

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

**SESSION LAW 2006-258
HOUSE BILL 1825**

AN ACT TO DELAY IMPLEMENTATION OF THE REVISED SECONDARY ROAD FORMULA TO JULY 1, 2007; TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO PAVE SECONDARY ROADS ON A REDUCED RIGHT-OF-WAY, IF THE DIVISION ENGINEER DETERMINES IT CAN BE DONE SAFELY; TO REQUIRE THAT THE DEPARTMENT OF TRANSPORTATION, BEGINNING IN THE 2006-2007 FISCAL YEAR AND UNTIL THE 2009-2010 FISCAL YEAR, SET ASIDE UP TO FIVE MILLION DOLLARS TO PAY FOR THE PAVING OF ANY UNPAVED SECONDARY ROAD THAT HAD PREVIOUSLY BEEN DETERMINED TO BE INELIGIBLE FOR PAVING; AND TO REQUIRE THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE TO STUDY THE COST OF PAVING AND MAINTENANCE OF PAVED AND UNPAVED SECONDARY ROADS IN DIFFERENT GEOGRAPHIC AREAS OF THE STATE.

The General Assembly of North Carolina enacts:

SECTION 1. Section 4 of S.L. 2005-404 reads as rewritten:

"**SECTION 4.** This act becomes effective July 1, ~~2006~~-2007."

SECTION 2. G.S. 136-44.5(b) reads as rewritten:

"(b) The first sixty-eight million six hundred seventy thousand dollars (\$68,670,000) shall be allocated as follows: Each county shall receive a percentage of these funds, the percentage to be determined as a factor of the number of miles of paved and unpaved State-maintained secondary roads in the county divided by the total number of miles of paved and unpaved State-maintained secondary roads in the State, excluding those unpaved secondary roads that have been determined to be eligible for paving as defined in subsection (a) of this section. Beginning in fiscal year 2010-2011, allocations pursuant to this subsection shall be based on the total number of secondary miles in a county in proportion to the total State-maintained secondary road mileage."

SECTION 3. G.S. 136-182 reads as rewritten:

"**§ 136-182. Supplement for secondary road construction.**

Funds are allocated from the Trust Fund to increase allocations for secondary road construction made under G.S. 136-44.2A so that all State-maintained unpaved secondary roads with a traffic vehicular equivalent of at least 50 vehicles a day can be paved by the 2009-2010 fiscal year. If all the State-maintained roads in a county have been paved under G.S. 136-44.7, except those that have unavailable rights-of-way or for which environmental permits cannot be approved to allow for paving, then the funds may be used for safety improvements on the paved or unpaved secondary roads in that county.

The Department shall make every effort to acquire right-of-way for the purpose of paving unpaved State secondary roads included in the annual secondary road program. The Division Engineer is authorized to reduce the width of a right-of-way to less than 60 feet to pave an unpaved secondary road with the allocated funds, provided that in all circumstances the safety of the public is not compromised and the minimum accepted design practice is satisfied."

SECTION 4. G.S. 136-182, as amended by S.L. 2005-404, and as amended by Sections 1 and 3 of this act, reads as rewritten:

"§ 136-182. Supplement for secondary road improvement.

Funds are allocated from the Trust Fund to increase allocations for secondary road improvement made under G.S. 136-44.2A so that all State-maintained unpaved secondary roads eligible for paving pursuant to G.S. 136-44.5(a) can be paved by the 2009-2010 fiscal year.

Allocations of these funds shall be based on the percentage proportion of the number of miles in the county of State-maintained unpaved secondary roads that are eligible to be paved under G.S. 136-44.5(a) bears to the total number of miles in the State of State-maintained unpaved secondary roads that are eligible to be paved.

As an exception to the formula for the allocation of these funds, the Department ~~may, shall,~~ beginning in the 2006-2007 fiscal year and until the 2009-2010 fiscal year, set aside up to five million dollars (\$5,000,000) to pay for the paving of any unpaved secondary road that had previously been determined to be ineligible for paving.

Beginning in fiscal year 2010-2011, allocations from the Trust Fund shall be based on the total number of secondary miles in a county in proportion to the total State-maintained secondary road mileage.

The Department shall make every effort to acquire right-of-way for the purpose of paving unpaved State secondary roads included in the annual secondary road program. The Division Engineer is authorized to reduce the width of a right-of-way to less than 60 feet to pave an unpaved secondary road with the allocated funds, provided that in all circumstances the safety of the public is not compromised and the minimum accepted design practice is satisfied."

SECTION 5. The Joint Legislative Transportation Oversight Committee shall conduct a study of the cost of paving and maintenance of both paved and unpaved secondary roads in different geographic areas of the State. The Committee shall complete its report by March 1, 2007.

SECTION 6. Sections 2 and 4 of this act become effective July 1, 2007. The remainder of this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 27th day of July, 2006.

s/ Beverly E. Perdue
President of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 12:58 p.m. this 23rd day of August, 2006