

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE BILL 657*

Short Title: Defining State Roads.-AB

(Public)

Sponsors: Senator Jenkins.

Referred to: Transportation.

March 17, 2005

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY THE DEFINITIONS OF THE STATE ROAD SYSTEMS.
3 The General Assembly of North Carolina enacts:

4 **SECTION 1.** G.S. 136-44.2 reads as rewritten:
5 **"§ 136-44.2. Budget and appropriations.**

6 The Director of the Budget shall include in the "Current Operations Appropriations
7 Bill" an enumeration of the purposes or objects of the proposed expenditures for each of
8 the construction and maintenance programs for that budget period for the State primary,
9 secondary, ~~urban,~~ and State parks road systems. The State primary system shall include
10 all portions of the State highway system ~~located outside municipal corporate limits~~
11 ~~which~~ that are designated by N.C., U.S. or Interstate numbers. The State secondary
12 system shall include all of the State highway system ~~located outside municipal corporate~~
13 ~~limits~~ that is not a part of the State primary system. ~~The State urban system shall include~~
14 ~~all portions of the State highway system located within municipal corporate limits.~~ The
15 State parks system shall include all State parks roads and parking lots ~~which~~ that are not
16 also part of the State highway system.

17 All construction and maintenance programs for which appropriations are requested
18 shall be enumerated separately in the budget. Programs that are entirely State funded
19 shall be listed separately from those programs involving the use of federal-aid funds.
20 Proposed appropriations of State matching funds for each of the federal-aid construction
21 programs shall be enumerated separately as well as the federal-aid funds anticipated for
22 each program in order that the total construction requirements for each program may be
23 provided for in the budget. Also, proposed State matching funds for the highway
24 planning and research program shall be included separately along with the anticipated
25 federal-aid funds for that purpose.

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

1 The Department of Transportation shall have all powers necessary to comply fully
2 with provisions of present and future federal-aid acts. No federally eligible construction
3 project may be funded entirely with State funds unless the Department of Transportation
4 has first consulted with the Joint Legislative Commission on Governmental Operations.
5 For purposes of this section, "federally eligible construction project" means any
6 construction project except secondary road projects developed pursuant to
7 G.S. 136-44.7 and 136-44.8 eligible for federal funds under any federal-aid act, whether
8 or not federal funds are actually available.

9 The "Current Operations Appropriations Bill" shall also contain the proposed
10 appropriations of State funds for use in each county for maintenance and construction of
11 secondary roads, to be allocated in accordance with G.S. 136-44.5 and 136-44.6. State
12 funds appropriated for secondary roads shall not be transferred nor used except for the
13 construction and maintenance of secondary roads in the county for which they are
14 allocated pursuant to G.S. 136-44.5 and 136-44.6.

15 If the unreserved credit balance in the Highway Fund on the last day of a fiscal year
16 is greater than the amount estimated for that date in the Current Operations
17 Appropriations Act for the following fiscal year, the excess shall be used in accordance
18 with this paragraph. The Director of the Budget may allocate part or all of the excess
19 among reserves for access and public roads, for unforeseen events requiring prompt
20 action, or for other urgent needs. The amount not allocated to any of these reserves by
21 the Director of the Budget shall be credited to a reserve for maintenance. The Board of
22 Transportation shall report monthly to the Joint Legislative Transportation Oversight
23 Committee and the Fiscal Research Division on the use of funds in the maintenance
24 reserve.

25 The Department of Transportation may provide for costs incurred or accrued for
26 traffic control measures to be taken by the Department at major events which involve a
27 high degree of traffic concentration on State highways, and which cannot be funded
28 from regular budgeted items. This authorization applies only to events which are
29 expected to generate 30,000 vehicles or more per day. The Department of
30 Transportation shall provide for this funding by allocating and reserving up to one
31 hundred thousand dollars (\$100,000) before any other allocations from the
32 appropriations for State maintenance for primary, secondary, and urban road systems
33 are made, based upon the same proportion as is appropriated to each system."

34 **SECTION 2.** This act becomes effective July 1, 2005.