

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 434*

Short Title: Parks Roads Under DOT.

(Public)

Sponsors: Representatives N. Crawford, DeVane, Foster; Abernethy, Albertson, Anderson, Arnold, Barbee, Barnes, Barnhill, Beall, Beard, Blue, Bowen, Bowie, Bowman, Brawley, Brown, Brubaker, Buchanan, Burke, Chapin, Church, Colton, Cooper, Craven, J. Crawford, Creech, Cromer, Culp, Cunningham, Dawkins, Diamont, Diggs, Duncan, Easterling, Edwards, Esposito, L. Etheridge, B. Ethridge, Fitch, Flaherty, Fletcher, Fussell, Gardner, Gibson, Gist, Grady, Greenwood, Grimmer, Hackney, Hall, Hardaway, Hasty, Hege, Holmes, Holt, Howard, Huffman, Jack Hunt, Judy Hunt, S. Hunt, H. Hunter, Hurley, James, Jerals, Jones, Justus, Kennedy, Kerr, Kimsey, Lail, Ligon, Lilley, Lineberry, Locks, Lutz, Mercer, Michaux, Miller, Mills, Nesbitt, Nye, Payne, Perdue, Pope, Privette, Ramsey, Redwine, Rhodes, Rhyne, Robinson, Rogers, Stamey, Stewart, Tallent, Tart, R. Thompson, S. Thompson, Walker, Warner, Warren, Weatherly, Wicker, P. Wilson, W. Wilson, Wiser, Wood, and Woodard.

Referred to: Basic Resources.

March 2, 1989

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO
CONSTRUCT, REPAIR, AND MAINTAIN THE STATE PARKS ROADS
SYSTEM.

The General Assembly of North Carolina enacts:

Section 1. G.S. 136-44.2 reads as rewritten:

"§ 136-44.2. Budget and appropriations.

The Director of the Budget shall include in the 'Budget Appropriations Bill' an enumeration of the purposes or objects of the proposed expenditures for each of the construction and maintenance programs for that budget period for the State primary, secondary, ~~and~~ urban, and State parks road systems. The State primary system shall include all portions of the State highway system located outside municipal corporate

1 limits which are designated by N.C., U.S. or Interstate numbers. The State secondary
2 system shall include all of the State highway system located outside municipal corporate
3 limits that is not a part of the State primary system. The State urban system shall include
4 all portions of the State highway system located within municipal corporate limits. The
5 State parks system shall include all State parks roads which are not also part of the State
6 highway system.

7 All construction and maintenance programs for which appropriations are requested
8 shall be enumerated separately in the budget. Programs that are entirely State funded
9 shall be listed separately from those programs involving the use of federal-aid funds.
10 Proposed appropriations of State matching funds for each of the federal-aid construction
11 programs shall be enumerated separately as well as the federal-aid funds anticipated for
12 each program in order that the total construction requirements for each program may be
13 provided for in the budget. Also, proposed State matching funds for the highway
14 planning and research program shall be included separately along with the anticipated
15 federal-aid funds for that purpose.

16 Other program categories for which appropriations are requested, such as, but not
17 limited to, maintenance, channelization and traffic control, bridge maintenance, public
18 service and access road construction, and ferry operations shall be enumerated in the
19 budget.

20 The Department of Transportation shall have all powers necessary to comply fully
21 with provisions of present and future federal-aid acts. No federally eligible construction
22 project may be funded entirely with State funds unless the Department of Transportation
23 has first consulted with the Joint Legislative Commission on Governmental Operations.
24 For purposes of this section, 'federally eligible construction project' means any
25 construction project except secondary road projects developed pursuant to G.S. 136-
26 44.7 and 136-44.8 eligible for federal funds under any federal-aid act, whether or not
27 federal funds are actually available.

28 The 'Budget Appropriations Bill' shall also contain the proposed appropriations of
29 State funds for use in each county for maintenance and construction of secondary roads,
30 to be allocated in accordance with G.S. 136-44.5 and 136-44.6. State funds appropriated
31 for secondary roads shall not be transferred nor used except for the construction and
32 maintenance of secondary roads in the county for which they are allocated pursuant to
33 G.S. 136-44.5 and 136-44.6.

34 In the event receipts and increments to the State Highway Fund shall be more than
35 the appropriations made for the preceding fiscal year, such excesses shall be allocated
36 by the Director of the Budget to the Department of Transportation for school and
37 industrial access roads and unforeseen happenings or state of affairs requiring prompt
38 action, with fifty percent (50%) of the balance to be allocated to the State secondary
39 roads program on the basis of need as determined by the Department of Transportation
40 and the remaining fifty percent (50%) to be allocated in accordance with G.S. 136-44.5.

41 The Department of Transportation may provide for costs incurred or accrued for
42 traffic control measures to be taken by the Department at major events which involve a
43 high degree of traffic concentration on State highways, and which cannot be funded

1 from regular budgeted items. This authorization applies only to events which are
2 expected to generate 30,000 vehicles or more per day."

3 Sec. 2. G.S. 136-44.12 reads as rewritten:

4 **"§ 136-44.12. Construction and maintenance of roads in areas administered by the**
5 **Division of State Parks.**

6 The Department of Transportation ~~is authorized to~~ shall construct and maintain all
7 roads which are not part of the State Highway System, leading into and located within
8 the boundaries of all areas administered by the Division of ~~State Parks~~ and Recreation of
9 the Department of Natural Resources and Community Development.

10 All such roads shall be planned, designed, engineered and constructed through joint
11 action between the Department of Transportation and the Division of ~~State Parks~~ and
12 Recreation of the Department of Natural Resources and Community Development. This
13 joint action shall encompass all accepted park planning and design principles. Particular
14 concern shall be given to traffic counts and vehicle weight, minimal cutting into or
15 through any natural and scenic areas, width of shoulders, the cutting of natural growth
16 along roadways, and the reduction of any potential use of roads for any purpose other
17 than by park users. All State park roads shall conform to the standards regarding width
18 and other roadway specifications as agreed upon by the Division of ~~State Parks~~ and
19 Recreation of the Department of Natural Resources and Community Development and
20 the Department of Transportation.

21 The State park road systems may be closed to the public in accordance with
22 approved park practices that control the use of State areas so as to protect these areas
23 from overuse and abuse and provide for functional use of the park areas, or for any
24 other purpose considered in the best interest of the public by the Division of ~~State Parks~~
25 and Recreation of the Department of Natural Resources and Community Development.

26 Nothing herein shall be construed to include the transfer to the Department of
27 Transportation the powers now vested in the Division of ~~State Parks~~ and Recreation of
28 the Department of Natural Resources and Community Development relating to the
29 patrol and safeguarding of State parks or parkway roads."

30 Sec. 3. This act is effective upon ratification.