

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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1

HOUSE BILL 750*

Short Title: Secondary Road Construction.-AB

(Public)

Sponsors: Representatives Cole, Coates (Primary Sponsors); and Brown.

Referred to: Transportation.

March 17, 2005

1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE IMPROVEMENT OF SECONDARY ROADS.
3 The General Assembly of North Carolina enacts:

4 **SECTION 1.** G.S. 136-44.2A reads as rewritten:

5 "**§ 136-44.2A. Secondary road ~~construction~~ improvement program.**

6 There shall be annually allocated ~~out of from~~ from the ~~State~~ Highway Fund to the
7 Department of Transportation for secondary road ~~construction~~ improvement programs
8 developed pursuant to G.S. 136-44.7 and 136-44.8, a sum equal to that allocation made
9 from the Highway Fund under G.S. 136-41.1(a). In addition, as provided in
10 G.S. 136-176(b)(4) and G.S. 20-85(b), revenue is annually allocated from the Highway
11 Trust Fund for secondary road construction. Of the funds allocated from the Highway
12 ~~Fund and the Highway Trust Fund~~, the sum of sixty-eight million six hundred seventy
13 thousand dollars (\$68,670,000) shall be allocated among the counties in accordance
14 with G.S. 136-44.5(b). All funds allocated from the Highway Fund for secondary road
15 ~~construction~~ improvements in excess of that amount shall be allocated among the
16 counties in accordance with G.S. 136-44.5(c). All funds allocated from the Highway
17 Trust Fund for secondary road improvement programs shall be allocated in accordance
18 with G.S. 136-182."

19 **SECTION 2.** G.S. 136-44.5 reads as rewritten:

20 "**§ 136-44.5. Secondary roads; mileage study; allocation of funds.**

21 (a) Before July 1, in each calendar year, the Department of Transportation shall
22 make a study of all ~~state-maintained~~ State-maintained unpaved and paved secondary
23 roads in the State. ~~State.~~ The unpaved road study shall ~~shall~~:

24 (1) ~~determine~~ Determine the number of miles of unpaved ~~state-maintained~~
25 State-maintained roads in each county, county eligible for paving and
26 the total number of miles that are ineligible;

27 (2) The total number of miles of unpaved ~~state-maintained~~
28 State-maintained roads in the State, the number of miles of unpaved
29 state-maintained roads in each county that have a traffic vehicular

1 equivalent of at least 50 vehicles a day, and the total number of miles
2 of unpaved state-maintained roads in the State that have a traffic
3 vehicular equivalent of at least 50 vehicles a day. State eligible for
4 paving and the total number of miles that are ineligible; and

5 (3) The total number of paved State-maintained roads in each county, and
6 the total number of miles of paved State-maintained roads in the State.

7 In this subsection, (i) ineligible unpaved mileage is defined as the number of miles
8 of unpaved roads that have unavailable rights-of-way or for which environmental
9 permits cannot be approved to allow for paving, and (ii) eligible unpaved mileage is
10 defined as the number of miles of unpaved roads that have not been previously
11 approved for paving by any funding source or has the potential to be programmed for
12 paving when rights-of-way or environmental permits are secured. Except for federal-aid
13 programs, the Department shall allocate all secondary road ~~construction-improvement~~
14 funds on the basis of a formula using the study figures.

15 (b) The first sixty-eight million six hundred seventy thousand dollars
16 (\$68,670,000) shall be allocated as follows: Each county shall receive a percentage of
17 these funds, the percentage to be determined as a factor of the number of miles of paved
18 and unpaved state-maintained-State-maintained secondary roads in the county divided
19 by the total number of miles of unpaved state-maintained-State-maintained secondary
20 roads in the State.State, excluding those unpaved secondary roads which have been
21 determined to be eligible for paving as defined in subsection (a) of this section.

22 (c) Funds allocated for secondary road construction in excess of sixty-eight
23 million six hundred seventy thousand dollars (\$68,670,000) shall be allocated to each
24 county based on the percentage proportion that the number of miles in the county of
25 state-maintained-State-maintained unpaved secondary roads with a traffic vehicular
26 equivalent of at least 50 vehicles a day bears to the total number of miles in the State
27 State of state-maintained-State-maintained unpaved secondary roads with a traffic
28 vehicular equivalent of at least 50 vehicles a day.roads. In a county that has roads with
29 eligible miles, these funds shall only be used for paving unpaved secondary road miles
30 in that county. In a county in which there are no roads eligible to be paved as defined in
31 subsection (a) of this section, the funds may be used for improvements on the paved and
32 unpaved secondary roads in that county.

33 (d) Copies of the Department study of unpaved and paved state-maintained
34 State-maintained secondary roads and copies of the individual county allocations shall
35 be made available to newspapers having general circulation in each county."

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

37 "**§ 136-182. Supplement for secondary road ~~construction-improvement.~~**

38 Funds are allocated from the Trust Fund to increase allocations for secondary road
39 ~~construction-improvement~~ made under G.S. 136-44.2A so that all State-maintained
40 unpaved secondary roads with a traffic vehicular equivalent of at least 50 vehicles a day
41 eligible for paving pursuant to G.S. 136-44.5(a) can be paved by the 2009-2010 fiscal
42 year. If all the State-maintained roads in a county have been paved under G.S. 136-44.7,
43 except those that have unavailable rights of way or for which environmental permits

1 cannot be approved to allow for paving, then the funds may be used for safety
2 improvements on the paved or unpaved secondary roads in that county.

3 Beginning in fiscal year 2010-2011, allocations from the Trust Fund shall be based
4 on the total number of secondary miles in a county in proportion to the total
5 State-maintained secondary road mileage. Allocations of these funds shall be based on
6 the percentage proportion of the number of miles in the county of State-maintained
7 unpaved secondary roads which are eligible to be paved under G.S. 136-44.5(a) bears to
8 the total number of miles in the State of State-maintained unpaved secondary roads that
9 are eligible to be paved.

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

14 **SECTION 4.** This act becomes effective July 1, 2005.