

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007**

**SESSION LAW 2007-551  
HOUSE BILL 1005**

AN ACT TO REQUIRE THAT RECOMMENDATIONS ON DEBT CAPACITY INCLUDE RECOMMENDATIONS RELATED TO DEBT SUPPORTED BY THE GENERAL FUND, THE HIGHWAY FUND, AND THE HIGHWAY TRUST FUND; TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO REVIEW THE STIP PLANNING AND DEVELOPMENT PROCESS; TO DIRECT THE OFFICE OF STATE BUDGET AND MANAGEMENT TO STUDY LONG-TERM ECONOMIC, MOBILITY, AND INFRASTRUCTURE NEEDS; TO ENACT CERTAIN BRIDGE CONSTRUCTION GUIDELINES; AND TO REQUIRE COMPLIANCE WITH CERTAIN FEDERAL GUIDELINES FOR TRANSPORTATION PROJECTS.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 142-101(d) reads as rewritten:

"(d) Duties. – The Debt Affordability Advisory Committee shall annually advise the Governor and the General Assembly on the estimated debt capacity of the State for the upcoming 10 fiscal years. The Committee shall oversee the undertaking of an annual debt affordability study and the establishment of guidelines for evaluating the State's debt burden. The guidelines should include target and ceiling ratios of net tax-supported debt to personal income and debt service to revenues, target and floor percentages for the 10-year payout ratio, and target and floor percentages for the unreserved General Fund balance. The Committee's recommendations shall include recommendations on debt capacities for debt supported by the General Fund, the Highway Fund, and the Highway Trust Fund. The Committee shall also recommend any other debt management policies it considers desirable and consistent with sound management of the State's debt."

**SECTION 2.** The Department shall review the State Transportation Improvement Program (STIP) project planning, development, and prioritization process to determine any needed legislation to address congestion, mobility, and transportation infrastructure needs to meet established transportation network performance targets, and shall study alternative funding sources. The Department shall report its findings and recommendations to the Joint Legislative Transportation Oversight Committee by October 1, 2007.

**SECTION 3.** The Office of State Budget and Management shall conduct a study to develop a statewide logistics plan to address long-term economic, mobility, and infrastructure needs. The study shall include, but not be limited to, all of the following:

- (1) Identification of priority commerce needs.
- (2) Transportation infrastructure, including multimodal solutions, to support key industries vital to the State's long-term economic growth.
- (3) Input from State agencies and the private sector.
- (4) A timetable for meeting any identified needs.

The Office of State Budget and Management shall report its findings to the Joint Legislative Transportation Oversight Committee not later than April 1, 2008. Of the funds appropriated to the Department of Transportation from the Highway Fund, the Department may use up to one million dollars (\$1,000,000) to pay for this study.

**SECTION 4.** Article 2A of Chapter 136 of the General Statutes is amended by adding a new section to read:

**"§ 136-44.7D. Bridge construction guidelines.**

A bridge crossing rivers and streams in watersheds shall be constructed to accommodate the hydraulics of a flood water level equal to the water level projected for a 100-year flood for the region in which the bridge is built. The bridge shall be built without regard for the riparian buffer zones as designated by the Department of Environment and Natural Resources, Division of Water Quality. No Memorandums of Agreement may be made between Departments to bypass this construction mandate. No agency rules shall be enacted contrary to this section."

**SECTION 5.** Article 2A of Chapter 136 of the General Statutes is amended by adding a new section to read:

**"§ 136-44.7E. Compliance with federal guidelines for transportation projects.**

The Department may continue to use the Merger '01 process provided the relevant portions of P.L. 109-59, Section 6002, (SAFETEA-LU) are incorporated to ensure the Department as the recipient agency is the co-lead agency with the United States Department of Transportation, delegating all other federal, state, or local agencies as participating or cooperating agencies. The Department's designation as a co-lead agency shall inure to the Department the authority to determine the purpose and need of a project and to determine viable alternatives. Any conflict between cooperating or participating agencies and the Department shall be resolved by the Department in favor of the completion of the project in conflict."

**SECTION 6.** This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 2<sup>nd</sup> day of August, 2007.

s/ Marc Basnight  
President Pro Tempore of the Senate

s/ Joe Hackney  
Speaker of the House of Representatives

s/ Michael F. Easley  
Governor

Approved 11:00 p.m. this 31<sup>st</sup> day of August, 2007