

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

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SENATE BILL 1015

Short Title: The Good Roads Restoration Act. (Public)

Sponsors: Senators Berger; Apodaca, Ballantine, Brock, Carpenter, Forrester, Foxx, Garwood, Hartsell, Pittenger, Rucho, Shubert, Sloan, Smith, Stevens, and Tillman.

Referred to: Appropriations/Base Budget.

April 3, 2003

A BILL TO BE ENTITLED

AN ACT TO RESTORE THE GOOD ROADS OF NORTH CAROLINA AND TO
CREATE A COMMISSION TO STUDY ALL TRANSPORTATION FINANCING,
FUNDING, PLANNING, AND MANAGEMENT ISSUES.

The General Assembly of North Carolina enacts:

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

"(a2) The Department may use up to three hundred million dollars (\$300,000,000) in fiscal year 2003-2004 and up to four hundred million dollars (\$400,000,000) in fiscal year 2004-2005 of the cash balance of the Highway Trust Fund for highway system preservation and maintenance and resurfacing of roadways. All funds used pursuant to this subsection shall be expended under the distribution formula in G.S. 136-17.2A. The Department of Transportation shall certify to the Joint Legislative Transportation Oversight Committee that the use of these funds will not delay any Highway Trust Fund projects. The Department of Transportation shall report annually, beginning in January 2004, to the Joint Legislative Transportation Oversight Committee on the status and projected completion of all Transportation Improvement Program projects."

SECTION 2. Section 2.2(e) of S.L. 2002-126 is repealed.

SECTION 3. Section 2.2(f) of S.L. 2002-126 reads as rewritten:

"SECTION 2.2.(f) Notwithstanding G.S. 105-187.9(b)(1), the sum to be transferred under that subdivision for the 2002-2003 fiscal year ~~and for the 2003-2004 fiscal year is two hundred fifty million dollars (\$250,000,000)-year."~~

SECTION 4. Section 2.2(g) of S.L. 2002-126 reads as rewritten:

"SECTION 2.2.(g) There is transferred from the Highway Trust Fund to the General Fund the sum of one hundred twenty-five million dollars (\$125,000,000) for the 2002-2003 fiscal year. It is the intent of the General Assembly that the Highway Trust Fund shall be held harmless because of this transfer. The General Assembly shall transfer funds from the General Fund back to the Highway Trust Fund during fiscal

1 ~~years 2004-2005 through 2008-2009~~ year 2003-2004 including interest at the net rate of
2 return generated by the State Treasurer's Short Term Investment Fund."

3 **SECTION 5.** Comprehensive Transportation Issues Study Commission. (a)
4 Study Commission Established. – There is established a Comprehensive Transportation
5 Issues Study Commission to report to the 2004 Regular Session of the 2003 General
6 Assembly.

7 **SECTION 5.(b)** Membership. – The Study Commission shall be composed
8 of members as follows:

- 9 (1) The Chairs of the Joint Legislative Transportation Oversight
10 Committee.
- 11 (2) The Chair or Cochairs of the Senate Appropriations Committee,
12 appointed by the President Pro Tempore of the Senate.
- 13 (3) The Chair or Cochairs of the House Appropriations Committee,
14 appointed by the Speaker of the House of Representatives.
- 15 (4) The Chair or Cochairs of the Senate Finance Committee, appointed by
16 the President Pro Tempore of the Senate.
- 17 (5) The Chair or Cochairs of the House Finance Committee, appointed by
18 the Speaker of the House of Representatives.
- 19 (6) One member nominated by the League of Municipalities, appointed by
20 the Speaker of the House of Representatives.
- 21 (7) One member nominated by the North Carolina Association of County
22 Commissioners appointed by the President Pro Tempore of the Senate.
- 23 (8) Five public members appointed by the Governor; one of whom shall
24 be professionally engaged in environmental engineering, one of whom
25 shall be actively engaged in highway construction, one of whom shall
26 be knowledgeable in public financing, one of whom shall be
27 professionally involved with urban transportation management, and
28 one of whom shall be actively involved with rural economic
29 development.

30 The appointing authorities shall make their appointments to reflect the
31 urban-rural diversity of the population of the State, within 30 days of the effective date
32 of this act.

33 **SECTION 5.(c)** Duties of the Study Commission. – The Commission shall
34 study all aspects of transportation, including planning and scheduling of projects,
35 legislative and executive oversight, revenues, funding, and expenditures of the Highway
36 Fund, the Highway Trust Fund, and Federal Aid programs for transportation. The study
37 shall include an examination of all the following:

- 38 (1) The effectiveness of legislative oversight of the Department of
39 Transportation and all other transportation-related programs in North
40 Carolina.
- 41 (2) The gap between transportation funding structures and the actual
42 transportation needs of the State.
- 43 (3) Historical and projected application of funds within the several
44 transportation funding sources.

- 1 (4) Deficiencies in matching funding and expenditures between the
- 2 several Funds.
- 3 (5) Economic feasibility of alternate transportation modes, including
- 4 cost/benefit comparisons of planning, construction, and operation of
- 5 alternate transportation programs.
- 6 (6) Alternative methods of funding, financing, and planning transportation
- 7 construction, maintenance, and operations.
- 8 (7) Delivery of construction and maintenance projects, including
- 9 alternative management structures, outsourcing, and privatization.
- 10 (8) Any other issue related to transportation, transportation funding,
- 11 project planning, and management of transportation programs.

12 **SECTION 5.(d)** Vacancies. – The appointing authority shall fill any
13 vacancy on the Study Commission.

14 **SECTION 5.(e)** Cochairs. – The President Pro Tempore of the Senate and
15 the Speaker of the House of Representatives shall designate Cochairs of the Study
16 Commission. The Study Commission shall meet upon the call of the Cochairs. A
17 quorum of the Study Commission shall be a majority of the members.

18 **SECTION 5.(f)** Expenses of Members. – Members of the Study
19 Commission shall receive per diem, subsistence, and travel allowances in accordance
20 with G.S. 120-3.1, 138-5, or 138-6, as appropriate.

21 **SECTION 5.(g)** Staff. – The Legislative Services Office shall assign
22 professional and clerical staff to assist the Study Commission in its work.

23 **SECTION 5.(h)** Consultants. – The Study Commission may hire consultants
24 to examine specific issues and subjects related to the study, in accordance with G.S.
25 120-32.02.

26 **SECTION 5.(i)** Meetings During Legislative Session. – The Study
27 Commission may meet during a regular or extra session of the General Assembly.

28 **SECTION 5.(j)** Meeting Location. – The Study Commission may meet at
29 various locations around the State in order to promote greater public participation in its
30 deliberations. The Legislative Services Commission shall grant adequate meeting space
31 to the Study Commission in the State Legislative Building or the Legislative Office
32 Building.

33 **SECTION 5.(k)** Report. – The Commission may make interim reports and
34 shall make a final report to the General Assembly no later than November 1, 2004.
35 Regardless of whether it has filed an interim or final report, the Commission shall
36 terminate on November 1, 2004. The final report shall include Commission
37 recommendations for legislation to implement recommendations made by the
38 Commission.

39 **SECTION 5.(l)** Funding. – The Study Commission shall be funded from
40 funds available to the Joint Legislative Transportation Oversight Committee, in
41 accordance with G.S. 120-70.52.

42 **SECTION 6.** It is the specific intent of the General Assembly that there shall
43 be no further transfers of funds from the Highway Trust Fund to the General Fund. All

1 funds in the Highway Trust Fund and the Highway Fund shall be used only for
2 transportation-related purposes.

3 **SECTION 7.** Chapter 136 of the General Statutes is amended by adding a
4 new section to read:

5 "**§ 136-44.17. Attorneys' fees and costs in environmental lawsuits against the State.**

6 In any action brought against the Department of Transportation under North
7 Carolina environmental laws or regulations, the presiding judge may award reasonable
8 attorneys' fees to be taxed as part of the court costs and payable to the prevailing party."

9 **SECTION 8.** This act is effective when it becomes law.