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Short Title: Moving Ahead Transportation Initiative.

(Public)

Sponsors:

Referred to:

February 20, 2003

A BILL TO BE ENTITLED

1 AN ACT TO IMPLEMENT THE NORTH CAROLINA MOVING AHEAD
2 TRANSPORTATION INITIATIVE BY ALLOWING CASH BALANCES IN THE
3 HIGHWAY TRUST FUND TO BE USED TO MEET CRUCIAL
4 TRANSPORTATION NEEDS, TO REQUIRE FUNDS DESIGNATED BY THIS
5 ACT FOR PRESERVATION, MODERNIZATION, AND MAINTENANCE BE
6 EXPENDED IN ACCORDANCE WITH THE EQUITY DISTRIBUTION
7 FORMULA, TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO
8 CERTIFY THAT USE OF FUNDS IN ACCORDANCE WITH THIS ACT WILL
9 NOT DELAY CONSTRUCTION OF ANY HIGHWAY TRUST FUND PROJECT,
10 TO REAFFIRM THE INTENT OF THE GENERAL ASSEMBLY THAT
11 PROCEEDS FROM THE ISSUANCE OF BONDS UNDER AUTHORITY OF
12 THE STATE HIGHWAY BOND ACT OF 1996 SHALL BE USED FOR THE
13 PURPOSES STATED IN THAT ACT, AND FOR NO OTHER PURPOSE, TO
14 ESTABLISH A BLUE RIBBON COMMISSION TO STUDY SOLUTIONS TO
15 NORTH CAROLINA'S URBAN TRANSPORTATION NEEDS, AND TO
16 CLARIFY THE EFFECTIVENESS OF PERMITS ISSUED BY THE
17 DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES.
18

19 The General Assembly of North Carolina enacts:

20 **SECTION 1.** G.S. 136-176 is amended by adding a new subsection to read:

21 "(a3) The Department may obligate three hundred million dollars (\$300,000,000)
22 in fiscal year 2003-2004 and four hundred million dollars (\$400,000,000) in fiscal year
23 2004-2005 of the cash balance of the Highway Trust Fund for the following purposes:

24 (1) Six hundred thirty million dollars (\$630,000,000) for highway system
25 preservation, modernization, and maintenance, including projects to
26 enhance safety, reduce congestion, improve traffic flow, reduce
27 accidents, upgrade pavement widths and shoulders, extend pavement

1 life, improve pavement smoothness, and rehabilitate or replace
2 deficient bridges; and for economic development transportation
3 projects recommended by local officials and approved by the Board of
4 Transportation.

5 (2) Seventy million dollars (\$70,000,000) for regional public transit
6 systems, rural and urban public transportation system facilities,
7 regional transportation and air quality initiatives, rail system track
8 improvements and equipment, and other ferry, bicycle, and pedestrian
9 improvements. For any project or program listed in this subdivision for
10 which the Department receives federal funds, use of funds pursuant to
11 this subdivision shall be limited to matching those funds."

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

13 "(a4) Projects selection pursuant to subsection (a3) of this section shall be based on
14 identified and documented need. Funds expended pursuant to subdivision (1) of
15 subsection (a3) of this section shall be distributed in accordance with the distribution
16 formula in G.S. 136-17.2A. No funds shall be expended pursuant to subsection (a3)(1)
17 of this section on any project that does not meet Department of Transportation standards
18 for road design, materials, construction, and traffic flow."

19 **SECTION 3.** G.S. 136-176 is amended by adding a new subsection to read:

20 "(a5) The Department shall report to the Joint Legislative Transportation Oversight
21 Committee, on or before September 1, 2003, on its intended use of funds pursuant to
22 subsection (a3) of this section. The Department shall report to the Joint Transportation
23 Appropriations Subcommittee, on or before May 1, 2004, on its actual current and
24 intended future use of funds pursuant to subsection (a3) of this section. The Department
25 shall certify to the Joint Legislative Transportation Oversight Committee each year, on
26 or before November 1, that use of the Highway Trust Fund cash balances for the
27 purposes listed in subsection (a3) of this section will not adversely affect the delivery
28 schedule of any Highway Trust Fund projects. If the Department cannot certify that the
29 full amounts authorized in subsection (a3) of this section are available, then the
30 Department may determine the amount that can be used without adversely affecting the
31 delivery schedule and may proportionately apply that amount to the purposes set forth
32 in subsection (a3) of this section."

33 **SECTION 4.** The General Assembly reaffirms its intent that the proceeds of
34 the issuance of any bonds pursuant to the Highway Bond Act of 1996, Chapter 590 of
35 the 1995 Session Laws, shall be used only for the purposes stated in that act, and for no
36 other purpose.

37 **SECTION 5.(a)** Commission Established. – There is established in the
38 General Assembly a Blue Ribbon Commission to study the unique mobility needs of
39 urban areas in North Carolina.

40 **SECTION 5.(b)** Membership. – The Commission shall be composed of 27
41 members as follows:

42 (1) Fifteen members of the public appointed by the Governor, two of
43 whom shall represent the Regional Transportation Alliance, one of
44 whom shall represent the environmental community, two of whom

1 shall represent the Business Coalition for Regional Transportation
2 Strategies, two of whom shall represent the North Carolina Citizens for
3 Business and Industry, two of whom shall represent the transportation
4 industry, and four of whom shall be mayors from among the 10 most
5 populous municipalities in the State.

6 (2) Six members of the House of Representatives appointed by the
7 Speaker of the House of Representatives.

8 (3) Six members of the Senate appointed by the President Pro Tempore of
9 the Senate.

10 **SECTION 5.(c)** Secretary of Transportation. – The Commission shall invite
11 the Secretary of Transportation to attend each meeting of the Commission and
12 encourage his participation in the Commission's deliberations.

13 **SECTION 5.(d)** Duties of Commission. – The Commission shall study the
14 following matters related to North Carolina's urban needs:

15 (1) Innovative financing approaches to mitigate urban congestion.

16 (2) Local revenue options which would give urban areas more control
17 over their regional mobility future.

18 (3) Any other urban transportation issues if approved by the cochairs or
19 recommended by the Secretary of Transportation and approved by the
20 cochairs.

21 **SECTION 5.(e)** Vacancies. – Any vacancy on the Commission shall be
22 filled by the appointing authority.

23 **SECTION 5.(f)** Cochairs. – Cochairs of the Commission shall be designated
24 by the Speaker of the House of Representatives and the President Pro Tempore of the
25 Senate from among their respective appointees. The Commission shall meet upon the
26 call of the chairs. A quorum of the Commission shall be 11 members.

27 **SECTION 5.(g)** Expenses of Members. – Members of the Commission shall
28 receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1,
29 138-5, or 138-6, as appropriate.

30 **SECTION 5.(h)** Staff. – Adequate staff shall be provided to the Commission
31 by the Legislative Services Office.

32 **SECTION 5.(i)** Consultants. – The Commission may hire consultants to
33 assist with the study. Before expending any funds for a consultant, the Commission
34 shall report to the Joint Legislative Commission on Governmental Operations on the
35 consultant selected, the work products to be provided by the consultant, and the cost of
36 the contract, including an itemization of the cost components.

37 **SECTION 5.(j)** Cooperation. – The Commission may call upon any
38 department, agency, institution, or officer of the State or any political subdivision
39 thereof for facilities, data, or other assistance.

40 **SECTION 5.(k)** Meetings During Legislative Session. – The Commission
41 may meet during a regular or extra session of the General Assembly, subject to approval
42 of the Speaker of the House of Representatives and the President Pro Tempore of the
43 Senate.

1 **SECTION 5.(l)** Meeting Location. – The Commission shall meet at various
2 locations around the State in order to promote greater public participation in its
3 deliberations. The Legislative Services Commission shall grant adequate meeting space
4 to the Commission in the State Legislative Building or the Legislative Office Building.

5 **SECTION 5.(m)** Report. – The Commission shall make an interim report of
6 its findings and recommendations to the 2004 Regular Session of the 2003 General
7 Assembly and shall make a final report of its findings and recommendations to the 2005
8 General Assembly. The Committee shall submit copies of the reports to the Governor
9 and the Secretary of Transportation. Upon the filing of its final report, the Commission
10 shall terminate.

11 **SECTION 5.(n)** Funding. – The Commission may apply for, receive, and
12 accept grants of non-State funds, or other contributions as appropriate to assist in the
13 performance of its duties.

14 **SECTION 5.(o)** Appropriation. – Of the funds appropriated to the General
15 Assembly, the Legislative Services Commission shall allocate sufficient funds for the
16 expenses of the Commission.

17 **SECTION 5.(p)** This section is effective when it becomes law.

18 **SECTION 6.** Chapter 136 of the General Statutes is amended by adding a
19 new section to read:

20 "(a) Once the Department of Environment and Natural Resources or any agency
21 within the Department of Environment and Natural Resources has issued a permit that is
22 required for a transportation construction project to be undertaken by the Department of
23 Transportation pursuant to the Transportation Improvement Program, that permit shall
24 remain in effect until the project is completed. The permit shall not expire and shall not
25 be modified or cancelled for any reason, including a subsequent change in federal law
26 or regulations or in State law or rules, unless at least one of the following occurs:

27 (1) The modification or cancellation is requested by the Department of
28 Transportation.

29 (2) The modification or cancellation is clearly required by a change in
30 federal law or regulations, and a failure to modify or cancel the permit
31 by the Department of Environment and Natural Resources will or may
32 result in a loss of federal program delegation or a significant reduction
33 in the availability of federal funds to the Department of Environment
34 and Natural Resources or to the Department of Transportation.

35 (3) The modification or cancellation is clearly required by a change in
36 State law as a result of an act of the General Assembly that includes a
37 statement that the General Assembly specifically intends the change in
38 State law to apply to ongoing transportation construction projects.

39 (4) The modification or cancellation is ordered by a court of competent
40 jurisdiction.

41 (5) The nature or scope of the transportation construction project is
42 significantly expanded or altered.

43 (6) Federal law or regulation requires that the permit expire at the end of a
44 specific term of years."

1 **SECTION 7.** Except as otherwise provided, this act becomes effective July
2 1, 2003.