

**JOINT LEGISLATIVE TRANSPORTATION
OVERSIGHT COMMITTEE**



REPORT TO THE
2002 SESSION OF THE
2001 GENERAL ASSEMBLY
OF NORTH CAROLINA

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May 28, 2002

TO THE MEMBERS OF THE 2001 GENERAL ASSEMBLY (REGULAR SESSION 2002):

The Joint Legislative Transportation Oversight Committee herewith submits to you for your consideration its 2002 report. The report was prepared by the Joint Legislative Transportation Oversight Committee pursuant to G.S. 120-70.51(b).

Senator Wib Gulley

Representative Jim Crawford

Cochairs

JOINT LEGISLATIVE TRANSPORTATION
OVERSIGHT COMMITTEE

COMMITTEE PROCEEDINGS

February 5, 2002

The first meeting of the Joint Legislative Transportation Oversight Committee during the 2001-2002 interim took place at 10:00 a.m. February 5, 2002 in room 1228 of the Legislative Building.

The Committee heard presentations from: Janet D'Ignazio, Chief Planning and Environmental Officer, DOT, on the Department's long-term strategic plan; David Allsbrook, Deputy Chief Engineer, DOT, on measures and indicators of maintenance and road condition; Lacy Love, State Road Maintenance Engineer, DOT, on the Department's productivity pilot program involving state road oil operations; Don Goins, Chief Engineer, DOT, on the unpaved road pilot program and on substandard subdivision roads; Bill Williams, Aviation Director, DOT, on consolidation of aviation functions, Gene Conti, Chief Deputy Secretary, DOT, on DOT efficiency measures; Len Sanderson, State Highway Administrator, on design-build projects, and Wayne Stallings, Chief Financial Officer, DOT, on DOT's cash flow management project.

March 12, 2002

The second meeting of the Committee during the 2002-2002 interim took place March 12, 2002 at 10:00 a.m. in room 1228 of the Legislative Building.

The Committee heard presentations from: Gene Conti, Chief Deputy Secretary, DOT, on DOT's cash flow project; Colonel Richard Holden, Commanding Officer, State Highway Patrol, on the Patrol's budget; Ruth Sappie, Legislative Liaison, DOT, on DOT legislative proposals for the 2002 Session; Pat Simmons, Director, Rail Division, DOT, on the Charlotte train station project; Walt Thompson, Productivity Services Section, DOT, on drivers license and vehicle registration consolidation; and Wayne Stallings, Chief Financial Officer, DOT, on DOT's new accounting system implementation.

April 2, 2002

The third meeting and final meeting of the Committee during the 2001-2002 took place April 2, 2002 at 10:00 a.m. in Room 1228 of the Legislative Building.

The Committee heard presentations from: Ronald Tober, Chief Executive Officer, Charlotte Area Transit System, on the current transit plan for Transit Plan for Charlotte; Scott Saylor, President, North Carolina Railroad, who presented a report of the North Carolina Railroad; Pat Simmons Director, Rail Division, DOT, on Western North Carolina Passenger Rail Service; Giles Perry, Committee Counsel, and various DOT staff persons, on legislation proposed by DOT for introduction in the 2002 session; John Leaston, State Purchasing Officer, Dept. of Administration, and Terry Oliver, Bandag Company, on the state tire retreading contract; Steve Varnedoe, State Maintenance and Equipment Engineer, DOT, on medium custody inmate labor , and Bill Williams, Aviation Director, DOT, on aviation function consolidation.

The Committee also approved the findings and recommendations included in this report.

**MEMBERSHIP OF THE
JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE
2001-2003
G.S. 120-70.50(1)**

Pro Tem's Appointments

Sen. Wib Gulley, Cochair
PO Box 3573
Durham, NC 27702
919/683-1584

Sen. Philip E. Berger
PO Box 528
Eden, NC 27289
336/623-3138

Sen. Robert C. Carpenter
29 Admiral Drive
Franklin, NC 28734
828/524-5009

Sen. Hamilton C. Horton, Jr.
328 North Spring Street
Winston-Salem, NC 27101
336/773-1324

Sen. David W. Hoyle
PO Box 2494
Gastonia, NC 28053
704/867-0822

Sen. John H. Kerr, III
PO Box 1616
Goldsboro, NC 27533
919/734-1841

Sen. R.L. Martin
PO Box 387
Bethel, NC 27812
252/825-4361

Speaker's Appointments

Rep. Jim Crawford, Cochair
509 College St.
Oxford, NC 27565
919/693-6119

Rep. Joanne Bowie
106 Nut Bush Rd., E
Greensboro, NC 27410
336/294-2587

Rep. Charles Buchanan
2919 Poplar Creek Rd.
Green Mountain, NC 28740
282/688-3544

Rep. Lorene Coates
1345 Gheen Road
Salisbury, NC 28147
919/733-5784

Rep. Nelson Cole
2012 Carpenter Dr.
Reidsville, NC 27320
336/349-6734

Rep. Mary Jarrell
1010 Wickliff Ave.
High Point, NC 27262
(336) 884-1276

Rep. Larry T. Justus
PO Box 2396
Hendersonville, NC 28793
828/685-7433

Sen. Anthony E. Rand
2008 Litho Place
Fayetteville, NC 28304
910/485-8871 ext. 283

Sen. Eric M. Reeves
PO Box 510
Raleigh, NC 27602
(919) 828-0801

Staff

Giles Perry
Wendy Graf
Research Division
919/733-2578

Evan Rodewald
Bob Weiss
Fiscal Research
919/733-4910

Rep. Drew Saunders
204 Sherwood Dr.
Huntersville, NC 28078-2738
704/875-2738

Rep. Ronnie Sutton
2940 Philadelphus Rd.
Pembroke, NC 28372
910/843-2353

Clerk

Linda Winstead
(919) 733-5824

FINDINGS AND RECOMMENDATIONS

At its April 2, 2002 meeting, the Committee approved for transmittal to the 2002 session of the General Assembly the following proposals

Proposal 1

A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE LAWS AFFECTING MOTOR CARRIER SAFETY.

2001-RWz-15

This proposal is intended to give the Division of Motor Vehicles necessary authority to join the Federal Motor Carrier Safety Administration Performance and Registration Information Systems Management (PRISM) project.

Section 1 authorizes DMV to refuse to register a vehicle of a motor carrier that has failed to maintain minimum safety standards and is determined to be an unfit carrier.

Section 2 authorizes DMV to cancel the registration of vehicles of a motor carrier that has failed to maintain minimum safety standards and is determined to be an unfit carrier.

Section 3 adds definitions of "interstate motor carrier" and "intrastate motor carrier" to State law.

Section 4 authorizes DMV to prohibit the operation of a motor carrier that has failed to maintain minimum safety standards and is determined to be an unfit carrier.

Section 5 provides that the proposal would become effective December 1, 2002.

Proposal 2

A BILL TO BE ENTITLED AN ACT TO REPEAL THE SUNSET ON THE LAW GOVERNING TRANSPORTATION OF OPEN CONTAINERS OF ALCOHOLIC BEVERAGES.

2001-RWz-18

Section 1 removes the sunset on the prohibition on open containers enacted in S.L. 2000-155.

Section 2 provides that this proposal would become effective when it becomes law.

Proposal 3

A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING PLANNING BY THE DEPARTMENT OF TRANSPORTATION.

2001-RWz-19

Section 1 updates a reference to "thoroughfare plans" in G.S. 136-28.6. That term was updated elsewhere in the statutes to "transportation plans" in the 2000 and 2001 Sessions.

Section 2 repeals G.S. 136-203, which required DOT and DEHR to convene joint study groups for any major transportation corridor that had an air quality violation in the prior year. DOT believes this section to be

unnecessary due to recently enacted G.S. 136-200.4, which requires all MPOs with at least 25% of their area located in a nonattainment area to consult and adopt a single, unified conformity plan.

Section 3 amends the law governing Rural Transportation Planning Organizations to expand the eligibility criteria for formation.

Section 4 expands the eligible uses of grants from DOT to Rural Transportation Planning Organizations.

Section 5 provides that the proposal would become effective when it becomes law.

Proposal 4

A BILL TO BE ENTITLED AN ACT TO INCREASE THE INFORMAL BID LIMIT FOR DEPARTMENT OF TRANSPORTATION PROJECTS, AND TO INCREASE FROM THREE TO TWENTY THE LIMIT ON THE NUMBER OF DESIGN-BUILD PROJECTS THE DEPARTMENT OF TRANSPORTATION MAY AWARD EACH YEAR.

2001-RWz-17

Section 1 increases the limit below which DOT may solicit informal bids on projects from \$800,000 to \$1,200,000.

Section 2 increases to twenty (20) the limit on the number of design-build projects that DOT may award each year.

Section 3 provides that the proposal would become effective when it becomes law.

Proposal 5

A BILL TO BE ENTITLED AN ACT TO EXTEND THE EXPIRATION OF THE REQUIREMENT THAT JUST COMPENSATION BE PAID FOR THE REMOVAL BY LOCAL AUTHORITIES OF BILLBOARDS ON INTERSTATE AND FEDERAL-AID PRIMARY HIGHWAYS, AS REQUIRED BY FEDERAL LAW.

2001-RWz-21

Section 1 extends for two years current law that requires local authorities to pay just compensation for removal of permitted outdoor advertising along federal-aid highways, as required by 23 USC 131(g).

Section 2 provides that the proposal would become effective when it becomes law.

Proposal 6

A BILL TO BE ENTITLED AN ACT TO DEFINE AND AUTHORIZE THE USE OF TWO-WHEELED ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES.

2001-RWz-22

Section 1 adds a definition of "electronic personal assistive mobility device" to State law.

Section 2 exempts these devices from the definition of "vehicle".

Section 3 exempts these devices from registration.

Section 4 provides that these devices may be operated on public highways, sidewalks, and bicycle paths. In addition, this section provides that operators of these devices must yield to pedestrians and other human powered devices, and have all rights and duties of a pedestrian.

Section 5 provides that the proposal would become effective when it becomes law.

Proposal 7

A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO CONDEMN LAND FOR SECONDARY ROAD PAVING OR MAINTENANCE PROJECTS WHEN THE OWNERS OF THE MAJORITY OF THE ROAD FRONTAGE ADJACENT TO THE PROJECT AGREE TO PROVIDE THE NECESSARY RIGHT-OF-WAY FOR THE PROJECT.

2001-RWz-24

Section 1 requires DOT to condemn land needed for a secondary road project as the title describes.

Section 2 provides that the proposal would become effective when it becomes law.

PROPOSAL 1

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2001

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D

BILL DRAFT 2001-RWz-15 [v.15] (03/15)

**(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
4/23/2002 3:25:36 PM**

Short Title: Motor Carrier Safety Amendments.

(Public)

Sponsors: .

Referred to:

A BILL TO BE ENTITLED
AN ACT TO MAKE CHANGES TO THE LAWS AFFECTING MOTOR CARRIER
SAFETY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. §20-54 is amended by adding a new subdivision to read:
"**§ 20-54. Authority for refusing registration or certificate of title.**

The Division shall refuse registration or issuance of a certificate of title or any transfer of registration upon any of the following grounds

...

(9) The vehicle is owned by a motor carrier company that has failed to maintain minimum safety standards as required by the Federal Motor Carrier Safety Regulations, and has been determined by the Federal Motor Carrier Safety Administration or the Division to be an unfit carrier based on safety compliance."

SECTION 2. G.S. §20-110 is amended by adding a new subsection to read:
"**(m) The Division may rescind and cancel the registration plates issued to a motor carrier of passengers or property, when the motor carrier has failed to maintain minimum safety standards as required by the Federal Motor Carrier Safety Regulations, and has been determined by the Federal Motor Carrier Safety Administration or the Division to be an unfit carrier based on safety compliance.**"

SECTION 3. G.S. §20-376 reads as rewritten:

"§ 20-376. Definitions.

The following definitions apply in this Article:

- (1) Federal safety and hazardous materials regulations. – The federal motor carrier safety regulations contained in 49 C.F.R. Parts 171 through 180, 382, and 390 through 398.
- (2) Foreign commerce. – Commerce between any of the following:
 - a. A place in the United States and a place in a foreign country.
 - b. Places in the United States through any foreign country.
- (3) Interstate commerce. – As defined in 49 C.F.R. Part 390.5.
- (3a) Interstate motor carrier. – Any person, firm, or corporation that operates or controls a commercial motor vehicle as defined in 49 C.F.R. §390.5 in interstate commerce.
- (4) Intrastate commerce. – As defined in 49 C.F.R. Part 390.5.
- (5) Intrastate motor carrier. – Any person, firm, or corporation that operates or controls a commercial motor vehicle as defined in G.S. 20-4.01(3d) in intrastate commerce."

SECTION 4. G.S. §20-381(a) is amended by adding a new subdivision to read:

"(2b) To prohibit the operation of any motor carrier in interstate or intrastate operations when the motor carrier has failed to maintain minimum safety standards as required by the Federal Motor Carrier Safety Regulations, and has been determined by the Federal Motor Carrier Safety Administration or by the Division to be an unfit carrier based on safety compliance. In the event of an interstate carrier who has been ordered to cease operations by the Federal Motor Carrier Safety Administration, any intrastate operations of that motor carrier shall also be prohibited until the motor carrier has complied with the minimum safety requirements."

SECTION 5. This act becomes effective December 1, 2002.

PROPOSAL 2

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2001

U

D

BILL DRAFT 2001-RWz-18 [v.7] (03/20)

**(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
4/23/2002 3:58:46 PM**

Short Title: Open Container Sunset Repeal.

(Public)

Sponsors: .

Referred to:

A BILL TO BE ENTITLED
AN ACT TO REPEAL THE SUNSET ON THE LAW GOVERNING
TRANSPORTATION OF OPEN CONTAINERS OF ALCOHOLIC BEVERAGES.

The General Assembly of North Carolina enacts:

SECTION 1. Section 21 of Session Law 2000-155 reads as rewritten:

"Section 21. Section 4 of this act is effective ~~September 1, 2000, and expires~~
~~September 30, 2002.~~ September 1, 2000. Sections 19 and 20 of this act are effective
when those sections become law. The remainder of this act becomes effective September
1, 2000, and applies to offenses committed on or after that date."

SECTION 2. This act is effective when it becomes law.

PROPOSAL 3

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

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D

BILL DRAFT 2001-RWz-19 [v.4] (03/22)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)

4/23/2002 5:03:26 PM

Short Title: DOT Planning.

(Public)

Sponsors: .

Referred to:

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAW GOVERNING PLANNING BY THE DEPARTMENT OF TRANSPORTATION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. §136-28.6 reads as rewritten:

"§ 136-28.6. Private contract participation by the Department of Transportation.

(a) The Department of Transportation may participate in private engineering and construction contracts for State highways.

(b) In order to qualify for State participation, the project must be:

(1) The construction of a street or highway on the Transportation Improvement Plan adopted by the Department of Transportation; or

(2) The construction of a street or highway on a mutually adopted ~~thoroughfare plan~~ transportation plan that is designated a Department of Transportation responsibility.

(c) Only those projects in which the developer furnishes the right-of-way without cost to the Department of Transportation are eligible.

(d) The Department's participation shall be limited to fifty percent (50%) of the amount of any engineering contract and/or any construction contract let by the developer for the project.

(e) Participation in the contracts shall be limited to cost associated with normal practices of the Department of Transportation.

(f) Plans for the project must meet Department of Transportation standards and shall be approved by the Department of Transportation.

(g) Projects shall be constructed in accordance with the plans and specifications approved by the Department of Transportation.

(h) The Secretary shall report in writing, on a quarterly basis, to the Joint Legislative Commission on Governmental Operations on all agreements entered into between a private developer and the Department of Transportation for participation in private engineering and construction contracts under this section.

(i) Municipalities may participate financially in private engineering and construction contracts for projects pertaining to streets or highways which are on a mutually adopted ~~thoroughfare plan~~ transportation plan for said municipality."

SECTION 2. G.S. §136-203 is repealed.

SECTION 3. G.S. 136-211 is rewritten to read:

§ 136-211. Department authorized to establish Rural Transportation Planning Organizations.

(a) Authorization. – The Department of Transportation is authorized to form Rural Transportation Planning Organizations.

(b) Area Represented. – Rural Transportation Planning Organizations shall include representatives from contiguous areas in three to fifteen counties, with a total population of the entire area represented of at least 50,000 persons according to the latest population estimate of the Office of State Planning. Non-contiguous counties adjacent to the same Metropolitan Planning Organization may form a Rural Transportation Planning Organization. Areas already included in a Metropolitan Planning Organization shall not be included in the area represented by a Rural Transportation Planning Organization.

(c) Membership. – The Rural Transportation Planning Organization shall consist of local elected officials or their designees and representatives of local transportation systems in the area as agreed to by all parties in a memorandum of understanding.

(d) Formation; Memorandum of Understanding. – The Department shall notify local elected officials and representatives of local transportation systems around the State of the opportunity to form Rural Transportation Planning Organizations. The Department shall work cooperatively with interested local elected officials, their designees, and representatives of local transportation systems to develop a proposed area, membership, functions, and responsibilities of a Rural Transportation Planning Organization. The agreement of all parties shall be included in a memorandum of understanding approved by the membership of a proposed Rural Transportation Planning Organization and the Secretary of the Department of Transportation.

SECTION 4. G.S. 136-213 reads as rewritten:

§ 136-213. Administration and staff.

(a) Administrative Entity. – Each Rural Transportation Planning Organization, working in cooperation with the Department, shall select an appropriate administrative entity for the organization. Eligible administrative entities include, but are not limited to, regional economic development agencies, regional councils of government, chambers of commerce, and local governments.

(b) Professional Staff. – The Department, each Rural Transportation Planning Organization, and any adjacent Metropolitan Planning Organization shall cooperatively determine the appropriate professional planning staff needs of the organization.

(c) Funding. – If funds are appropriated for that purpose, the Department may make grants to Rural Transportation Planning Organizations ~~for professional planning staff.~~ to carry out the duties listed in G.S. 136-212. The members of the Rural Transportation Planning Organization shall contribute at least twenty percent (20%) of the cost of any staff resources employed by the organization. The Department may make additional planning grants to economically distressed counties, as designated by the North Carolina Department of Commerce.

SECTION 5. This act is effective when it becomes law.

PROPOSAL 4

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2001

U

D

BILL DRAFT 2001-RWz-17 [v.7] (03/18)

**(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
4/23/2002 5:13:13 PM**

Short Title: DOT Contracts.

(Public)

Sponsors: .

Referred to:

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE INFORMAL BID LIMIT FOR DEPARTMENT OF TRANSPORTATION PROJECTS, AND TO INCREASE FROM THREE TO TWENTY THE LIMIT ON THE NUMBER OF DESIGN-BUILD PROJECTS THE DEPARTMENT OF TRANSPORTATION MAY AWARD EACH YEAR.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. §136-28.1 reads as rewritten:

"§ 136-28.1. Letting of contracts to bidders after advertisement; exceptions.

(a) All contracts over ~~eight hundred thousand dollars (\$800,000)~~ one million two hundred thousand dollars (\$1,200,000) that the Department of Transportation may let for construction or repair necessary to carry out the provisions of this Chapter shall be let to a responsible bidder after public advertising under rules and regulations to be made and published by the Department of Transportation. The right to reject any and all bids shall be reserved to the Board of Transportation. Contracts for construction or repair for federal aid projects entered into pursuant to this section shall not contain the standardized contract clauses prescribed by 23 U.S.C. § 112(e) and 23 C.F.R. § 635.131(a) for differing site conditions, suspensions of work ordered by the engineer or significant changes in the character of the work. The Department of Transportation shall use only the contract provisions provided in the North Carolina Department of Transportation, Standard Specifications for Roads and Structures, January 1, 1984, except as each may be changed or provided for by rule adopted by the Board of Transportation in accordance with the Administrative Procedure Act.

(b) In those cases in which the amount of work to be let to contract for highway construction, maintenance, or repair is ~~eight hundred thousand dollars (\$800,000)~~ one million two hundred thousand dollars (\$1,200,000) or less, at least three informal bids shall be solicited. The term "informal bids" is defined as bids in writing, received pursuant to a written request, without public advertising. All such contracts shall be awarded to the lowest responsible bidder. The Secretary of Transportation shall keep a record of all bids submitted, which record shall be subject to public inspection at any time after the bids are opened.

(c) The construction, maintenance, and repair of ferryboats and all other marine floating equipment and the construction and repair of all types of docks by the Department of Transportation shall be deemed highway construction, maintenance, or repair for the purpose of G.S. 136-28.1 and Chapter 44A and Article 1 of Chapter 143, "The Executive Budget Act." In cases of a written determination by the Secretary of Transportation that the requirement for compatibility does not make public advertising feasible for the repair of ferryboats, the public advertising as well as the soliciting of informal bids may be waived.

(d) The construction, maintenance, and repair of the highway rest area buildings and facilities, weight stations and the Department of Transportation's participation in the construction of welcome center buildings shall be deemed highway construction, maintenance, or repair for the purpose of G.S. 136-28.1 and G.S. 136-28.3 and Article 1 of Chapter 143 of the General Statutes, "The Executive Budget Act."

(e) The Department of Transportation may enter into contracts for construction, maintenance, or repair without complying with the bidding requirements of this section upon a determination of the Secretary of Transportation or the State Highway Administrator that an emergency exists and that it is not feasible or not in the public interest for the Department of Transportation to comply with the bidding requirements.

(f) Notwithstanding any other provision of law, the Department of Transportation may solicit proposals under rules and regulations adopted by the Department of Transportation for all contracts for professional engineering services and other kinds of professional or specialized services necessary in connection with highway construction, maintenance, or repair. In order to promote engineering and design quality and ensure maximum competition by professional firms of all sizes, the Department may establish fiscal guidelines and limitations necessary to promote cost-efficiencies in overhead, salary, and expense reimbursement rates. The right to reject any and all proposals is reserved to the Board of Transportation.

(g) The Department of Transportation may enter into contracts for research and development with educational institutions and nonprofit organizations without soliciting bids or proposals.

(h) The Department of Transportation may enter into contracts for applied research and experimental work without soliciting bids or proposals; provided, however, that if the research or work is for the purpose of testing equipment, materials, or supplies, the provisions of Article 3 of Chapter 143 of the General Statutes shall apply. The Department of Transportation is encouraged to solicit proposals when contracts are entered into with private firms when it is in the public interest to do so.

(i) The Department of Transportation may negotiate and enter into contracts with public utility companies for the lease, purchase, installation, and maintenance of generators for electricity for its ferry repair facilities.

(j) Notwithstanding any other provision of law, the Board of Transportation may award up to three contracts annually for construction of transportation projects on a design-build basis. These contracts may be awarded after a determination by the Department of Transportation that delivery of the projects must be expedited and that it is not in the public interest to comply with normal design and construction contracting procedures. Prior to the award of a design-build contract, the Secretary of Transportation shall report to the Joint Legislative Transportation Oversight Committee and to the Joint Legislative Commission on Governmental Operations on the nature and scope of the project and the reasons an award on a design-build basis will best serve the public interest."

SECTION 2. G.S. §136-28.11 reads as rewritten:

"§ 136-28.11. Design-build construction of transportation projects.

Notwithstanding any other provision of law, the Board of Transportation may award ~~up to three~~ twenty contracts annually for construction of transportation projects on a design-build basis. These contracts may be awarded after a determination by the Department of Transportation that delivery of the projects must be expedited and that it is not in the public interest to comply with normal design and construction contracting procedures. Prior to the award of a design-build contract, the Secretary of Transportation shall report to the Joint Legislative Transportation Oversight Committee and to the Joint Legislative Commission on Governmental Operations on the nature and scope of the project and the reasons an award on a design-build basis will best serve the public interest."

SECTION 3. This act is effective when it becomes law.

PROPOSAL 5

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2001

H

D

BILL DRAFT 2001-RWz-21 [v.2] (03/25)

**(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
4/23/2002 5:24:33 PM**

Short Title: Billboard Just Comp. Sunset Extended. (Public)

Sponsors: Representative.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO EXTEND EXPIRATION OF THE REQUIREMENT THAT JUST COMPENSATION BE PAID FOR THE REMOVAL BY LOCAL AUTHORITIES OF BILLBOARDS ON INTERSTATE AND FEDERAL-AID PRIMARY HIGHWAYS, AS REQUIRED BY FEDERAL LAW.

The General Assembly of North Carolina enacts:

SECTION 1. Section 2 of Chapter 1147 of the 1981 Session Laws, as amended by Chapter 318 of the 1983 Session Laws, Chapter 1024 of the 1987 Session Laws, Section 1 of Chapter 166 of the 1989 Session Laws, Section 1 of Chapter 725 of the 1993 Session Laws, Section 7 of S.L. 1998-23, and Section 27.5 of S.L. 1998-212, reads as rewritten:

"Sec. 2. This act is effective upon ratification, but shall expire ~~June 30, 2002~~, June 30, 2004, and shall have no force or effect after that date."

SECTION 2. This act is effective when it becomes law.

PROPOSAL 6

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2001

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D

BILL DRAFT 2001-RWz-22 [v.7] (04/01)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
4/26/2002 2:10:50 PM

Short Title: Two-Wheeled Mobility Devices.

(Public)

Sponsors: .

Referred to:

A BILL TO BE ENTITLED AN ACT TO DEFINE AND AUTHORIZE THE USE OF TWO-WHEELED ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-4.01(7a) reads as rewritten:

"~~(7a)~~(7b) Employer. – Any person who owns or leases a commercial motor vehicle or assigns a person to drive a commercial motor vehicle."

SECTION 2. G.S. 20-4.01 is amended by adding a new subsection to read:

"(7a) Electronic Personal Assistive Mobility Device.—a self balancing tandem wheeled device, designed to transport one person, with an electric propulsion system that limits the maximum speed of the device to 15 miles per hour or less."

SECTION 3. G.S. 20-4.01(49) reads as rewritten:

"(49) Vehicle. – Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon fixed rails or tracks; provided, that for the purposes of this Chapter bicycles shall be deemed vehicles and every rider of a bicycle upon a highway shall be subject to the provisions of this Chapter applicable to the driver of a vehicle except those which by their nature can have no application. This term shall not include a device which is designed for and intended to be used as a means of transportation for a person with a mobility impairment, or

who uses the device for mobility enhancement, is suitable for use both inside and outside a building, including on sidewalks, and is limited by design to 15 miles per hour when the device is being operated by a person with a mobility impairment, or who uses the device for mobility enhancement. This term does not include an electronic personal assistive mobility device as defined in G.S. 20-4.01(7a)."

SECTION 4. G.S. 20-51 is amended by adding a new subsection to read:
"(14) Electronic personal assistive mobility devices as defined in G.S. 20-4.01(7a)."

SECTION 5. Article 3 of Chapter 20 of the General Statutes is amended by adding a new part to read:

"Part 11C. Electronic Personal Assistive Mobility Devices

§ 20-175.6 Electronic personal assistive mobility devices.

(a) Electronic personal assistive mobility device.-- As defined in G.S. 20-4.01(7a).

(b) Exempt from Registration.—As provided in G.S. 20-51.

(c) Use of Device.—An electronic personal assistive mobility device may be operated on the public highways, sidewalks, and bicycle paths. A person operating an electronic personal assistive mobility device on a sidewalk, roadway, or bicycle path shall yield the right-of-way to pedestrians and other human powered devices. A person operating an electronic personal assistive mobility device shall have all rights and duties of a pedestrian."

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

PROPOSAL 7

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2001

S

D

BILL DRAFT 2001-RWz-24 [v.2] (04/23)

**(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
4/24/2002 4:12:26 PM**

Short Title: Secondary road paving.

(Public)

Sponsors: .

Referred to:

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO CONDEMN LAND FOR SECONDARY ROAD PAVING OR MAINTENANCE PROJECTS WHEN THE OWNERS OF THE MAJORITY OF THE ROAD FRONTAGE ADJACENT TO THE PROJECT AGREE TO PROVIDE THE NECESSARY RIGHT-OF-WAY FOR THE PROJECT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-44.7(c) reads as rewritten:

"(c) When it is necessary for the Department of Transportation to acquire a right-of-way in accordance with (a) and (b) of this section in order to pave a secondary road or undertake a maintenance project, the Department shall negotiate the acquisition of the right-of-way for a period of up to six months. At the end of that period, if one or more property owners have not dedicated the necessary right-of-way and at least seventy-five percent (75%) of the property owners adjacent to the project and the owners of ~~seventy-five percent (75%)~~ the majority of the road frontage adjacent to the project have dedicated the necessary property for the right-of-way and have provided funds required by Department rule to the Department to cover the costs of condemning the remaining property, the Department shall initiate condemnation proceedings pursuant to Article 9 of this Chapter to acquire the remaining property necessary for the project."

SECTION 2. This act is effective when it becomes law.

