

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE BILL 747*
Committee Substitute Favorable 5/26/05

Short Title: Defining State Roads.-AB

(Public)

Sponsors:

Referred to:

March 17, 2005

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE DEFINITIONS OF THE STATE ROAD SYSTEMS
AND TO REQUIRE ANNUAL WORK PLANS FOR MAINTENANCE OF
STATE STREETS AND HIGHWAYS WITHIN MUNICIPALITIES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-44.2 reads as rewritten:

"§ 136-44.2. Budget and appropriations.

The Director of the Budget shall include in the "Current Operations Appropriations Bill" an enumeration of the purposes or objects of the proposed expenditures for each of the construction and maintenance programs for that budget period for the State primary, secondary, ~~urban,~~ and State parks road systems. The State primary system shall include all portions of the State highway system located both inside and outside municipal corporate limits ~~which~~that are designated by N.C., U.S. or Interstate numbers. The State secondary system shall include all of the State highway system located both inside and outside municipal corporate limits that is not a part of the State primary system. ~~The State urban system shall include all portions of the State highway system located within municipal corporate limits.~~ The State parks system shall include all State parks roads and parking lots ~~which~~that are not also part of the State highway system.

All construction and maintenance programs for which appropriations are requested shall be enumerated separately in the budget. Programs that are entirely State funded shall be listed separately from those programs involving the use of federal-aid funds. Proposed appropriations of State matching funds for each of the federal-aid construction programs shall be enumerated separately as well as the federal-aid funds anticipated for each program in order that the total construction requirements for each program may be provided for in the budget. Also, proposed State matching funds for the highway planning and research program shall be included separately along with the anticipated federal-aid funds for that purpose.

Other program categories for which appropriations are requested, such as, but not limited to, maintenance, channelization and traffic control, bridge maintenance, public

1 service and access road construction, and ferry operations shall be enumerated in the
2 budget.

3 The Department of Transportation shall have all powers necessary to comply fully
4 with provisions of present and future federal-aid acts. No federally eligible construction
5 project may be funded entirely with State funds unless the Department of Transportation
6 has first consulted with the Joint Legislative Commission on Governmental Operations.
7 For purposes of this section, "federally eligible construction project" means any
8 construction project except secondary road projects developed pursuant to
9 G.S. 136-44.7 and 136-44.8 eligible for federal funds under any federal-aid act, whether
10 or not federal funds are actually available.

11 The "Current Operations Appropriations Bill" shall also contain the proposed
12 appropriations of State funds for use in each county for maintenance and construction of
13 secondary roads, to be allocated in accordance with G.S. 136-44.5 and 136-44.6. State
14 funds appropriated for secondary roads shall not be transferred nor used except for the
15 construction and maintenance of secondary roads in the county for which they are
16 allocated pursuant to G.S. 136-44.5 and 136-44.6.

17 If the unreserved credit balance in the Highway Fund on the last day of a fiscal year
18 is greater than the amount estimated for that date in the Current Operations
19 Appropriations Act for the following fiscal year, the excess shall be used in accordance
20 with this paragraph. The Director of the Budget may allocate part or all of the excess
21 among reserves for access and public roads, for unforeseen events requiring prompt
22 action, or for other urgent needs. The amount not allocated to any of these reserves by
23 the Director of the Budget shall be credited to a reserve for maintenance. The Board of
24 Transportation shall report monthly to the Joint Legislative Transportation Oversight
25 Committee and the Fiscal Research Division on the use of funds in the maintenance
26 reserve.

27 The Department of Transportation may provide for costs incurred or accrued for
28 traffic control measures to be taken by the Department at major events which involve a
29 high degree of traffic concentration on State highways, and which cannot be funded
30 from regular budgeted items. This authorization applies only to events which are
31 expected to generate 30,000 vehicles or more per day. The Department of
32 Transportation shall provide for this funding by allocating and reserving up to one
33 hundred thousand dollars (\$100,000) before any other allocations from the
34 appropriations for State maintenance for ~~primary, secondary, and urban~~ primary and
35 secondary road systems are made, based upon the same proportion as is appropriated to
36 each system."

37 **SECTION 2.** G.S. 136-66.1 reads as rewritten:

38 "**§ 136-66.1. Responsibility for streets inside municipalities.**

39 Responsibility for streets and highways inside the corporate limits of municipalities
40 is hereby defined as follows:

- 41 (1) The State Highway System. – The State highway system inside the
42 corporate limits of municipalities shall consist of a system of major
43 streets and highways necessary to move volumes of traffic efficiently
44 and effectively from points beyond the corporate limits of the

1 municipalities through the municipalities and to major business,
2 industrial, governmental and institutional destinations located inside
3 the municipalities. The Department of Transportation shall be
4 responsible for the maintenance, repair, improvement, widening,
5 construction and reconstruction of this system. These streets and
6 highways within corporate limits are of primary benefit to the State in
7 developing a statewide coordinated system of primary and secondary
8 streets and highways. Each highway division shall develop an annual
9 work plan for maintenance and contract resurfacing, within their
10 respective divisions, consistent with the needs, inasmuch as possible,
11 as identified in the report developed in accordance with G.S. 136-44.3.
12 In developing the annual work plan, the highway division shall give
13 consideration to any special needs or information provided by the
14 municipalities within their respective divisions. The plan shall be made
15 available to the municipalities within the respective divisions upon
16 request.

17 (2) The Municipal Street System. – In each municipality the municipal
18 street system shall consist of those streets and highways accepted by
19 the municipality which are not a part of the State highway system. The
20 municipality shall be responsible for the maintenance, construction,
21 reconstruction, and right-of-way acquisition for this system.

22 (3) Maintenance of State Highway System by Municipalities. – Any city
23 or town, by written contract with the Department of Transportation,
24 may undertake to maintain, repair, improve, construct, reconstruct or
25 widen those streets within municipal limits which form a part of the
26 State highway system, and may also, by written contract with the
27 Department of Transportation, undertake to install, repair and maintain
28 highway signs and markings, electric traffic signals and other
29 traffic-control devices on such streets. All work to be performed by the
30 city or town under such contract or contracts shall be in accordance
31 with Department of Transportation standards, and the consideration to
32 be paid by the Department of Transportation to the city or town for
33 such work, whether in money or in services, shall be adequate to
34 reimburse the city or town for all costs and expenses, direct or indirect,
35 incurred by it in the performance of such work. The city or town under
36 contract with the Department shall develop an annual work plan for
37 maintenance of the State highway system consistent with the needs,
38 inasmuch as possible, as identified in the report developed in
39 accordance with G.S. 136-44.3. The annual work plan shall be
40 submitted to the respective division engineers and shall be mutually
41 agreeable to both parties.

42 (4) If the governing body of any municipality determines that it is in the
43 best interest of its citizens to do so, it may expend its funds for the
44 purpose of making any of the following improvements on streets that

1 are within its corporate limits and form a part of the State highway
2 system:

- 3 a. Construction of curbing and guttering.
4 b. Adding of lanes for automobile parking.
5 c. Constructing street drainage facilities which may by reasonable
6 engineering estimates be attributable to that amount of surface
7 water collected upon and flowing from municipal streets which
8 do not form a part of the State highway system.
9 d. Constructing sidewalks.
10 e. Intersection improvements, if the governing body determines
11 that such improvements will decrease traffic congestion,
12 improve safety conditions, and improve air quality.

13 In exercising the authority granted herein, the municipality may,
14 with the consent of the Department of Transportation, perform the
15 work itself, or it may enter into a contract with the Department of
16 Transportation to perform such work. Any work authorized by this
17 subdivision shall be financed entirely by the municipality and be
18 approved by the Department of Transportation.

19 The cost of any work financed by a municipality under this
20 subdivision may be assessed against the properties abutting the street
21 or highway upon which such work was performed in accordance with
22 the procedures of either Article 10 of Chapter 160A of the General
23 Statutes or any charter provisions or local acts applicable to the
24 particular municipality."

25 **SECTION 3.** This act becomes effective July 1, 2005.