

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015**

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**HOUSE BILL 672**

Short Title: STI and Ferry Tolling Revisions. (Public)

Sponsors: Representatives Tine, Shepard, Millis, and Torbett (Primary Sponsors).

*For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.*

Referred to: Transportation, if favorable, Finance.

April 14, 2015

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE PRIORITIZATION WORKGROUP TO INCLUDE CERTAIN CRITERIA WHEN DEVELOPING FORMULAS TO USE IN RANKING HIGHWAY AND NONHIGHWAY PROJECTS, TO ADJUST THE DEFINITION OF THE LOCAL INPUT FOR PURPOSES OF THE TRANSPORTATION INVESTMENT STRATEGY FORMULA, TO MOVE THE REPLACEMENT OF STATE-MAINTAINED FERRY VESSELS TO THE BRIDGE PROGRAM, TO ADJUST THE DISTRIBUTION OF THE PROCEEDS FROM TOLLS COLLECTED ON NORTH CAROLINA FERRY SYSTEM ROUTES, AND TO MAKE OTHER CONFORMING CHANGES.

The General Assembly of North Carolina enacts:

**SECTION 1.** The Prioritization 4.0 Workgroup, established in accordance with G.S. 136-189.11(h), shall (i) include peak average daily traffic data in the Congestion formula, (ii) expand consideration in Multimodal formula given to projects abutting a multimodal terminal to include projects within a certain proximity of a multimodal terminal, and (iii) include the improvement of hurricane evacuation routes and procedures in the Safety formula.

**SECTION 2.** G.S. 136-189.11(d) reads as rewritten:

"(d) Transportation Investment Strategy Formula. – Funds subject to the Formula shall be distributed as follows:

...

(2) Regional Impact Projects. – Thirty percent (30%) of the funds subject to this section shall be used for Regional Impact Projects and allocated by population of Distribution Regions based on the most recent estimates certified by the Office of State Budget and Management:

a. Criteria. – A combination of transportation-related quantitative criteria, qualitative criteria, and local input shall be used to rank Regional Impact Projects involving highways that address cost-effective needs from a region-wide perspective and promote economic growth. Local input is defined as the rankings identified by the ~~Department's Transportation Division Engineers~~, Metropolitan Planning ~~Organizations~~, Organizations and Rural Transportation Planning Organizations. The Metropolitan Planning Organizations and Rural Transportation Planning Organizations shall consult with the Department's Transportation Division Engineer local Engineers, whose input scoring shall take into account public comments. The Department shall ensure that the public has a full opportunity to



1 submit public comments, by widely available notice to the public, an  
2 adequate time period for input, and public hearings. Board of  
3 Transportation input shall be in accordance with  
4 G.S. 136-189.11(g)(1) and G.S. 143B-350(g). The criteria utilized for  
5 selection of Regional Impact Projects shall be based thirty percent  
6 (30%) on local input and seventy percent (70%) on consideration of a  
7 numeric scale of 100 points based on the following quantitative  
8 criteria:

- 9 1. Benefit cost.
- 10 2. Congestion.
- 11 3. Safety.
- 12 4. Freight.
- 13 5. Multimodal.
- 14 6. Pavement condition.
- 15 7. Lane width.
- 16 8. Shoulder width.
- 17 9. Accessibility and connectivity to employment centers, tourist  
18 destinations, or military installations.

19 (3) Division Need Projects. – Thirty percent (30%) of the funds subject to this  
20 section shall be allocated in equal share to each of the Department divisions,  
21 as defined in G.S. 136-14.1, and used for Division Need Projects.

22 a. Criteria. – A combination of transportation-related quantitative  
23 criteria, qualitative criteria, and local input shall be used to rank  
24 Division Need Projects involving highways that address  
25 cost-effective needs from a Division-wide perspective, provide  
26 access, and address safety-related needs of local communities. Local  
27 input is defined as the rankings identified by the ~~Department's~~  
28 ~~Transportation Division Engineers,~~ Metropolitan Planning  
29 ~~Organizations,~~ Organizations and Rural Transportation Planning  
30 Organizations. The Metropolitan Planning Organizations and Rural  
31 Transportation Planning Organizations shall consult with the  
32 Department's Transportation Division Engineer local Engineers,  
33 whose input ~~scoring~~ shall take into account public comments. The  
34 Department shall ensure that the public has a full opportunity to  
35 submit public comments, by widely available notice to the public, an  
36 adequate time period for input, and public hearings. Board of  
37 Transportation input shall be in accordance with  
38 G.S. 136-189.11(g)(1) and G.S. 143B-350(g). The criteria utilized for  
39 selection of Division Need Projects shall be based fifty percent  
40 (50%) on local input and fifty percent (50%) on consideration of a  
41 numeric scale of 100 points based on the following quantitative  
42 criteria, except as provided in sub-subdivision b. of this subdivision:

- 43 1. Benefit cost.
- 44 2. Congestion.
- 45 3. Safety.
- 46 4. Freight.
- 47 5. Multimodal.
- 48 6. Pavement condition.
- 49 7. Lane width.
- 50 8. Shoulder width.



- 1 c. The criteria shall be based on a scale not to exceed 100 points that  
2 includes no bonus points or other alterations favoring any particular  
3 mode of transportation."

4 **SECTION 3.** G.S. 136-189.10 reads as rewritten:

5 **"§ 136-189.10. Definitions.**

6 The following definitions apply in this Article:

- 7 ...
- 8 (2) Division needs projects. – Includes only the following:
- 9 a. Projects listed in subdivision (3) or (4) of this section, subject to the  
10 limitations noted in those subsections.
- 11 b. State highway routes not included in subdivision (3) or (4) of this  
12 section.
- 13 c. Airports included in the NPIAS that are not included in subdivision  
14 (3) or (4) of this section, provided that the State's total annual  
15 financial participation under this sub-subdivision shall not exceed  
16 eighteen million five hundred thousand dollars (\$18,500,000).
- 17 d. Rail lines not included in subdivision (3) or (4) of this section. This  
18 sub-subdivision does not include short-line railroads.
- 19 e. Public transportation service not included in subdivision (3) or (4) of  
20 this section. This sub-subdivision includes commuter rail, intercity  
21 rail, and light rail.
- 22 f. Multimodal terminals and stations serving passenger transit systems.
- 23 g. Federally funded independent bicycle and pedestrian improvements.
- 24 ~~h. Replacement of State-maintained ferry vessels.~~
- 25 i. Federally funded municipal road projects.
- 26 (3) Regional impact projects. – Includes only the following:
- 27 a. Projects listed in subdivision (4) of this section, subject to the  
28 limitations noted in that subdivision.
- 29 b. U.S. highway routes not included in subdivision (4) of this section.
- 30 c. N.C. highway routes not included in subdivision (4) of this section.
- 31 d. Commercial service airports included in the NPIAS that are not  
32 included in subdivision (4) of this section, provided that the State's  
33 annual financial participation in any single airport project included in  
34 this subdivision may not exceed three hundred thousand dollars  
35 (\$300,000).
- 36 e. The State-maintained ferry system, excluding passenger vessel  
37 replacement.
- 38 f. Rail lines that span two or more counties not included in subdivision  
39 (4) of this section. This sub-subdivision does not include short-line  
40 railroads.
- 41 g. Public transportation service that spans two or more counties and that  
42 serves more than one municipality. Programmed funds pursuant to  
43 this sub-subdivision shall not exceed ten percent (10%) of any  
44 distribution region allocation. This sub-subdivision includes  
45 commuter rail, intercity rail, and light rail.

46 ...."

47 **SECTION 4.** Section 34.18(a) of S.L. 2014-100 reads as rewritten:

48 **"SECTION 34.18.(a)** The Department of Transportation shall rename the "system  
49 preservation program" (fund center 1500/157839) the "bridge program." Funds allocated to this  
50 program shall be used for (i) improvements to structurally deficient and functionally obsolete  
51 bridges-bridges and (ii) ferry passenger vessel replacement projects. All projects funded under

1 this program, with the exception of inspection, pre-engineering, contract preparation, contract  
2 administration and oversight, ~~and planning activities, activities, and ferry passenger vessel~~  
3 ~~replacement~~, shall be outsourced to private contractors."

4 **SECTION 5.** G.S. 136-82(d) reads as rewritten:

5 "(d) Use of Toll Proceeds. – The Department of Transportation shall credit the proceeds  
6 from tolls collected on North Carolina Ferry System routes and receipts generated under  
7 subsection (f) of this section to ~~reserve accounts within the Highway Fund for each of the~~  
8 ~~Highway Divisions in which system terminals are located and fares are earned. For the~~  
9 ~~purposes of this subsection, fares are earned based on the terminals from which a passenger trip~~  
10 ~~originates and terminates. Commuter pass receipts shall be credited proportionately to each~~  
11 ~~reserve account based on the distribution of trips originating and terminating in each Highway~~  
12 ~~Division. The proceeds credited to each reserve account~~the bridge program under the  
13 Department of Transportation in the highway maintenance program, and the proceeds shall be  
14 used exclusively for prioritized North Carolina Ferry System ferry passenger vessel  
15 replacement projects in the Division in which the proceeds are earned.~~projects.~~ Proceeds may  
16 be used to fund ferry passenger vessel replacement projects or supplement funds allocated for  
17 ferry passenger vessel replacement projects approved in the Transportation Improvement  
18 Program."

19 **SECTION 6.** The reserve accounts within the Highway Fund in which the  
20 proceeds from tolls collected on North Carolina Ferry System routes are credited under  
21 G.S. 136-82 shall be closed and the remaining unencumbered fund balance shall be transferred  
22 to the bridge program (Fund Code 84210-7839).

23 **SECTION 7.** This act becomes effective July 1, 2015.