

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

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HOUSE BILL 747\*  
Committee Substitute Favorable 5/26/05  
Senate Transportation Committee Substitute Adopted 8/11/05

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 AND TO  
MODIFY THE AUTHORIZATION GIVEN FOR THE CONTRACT OF THE  
HERBERT C. BONNER REPLACEMENT BRIDGE PROJECT AT OREGON  
INLET.

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

1 planning and research program shall be included separately along with the anticipated  
2 federal-aid funds for that purpose.

3 Other program categories for which appropriations are requested, such as, but not  
4 limited to, maintenance, channelization and traffic control, bridge maintenance, public  
5 service and access road construction, and ferry operations shall be enumerated in the  
6 budget.

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

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

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

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

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

42 "**§ 136-66.1. Responsibility for streets inside municipalities.**

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

- 1           (1)    The State Highway System. – The State highway system inside the  
2           corporate limits of municipalities shall consist of a system of major  
3           streets and highways necessary to move volumes of traffic efficiently  
4           and effectively from points beyond the corporate limits of the  
5           municipalities through the municipalities and to major business,  
6           industrial, governmental and institutional destinations located inside  
7           the municipalities. The Department of Transportation shall be  
8           responsible for the maintenance, repair, improvement, widening,  
9           construction and reconstruction of this system. These streets and  
10          highways within corporate limits are of primary benefit to the State in  
11          developing a statewide coordinated system of primary and secondary  
12          streets and highways. Each highway division shall develop an annual  
13          work plan for maintenance and contract resurfacing, within their  
14          respective divisions, consistent with the needs, inasmuch as possible,  
15          as identified in the report developed in accordance with G.S. 136-44.3.  
16          In developing the annual work plan, the highway division shall give  
17          consideration to any special needs or information provided by the  
18          municipalities within their respective divisions. The plan shall be made  
19          available to the municipalities within the respective divisions upon  
20          request.
- 21          (2)    The Municipal Street System. – In each municipality the municipal  
22          street system shall consist of those streets and highways accepted by  
23          the municipality which are not a part of the State highway system. The  
24          municipality shall be responsible for the maintenance, construction,  
25          reconstruction, and right-of-way acquisition for this system.
- 26          (3)    Maintenance of State Highway System by Municipalities. – Any city  
27          or town, by written contract with the Department of Transportation,  
28          may undertake to maintain, repair, improve, construct, reconstruct or  
29          widen those streets within municipal limits which form a part of the  
30          State highway system, and may also, by written contract with the  
31          Department of Transportation, undertake to install, repair and maintain  
32          highway signs and markings, electric traffic signals and other  
33          traffic-control devices on such streets. All work to be performed by the  
34          city or town under such contract or contracts shall be in accordance  
35          with Department of Transportation standards, and the consideration to  
36          be paid by the Department of Transportation to the city or town for  
37          such work, whether in money or in services, shall be adequate to  
38          reimburse the city or town for all costs and expenses, direct or indirect,  
39          incurred by it in the performance of such work. The city or town under  
40          contract with the Department shall develop an annual work plan for  
41          maintenance of the State highway system consistent with the needs,  
42          inasmuch as possible, as identified in the report developed in  
43          accordance with G.S. 136-44.3. The annual work plan shall be

1 submitted to the respective division engineers and shall be mutually  
2 agreeable to both parties.

3 (4) If the governing body of any municipality determines that it is in the  
4 best interest of its citizens to do so, it may expend its funds for the  
5 purpose of making any of the following improvements on streets that  
6 are within its corporate limits and form a part of the State highway  
7 system:

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

18 In exercising the authority granted herein, the municipality may,  
19 with the consent of the Department of Transportation, perform the  
20 work itself, or it may enter into a contract with the Department of  
21 Transportation to perform such work. Any work authorized by this  
22 subdivision shall be financed entirely by the municipality and be  
23 approved by the Department of Transportation.

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

30 **SECTION 3.** If House Bill 253, 2005 General Assembly, becomes law, then  
31 G.S. 136-89.183B, as enacted by that act, reads as rewritten:

32 "**§ 136-89.183B. Accelerated Herbert C. Bonner Bridge Replacement Project.**

33 (a) Contract for Accelerated Construction of the Herbert C. Bonner Replacement  
34 Bridge Project. – The Department of Transportation shall implement all reasonable  
35 measures to expedite completion of environmental reviews required by the National  
36 Environmental Policy Act. Within 90 days of receiving an approved Record of Decision  
37 from the Federal Highway Administration, the Department shall contract with a single  
38 private firm to design, obtain all necessary permits for, and construct design and build a  
39 replacement bridge for the Herbert C. Bonner Bridge at Oregon Inlet, in accordance  
40 with G.S. 136-28.11, in order to provide accelerated, expedite and accelerate the  
41 efficient, and cost effective completion of the project.

42 (b) Replacement Bridge; Termini. – The General Assembly recommends that the  
43 replacement bridge constructed pursuant to this section shall be ~~a replacement bridge,~~  
44 located with north and south termini located in general proximity to the termini of the

1 existing Herbert C. Bonner Bridge. It is recognized, however, that the preferred  
2 alternative for the bridge location cannot be determined prior to compliance with all  
3 federal and State laws and regulations.

4 (c) ~~Department to Report on Project. —The Department shall prepare a request~~  
5 ~~for proposals from private firms to complete the bridge project described in this section,~~  
6 ~~and submit the request for proposals to the Joint Legislative Transportation Oversight~~  
7 ~~Committee for review and comment, within 90 days after the effective date of this act.~~  
8 ~~The Department shall issue the request for proposals to the public 30 days after~~  
9 ~~submittal to the Committee for review. The Department shall report to the Joint~~  
10 ~~Legislative Transportation Oversight Committee on December 1, 2005, and each~~  
11 ~~December 1 thereafter until completion, on the progress of the accelerated bridge~~  
12 ~~project described in this section."~~

13 **SECTION 4.** This act is effective when it becomes law.