

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 536
SENATE BILL 593

AN ACT TO AMEND CHAPTER 136 TO REQUIRE A NOTICE, PUBLIC MEETING AND A STATEMENT OF THE SPECIFIC REASON FOR A RECOMMENDATION BY THE BOARD OF COUNTY COMMISSIONERS FOR A DEVIATION IN THE PAVING PROJECTS OR THE PRIORITY OF TENTATIVE SECONDARY ROAD PAVING PROJECTS IN THE ANNUAL WORK PROGRAM PROPOSED BY THE DEPARTMENT OF TRANSPORTATION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 136-44.8 is rewritten to read as follows:

"§ 136-44.8. Submission of secondary roads construction programs to the Boards of County Commissioners. — (a) The Department of Transportation shall post in the county courthouse a county map showing tentative secondary road paving projects rated according to the priority of each project in accordance with the criteria and standards adopted by the Board of Transportation. The map shall be posted at least two weeks prior to the public meeting of the county commissioners at which the Department of Transportation representatives are to meet and discuss the proposed secondary road construction program for the county as provided in subsection (c).

(b) The Department of Transportation shall provide a notice to the public of the public meeting of the Board of County Commissioners at which the annual secondary road construction program for the county proposed by the Department is to be presented to the Board and other citizens of the county as provided in subsection (c). The notice shall be published in a newspaper published in the county or having a general circulation in the county once a week for two succeeding weeks prior to the meeting. The notice shall also advise that a county map is posted in the courthouse showing tentative secondary road paving projects rated according to the priority of each project.

(c) Representatives of the Department of Transportation shall meet with the Board of County Commissioners at a regular or special public meeting of the Board of County Commissioners for each county and present to and discuss with the Board of County Commissioners and other citizens present, the proposed secondary road construction program for the county. The presentation and discussion shall specifically include the priority rating of each tentative secondary road paving project included in the proposed construction program, according to the criteria and standards adopted by the Board of Transportation.

At the same meeting after the presentation and discussion of the annual secondary road construction program for the county or at a later meeting, the Board of County Commissioners may (1) concur in the construction program as proposed, or (2) take no action, or (3) make recommendations for deviations in the proposed construction program, except as to paving projects and the priority of paving projects for which the Board in order to make recommendations for deviations, must vote to consider the matter at a later public meeting as provided in subsection (d).

(d) The Board of County Commissioners may recommend deviations in the paving projects and the priority of paving projects included in the proposed secondary road construction program only at a public meeting after notice to the public that the Board will

consider making recommendations for deviations in paving projects and the priority of paving projects included in the proposed annual secondary road construction program. Notice of the public meeting shall be published by the Board of County Commissioners in a newspaper published in the county or having a general circulation in the county. After discussion by the members of the Board of County Commissioners and comments and information presented by other citizens of the county, the Board of County Commissioners may recommend deviations in the paving projects and in the paving priority of secondary road projects included in the proposed secondary road construction program. Any recommendation made by the Board of County Commissioners for a deviation in the paving projects or in the priority for paving projects in the proposed secondary road construction program shall state the specific reason for each such deviation recommended.

(e) The Board of Transportation shall adopt the annual secondary construction program for each county after having given the Board of County Commissioners of each county an opportunity to review the proposed construction program and to make recommendations as provided in this section. The Board of Transportation shall consider such recommendations insofar as they are compatible with its general plans, standards, criteria and available funds, but having due regard to development plans of the county and to the maintenance and improvement needs of all existing roads in the county. However, no consideration shall be given to any recommendation by the Board of County Commissioners for a deviation in the paving projects or in the priority for paving secondary road projects in the proposed construction program that is not made in accordance with subsection (d).

(f) The secondary road construction program adopted by the Board of Transportation shall be followed by the Department of Transportation unless changes are approved by the Board of Transportation and notice of any changes is given the Board of County Commissioners. The Department of Transportation shall post a copy of the adopted program, including a map showing the secondary road paving projects rated according to the approved priority of each project, at the courthouse, within 10 days of its adoption by the Board of Transportation. The Board of County Commissioners may petition the Board of Transportation for review of any changes to which it does not consent and the determination of the Board of Transportation shall be final. Upon request, the most recent secondary road construction programs adopted shall be submitted to any member of the General Assembly. The Department of Transportation shall make the annual construction program for each county available to the newspapers having a general circulation in the county."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 10th day of June, 1981.