 LB. This form may not be e-mailed because it requires the sponsor's signature.

MEMORANDUM

TO: **Representative Allred**

FROM: **Representative Saunders**
Bill Sponsor

SUBJECT: **HB 1673, CHARLOTTE RAIL LIABILITY LIMITATION** (Short Title)

I request that HB 1673 not be considered by the Committee on Transportation.

(Sponsor's Signature)

9/25/02 Date

MEMORANDUM

DATE: **September 25, 2002**

TO: **Representative Hensley**

FROM: **Representatives Allred & Saunders**

SUBJECT: **Bills Pending in the Committee on Transportation**

Pursuant to House Rule 36(a) all House bills and resolutions shall be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make **except in the case where the principal introducer requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the bill not be considered.**

If you would like to request that your bill not be considered by the Committee on Transportation, for your convenience, a printed form is included at the bottom of this page. Please complete, sign and return the form to Room 2217 LB. This form may not be e-mailed because it requires the sponsor's signature.

MEMORANDUM

TO: **Representatives Allred & Saunders**

FROM: **Representative Hensley**
Bill Sponsor

SUBJECT: **HB 1333, WINDSHIELDS REQUIRED AND INSPECTED** (Short Title)

I request that HB 1333 not be considered by the Committee on Transportation.

(Sponsor's Signature)

9/26/02 Date