

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

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SENATE DRS35348-MA-246A (03/13)

Short Title: County Financing/Highway and Bridge Projects. (Public)

Sponsors: Senator Jenkins.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO ALLOW COUNTIES TO PARTICIPATE IN FINANCING
IMPROVEMENTS TO PUBLIC STREETS, HIGHWAYS, AND BRIDGES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-18(29a) reads as rewritten:

"(29a) To coordinate with all public and private entities planning schools to provide written recommendations and evaluations of driveway access and traffic operational and safety impacts on the State highway system resulting from the development of the proposed sites. All public and private entities shall, upon acquiring land for a new school or prior to beginning construction of a new school, relocating a school, or expanding an existing school, request from the Department a written evaluation and written recommendations to ensure that all proposed access points comply with the criteria in the current North Carolina Department of Transportation "Policy on Street and Driveway Access". The Department shall provide the written evaluation and recommendations within a reasonable time, which shall not exceed 60 days. This subdivision shall not be construed to require the public or private entities planning schools to meet the recommendations made by the ~~Department~~Department, except those highway improvements that are required for safe ingress and egress to the State highway system."

SECTION 2. G.S. 136-45 reads as rewritten:

"§ 136-45. General purpose of law; control, repair and maintenance of highways.

The general purpose of the laws creating the Department of Transportation is that said Department of Transportation shall take over, establish, construct, and maintain a statewide system of hard-surfaced and other dependable highways running to all county

1 seats, and to all principal towns, State parks, and principal State institutions, and linking
2 up with state highways of adjoining states and with national highways into national
3 forest reserves by the most practical routes, with special view of development of
4 agriculture, commercial and natural resources of the State, ~~and~~ and, except as otherwise
5 provided by law, for the further purpose of permitting the State to assume control of the
6 State highways, repair, construct, and reconstruct and maintain said highways at the
7 expense of the entire State, and to relieve the counties and cities and towns of the State
8 of this burden."

9 **SECTION 3.** G.S. 136-51 reads as rewritten:

10 **"§ 136-51. Maintenance of county public roads vested in Department of**
11 **Transportation.**

12 From and after July 1, 1931, the exclusive control and management and
13 responsibility for all public roads in the several counties shall be vested in the
14 Department of Transportation as hereinafter provided, and all county, district, and
15 township highway or road commissioners, by whatever name designated, and whether
16 created under public, public-local, or private acts, shall be abolished:

17 Provided, that for the purpose of providing for the payment of any bonded or other
18 indebtedness, and for the interest thereon, that may be outstanding as an obligation of
19 any county, district, or township commission herein abolished, the boards of county
20 commissioners of the respective counties are hereby constituted fiscal agents, and are
21 vested with authority and it shall be their duty to levy such taxes on the taxable property
22 or persons within the respective county, district, or township by or for which said bonds
23 or other indebtedness were issued or incurred and as are now authorized by law to the
24 extent that the same may be necessary to provide for the payment of such obligations;
25 and the respective commissions herein abolished shall on or before July 1, 1931, turn
26 over to said boards of county commissioners any moneys on hand or evidences of
27 indebtedness properly applicable to the discharge of any such indebtedness (except such
28 moneys as are mentioned in paragraph (a) above); and all uncollected special road taxes
29 shall be payable to said boards of county commissioners, and the portion of said taxes
30 applicable to indebtedness shall be applied by said commissioners to said indebtedness,
31 or invested in a sinking fund according to law. All that portion of said taxes or other
32 funds coming into the hands of said county commissioners and properly applicable to
33 the maintenance or improvement of the public roads of the county shall be held by them
34 as a special road fund and disbursed upon proper orders of the Department of
35 Transportation.

36 Provided, further, that in order to fully carry out the provisions of this section the
37 respective boards of county commissioners are vested with full authority to prosecute all
38 suitable legal actions.

39 Nothing in this section shall prevent a county from participating in the cost of
40 rights-of-way, construction, reconstruction, improvement, or maintenance of a road on
41 the State highway system under agreement with the Department of Transportation. A
42 county is authorized and empowered to acquire land by dedication and acceptance,
43 purchase, or eminent domain and make improvements to portions of the State highway
44 system lying within or outside the county limits utilizing local funds that have been

1 authorized for that purpose. The provisions of G.S. 153A-15 apply to any county
2 attempting to acquire property outside its limits. All improvements to the State highway
3 system shall be done in accordance with the specifications and requirements of the
4 Department of Transportation."

5 **SECTION 4.** G.S. 136-98(a) is repealed.

6 **SECTION 5.** G.S. 136-98 is amended by adding a new subsection to read:

7 "(c) A county is authorized to participate in the cost of rights-of-way,
8 construction, reconstruction, improvement, or maintenance of a road on the State
9 highway system under agreement with the Department of Transportation."

10 **SECTION 6.** This act is effective when it becomes law.