

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

SESSION LAW 2005-404
HOUSE BILL 750

AN ACT RELATING TO THE IMPROVEMENT OF SECONDARY ROADS.

The General Assembly of North Carolina enacts:

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

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

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

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

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

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

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

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

(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 State-maintained secondary roads in the county divided by the total number of miles of unpaved state-maintained State-maintained secondary roads in the State-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.

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

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

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

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

Funds are allocated from the Trust Fund to increase allocations for secondary road ~~construction-improvement~~ 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 eligible for paving pursuant to G.S. 136-44.5(a) 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.

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, 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."

SECTION 4. This act becomes effective July 1, 2006.
In the General Assembly read three times and ratified this the 23rd day of August, 2005.

s/ Beverly E. Perdue
President of the Senate

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

s/ Michael F. Easley
Governor

Approved 11:15 a.m. this 20th day of September, 2005