

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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HOUSE BILL 48*
Committee Substitute Favorable 4/23/03
Committee Substitute #2 Favorable 4/29/03

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, AND
14 TO ESTABLISH A BLUE RIBBON COMMISSION TO STUDY SOLUTIONS TO
15 NORTH CAROLINA'S URBAN TRANSPORTATION NEEDS.
16

17 The General Assembly of North Carolina enacts:

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

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

22 (1) Six hundred thirty million dollars (\$630,000,000) for highway system
23 preservation, modernization, and maintenance, including projects to
24 enhance safety, reduce congestion, improve traffic flow, reduce
25 accidents, upgrade pavement widths and shoulders, extend pavement
26 life, improve pavement smoothness, and rehabilitate or replace
27 deficient bridges; and for economic development transportation

1 projects recommended by local officials and approved by the Board of
2 Transportation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

43 **SECTION 5.(l)** Meeting Location. – The Commission shall meet at various
44 locations around the State in order to promote greater public participation in its

1 deliberations. The Legislative Services Commission shall grant adequate meeting space
2 to the Commission in the State Legislative Building or the Legislative Office Building.

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

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

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

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

16 **SECTION 6.** Except as otherwise provided, this act becomes effective July
17 1, 2003.