

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 1005*
Committee Substitute Favorable 5/17/07
Senate Finance Committee Substitute Adopted 8/1/07

Short Title: Various Transportation Changes/Study. (Public)

Sponsors:

Referred to:

March 26, 2007

A BILL TO BE ENTITLED

1
2 AN ACT TO REQUIRE THAT RECOMMENDATIONS ON DEBT CAPACITY
3 INCLUDE RECOMMENDATIONS RELATED TO DEBT SUPPORTED BY THE
4 GENERAL FUND, THE HIGHWAY FUND, AND THE HIGHWAY TRUST
5 FUND; TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO
6 REVIEW THE STIP PLANNING AND DEVELOPMENT PROCESS; TO
7 AUTHORIZE THE DEPARTMENT OF TRANSPORTATION AND THE OFFICE
8 OF STATE PERSONNEL TO DEVELOP A PILOT PROGRAM TO ADDRESS
9 TALENT MANAGEMENT NEEDS; TO DIRECT THE OFFICE OF STATE
10 BUDGET AND MANAGEMENT TO STUDY LONG-TERM ECONOMIC,
11 MOBILITY, AND INFRASTRUCTURE NEEDS; TO ENACT CERTAIN
12 BRIDGE CONSTRUCTION GUIDELINES; AND TO REQUIRE COMPLIANCE
13 WITH CERTAIN FEDERAL GUIDELINES FOR TRANSPORTATION
14 PROJECTS.

15 The General Assembly of North Carolina enacts:

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

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

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

8 **SECTION 3.** The Department of Transportation and the Office of State
9 Personnel are authorized to develop and implement a pilot program to address talent
10 management needs, including the recruiting and retention of critical talent, driving
11 employee performance, and developing managers and senior agency leadership. The
12 Department of Transportation and its employees are exempt from the classification and
13 compensation rules established by the State Personnel Commission pursuant to
14 G.S. 126-4(1) through (4); G.S. 126-4(5) only as it applies to hours and days of work,
15 vacation and sick leave; G.S. 126-4(6) only as it applies to promotions; G.S. 126-4(10)
16 only as it applies to the prohibition of the establishment of incentive pay programs; and
17 Article 2 of Chapter 126 of the General Statutes, except for G.S. 126-7.1. These
18 exemptions apply only to the pilot program.

19 These exemptions shall be used to develop organizational classification and
20 compensation innovations that will enhance the efficiency of the operations. The Office
21 of State Personnel shall assist the Department of Transportation in the development and
22 implementation of talent management programs that make the most appropriate use of
23 the exemptions. The Department of Transportation and the Office of State Personnel
24 shall report jointly to the Governor, the Joint Legislative Committee on Governmental
25 Operations, and the Joint Legislative Transportation Oversight Committee by January 1,
26 2008, on their talent management strategy and the implementation of any proposed pilot
27 program.

28 **SECTION 4.** The Office of State Budget and Management shall conduct a
29 study to develop a statewide logistics plan to address long-term economic, mobility, and
30 infrastructure needs. The study shall include, but not be limited to, all of the following:

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

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

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

42 **"§ 136-44.7D. Bridge construction guidelines.**

43 A bridge crossing rivers and streams in watersheds shall be constructed to
44 accommodate the hydraulics of a flood water level equal to the water level projected for

1 a 100-year flood for the region in which the bridge is built. The bridge shall be built
2 without regard for the riparian buffer zones as designated by the Department of
3 Environment and Natural Resources, Division of Water Quality. No Memorandums of
4 Agreement may be made between Departments to bypass this construction mandate. No
5 agency rules shall be enacted contrary to this section."

6 **SECTION 6.** Article 2A of Chapter 136 of the General Statutes is amended
7 by adding a new section to read:

8 **"§ 136-44.7E. Compliance with federal guidelines for transportation projects.**

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

18 **SECTION 7.** This act is effective when it becomes law.