

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

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HOUSE BILL 817  
Committee Substitute Favorable 5/1/13  
Committee Substitute #2 Favorable 5/2/13

Short Title: Strategic Transportation Investments.

(Public)

Sponsors:

Referred to:

April 11, 2013

1 A BILL TO BE ENTITLED  
2 AN ACT TO STRENGTHEN THE ECONOMY THROUGH STRATEGIC  
3 TRANSPORTATION INVESTMENTS.

4 The General Assembly of North Carolina enacts:

5  
6 **STRATEGIC PRIORITIZATION FUNDING PLAN FOR TRANSPORTATION**  
7 **INVESTMENTS**

8 **SECTION 1.1.(a)** Chapter 136 of the General Statutes is amended by adding a new  
9 Article to read:

10 "Article 14B.

11 "Strategic Prioritization Funding Plan for Transportation Investments.

12 **"§ 136-189.10. Definitions.**

13 The following definitions apply in this Article:

- 14 (1) Statewide strategic mobility projects. – Includes only the following:  
15 a. Interstate highways and future interstate highways approved by the  
16 federal government.  
17 b. Routes on the National Highway System as of July 1, 2012,  
18 excluding intermodal connectors.  
19 c. Highway routes on the United States Department of Defense  
20 Strategic Highway Network (STRAHNET).  
21 d. Highway toll routes designated by State law or by the Department of  
22 Transportation, pursuant to its authority under State law.  
23 e. Highway projects listed in G.S. 136-179, as it existed on July 1,  
24 2012, that are not authorized for construction as of July 1, 2015.  
25 f. Appalachian Development Highway System.  
26 g. Commercial service airports included in the Federal Aviation  
27 Administration's National Plan of Integrated Airport Systems  
28 (NPIAS) that provide international passenger service or 375,000 or  
29 more enplanements annually, provided that the State's annual  
30 financial participation in any single airport project included in this  
31 subdivision may not exceed five hundred thousand dollars  
32 (\$500,000).  
33 h. Freight capacity and safety improvements to Class I freight rail  
34 corridors.  
35 (2) Regional impact projects. – Includes only the following:



\* H 8 1 7 - V - 3 \*

- 1           a.     Projects listed in subdivision (1) of this section, subject to the  
2                 limitations noted in that subdivision.
- 3           b.     U.S. highway routes not included in subdivision (1) of this section.
- 4           c.     N.C. highway routes not included in subdivision (1) of this section.
- 5           d.     Commercial service airports included in the NPIAS that are not  
6                 included in subdivision (1) of this section, provided that the State's  
7                 annual financial participation in any single airport project included in  
8                 this subdivision may not exceed three hundred thousand dollars  
9                 (\$300,000).
- 10          e.     State-maintained ferry system, excluding passenger vessel  
11                 replacement.
- 12          f.     Rail lines that span two or more counties not included in subdivision  
13                 (1) of this section.
- 14          g.     Public transportation service that spans two or more counties and that  
15                 serves more than one municipality.
- 16          (3)    Division needs projects. – Includes only the following:
- 17           a.     Projects listed in subdivision (1) or (2) of this section, subject to the  
18                 limitations noted in those subsections.
- 19           b.     State highway routes not included in subdivision (1) or (2) of this  
20                 section.
- 21           c.     Airports included in the NPIAS that are not included in subdivision  
22                 (1) or (2) of this section, provided that the State's total annual  
23                 financial participation under this sub-subdivision shall not exceed  
24                 eighteen million five hundred thousand dollars (\$18,500,000).
- 25           d.     Rail lines not included in subdivision (1) or (2) of this section.
- 26           e.     Public transportation service not included in subdivision (1) or (2) of  
27                 this section.
- 28           f.     Multimodal terminals and stations serving passenger transit systems.
- 29           g.     Bicycle and pedestrian improvements.
- 30           h.     Replacement of State-maintained ferry vessels.
- 31          (4)    Distribution Regions. – The following Distribution Regions apply to this  
32                 Article:
- 33           a.     Distribution Region A consists of the following counties: Bertie,  
34                 Camden, Chowan, Currituck, Dare, Edgecombe, Gates, Halifax,  
35                 Hertford, Hyde, Johnston, Martin, Nash, Northampton, Pasquotank,  
36                 Perquimans, Tyrrell, Washington, Wayne, and Wilson.
- 37           b.     Distribution Region B consists of the following counties: Beaufort,  
38                 Brunswick, Carteret, Craven, Duplin, Greene, Jones, Lenoir, New  
39                 Hanover, Onslow, Pamlico, Pender, Pitt, and Sampson.
- 40           c.     Distribution Region C consists of the following counties: Bladen,  
41                 Columbus, Cumberland, Durham, Franklin, Granville, Harnett,  
42                 Person, Robeson, Vance, Wake, and Warren.
- 43           d.     Distribution Region D consists of the following counties: Alamance,  
44                 Caswell, Davidson, Davie, Forsyth, Guilford, Orange, Rockingham,  
45                 Rowan, and Stokes.
- 46           e.     Distribution Region E consists of the following counties: Anson,  
47                 Cabarrus, Chatham, Hoke, Lee, Mecklenburg, Montgomery, Moore,  
48                 Randolph, Richmond, Scotland, Stanly, and Union.
- 49           f.     Distribution Region F consists of the following counties: Alexander,  
50                 Alleghany, Ashe, Avery, Caldwell, Catawba, Cleveland, Gaston,  
51                 Iredell, Lincoln, Surry, Watauga, Wilkes, and Yadkin.

- 1                   g.     Distribution Region G consists of the following counties: Buncombe,  
2                             Burke, Cherokee, Clay, Graham, Haywood, Henderson, Jackson,  
3                             Macon, Madison, McDowell, Mitchell, Polk, Rutherford, Swain,  
4                             Transylvania, and Yancey.

5     **"§ 136-189.11. Transportation Investment Strategy Formula.**

6             (a)     Funds Subject to Formula. – The following sources of funds are subject to this  
7     section:

- 8                   (1)     Highway Trust Fund funds, in accordance with G.S. 136-176.  
9                   (2)     Federal aid funds.

10            (b)     Funds Excluded From Formula. – The following funds are not subject to this  
11     section:

- 12                   (1)     Federal congestion mitigation and air quality improvement program funds  
13                             appropriated to the State by the United States pursuant to 23 U.S.C. §  
14                             104(b)(2) and 23 U.S.C. § 149.  
15                   (2)     Funds received through competitive awards or discretionary grants through  
16                             federal appropriations either for local governments, transportation  
17                             authorities, transit authorities, or the Department.  
18                   (3)     Funds received from the federal government that under federal law may only  
19                             be used for Appalachian Development Highway System projects.  
20                   (4)     Funds used in repayment of "GARVEE" bonds related to Phase I of the  
21                             Yadkin River Veterans Memorial Bridge project.  
22                   (5)     Funds committed to gap funding for toll roads funded with bonds issued  
23                             pursuant to G.S. 136-176.  
24                   (6)     Funds obligated for projects in the State Transportation Improvement  
25                             Program that are scheduled for construction as of April 1, 2013, in fiscal  
26                             year 2012-2013, 2013-2014, or 2014-2015.  
27                   (7)     Toll collections from a turnpike project under Article 6H of this Chapter and  
28                             other revenue from the sale of the Authority's bonds or notes or project  
29                             loans, in accordance with G.S. 136-89.192.

30            (c)     Funds With Alternate Criteria. – The following federal program activities shall be  
31     included in the applicable category of the Transportation Investment Strategy Formula set forth  
32     in subsection (d) of this section but shall not be subject to the prioritization criteria set forth in  
33     that subsection:

- 34                   (1)     Bridge replacement.  
35                   (2)     Interstate maintenance.  
36                   (3)     Highway safety improvement.

37            (d)     Transportation Investment Strategy Formula. – Funds subject to the Formula shall  
38     be distributed as follows:

- 39                   (1)     Statewide Strategic Mobility Projects. – Forty percent (40%) of the funds  
40                             subject to this section shall be used for Statewide Strategic Mobility  
41                             Projects.

42                   a.     Criteria. – Transportation-related quantitative criteria shall be used  
43                             by the Department to rank highway projects that address  
44                             cost-effective Statewide Strategic Mobility needs and promote  
45                             economic and employment growth. The criteria for selection of  
46                             Statewide Strategic Mobility Projects shall utilize a numeric scale of  
47                             100 points, based on consideration of the following quantitative  
48                             criteria:

- 49                             1.     Benefit-cost.  
50                             2.     Congestion.  
51                             3.     Economic competitiveness.

- 1                                   4.     Safety.
- 2                                   5.     Freight.
- 3                                   6.     Multimodal.
- 4                                   7.     Pavement condition.
- 5                                   8.     Lane width.
- 6                                   9.     Shoulder width.
- 7                                b.     Project cap. – No more than ten percent (10%) of the funds projected
- 8                                   to be allocated to the Statewide Strategic Mobility category over any
- 9                                   five-year period may be assigned to any contiguous project or group
- 10                                  of projects in the same corridor within a Highway Division or within
- 11                                  adjoining Highway Divisions.
- 12                               (2)   Regional Impact Projects. – Forty percent (40%) of the funds subject to this
- 13                                  section shall be used for Regional Impact Projects and allocated by
- 14                                  population of Distribution Regions, based on the most recent estimates
- 15                                  certified by the Office of State Budget and Management.
- 16                                a.     Criteria. – A combination of transportation-related quantitative
- 17                                  criteria, qualitative criteria, and local input shall be used to rank
- 18                                  Regional Impact Projects involving highways that address
- 19                                  cost-effective needs from a region-wide perspective and promote
- 20                                  economic growth. Local input is defined as the rankings identified by
- 21                                  the Department's Transportation Division Engineers, Metropolitan
- 22                                  Planning Organizations, and Rural Transportation Planning
- 23                                  Organizations. The criteria utilized for selection of Regional Impact
- 24                                  Projects shall be based thirty percent (30%) on local input and
- 25                                  seventy percent (70%) on consideration of a numeric scale of 100
- 26                                  points, based on the following quantitative criteria:
- 27                                    1.     Benefit-cost.
- 28                                    2.     Congestion.
- 29                                    3.     Economic competitiveness.
- 30                                    4.     Safety.
- 31                                    5.     Freight.
- 32                                    6.     Multimodal.
- 33                                    7.     Pavement condition.
- 34                                    8.     Lane width.
- 35                                    9.     Shoulder width.
- 36                                   10.    Accessibility/connectivity.
- 37                               (3)   Division Need Projects. – Twenty percent (20%) of the funds subject to this
- 38                                  section shall be allocated in equal share to each of the Department divisions,
- 39                                  as defined in G.S. 136-14.1, and used for Division Need Projects.
- 40                                a.     Criteria. – A combination of transportation-related quantitative
- 41                                  criteria, qualitative criteria, and local input shall be used to rank
- 42                                  Division Need Projects involving highways that address
- 43                                  cost-effective needs from a Division-wide perspective, provide
- 44                                  access, and address safety-related needs of local communities. Local
- 45                                  input is defined as the rankings identified by the Department's
- 46                                  Transportation Division Engineers, Metropolitan Planning
- 47                                  Organizations, and Rural Transportation Planning Organizations. The
- 48                                  criteria utilized for selection of Division Need Projects shall be based
- 49                                  fifty percent (50%) on local input and fifty percent (50%) on
- 50                                  consideration of a numeric scale of 100 points, based on the

- 1 following quantitative criteria, except as provided in sub-subdivision  
2 b.:  
3 1. Benefit-cost.  
4 2. Congestion.  
5 3. Economic competitiveness.  
6 4. Safety.  
7 5. Freight.  
8 6. Multimodal.  
9 7. Pavement condition.  
10 8. Lane width.  
11 9. Shoulder width.  
12 b. Alternate criteria. – Funding from the following programs shall be  
13 included in the computation of each of the Department division equal  
14 shares but shall be subject to alternate quantitative criteria:  
15 1. Federal Surface Transportation Program-Direct Attributable  
16 funds appropriated to the State.  
17 2. Federal Transportation Alternatives funds appropriated to the  
18 State.  
19 3. Federal Railway-highway crossings program funds  
20 appropriated to the State.  
21 4. Projects requested from the Department in support of a  
22 time-critical job creation opportunity, when the opportunity  
23 would be classified as transformational under the Job  
24 Development Investment Grant program established pursuant  
25 to G.S. 143B-437.52, provided that the total State investment  
26 in each fiscal year for all projects funded under this  
27 sub-subdivision shall not exceed ten million dollars  
28 (\$10,000,000) in the aggregate or two million dollars  
29 (\$2,000,000) per project.  
30 (4) Criteria for nonhighway projects. – Nonhighway projects subject to this  
31 subsection shall be evaluated through a separate prioritization process  
32 established by the Department that complies with all of the following:  
33 a. The criteria used for selection of Statewide Strategic Mobility  
34 Projects for a particular transportation mode shall be based on a  
35 minimum of four quantitative criteria.  
36 b. Local input shall include rankings of projects identified by the  
37 Department's Transportation Division Engineers, Metropolitan  
38 Planning Organizations, and Rural Transportation Planning  
39 Organizations.  
40 c. The criteria shall be based on a scale not to exceed 100 points that  
41 includes no bonus points or other alterations favoring any particular  
42 mode of transportation.  
43 (e) Authorized Formula Variance. – The Department may vary from the Formula set  
44 forth in this section if it complies with the following:  
45 (1) Limitation on variance. – The Department, in obligating funds in accordance  
46 with this section, shall ensure that the percentage amount obligated to  
47 Statewide Strategic Mobility Projects, Regional Impact Projects, and  
48 Division Need Projects does not vary by more than five percent (5%) over  
49 any five-year period from the percentage required to be allocated to each of  
50 those categories by this section. Funds obligated among distribution regions

1           or divisions pursuant to this section may vary up to ten percent (10%) over  
2           any five-year period.

3           (2)   Calculation of variance. – Each year the Secretary shall calculate the amount  
4           of Regional Impact and Division Need funds allocated in that year to each  
5           division and region, the amount of funds obligated, and the amount the  
6           obligations exceeded or were below the allocation. In the first variance  
7           calculation under this subdivision following the end of fiscal year  
8           2015-2016, the target amounts obtained according to the Formula set forth in  
9           this section shall be adjusted to account for any differences between  
10           allocations and obligations reported for the previous year. In the first  
11           variance calculation under this subdivision following the end of fiscal year  
12           2016-2017, the target amounts obtained according to the Formula set forth in  
13           this section shall be adjusted to account for any differences between  
14           allocations and obligations reported for the previous two fiscal years. In the  
15           first variance calculation under this subdivision following the end of fiscal  
16           year 2017-2018, the target amounts obtained according to the Formula set  
17           forth in this section shall be adjusted to account for any differences between  
18           allocations and obligations reported for the previous three fiscal years. In the  
19           first variance calculation under this subdivision following the end of fiscal  
20           year 2018-2019, the target amounts obtained according to the Formula set  
21           forth in this section shall be adjusted to account for any differences between  
22           allocations and obligations reported for the previous four fiscal years. The  
23           new target amounts shall be used to fulfill the requirements of subdivision  
24           (1) of this subsection for the next update of the Transportation Improvement  
25           Program. The adjustment to the target amount shall be allocated by  
26           Distribution Region or Division, as applicable.

27           (f)   Incentives for Local Funding and Highway Tolling. – The Department may revise  
28           highway project selection ratings based on local government funding initiatives and capital  
29           construction funding directly attributable to highway toll revenue. Projects authorized for  
30           construction after November 1, 2013, and contained in the 10-year Department of  
31           Transportation work program are eligible for a bonus allocation under this subsection.

32           (1)   Definitions. – The following definitions apply in this subsection:

33           a.   Bonus allocation. – The allocation obtained as a result of local  
34           government funding participation or highway tolling.

35           b.   Local funding participation. – Non-State or nonfederal funds  
36           committed by local officials to leverage the commitment of State or  
37           federal transportation funds towards construction.

38           (2)   Funds obtained from local government funding participation. – Upon  
39           authorization to construct a project with funds obtained by local government  
40           funding participation, the Department shall make available for allocation as  
41           set forth in subdivision (4) of this section an amount equal to one-half of the  
42           local funding commitment for other eligible highway projects that serve the  
43           local entity or entities that provided the local funding.

44           (3)   Funds obtained through highway tolling. – Upon authorization to construct a  
45           project with funding from toll revenue, the Department shall make available  
46           for allocation an amount equal to one-half of the project construction cost  
47           derived from toll revenue bonds. The amount made available for allocation  
48           to other eligible highway projects shall not exceed two hundred million  
49           dollars (\$200,000,000) of the capital construction funding directly  
50           attributable to the highway toll revenues committed in the Investment Grade  
51           Traffic and Revenue Study. If the toll project is located in one or more

1 Metropolitan Planning Organization or Rural Transportation Planning  
 2 Organization boundaries, based on the boundaries in existence at the time of  
 3 letting of the project construction contract, the bonus allocation shall be  
 4 distributed proportionately to lane miles of new capacity within the  
 5 Organization's boundaries. The Organization shall apply the bonus allocation  
 6 only within those counties in which the toll project is located.

7 (4) Use of bonus allocation. – The Metropolitan Planning Organization, Rural  
 8 Transportation Planning Organization, or the local government may choose  
 9 to apply its bonus allocation in one of the three categories or in a  
 10 combination of the three categories as provided in this subdivision.

11 a. Statewide Strategic Mobility Projects category. – The bonus  
 12 allocation shall apply over the five-year period in the State  
 13 Transportation Improvement Program in the cycle following the  
 14 contractual obligation.

15 b. Regional Impact Projects category. – The bonus allocation is capped  
 16 at ten percent (10%) of the regional allocation, or allocation to  
 17 multiple regions, made over a five-year period and shall be applied  
 18 over the five-year period in the State Transportation Improvement  
 19 Program in the cycle following the contractual obligation.

20 c. Division Needs Projects category. – The bonus allocation is capped  
 21 at ten percent (10%) of the division allocation, or allocation to  
 22 multiple divisions, made over a five-year period and shall be applied  
 23 over the five-year period in the State Transportation Improvement  
 24 Program in the cycle following the contractual obligation."

25 **SECTION 1.1.(b) (Effective July 1, 2019) G.S. 136-189.11(e)(2) reads as**

26 rewritten:

27 "(e) Authorized Formula Variance. – The Department may vary from the Formula set  
 28 forth in this section if it complies with the following:

29 ...  
 30 (2) Calculation of Variance. – Each year, the Secretary shall calculate the  
 31 amount of Regional Impact and Division Need funds allocated in that year to  
 32 each ~~division,~~ division and region, the amount of funds obligated, and the  
 33 amount the obligations exceeded or were below the allocation. ~~In the first~~  
 34 ~~variance calculation under this subdivision following the end of fiscal year~~  
 35 ~~2015-16, the target amounts obtained according to the Formula set forth in~~  
 36 ~~this section shall be adjusted to account for any differences between~~  
 37 ~~allocations and obligations reported for the previous year. In the first~~  
 38 ~~variance calculation under this subdivision following the end of fiscal year~~  
 39 ~~2016-17, the target amounts obtained according to the Formula set forth in~~  
 40 ~~this section shall be adjusted to account for any differences between~~  
 41 ~~allocations and obligations reported for the previous two fiscal years. In the~~  
 42 ~~first variance calculation under this subdivision following the end of fiscal~~  
 43 ~~year 2017-18, the target amounts obtained according to the Formula set forth~~  
 44 ~~in this section shall be adjusted to account for any differences between~~  
 45 ~~allocations and obligations reported for the previous three fiscal years. In the~~  
 46 ~~first variance calculation under this subdivision following the end of fiscal~~  
 47 ~~year 2018-19, the~~ The target amounts obtained according to the Formula set  
 48 forth in this section shall be adjusted to account for any differences between  
 49 allocations and obligations reported for the previous ~~four~~ five fiscal years.  
 50 The new target amounts shall be used to fulfill the requirements of  
 51 subdivision (1) of this subsection for the next update of the Transportation

1 Improvement Program. The adjustment to the target amount shall be  
2 allocated by Distribution Region or Division, as applicable."

3 **SECTION 1.2.** Strategic Prioritization Process Reporting. – The Department shall  
4 issue a draft revision to the State Transportation Improvement Program required by  
5 G.S. 143B-350(f)(4) no later than January 1, 2015. The Board of Transportation shall approve  
6 the revised State Transportation Improvement Program no later than July 1, 2015.

## 7 8 **SECONDARY ROADS CHANGES**

9 **SECTION 2.1.** G.S. 20-85(b) reads as rewritten:

### 10 **"§ 20-85. Schedule of fees.**

11 ...

12 (b) Except as otherwise provided in subsection (a1) of this section, the fees collected  
13 under subdivisions (a)(1) through (a)(9) of this section shall be credited to the North Carolina  
14 Highway Trust Fund. The fees collected under subdivision (a)(10) of this section shall be  
15 credited to the Highway Fund. ~~Fifteen dollars (\$15.00) of each title fee credited to the Trust~~  
16 ~~Fund under subdivision (a)(1) shall be added to the amount allocated for secondary roads under~~  
17 ~~G.S. 136-176 and used in accordance with G.S. 136-44.5.~~

18 ...."

19 **SECTION 2.2.(a) (Expires June 30, 2014)** G.S. 136-44.2 reads as rewritten:

### 20 **"§ 136-44.2. Budget and appropriations.**

21 (a) The Director of the Budget shall include in the "Current Operations Appropriations  
22 Act" an enumeration of the purposes or objects of the proposed expenditures for each of the  
23 ~~construction and maintenance~~ construction, maintenance, and improvement programs for that  
24 budget period for the State primary, secondary, State parks road systems, and other  
25 transportation systems. The State primary system shall include all portions of the State highway  
26 system located both inside and outside municipal corporate limits that are designated by N.C.,  
27 U.S. or Interstate numbers. The State secondary system shall include all of the State highway  
28 system located both inside and outside municipal corporate limits that is not a part of the State  
29 primary system. The State parks system shall include all State parks roads and parking lots that  
30 are not also part of the State highway system. The transportation systems shall include  
31 State-maintained, nonhighway modes of ~~transportation as well.~~ transportation.

32 (b) All ~~construction and maintenance~~ construction, maintenance, and improvement  
33 programs for which appropriations are requested shall be enumerated separately in the budget.  
34 Programs that are entirely State funded shall be listed separately from those programs involving  
35 the use of federal-aid funds. Proposed appropriations of State matching funds for each of the  
36 federal-aid construction programs shall be enumerated separately as well as the federal-aid  
37 funds anticipated for each program in order that the total construction requirements for each  
38 program may be provided for in the budget. Also, proposed State matching funds for the  
39 highway planning and research program shall be included separately along with the anticipated  
40 federal-aid funds for that purpose.

41 (c) Other program categories for which appropriations are requested, such as, but not  
42 limited to, maintenance, channelization and traffic control, bridge maintenance, public service  
43 and access road construction, transportation projects and systems, and ferry operations shall be  
44 enumerated in the budget.

45 (d) The Department of Transportation shall have all powers necessary to comply fully  
46 with provisions of present and future federal-aid acts. For purposes of this section, "federally  
47 eligible construction project" means any construction project except secondary road projects  
48 developed pursuant to G.S. 136-44.7 and 136-44.8 eligible for federal funds under any  
49 federal-aid act, whether or not federal funds are actually available.

50 (e) The "Current Operations Appropriations Act" shall also contain the proposed  
51 appropriations of State funds for use in each county for ~~maintenance and~~



1 ~~construction~~ construction, maintenance, and improvement of secondary roads, to be allocated in  
2 accordance with G.S. 136-44.5 and 136-44.6. State funds appropriated for secondary roads  
3 shall not be transferred nor used except for the ~~construction and maintenance~~ construction,  
4 maintenance, and improvement of secondary roads in the county for which they are allocated  
5 pursuant to G.S. 136-44.5 and 136-44.6.

6 (f) If the unreserved credit balance in the Highway Fund on the last day of a fiscal year  
7 is greater than the amount estimated for that date in the Current Operations Appropriations Act  
8 for the following fiscal year, the excess shall be used in accordance with this subsection. The  
9 Director of the Budget shall allocate the excess to a reserve (i) for access and public roads or  
10 (ii) for other urgent needs. The use of this reserve shall be subject to the following:

- 11 (1) Restrictions on use. – No more than five million dollars (\$5,000,000) from  
12 this reserve may be spent on a single project. Funds from this reserve being  
13 used for an "other urgent need" project cannot be used for administrative  
14 costs, information technology costs, or economic development.
- 15 (2) Approval. – The Department of Transportation shall submit for approval to  
16 the Director of the Budget all expenditures from the reserve established  
17 under this subsection.
- 18 (3) Reporting. – At least five days, not including State holidays or weekend  
19 days, prior to submitting an expenditure request to the Director of the  
20 Budget under subdivision (2) of this subsection, the Department of  
21 Transportation shall submit a report on the expenditure request to the Fiscal  
22 Research Division and to the members of the House Appropriations  
23 Subcommittee on Transportation and the Senate Appropriations Committee  
24 on Department of Transportation. Such report shall be certified by the chief  
25 financial officer of the Department of Transportation and shall include (i) a  
26 project description, (ii) whether the project is for access and public roads or  
27 for other urgent needs, (iii) a justification of the project, (iv) the total project  
28 cost, (v) the amount of funding for the project coming from the reserve, and  
29 (vi) other funding sources for the project.
- 30 (4) Carryforward. – If on the last day of the fiscal year the balance in the reserve  
31 established by this subsection is greater than five million dollars  
32 (\$5,000,000), then the Director of the Budget shall transfer the amount in  
33 excess of that sum to the Reserve for General Maintenance in the Highway  
34 Fund.

35 (g) The Department of Transportation may provide for costs incurred or accrued for  
36 traffic control measures to be taken by the Department at major events which involve a high  
37 degree of traffic concentration on State highways, and which cannot be funded from regular  
38 budgeted items. This authorization applies only to events which are expected to generate  
39 30,000 vehicles or more per day. The Department of Transportation shall provide for this  
40 funding by allocating and reserving up to one hundred thousand dollars (\$100,000) before any  
41 other allocations from the appropriations for State maintenance for primary, secondary, and  
42 urban road systems are made, based upon the same proportion as is appropriated to each  
43 system."

44 **SECTION 2.2.(b) (Effective July 1, 2014)** G.S. 136-44.2 reads as rewritten:

45 **"§ 136-44.2. Budget and appropriations.**

46 (a) The Director of the Budget shall include in the "Current Operations Appropriations  
47 Act" an enumeration of the purposes or objects of the proposed expenditures for each of the  
48 ~~construction, maintenance, maintenance~~ and improvement programs for that budget period for  
49 the State primary, secondary, State parks road systems, and other transportation systems. The  
50 State primary system shall include all portions of the State highway system located both inside  
51 and outside municipal corporate limits that are designated by N.C., U.S. or Interstate numbers.

1 The State secondary system shall include all of the State highway system located both inside  
2 and outside municipal corporate limits that is not a part of the State primary system. The State  
3 parks system shall include all State parks roads and parking lots that are not also part of the  
4 State highway system. The transportation systems shall also include State-maintained,  
5 nonhighway modes of ~~transportation as well, transportation.~~

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

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

19 (d) The Department of Transportation shall have all powers necessary to comply fully  
20 with provisions of present and future federal-aid acts. For purposes of this section, "federally  
21 eligible construction project" means any construction project except secondary road projects  
22 developed pursuant to ~~G.S. 136-44.7 and 136-44.8~~ G.S. 136-44.8 eligible for federal funds  
23 under any federal-aid act, whether or not federal funds are actually available.

24 (e) The "Current Operations Appropriations Act" shall also contain the proposed  
25 appropriations of State funds for use in each county for ~~construction, maintenance, maintenance~~  
26 and improvement of secondary roads, to be allocated in accordance with ~~G.S. 136-44.5 and~~  
27 ~~136-44.6.~~ G.S. 136-44.6. State funds appropriated for secondary roads shall not be transferred  
28 nor used except for the ~~construction, maintenance, maintenance~~ and improvement of secondary  
29 roads in the county for which they are allocated pursuant to ~~G.S. 136-44.5 and~~  
30 ~~136-44.6.~~ G.S. 136-44.6.

31 (f) If the unreserved credit balance in the Highway Fund on the last day of a fiscal year  
32 is greater than the amount estimated for that date in the Current Operations Appropriations Act  
33 for the following fiscal year, the excess shall be used in accordance with this subsection. The  
34 Director of the Budget shall allocate the excess to a reserve (i) for access and public roads or  
35 (ii) for other urgent needs. The use of this reserve shall be subject to the following:

- 36 (1) Restrictions on use. – No more than five million dollars (\$5,000,000) from  
37 this reserve may be spent on a single project. Funds from this reserve being  
38 used for an "other urgent need" project cannot be used for administrative  
39 costs, information technology costs, or economic development.
- 40 (2) Approval. – The Department of Transportation shall submit for approval to  
41 the Director of the Budget all expenditures from the reserve established  
42 under this subsection.
- 43 (3) Reporting. – At least five days, not including State holidays or weekend  
44 days, prior to submitting an expenditure request to the Director of the  
45 Budget under subdivision (2) of this subsection, the Department of  
46 Transportation shall submit a report on the expenditure request to the Fiscal  
47 Research Division and to the members of the House Appropriations  
48 Subcommittee on Transportation and the Senate Appropriations Committee  
49 on Department of Transportation. Such report shall be certified by the chief  
50 financial officer of the Department of Transportation and shall include (i) a  
51 project description, (ii) whether the project is for access and public roads or

1 for other urgent needs, (iii) a justification of the project, (iv) the total project  
2 cost, (v) the amount of funding for the project coming from the reserve, and  
3 (vi) other funding sources for the project.

4 (4) Carryforward. – If on the last day of the fiscal year the balance in the reserve  
5 established by this subsection is greater than five million dollars  
6 (\$5,000,000), then the Director of the Budget shall transfer the amount in  
7 excess of that sum to the Reserve for General Maintenance in the Highway  
8 Fund.

9 (g) The Department of Transportation may provide for costs incurred or accrued for  
10 traffic control measures to be taken by the Department at major events which involve a high  
11 degree of traffic concentration on State highways, and which cannot be funded from regular  
12 budgeted items. This authorization applies only to events which are expected to generate  
13 30,000 vehicles or more per day. The Department of Transportation shall provide for this  
14 funding by allocating and reserving up to one hundred thousand dollars (\$100,000) before any  
15 other allocations from the appropriations for State maintenance for ~~primary, secondary, and~~  
16 ~~urban~~primary and secondary road systems are made, based upon the same proportion as is  
17 appropriated to each system."

18 **SECTION 2.3.(a) (Expires June 30, 2014)** G.S. 136-44.2A reads as rewritten:

19 "**§ 136-44.2A. Secondary road ~~improvement~~ construction program.**

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

31 **SECTION 2.3.(b) (Effective July 1, 2014)** G.S. 136-44.2A is repealed.

32 **SECTION 2.4.** G.S. 136-44.2C is repealed.

33 **SECTION 2.5.** Article 2A of Chapter 136 is amended by adding a new section to  
34 read:

35 "**§ 136-44.2D. Secondary unpaved road paving program.**

36 The Department of Transportation shall expend funds allocated to the paving of unpaved  
37 secondary roads for the paving of unpaved secondary roads based on a statewide prioritization.  
38 The Department shall pave the eligible unpaved secondary roads that receive the highest  
39 priority ranking within this statewide prioritization. Nothing in this subsection shall be  
40 interpreted to require the Department to pave any unpaved secondary roads that do not meet  
41 secondary road system addition standards as set forth in G.S. 136-44.10 and G.S. 136-102.6.  
42 The Highway Trust Fund shall not be used to fund the paving of unpaved secondary roads.

43 **SECTION 2.6.(a) (Expires June 30, 2014)** G.S. 136-44.5 reads as rewritten:

44 "**§ 136-44.5. Secondary roads; mileage study; allocation of funds.**

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

- 48 (1) The number of miles of unpaved State-maintained roads in each county  
49 eligible for paving and the total number of miles that are ineligible;
- 50 (2) The total number of miles of unpaved State-maintained roads in the State  
51 eligible for paving and the total number of miles that are ineligible; and

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

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

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

20 (c) ~~Funds allocated for secondary road construction in excess of sixty eight million six~~  
21 ~~hundred seventy thousand dollars (\$68,670,000) shall be allocated to each county based on the~~  
22 ~~percentage proportion that the number of miles in the county of State-maintained unpaved~~  
23 ~~secondary roads bears to the total number of miles in the State of State-maintained unpaved~~  
24 ~~secondary roads. In a county that has roads with eligible miles, these funds shall only be used~~  
25 ~~for paving unpaved secondary road miles in that county. In a county where there are no roads~~  
26 ~~eligible to be paved as defined in subsection (a) of this section, the funds may be used for~~  
27 ~~improvements on the paved and unpaved secondary roads in that county. Beginning in fiscal~~  
28 ~~year 2010-2011, allocations pursuant to this subsection shall be based on the total number of~~  
29 ~~secondary miles in a county in proportion to the total State-maintained secondary road mileage.~~

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

33 **SECTION 2.6.(b) (Effective July 1, 2014) G.S. 136-44.5 is repealed.**

34 **SECTION 2.6.(c) G.S. 136-44.6 reads as rewritten:**

35 **"§ 136-44.6. Uniformly applicable formula for the allocation of secondary roads**  
36 **maintenance and improvement funds.**

37 The Department of Transportation shall develop a uniformly applicable formula for the  
38 allocation of secondary roads maintenance and improvement funds for use in each county. The  
39 formula shall take into consideration the number of paved and unpaved miles of  
40 state-maintained secondary roads in each county and such other factors as experience may  
41 dictate. This section shall not apply to projects to pave unpaved roads under G.S. 136-44.2D."

42 **SECTION 2.6.(d) Secondary Road Funding.** – The sum of fifteen million dollars  
43 (\$15,000,000) in nonrecurring funds for the 2013-2014 fiscal year is appropriated from the  
44 Highway Fund for the secondary road construction program under G.S. 136-44.2A, as enacted  
45 by Section 2.3(a) of this act, and the sum of twelve million dollars (\$12,000,000) in recurring  
46 funds for the 2013-2014 fiscal year is appropriated from the Highway Fund for the paving of  
47 unpaved roads pursuant to G.S. 136-44.2D, as enacted by Section 2.5 of this act.

48 **SECTION 2.7. G.S. 136-44.7 reads as rewritten:**

49 **"§ 136-44.7. Secondary roads; annual work program; right-of-way acquisition.**

50 (a) ~~The Department of Transportation shall be responsible for developing criteria for~~  
51 ~~improvements and maintenance of secondary roads. The criteria shall be adopted by the Board~~

1 of Transportation before it shall become effective. The Department of Transportation shall be  
2 responsible for developing annual work programs for both construction and maintenance of  
3 secondary roads in each county in accordance with criteria developed. It shall reflect the  
4 long range and immediate goals of the Department of Transportation. Projects on the annual  
5 construction program for each county shall be rated according to their priority based upon the  
6 secondary road criteria and standards which shall be uniform throughout the State. Tentative  
7 construction projects and estimated funding shall also be listed in accordance to priority. The  
8 annual construction program shall be adopted by the Board of Transportation before it shall  
9 become effective.

10 (b) ~~When a secondary road in a county is listed in the first 10 secondary roads to be~~  
11 ~~paved during a year on a priority list issued by the Department of Transportation under this~~  
12 ~~section, the secondary road cannot be removed from the top 10 of that list or any subsequent~~  
13 ~~list until it is paved. All secondary roads in a county shall be paved, insofar as possible, in the~~  
14 ~~priority order of the list. When a secondary road in the top 10 of that list is removed from the~~  
15 ~~list because it has been paved, the next secondary road on the priority list shall be moved up to~~  
16 ~~the top 10 of that list and shall remain there until it is paved.~~

17 (c) When it is necessary for the Department of Transportation to acquire a right-of-way  
18 in accordance with (a) and (b) of this section in order to pave a secondary road or undertake a  
19 maintenance project, the Department shall negotiate the acquisition of the right-of-way for a  
20 period of up to six months. At the end of that period, if one or more property owners have not  
21 dedicated the necessary right-of-way and at least seventy-five percent (75%) of the property  
22 owners adjacent to the project and the owners of the majority of the road frontage adjacent to  
23 the project have dedicated the necessary property for the right-of-way and have provided funds  
24 required by Department rule to the Department to cover the costs of condemning the remaining  
25 property, the Department shall initiate condemnation proceedings pursuant to Article 9 of this  
26 Chapter to acquire the remaining property necessary for the project.

27 (d) The Division Engineer is authorized to reduce the width of a right-of-way to less  
28 than 60 feet to pave an unpaved secondary road with the allocated funds, provided that in all  
29 circumstances the safety of the public is not compromised and the minimum accepted design  
30 practice is satisfied."

31 **SECTION 2.8.(a) (Expires June 30, 2014) G.S. 136-44.8 reads as rewritten:**

32 "**§ 136-44.8. Submission of secondary roads construction and unpaved roads paving**  
33 **programs to the Boards of County Commissioners.**

34 (a) ~~The Department of Transportation shall post in the county courthouse a county map~~  
35 ~~showing tentative secondary road paving projects rated according to the priority of each project~~  
36 ~~in accordance with the criteria and standards adopted by the Board of Transportation. The map~~  
37 ~~shall be posted at least two weeks prior to the public meeting of the county commissioners at~~  
38 ~~which the Department of Transportation representatives are to meet and discuss the proposed~~  
39 ~~secondary road construction program for the county as provided in subsection (e).~~

40 (a1) Representatives of the Department of Transportation shall provide to the board of  
41 county commissioners in each county the proposed secondary road construction program and,  
42 if applicable to that county, a list of roads proposed for the annual paving program approved by  
43 the Board of Transportation. If a paving priority list is presented, it shall include the priority  
44 rating of each secondary road paving project included in the proposed paving program  
45 according to the criteria and standards adopted by the Board of Transportation.

46 (b) ~~The Department of Transportation shall provide a notice to the public of the public~~  
47 ~~meeting of the board of county commissioners at which the annual secondary road construction~~  
48 ~~program for the county proposed by the Department is to be presented to the board and other~~  
49 ~~citizens of the county as provided in subsection (e). The notice shall be published in a~~  
50 ~~newspaper published in the county or having a general circulation in the county once a week~~  
51 ~~for two succeeding weeks prior to the meeting. The notice shall also advise that a county map is~~

1 posted in the courthouse showing tentative secondary road paving projects rated according to  
2 the priority of each project.

3 ~~(c) Representatives of the Department of Transportation shall meet with the board of~~  
4 ~~county commissioners at a regular or special public meeting of the board of county~~  
5 ~~commissioners for each county and present to and discuss with the board of county~~  
6 ~~commissioners and other citizens present, the proposed secondary road construction program~~  
7 ~~for the county. The presentation and discussion shall specifically include the priority rating of~~  
8 ~~each tentative secondary road paving project included in the proposed construction program,~~  
9 ~~according to the criteria and standards adopted by the Board of Transportation.~~

10 ~~At the same meeting after the presentation and discussion of the annual secondary road~~  
11 ~~construction program for the county or at a later meeting, the board of county commissioners~~  
12 ~~may (i) concur in the construction program as proposed, or (ii) take no action, or (iii) make~~  
13 ~~recommendations for deviations in the proposed construction program, except as to paving~~  
14 ~~projects and the priority of paving projects for which the board in order to make~~  
15 ~~recommendations for deviations, must vote to consider the matter at a later public meeting as~~  
16 ~~provided in subsection (d).~~

17 ~~(d) The board of county commissioners may recommend deviations in the paving~~  
18 ~~projects and the priority of paving projects included in the proposed secondary road~~  
19 ~~construction program only at a public meeting after notice to the public that the board will~~  
20 ~~consider making recommendations for deviations in paving projects and the priority of paving~~  
21 ~~projects included in the proposed annual secondary road construction program. Notice of the~~  
22 ~~public meeting shall be published by the board of county commissioners in a newspaper~~  
23 ~~published in the county or having a general circulation in the county. After discussion by the~~  
24 ~~members of the board of county commissioners and comments and information presented by~~  
25 ~~other citizens of the county, the board of county commissioners may recommend deviations in~~  
26 ~~the paving projects and in the paving priority of secondary road projects included in the~~  
27 ~~proposed secondary road construction program. Any recommendation made by the board of~~  
28 ~~county commissioners for a deviation in the paving projects or in the priority for paving~~  
29 ~~projects in the proposed secondary road construction program shall state the specific reason for~~  
30 ~~each such deviation recommended.~~

31 ~~(e) The Board of Transportation shall adopt the annual secondary construction program~~  
32 ~~for each county after having given the board of county commissioners of each county an~~  
33 ~~opportunity to review the proposed construction program and to make recommendations as~~  
34 ~~provided in this section. The Board of Transportation shall consider such recommendations~~  
35 ~~insofar as they are compatible with its general plans, standards, criteria and available funds, but~~  
36 ~~having due regard to development plans of the county and to the maintenance and improvement~~  
37 ~~needs of all existing roads in the county. However, no consideration shall be given to any~~  
38 ~~recommendation by the board of county commissioners for a deviation in the paving projects or~~  
39 ~~in the priority for paving secondary road projects in the proposed construction program that is~~  
40 ~~not made in accordance with subsection (d).~~

41 ~~(f) The secondary road construction program and unpaved roads paving programs~~  
42 ~~adopted by the Board of Transportation shall be followed by the Department of Transportation~~  
43 ~~unless changes are approved by the Board of Transportation and notice of any changes is given~~  
44 ~~to the board of county commissioners. The Department of Transportation shall post a copy of~~  
45 ~~the adopted program, including a map showing the secondary road paving projects rated~~  
46 ~~according to the approved priority of each project, at the courthouse, within 10 days of its~~  
47 ~~adoption by the Board of Transportation. The board of county commissioners may petition the~~  
48 ~~Board of Transportation for review of any changes to which it does not consent and the~~  
49 ~~determination of the Board of Transportation shall be final. Upon request, the most recent~~  
50 ~~secondary road construction and unpaved roads paving programs adopted shall be submitted to~~  
51 ~~any member of the General Assembly. The Department of Transportation shall make the annual~~

1 construction program for each county available to the newspapers having a general circulation  
2 in the county."

3 **SECTION 2.8.(b) (Effective July 1, 2014) G.S. 136-44.8 reads as rewritten:**

4 "**§ 136-44.8. Submission of secondary roads ~~construction programs~~ unpaved roads paving**  
5 **program to the Boards of County Commissioners.**

6 (a) ~~The Department of Transportation shall post in the county courthouse a county map~~  
7 ~~showing tentative secondary road paving projects rated according to the priority of each project~~  
8 ~~in accordance with the criteria and standards adopted by the Board of Transportation. The map~~  
9 ~~shall be posted at least two weeks prior to the public meeting of the county commissioners at~~  
10 ~~which the Department of Transportation representatives are to meet and discuss the proposed~~  
11 ~~secondary road construction program for the county as provided in subsection (c).~~

12 (a1) In each county having unpaved roads programmed for paving, representatives of the  
13 Department of Transportation shall annually provide to the board of county commissioners in  
14 those counties a list of roads proposed for the annual paving program approved by the Board of  
15 Transportation. The paving priority list shall include the priority rating of each secondary road  
16 paving project included in the proposed paving program, according to the criteria and standards  
17 adopted by the Board of Transportation.

18 (b) ~~The Department of Transportation shall provide a notice to the public of the public~~  
19 ~~meeting of the board of county commissioners at which the annual secondary road construction~~  
20 ~~program for the county proposed by the Department is to be presented to the board and other~~  
21 ~~citizens of the county as provided in subsection (c). The notice shall be published in a~~  
22 ~~newspaper published in the county or having a general circulation in the county once a week~~  
23 ~~for two succeeding weeks prior to the meeting. The notice shall also advise that a county map is~~  
24 ~~posted in the courthouse showing tentative secondary road paving projects rated according to~~  
25 ~~the priority of each project.~~

26 (c) ~~Representatives of the Department of Transportation shall meet with the board of~~  
27 ~~county commissioners at a regular or special public meeting of the board of county~~  
28 ~~commissioners for each county and present to and discuss with the board of county~~  
29 ~~commissioners and other citizens present, the proposed secondary road construction program~~  
30 ~~for the county. The presentation and discussion shall specifically include the priority rating of~~  
31 ~~each tentative secondary road paving project included in the proposed construction program,~~  
32 ~~according to the criteria and standards adopted by the Board of Transportation.~~

33 ~~At the same meeting after the presentation and discussion of the annual secondary road~~  
34 ~~construction program for the county or at a later meeting, the board of county commissioners~~  
35 ~~may (i) concur in the construction program as proposed, or (ii) take no action, or (iii) make~~  
36 ~~recommendations for deviations in the proposed construction program, except as to paving~~  
37 ~~projects and the priority of paving projects for which the board in order to make~~  
38 ~~recommendations for deviations, must vote to consider the matter at a later public meeting as~~  
39 ~~provided in subsection (d).~~

40 (d) ~~The board of county commissioners may recommend deviations in the paving~~  
41 ~~projects and the priority of paving projects included in the proposed secondary road~~  
42 ~~construction program only at a public meeting after notice to the public that the board will~~  
43 ~~consider making recommendations for deviations in paving projects and the priority of paving~~  
44 ~~projects included in the proposed annual secondary road construction program. Notice of the~~  
45 ~~public meeting shall be published by the board of county commissioners in a newspaper~~  
46 ~~published in the county or having a general circulation in the county. After discussion by the~~  
47 ~~members of the board of county commissioners and comments and information presented by~~  
48 ~~other citizens of the county, the board of county commissioners may recommend deviations in~~  
49 ~~the paving projects and in the paving priority of secondary road projects included in the~~  
50 ~~proposed secondary road construction program. Any recommendation made by the board of~~  
51 ~~county commissioners for a deviation in the paving projects or in the priority for paving~~

1 projects in the proposed secondary road construction program shall state the specific reason for  
2 each such deviation recommended.

3 (e) ~~The Board of Transportation shall adopt the annual secondary construction program~~  
4 ~~for each county after having given the board of county commissioners of each county an~~  
5 ~~opportunity to review the proposed construction program and to make recommendations as~~  
6 ~~provided in this section. The Board of Transportation shall consider such recommendations~~  
7 ~~insofar as they are compatible with its general plans, standards, criteria and available funds, but~~  
8 ~~having due regard to development plans of the county and to the maintenance and improvement~~  
9 ~~needs of all existing roads in the county. However, no consideration shall be given to any~~  
10 ~~recommendation by the board of county commissioners for a deviation in the paving projects or~~  
11 ~~in the priority for paving secondary road projects in the proposed construction program that is~~  
12 ~~not made in accordance with subsection (d).~~

13 (f) ~~The secondary road construction-unpaved roads paving program adopted by the~~  
14 ~~Board of Transportation shall be followed by the Department of Transportation unless changes~~  
15 ~~are approved by the Board of Transportation and notice of any changes is given to the board of~~  
16 ~~county commissioners. The Department of Transportation shall post a copy of the adopted~~  
17 ~~program, including a map showing the secondary road paving projects rated according to the~~  
18 ~~approved priority of each project, at the courthouse, within 10 days of its adoption by the Board~~  
19 ~~of Transportation. The board of county commissioners may petition the Board of~~  
20 ~~Transportation for review of any changes to which it does not consent and the determination of~~  
21 ~~the Board of Transportation shall be final.~~ Upon request, the most recent secondary road  
22 ~~construction-unpaved roads paving programs adopted shall be submitted to any member of the~~  
23 ~~General Assembly. The Department of Transportation shall make the annual construction~~  
24 ~~unpaved roads paving program for each affected county available to the newspapers having a~~  
25 ~~general circulation in the county."~~

26 **SECTION 2.9.** G.S. 136-182 is repealed.

## 27 28 STATE AID TO MUNICIPALITIES/POWELL BILL CHANGES

29 **SECTION 3.1.** G.S. 136-41.1 reads as rewritten:

30 **"§ 136-41.1. Appropriation to municipalities; allocation of funds generally; allocation to**  
31 **Butner.**

32 (a) There is annually appropriated out of the State Highway Fund a sum equal to ten  
33 and four-tenths percent (10.4%) of the net amount after refunds that was produced during the  
34 fiscal year by a ~~one and three-fourths cents (1 3/4¢)~~ tax on each gallon of motor fuel ~~taxed the~~  
35 tax imposed under Article 36C of Chapter 105 of the General Statutes and on the equivalent  
36 amount of alternative fuel taxed under Article 36D of that Chapter. One-half of the amount  
37 appropriated shall be allocated in cash on or before October 1 of each year to the cities and  
38 towns of the State in accordance with this section. The second one-half of the amount  
39 appropriated shall be allocated in cash on or before January 1 of each year to the cities and  
40 towns of the State in accordance with this section. ~~In addition, as provided in~~  
41 ~~G.S. 136-176(b)(3), revenue is allocated and appropriated from the Highway Trust Fund to the~~  
42 ~~cities and towns of this State to be used for the same purposes and distributed in the same~~  
43 ~~manner as the revenue appropriated to them under this section from the Highway Fund. Like~~  
44 ~~the appropriation from the Highway Fund, the appropriation from the Highway Trust Fund~~  
45 ~~shall be based on revenue collected during the fiscal year preceding the date the distribution is~~  
46 ~~made.~~

47 Seventy-five percent (75%) of the funds appropriated for cities and towns shall be  
48 distributed among the several eligible municipalities of the State in the percentage proportion  
49 that the population of each eligible municipality bears to the total population of all eligible  
50 municipalities according to the most recent annual estimates of population as certified to the  
51 Secretary of Revenue by the State Budget Officer. This annual estimation of population shall



1 include increases in the population within the municipalities caused by annexations  
2 accomplished through July 1 of the calendar year in which these funds are distributed.  
3 Twenty-five percent (25%) of said fund shall be distributed among the several eligible  
4 municipalities of the State in the percentage proportion that the mileage of public streets in  
5 each eligible municipality which does not form a part of the State highway system bears to the  
6 total mileage of the public streets in all eligible municipalities which do not constitute a part of  
7 the State highway system.

8 It shall be the duty of the mayor of each municipality to report to the Department of  
9 Transportation such information as it may request for its guidance in determining the eligibility  
10 of each municipality to receive funds under this section and in determining the amount of  
11 allocation to which each is entitled. Upon failure of any municipality to make such report  
12 within the time prescribed by the Department of Transportation, the Department of  
13 Transportation may disregard such defaulting unit in making said allotment.

14 The funds to be allocated under this section shall be paid in cash to the various eligible  
15 municipalities on or before October 1 and January 1 of each ~~year-year~~ as provided in this  
16 section. Provided that eligible municipalities are authorized within the discretion of their  
17 governing bodies to enter into contracts for the purpose of maintenance, repair, construction,  
18 reconstruction, widening, or improving streets of such municipalities at any time after January  
19 1 of any calendar year in total amounts not to exceed ninety percent (90%) of the amount  
20 received by such municipality during the preceding fiscal year, in anticipation of the receipt of  
21 funds under this section during the next fiscal year, to be paid for out of such funds when  
22 received.

23 The Department of Transportation may withhold each year an amount not to exceed one  
24 percent (1%) of the total amount appropriated for distribution under this section for the purpose  
25 of correcting errors in allocations: Provided, that the amount so withheld and not used for  
26 correcting errors will be carried over and added to the amount to be allocated for the following  
27 year.

28 The word "street" as used in this section is hereby defined as any public road maintained by  
29 a municipality and open to use by the general public, and having an average width of not less  
30 than 16 feet. In order to obtain the necessary information to distribute the funds herein  
31 allocated, the Department of Transportation may require that each municipality eligible to  
32 receive funds under this section submit to it a statement, certified by a registered engineer or  
33 surveyor of the total number of miles of streets in such municipality. The Department of  
34 Transportation may in its discretion require the certification of mileage on a biennial basis.

35 ...."

36 **SECTION 3.2.** G.S. 136-181 is repealed.

### 37 38 **CONFORMING CHANGES**

39 **SECTION 4.1.** G.S. 105-187.9 reads as rewritten:

40 **"§ 105-187.9. Disposition of tax proceeds.**

41 ...

42 ~~(b) **(Repealed effective July 1, 2013)** General Fund Transfer. — In each fiscal year, the~~  
43 ~~State Treasurer shall transfer the amounts provided below from the taxes deposited in the Trust~~  
44 ~~Fund to the General Fund. The transfer of funds authorized by this section may be made by~~  
45 ~~transferring one fourth of the amount at the end of each quarter in the fiscal year or by~~  
46 ~~transferring the full amount annually on July 1 of each fiscal year, subject to the availability of~~  
47 ~~revenue.~~

48 (1) ~~The sum of twenty-six million dollars (\$26,000,000).~~

49 (2) ~~In addition to the amount transferred under subdivision (1) of this~~  
50 ~~subsection, the sum of one million seven hundred thousand dollars~~  
51 ~~(\$1,700,000) shall be transferred in the 2001-2002 fiscal year. The amount~~

1 distributed under this subdivision shall increase in the 2002-2003 fiscal year  
2 to the sum of two million four hundred thousand dollars (\$2,400,000). In  
3 each fiscal year thereafter, the sum transferred under this subdivision shall  
4 be the amount distributed in the previous fiscal year plus or minus a  
5 percentage of this sum equal to the percentage by which tax collections  
6 under this Article increased or decreased for the most recent 12-month  
7 period for which data are available.

8 (c) **(Effective July 1, 2013) Mobility Fund Transfer.** In each fiscal year, the State  
9 Treasurer shall transfer fifty-eight million dollars (\$58,000,000) from the taxes deposited in the  
10 Trust Fund to the Mobility Fund. The transfer of funds authorized by this section may be made  
11 by transferring one-fourth of the amount at the end of each quarter in the fiscal year or by  
12 transferring the full amount annually on July 1 of each fiscal year, subject to the availability of  
13 revenue."

14 **SECTION 4.2.** G.S. 136-18 reads as rewritten:

15 **"§ 136-18. Powers of Department of Transportation.**

16 The said Department of Transportation is vested with the following powers:

17 ...

18 (12a) The Department of Transportation shall have such powers as are necessary  
19 to establish, administer, and receive federal funds for a transportation  
20 infrastructure banking program as authorized by the Intermodal Surface  
21 Transportation Efficiency Act of 1991, Pub. L. 102-240, as amended, and  
22 the National Highway System Designation Act of 1995, Pub. L. 104-59, as  
23 amended. The Department of Transportation is authorized to apply for,  
24 receive, administer, and comply with all conditions and requirements related  
25 to federal financial assistance necessary to fund the infrastructure banking  
26 program. The infrastructure banking program established by the Department  
27 of Transportation may utilize federal and available State funds for the  
28 purpose of providing loans or other financial assistance to governmental  
29 units, including toll authorities, to finance the costs of transportation projects  
30 authorized by the above federal aid acts. Such loans or other financial  
31 assistance shall be subject to repayment and conditioned upon the  
32 establishment of such security and the payment of such fees and interest  
33 rates as the Department of Transportation may deem necessary. The  
34 Department of Transportation is authorized to apply a municipality's share of  
35 funds allocated under G.S. 136-41.1 or G.S. 136-44.20 as necessary to  
36 ensure repayment of funds advanced under the infrastructure banking  
37 program. The Department of Transportation shall establish jointly, with the  
38 State Treasurer, a separate infrastructure banking account with necessary  
39 fiscal controls and accounting procedures. Funds credited to this account  
40 shall not revert, and interest and other investment income shall accrue to the  
41 account and may be used to provide loans and other financial assistance as  
42 provided under this subdivision. The Department of Transportation may  
43 establish such rules and policies as are necessary to establish and administer  
44 the infrastructure banking program. The infrastructure banking program  
45 authorized under this subdivision shall not modify the regional distribution  
46 formula for the distribution of funds established by  
47 ~~G.S. 136-17.2A~~ G.S. 136-189.10. Governmental units may apply for loans  
48 and execute debt instruments payable to the State in order to obtain loans or  
49 other financial assistance provided for in this subdivision. The Department  
50 of Transportation shall require that applicants shall pledge as security for  
51 such obligations revenues derived from operation of the benefited facilities

1 or systems, other sources of revenue, or their faith and credit, or any  
 2 combination thereof. The faith and credit of such governmental units shall  
 3 not be pledged or be deemed to have been pledged unless the requirements  
 4 of Article 4, Chapter 159 of the General Statutes have been met. The State  
 5 Treasurer, with the assistance of the Local Government Commission, shall  
 6 develop and adopt appropriate debt instruments for use under this  
 7 subdivision. The Local Government Commission shall develop and adopt  
 8 appropriate procedures for the delivery of debt instruments to the State  
 9 without any public bidding therefor. The Local Government Commission  
 10 shall review and approve proposed loans to applicants pursuant to this  
 11 subdivision under the provisions of Articles 4 and 5, Chapter 159 of the  
 12 General Statutes, as if the issuance of bonds was proposed, so far as those  
 13 provisions are applicable. Loans authorized by this subdivision shall be  
 14 outstanding debt for the purpose of Article 10, Chapter 159 of the General  
 15 Statutes.

16 ...."

17 **SECTION 4.3.** G.S. 136-17.2A is repealed.

18 **SECTION 4.4.** G.S. 136-44.50(a) reads as rewritten:

19 "(a) A transportation corridor official map may be adopted or amended by any of the  
 20 following:

- 21 (1) The governing board of any local government for any thoroughfare included  
 22 as part of a comprehensive plan for streets and highways adopted pursuant to  
 23 G.S. 136-66.2 or for any proposed public transportation corridor included in  
 24 the adopted long-range transportation plan.
- 25 (2) The Board of Transportation, or the governing board of any county, for any  
 26 portion of the existing or proposed State highway system or for any public  
 27 transportation corridor, to include rail, that is in the Transportation  
 28 Improvement Program.
- 29 (3) Regional public transportation authorities created pursuant to Article 26 of  
 30 Chapter 160A of the General Statutes or regional transportation authorities  
 31 created pursuant to Article 27 of Chapter 160A of the General Statutes for  
 32 any portion of the existing or proposed State highway system, or for any  
 33 proposed public transportation corridor, or adjacent station or parking lot,  
 34 included in the adopted long-range transportation plan.
- 35 (4) The North Carolina Turnpike Authority for any project being studied  
 36 pursuant to G.S. 136-89.183.
- 37 (5) The Wilmington Urban Area Metropolitan Planning Organization for ~~any~~  
 38 ~~project that is within its urbanized boundary and identified in~~  
 39 ~~G.S. 136-179.~~ Department projects R-3300 and U-4751.

40 Before a city adopts a transportation corridor official map that extends beyond the  
 41 extraterritorial jurisdiction of its building permit issuance and subdivision control ordinances,  
 42 or adopts an amendment to a transportation corridor official map outside the extraterritorial  
 43 jurisdiction of its building permit issuance and subdivision control ordinances, the city shall  
 44 obtain approval from the Board of County Commissioners."

45 **SECTION 4.5.** G.S. 136-66.3 reads as rewritten:

46 **"§ 136-66.3. Local government participation in improvements to the State transportation**  
 47 **system.**

48 ...

49 ~~(e1) No TIP Disadvantage for Participation. — If a county or municipality participates in~~  
 50 ~~a State transportation system improvement project, as authorized by this section, or by~~  
 51 ~~G.S. 136-51 and G.S. 136-98, the Department shall ensure that the local government's~~

1 participation does not cause any disadvantage to any other project in the Transportation  
2 Improvement Program under G.S. 143B-350(f)(4).

3 (c2) Distribution of State Funds Made Available by County or Municipal Participation. –  
4 Any State or federal funds allocated to a project that are made available by county or municipal  
5 participation in a project contained in the Transportation Improvement Program under  
6 G.S. 143B-350(f)(4) shall remain in the same funding region that the funding was allocated to  
7 under the distribution formula contained in G.S. 136-17.2A, be subject to G.S. 136-189.11.

8 (c3) Limitation on Agreements. — The Department shall not enter into any agreement  
9 with a county or municipality to provide additional total funding for highway construction in  
10 the county or municipality in exchange for county or municipal participation in any project  
11 contained in the Transportation Improvement Program under G.S. 143B-350(f)(4).

12 ...

13 (e1) Reimbursement Procedure. – Upon request of the county or municipality, the  
14 Department of Transportation shall allow the local government a period of not less than three  
15 years from the date construction of ~~the project~~ a project undertaken under subsection (e) of this  
16 section is initiated to reimburse the Department their agreed upon share of the costs necessary  
17 for the project. The Department of Transportation shall not charge a local government any  
18 interest during the initial three years.

19 ...."

20 **SECTION 4.6.** G.S. 136-89.192 reads as rewritten:

21 "**§ 136-89.192. Equity distribution Applicability of formula.**

22 Only those funds applied to a Turnpike Project from the State Highway Fund, State  
23 Highway Trust Fund, or federal-aid funds that might otherwise be used for other roadway  
24 projects within the State, and are otherwise already subject to the ~~distribution~~ formula under  
25 ~~G.S. 136-17.2A~~, G.S. 136-189.11 shall be included in the ~~distribution~~ formula.

26 Other revenue from the sale of the Authority's bonds or notes, project loans, or toll  
27 collections shall not be included in the ~~distribution~~ formula."

28 **SECTION 4.7.** G.S. 136-175 reads as rewritten:

29 "**§ 136-175. Definitions.**

30 The following definitions apply in this Article:

31 (1) ~~Intrastate System. The network of major, multilane arterial highways~~  
32 ~~composed of those routes, segments, or corridors listed in G.S. 136-178, and~~  
33 ~~any other route added by the Department of Transportation under~~  
34 ~~G.S. 136-178.~~

35 (2) Transportation Improvement Program. The schedule of major transportation  
36 improvement projects required by G.S. 143B-350(f)(4).

37 (3) Trust Fund. The North Carolina Highway Trust Fund."

38 **SECTION 4.8.** G.S. 136-176 reads as rewritten:

39 "**§ 136-176. Creation, revenue sources, and purpose of North Carolina Highway Trust**  
40 **Fund.**

41 (a) A special account, designated the North Carolina Highway Trust Fund, is created  
42 within the State treasury. The Trust Fund consists of the following revenue:

43 (1) Motor fuel, alternative fuel, and road tax revenue deposited in the Fund  
44 under G.S. 105-449.125, 105-449.134, and 105-449.43, respectively.

45 (2) Motor vehicle use tax deposited in the Fund under G.S. 105-187.9.

46 (3) Revenue from the certificate of title fee and other fees payable under  
47 G.S. 20-85.

48 (4) Repealed by Session Laws 2001-424, s. 27.1.

49 (5) Interest and income earned by the Fund.

50 (a1) ~~The Department shall use two hundred twenty million dollars (\$220,000,000) in~~  
51 ~~fiscal year 2001-2002, two hundred twelve million dollars (\$212,000,000) in fiscal year~~

1 2002-2003, and two hundred fifty five million dollars (\$255,000,000) in fiscal year 2003-2004  
2 of the cash balance of the Highway Trust Fund for the following purposes:

- 3 (1) For ~~primary route pavement preservation. One hundred seventy million~~  
4 ~~dollars (\$170,000,000) in fiscal year 2001-2002, and one hundred fifty~~  
5 ~~million dollars (\$150,000,000) in each of the fiscal years 2002-2003 and~~  
6 ~~2003-2004. Up to ten percent (10%) of the amount for each of the fiscal~~  
7 ~~years 2001-2002, 2002-2003, and 2003-2004 is available in that fiscal year,~~  
8 ~~at the discretion of the Secretary of Transportation, for:~~  
9 a. ~~Highway improvement projects that further economic growth and~~  
10 ~~development in small urban and rural areas, that are in the~~  
11 ~~Transportation Improvement Program, and that are individually~~  
12 ~~approved by the Board of Transportation; or~~  
13 b. ~~Highway improvements that further economic development in the~~  
14 ~~State and that are individually approved by the Board of~~  
15 ~~Transportation.~~
- 16 (2) For ~~preliminary engineering costs not included in the current year~~  
17 ~~Transportation Improvement Program. Fifteen million dollars~~  
18 ~~(\$15,000,000) in each of the fiscal years 2001-2002, 2002-2003, and~~  
19 ~~2003-2004. If any funds allocated by this subdivision, in the cash balance of~~  
20 ~~the Highway Trust Fund, remain unspent on June 30, 2008, the Department~~  
21 ~~may transfer within the Department up to twenty nine million dollars~~  
22 ~~(\$29,000,000) of available funds to contract for freight transportation system~~  
23 ~~improvements for the Global TransPark.~~
- 24 (3) For ~~computerized traffic signal systems and signal optimization projects. One~~  
25 ~~hundred million dollars (\$100,000,000) in each of the fiscal years 2001-2002,~~  
26 ~~2002-2003, and 2003-2004.~~
- 27 (4) For ~~public transportation twenty million dollars (\$20,000,000) in fiscal year~~  
28 ~~2001-2002, twenty five million dollars (\$25,000,000) in fiscal year~~  
29 ~~2002-2003, and seventy five million dollars (\$75,000,000) in fiscal year~~  
30 ~~2003-2004.~~
- 31 (5) For ~~small urban construction projects. Seven million dollars (\$7,000,000)~~  
32 ~~in fiscal year 2002-2003.~~

33 Funds authorized for use by the Department pursuant to this subsection shall remain available  
34 to the Department until expended.

35 (a2) Repealed by Session Laws 2002-126, s. 26.4(b), effective July 1, 2002.

36 (a3) The Department may obligate three hundred million dollars (\$300,000,000) in fiscal  
37 year 2003-2004 and four hundred million dollars (\$400,000,000) in fiscal year 2004-2005 of  
38 the cash balance of the Highway Trust Fund for the following purposes:

- 39 (1) ~~Six hundred thirty million dollars (\$630,000,000) for highway system~~  
40 ~~preservation, modernization, and maintenance, including projects to enhance~~  
41 ~~safety, reduce congestion, improve traffic flow, reduce accidents, upgrade~~  
42 ~~pavement widths and shoulders, extend pavement life, improve pavement~~  
43 ~~smoothness, and rehabilitate or replace deficient bridges; and for economic~~  
44 ~~development transportation projects recommended by local officials and~~  
45 ~~approved by the Board of Transportation.~~
- 46 (2) ~~Seventy million dollars (\$70,000,000) for regional public transit systems,~~  
47 ~~rural and urban public transportation system facilities, regional~~  
48 ~~transportation and air quality initiatives, rail system track improvements and~~  
49 ~~equipment, and other ferry, bicycle, and pedestrian improvements. For any~~  
50 ~~project or program listed in this subdivision for which the Department~~

1 receives federal funds, use of funds pursuant to this subdivision shall be  
2 limited to matching those funds.

3 Funds authorized for obligation and use by the Department pursuant to this subsection shall  
4 remain available to the Department until expended.

5 (a4) Project selection pursuant to subsection (a3) of this section shall be based on  
6 identified and documented need. Funds expended pursuant to subdivision (1) of subsection (a3)  
7 of this section shall be distributed in accordance with the distribution formula in  
8 G.S. 136-17.2A. No funds shall be expended pursuant to subsection (a3)(1) of this section on  
9 any project that does not meet Department of Transportation standards for road design,  
10 materials, construction, and traffic flow.

11 (a5) The Department shall report to the Joint Legislative Transportation Oversight  
12 Committee, on or before September 1, 2003, on its intended use of funds pursuant to subsection  
13 (a3) of this section. The Department shall report to the Joint Transportation Appropriations  
14 Subcommittee, on or before May 1, 2004, on its actual current and intended future use of funds  
15 pursuant to subsection (a3) of this section. The Department shall certify to the Joint Legislative  
16 Transportation Oversight Committee each year, on or before November 1, that use of the  
17 Highway Trust Fund cash balances for the purposes listed in subsection (a3) of this section will  
18 not adversely affect the delivery schedule of any Highway Trust Fund projects. If the  
19 Department cannot certify that the full amounts authorized in subsection (a3) of this section are  
20 available, then the Department may determine the amount that can be used without adversely  
21 affecting the delivery schedule and may proportionately apply that amount to the purposes set  
22 forth in subsection (a3) of this section.

23 (b) Funds in the Trust Fund are annually appropriated to the Department of  
24 Transportation to be allocated and used as provided in this subsection. A ~~sum, not to exceed~~  
25 ~~four and eight tenths percent (4.8%) of the amount of revenue deposited in the Trust Fund~~  
26 ~~under subdivisions (a)(1), (2), and (3) of this section~~ sum, in the amount appropriated by law,  
27 may be used each fiscal year by the Department for expenses to administer the Trust Fund.  
28 Operation and project development costs of the North Carolina Turnpike Authority are eligible  
29 administrative expenses under this subsection. Any funds allocated to the Authority pursuant to  
30 this subsection shall be repaid by the Authority from its toll revenue as soon as possible,  
31 subject to any restrictions included in the agreements entered into by the Authority in  
32 connection with the issuance of the Authority's revenue bonds. Beginning one year after the  
33 Authority begins collecting tolls on a completed Turnpike Project, interest shall accrue on any  
34 unpaid balance owed to the Highway Trust Fund at a rate equal to the State Treasurer's average  
35 annual yield on its investment of Highway Trust Fund funds pursuant to G.S. 147-6.1. Interest  
36 earned on the unpaid balance shall be deposited in the Highway Trust Fund upon repayment.  
37 The sum up to the amount anticipated to be necessary to meet the State matching funds  
38 requirements to receive federal-aid highway trust funds for the next fiscal year may be set aside  
39 for that purpose. The rest of the funds in the Trust Fund shall be allocated and used as  
40 ~~follows:~~ specified in G.S. 136-189.11.

41 (1) ~~Sixty one and ninety five hundredths percent (61.95%) to plan, design, and~~  
42 ~~construct projects on segments or corridors of the Intrastate System as~~  
43 ~~described in G.S. 136-178 and to pay debt service on highway bonds and~~  
44 ~~notes that are issued under the State Highway Bond Act of 1996 and whose~~  
45 ~~proceeds are applied to these projects.~~

46 (2) ~~Twenty five and five hundredths percent (25.05%) to plan, design, and~~  
47 ~~construct the urban loops described in G.S. 136-180 and to pay debt service~~  
48 ~~on highway bonds and notes that are issued under the State Highway Bond~~  
49 ~~Act of 1996 and whose proceeds are applied to these urban loops.~~

50 (3) ~~Six and one half percent (6.5%) to supplement the appropriation to cities for~~  
51 ~~city streets under G.S. 136-181.~~

1           (4) ~~Six and one-half percent (6.5%) for secondary road construction as provided~~  
2           ~~in G.S. 136-182 and to pay debt service on highway bonds and notes that are~~  
3           ~~issued under the State Highway Bond Act of 1996 and whose proceeds are~~  
4           ~~applied to secondary road construction.~~

5           The Department must administer funds allocated under subdivisions (1), (2), and (4) of this  
6           ~~subsection~~this section in a manner that ensures that sufficient funds are available to make the  
7           debt service payments on bonds issued under the State Highway Bond Act of 1996 as they  
8           become due.

9           ~~(b1) The Secretary may authorize the transfer of funds allocated under subdivisions (1)~~  
10          ~~through (4) of subsection (b) of this section to other projects that are ready to be let and were to~~  
11          ~~be funded from allocations to those subdivisions. The Secretary shall ensure that any funds~~  
12          ~~transferred pursuant to this subsection are repaid promptly and in any event in no more than~~  
13          ~~four years. The Secretary shall certify, prior to making any transfer pursuant to this subsection,~~  
14          ~~that the transfer will not affect the delivery schedule of Highway Trust Fund projects in the~~  
15          ~~current Transportation Improvement Program. No transfers shall be allowed that do not~~  
16          ~~conform to the applicable provisions of the equity formula for distribution of funds,~~  
17          ~~G.S. 136-17.2A. If the Secretary authorizes a transfer pursuant to this subsection, the Secretary~~  
18          ~~shall report that decision to the next regularly scheduled meetings of the Joint Legislative~~  
19          ~~Commission on Governmental Operations, the Joint Legislative Transportation Oversight~~  
20          ~~Committee, and to the Fiscal Research Division.~~

21          **(b2) (Effective July 1, 2013)** There is annually appropriated to the North Carolina  
22          Turnpike Authority from the Highway Trust Fund the sum of one hundred twelve million  
23          dollars (\$112,000,000). Of the amount allocated by this subsection, twenty-five million dollars  
24          (\$25,000,000) shall be used to pay debt service or related financing costs and expenses on  
25          revenue bonds or notes issued for the construction of the Triangle Expressway, and twenty-four  
26          million dollars (\$24,000,000) shall be used to pay debt service or related financing expenses on  
27          revenue bonds or notes issued for the construction of the Monroe Connector/Bypass,  
28          twenty-eight million dollars (\$28,000,000) shall be used to pay debt service or related financing  
29          expenses on revenue bonds or notes issued for the construction of the Mid Currituck Bridge,  
30          and thirty-five million dollars (\$35,000,000) shall be used to pay debt service or related  
31          financing expenses on revenue bonds or notes issued for the construction of the Garden  
32          Parkway. The amounts appropriated to the Authority pursuant to this subsection shall be used  
33          by the Authority to pay debt service or related financing costs and expenses on revenue bonds  
34          or notes issued by the Authority to finance the costs of one or more Turnpike Projects, to  
35          refund such bonds or notes, or to fund debt service reserves, operating reserves, and similar  
36          reserves in connection therewith. The appropriations established by this subsection constitute  
37          an agreement by the State to pay the funds appropriated hereby to the Authority within the  
38          meaning of G.S. 159-81(4). Notwithstanding the foregoing, it is the intention of the General  
39          Assembly that the enactment of this provision and the issuance of bonds or notes by the  
40          Authority in reliance thereon shall not in any manner constitute a pledge of the faith and credit  
41          and taxing power of the State, and nothing contained herein shall prohibit the General  
42          Assembly from amending the appropriations made in this subsection at any time to decrease or  
43          eliminate the amount annually appropriated to the Authority. Funds transferred from the  
44          Highway Trust Fund to the Authority pursuant to this subsection are not subject to the equity  
45          formula in ~~G.S. 136-17.2A~~G.S. 136-189.10.

46          ~~(c) If funds are received under 23 U.S.C. Chapter 1, Federal Aid Highways, for a~~  
47          ~~project for which funds in the Trust Fund may be used, the amount of federal funds received~~  
48          ~~plus the amount of any funds from the Highway Fund that were used to match the federal funds~~  
49          ~~may be transferred by the Secretary of Transportation from the Trust Fund to the Highway~~  
50          ~~Fund and used for projects in the Transportation Improvement Program.~~

1 (d) A contract may be let for projects funded from the Trust Fund in anticipation of  
2 revenues pursuant to the cash-flow provisions of G.S. 143C-6-11 only for the two bienniums  
3 following the year in which the contract is let.

4 (e) **(Effective July 1, 2013)** Subject to ~~G.S. 136-17.2A and other funding distribution~~  
5 ~~formulas, funds allocated under subdivisions (1), (3), and (4) of subsection (b) of this section~~  
6 ~~may also~~ G.S. 136-189.11, funds may be used for fixed guideway projects, including providing  
7 matching funds for federal grants for fixed guideway projects."

8 **SECTION 4.9.** G.S. 136-177 is repealed.

9 **SECTION 4.10.** G.S. 136-177.1 is repealed.

10 **SECTION 4.11.** G.S. 136-178 is repealed.

11 **SECTION 4.12.** G.S. 136-179 is repealed.

12 **SECTION 4.13.** G.S. 136-180 is repealed.

13 **SECTION 4.14.** G.S. 136-184 is repealed.

14 **SECTION 4.15.** G.S. 136-185 is repealed.

15 **SECTION 4.16.** G.S. 136-187 is repealed.

16 **SECTION 4.17.** G.S. 136-188 is repealed.

17 **SECTION 4.18.** G.S. 136-189 is repealed.

## 18 19 **TURNPIKE AUTHORITY CHANGES**

20 **SECTION 5.1.** G.S. 136-89.183(a)(2) reads as rewritten:

### 21 **"§ 136-89.183. Powers of the Authority.**

22 (a) The Authority shall have all of the powers necessary to execute the provisions of  
23 this Article, including the following:

24 ...

25 (2) To study, plan, develop, and undertake preliminary design work on up to  
26 ~~eight~~ nine Turnpike Projects. At the conclusion of these activities, the  
27 Turnpike Authority is authorized to design, establish, purchase, construct,  
28 operate, and maintain the following projects:

- 29 a. Triangle Expressway, including segments also known as N.C. 540,  
30 Triangle Parkway, Western Wake Freeway in Wake and Durham  
31 Counties, and Southeast Extension in Wake and Johnston ~~Counties,~~  
32 ~~except that no portion of the Southeast Extension shall be located~~  
33 ~~north of an existing protected corridor established by the Department~~  
34 ~~of Transportation circa 1995, except in the area of Interstate 40~~  
35 ~~East Counties. The described segments constitute four projects.~~
- 36 b. Gaston East-West Connector, also known as the Garden Parkway.
- 37 c. Monroe Connector/Bypass.
- 38 d. Cape Fear Skyway.
- 39 e. A bridge of more than two miles in length going from the mainland  
40 to a peninsula bordering the State of Virginia, pursuant to G.S.  
41 136-89.183A.

42 Any other project proposed by the Authority in addition to the projects listed  
43 in this ~~subdivision must be approved by the General Assembly prior to~~  
44 ~~construction~~ subdivision requires prior consultation with the Joint  
45 Legislative Commission on Governmental Operations pursuant to  
46 G.S. 120-76.1 no less than 180 days prior to initiating the process required  
47 by Article 7 of Chapter 159 of the General Statutes.

48 ~~A~~ With the exception of the projects set forth in sub-subdivisions a. and c. of  
49 this subdivision, the Turnpike ~~Project~~ Projects selected for construction by  
50 the Turnpike ~~Authority~~ Authority, prior to the letting of a contract for the  
51 project, shall meet the following conditions: (i) the projects must be ranked



1 in the top 35 based on total score on the Department produced list entitled  
 2 "Mobility Fund Project Scores" dated June 6, 2012; and, in addition, may be  
 3 subject to G.S. 136-18(39a); (ii) of the projects not ranked as provided in (i),  
 4 one may be subject to G.S. 136-18(39a); (iii) shall be included in any  
 5 applicable locally adopted comprehensive transportation plans-plans; and  
 6 (iv) shall be shown in the current State Transportation Improvement Plan  
 7 prior to the letting of a contract for the Turnpike Project Plan; and (v) toll  
 8 projects must be approved by the affected Metropolitan Planning  
 9 Organization and Rural Transportation Planning Organization for tolling."

10 **SECTION 5.2.** G.S. 136-18 reads as rewritten:

11 **"§ 136-18. Powers of Department of Transportation.**

12 The said Department of Transportation is vested with the following powers:

13 ...

- 14 (39a) a. The Department of Transportation or Turnpike Authority, as  
 15 applicable, may enter into a partnership agreement up to three  
 16 agreements with a private entity as provided under subdivision (39)  
 17 of this section for which the provisions of this section apply. ~~The~~  
 18 ~~pilot project allowed under this subdivision must be one that is a~~  
 19 ~~candidate for funding under the Mobility Fund, that is planned for~~  
 20 ~~construction through a public private partnership, and for which a~~  
 21 ~~Request for Qualifications has been issued by the Department no~~  
 22 ~~later than June 30, 2012.~~
- 23 b. A private entity or its contractors must provide performance and  
 24 payment security in the form and in the amount determined by the  
 25 Department of Transportation. The form of the performance and  
 26 payment security may consist of bonds, letters of credit, parent  
 27 guaranties, or other instruments acceptable to the Department of  
 28 Transportation.
- 29 c. Notwithstanding the provisions of G.S. 143B-426.40A, an agreement  
 30 entered into under this subdivision may allow the private entity to  
 31 assign, transfer, sell, hypothecate, and otherwise convey some or all  
 32 of its right, title, and interest in and to such agreement, and any rights  
 33 and remedies thereunder, to a lender, bondholder, or any other party.  
 34 However, in no event shall any such assignment create additional  
 35 debt or debt-like obligations of the State of North Carolina, the  
 36 Department, or any other agency, authority, commission, or similar  
 37 subdivision of the State to any lender, bondholder, entity purchasing  
 38 a participation in the right to receive the payment, trustee, trust, or  
 39 any other party providing financing or funding of projects described  
 40 in this section. The foregoing shall not preclude the Department from  
 41 making any payments due and owing pursuant to an agreement  
 42 entered into under this section.
- 43 d. ~~The Department of Transportation may fix, revise, charge, and~~  
 44 ~~collect tolls and fees to the same extent allowed under Article 6H of~~  
 45 ~~Chapter 136 of the General Statutes. Statutes shall apply to the~~  
 46 Department of Transportation and to projects undertaken by the  
 47 Department of Transportation under subdivision (39) of this section.  
 48 The Department may assign its authority under that Article to fix,  
 49 revise, charge, retain, enforce, and collect tolls and fees to the private  
 50 entity.

- 1           e.    Any contract under this subdivision or under Article 6H of the  
2           Chapter for the development, construction, maintenance, or operation  
3           of a project shall provide for revenue sharing between the private  
4           party and the Department. Excess toll revenues from a Turnpike  
5           project shall be used for the funding or financing of transportation  
6           projects within the corridor where the Turnpike Project is located.  
7           For purposes of this subdivision, the term "excess toll revenues"  
8           means those toll revenues derived from a Turnpike Project that are  
9           not otherwise used or allocated to the Authority or a private entity  
10           pursuant to this subdivision. For purposes of this subdivision, the  
11           term "corridor" means the right-of-way limits of the Turnpike  
12           Project, any facilities related to the Turnpike Project, or any facility  
13           or improvement necessary for the use, design, construction,  
14           operation, maintenance, repair, rehabilitation, reconstruction, or  
15           financing of a Turnpike Project, and the right-of-way limits of any  
16           subsequent improvements, additions, or extension to the Turnpike  
17           Project, and facilities related to the Turnpike projects or any  
18           improvements necessary for the use, design, construction, operation,  
19           maintenance, repair, rehabilitation, reconstruction, or financing of a  
20           Turnpike Project, including roads used for ingress or egress to the  
21           toll facility or roads that intersect with the toll facility whether by  
22           ramps or separated grade facility and located within one mile in any  
23           direction.
- 24           f.    Agreements entered into under this subdivision shall comply with the  
25           following additional provisions:
- 26           1.    The Department shall solicit proposals for agreements.
  - 27           2.    Agreement shall be limited to no more than 50 years.
  - 28           3.    Notwithstanding the provisions of G.S. 136-89.183(a)(5), all  
29           initial tolls or fees to be charged by a private entity shall be  
30           reviewed by the Turnpike Board. Prior to setting a toll rate,  
31           either a set rate or a minimum and maximum rate set by the  
32           private entity, the private entity shall hold a public hearing on  
33           the toll rates, in accordance with guidelines for the hearing  
34           developed by the Department. After tolls go into effect, the  
35           private entity shall report to the Turnpike Authority Board 30  
36           days prior to any increase in tolls by the private entity.
  - 37           4.    Financial advisors and attorneys retained by the Department  
38           on contract to work on projects pursuant to this subsection  
39           shall be subject to State law governing conflicts of interest.
  - 40           5.    Sixty days prior to the signing of a concession agreement  
41           subject to this subdivision, the Department shall report to all  
42           members of Joint Legislative Transportation Oversight  
43           Committee on the following:
    - 44           I.    Project description.
    - 45           II.   Number of years that tolls will be in place.
    - 46           III.   Name and location of firms and parent companies, if  
47           applicable, including firm responsibility and stake,  
48           and assessment of audited financial statements.
    - 49           IV.   Analysis of firm selection criteria.
    - 50           V.    Name of any firm or individual under contract to  
51           provide counsel or financial analysis to the

- 1 Department or Authority. The Department shall
- 2 disclose payments to these contractors related to
- 3 completing the agreement under this subdivision.
- 4 VI. Demonstrated ability of the project team to deliver the
- 5 project, by evidence of the project team's prior
- 6 experience in delivering a project on schedule and
- 7 budget, and disclosure of any unfavorable outcomes
- 8 on prior projects.
- 9 VII. Detailed description of method of finance, including
- 10 sources of funds, State contribution amounts,
- 11 including schedule of availability payments and terms
- 12 of debt payments.
- 13 VIII. Information on assignment of risk shared or assigned
- 14 to State and private partner.
- 15 IX. Information on the feasibility of finance as obtained in
- 16 traffic and revenue studies.
- 17 6. The Turnpike Authority annual report under G.S. 136-89.193
- 18 shall include reporting on all revenue collections associated
- 19 with projects subject to this subdivision under the Turnpike
- 20 Authority.
- 21 7. The Department shall develop standards for entering into
- 22 comprehensive agreements with private entities under the
- 23 authority of this subdivision, and report those standards to the
- 24 Joint Legislative Transportation Oversight Committee on or
- 25 before October 1, 2013.
- 26 g. The Joint Legislative Transportation Oversight Committee may
- 27 contract with counsel or financial advisors to assist in review of all
- 28 Department and Turnpike Authority agreements under this
- 29 subdivision.

30 ...

31 (43) For the purposes of financing an agreement under subdivision (39a) of this  
 32 section, the Department of Transportation may act as a conduit issuer for  
 33 private activity bonds to the extent the bonds do not constitute a debt  
 34 obligation of the State. The issuance of private activity bonds under this  
 35 subdivision and any related actions shall be governed by The State and Local  
 36 Government Revenue Bond Act, Article 5 of Chapter 159 of the General  
 37 Statutes, with G.S. 159-88 satisfied by adherence to the requirements of  
 38 ~~subdivisions (39) and subdivision (39a)~~ of this section."

39 **SECTION 5.3.** G.S. 136-89.183(a)(5) reads as rewritten:

40 **"§ 136-89.183. Powers of the Authority.**

41 (a) The Authority shall have all of the powers necessary to execute the provisions of  
 42 this Article, including the following:

43 ...

44 (5) To fix, revise, charge, retain, enforce, and collect tolls and fees for the use of  
 45 the Turnpike Projects. Prior to the effective date of any toll or fee for use of  
 46 a Turnpike Facility, the Authority shall submit a description of the proposed  
 47 toll or fee to the Board of Transportation, the Joint Legislative  
 48 Transportation Oversight Committee and the Joint Legislative Commission  
 49 on Governmental Operations for review.

50 ...."

51 **SECTION 5.4.** G.S. 136-89.188 reads as rewritten:

1 **"§ 136-89.188. Use of revenues.**

2 (a) Revenues derived from Turnpike Projects authorized under this Article shall be used  
3 only for the following:

4 (1) Authority administration ~~costs~~; costs.

5 (2) Turnpike Project development, right-of-way acquisition, ~~design,~~  
6 ~~construction, operation, and maintenance;~~ design,  
7 construction, operation, and ~~rehabilitation,~~ rehabilitation, and replacement. ~~and~~

8 (3) ~~debt~~ Debt service on the Authority's revenue bonds or related purposes such  
9 as the establishment of debt service reserve ~~funds.~~ funds.

10 (4) Debt service, debt service reserve funds, and other financing costs related to  
11 any of the following:

12 a. A financing undertaken by a private entity under a partnership  
13 agreement with the entity for a Turnpike Project.

14 b. Private activity bonds issued under law related to a Turnpike Project.

15 c. Any federal or State loan, line of credit, or loan guarantee relating to  
16 a Turnpike Project.

17 (5) A return on investment of any private entity under a partnership agreement  
18 with the entity for a Turnpike Project.

19 (6) Any other uses granted to a private entity under a partnership agreement  
20 with the entity for a Turnpike Project.

21 (b) The Authority may use up to one hundred percent (100%) of the revenue derived  
22 from a Turnpike Project for debt service on the Authority's revenue bonds or for a combination  
23 of debt service and operation and maintenance expenses of the Turnpike Projects.

24 (c) The Authority shall use not more than five percent (5%) of total revenue derived  
25 from all Turnpike Projects for Authority administration costs.

26 (d) Notwithstanding the provisions of subsections (a) and (b) of this section, toll  
27 revenues generated from a converted segment of the State highway system previously planned  
28 for operation as a nontoll facility shall only be used for the funding or financing of the right of  
29 way acquisition, construction, expansion, operations, maintenance, and Authority  
30 administration costs associated with the converted segment or a contiguous toll facility."

31 **SECTION 5.5.** Part 1 of Article 6H of Chapter 136 of the General Statutes is  
32 amended by adding a new section to read:

33 **"§ 136-89.199. Designation of high-occupancy toll and managed lanes.**

34 Notwithstanding any other provision of this Article, the Authority may designate one or  
35 more lanes of any highway, or portion thereof, within the State, including lanes that may  
36 previously have been designated as HOV lanes under G.S. 20-146.2, as high-occupancy toll  
37 (HOT) or other type of managed lanes; provided, however, that such designation shall not  
38 reduce the number of existing general purpose lanes. In making such designations, the  
39 Authority shall specify the high-occupancy requirement or other conditions for use of such  
40 lanes, which may include restricting vehicle types, access controls, or the payment of tolls for  
41 vehicles that do not meet the high-occupancy requirements or conditions for use."

42 **SECTION 5.6.** Part 2 of Article 6H of Chapter 136 of the General Statutes reads as  
43 rewritten:

44 "Part 2. Collection of Tolls on Turnpike Projects.

45 ...

46 **"§ 136-89.212. Payment of toll required for use of Turnpike project.**

47 (a) A motor vehicle that is driven on a Turnpike project is subject to a toll imposed by  
48 the Authority for the use of the project. If the toll is an open road toll, the person who is the  
49 registered owner of the motor vehicle is liable for payment of the toll unless the registered  
50 owner establishes that the motor vehicle was in the care, custody, and control of another person  
51 when it was driven on the Turnpike project.

1       **(b)** A person establishes that a motor vehicle was in the care, custody, and control of  
2 another person when it was driven on a Turnpike project by submitting to the Authority a  
3 sworn affidavit stating one of the following:

- 4           (1) The name and address of the person who had the care, custody, and control  
5 of the motor vehicle when it was driven. If the motor vehicle was leased or  
6 rented under a long-term lease or rental, as defined in G.S. 105-187.1, the  
7 affidavit must be supported by a copy of the lease or rental agreement or  
8 other written evidence of the agreement.
- 9           (2) The motor vehicle was stolen. The affidavit must be supported by an  
10 insurance or police report concerning the theft or other written evidence of  
11 the theft.
- 12           (3) The person transferred the motor vehicle to another person by sale or  
13 otherwise before it was driven on the Turnpike project. The affidavit must be  
14 supported by insurance information, a copy of the certificate of title, or other  
15 evidence of the transfer.

16       **(c)** If a person establishes that a motor vehicle was in the care, custody, and control of  
17 another person under subsection (b) of this section, the other person shall be liable for the  
18 payment of the toll, and the Authority may send a bill to collect and enforce the toll in  
19 accordance with this Article; provided, however, that such other person may contest such toll in  
20 accordance with this Article.

21 **"§ 136-89.213. Administration of tolls and requirements for open road tolls.**

22       (a) Administration. – The Authority is responsible for collecting tolls on Turnpike  
23 projects. In exercising its authority under G.S. 136-89.183 to perform or procure services  
24 required by the Authority, the Authority may contract with one or more providers to perform  
25 part or all of the collection functions and may enter into agreements to exchange information,  
26 including confidential information under subsection (a1) of this section, that identifies motor  
27 vehicles and their owners with one or more of the following entities: the Division of Motor  
28 Vehicles of the Department of Transportation, another state, another toll operator, ~~or~~ a toll  
29 collection-related ~~organization~~ organization, or a private entity that has entered into a  
30 partnership agreement with the Authority pursuant to G.S. 136-89.183(a)(17). Further, the  
31 Authority may assign its authority to fix, revise, charge, retain, enforce, and collect tolls and  
32 fees under this Article to a private entity that has entered into a partnership agreement with the  
33 Authority pursuant to G.S. 136-89.183(a)(17).

34       ...

35       (b) Open Road Tolls. – If a Turnpike project uses an open road tolling system, the  
36 Authority must operate a facility that is in the immediate vicinity of the Turnpike project ~~and~~  
37 that accepts or provide an alternate means to accept cash payment of the toll and must place  
38 signs on the Turnpike project that give drivers the following information:

- 39           (1) Notice that the driver is approaching a highway for which a toll is required.  
40 Signs providing this information must be placed before the toll is incurred.
- 41           (2) The methods by which the toll may be paid.
- 42           (3) ~~Directions~~ If applicable, directions to the nearby facility that accepts cash  
43 payment of the toll.

44 **"§ 136-89.214. Bill for unpaid open road toll.**

45       (a) Bill. – If a motor vehicle travels on a Turnpike project that uses an open road tolling  
46 system and a toll for traveling on the project is not paid prior to travel or at the time of travel,  
47 the Authority must send a bill by first-class mail to the registered owner of the motor vehicle or  
48 the person who had care, custody, and control of the vehicle as established under  
49 G.S. 136-89.212(b) for the amount of the unpaid toll. The Authority must send the bill within  
50 90 days after the travel occurs, or within 90 days of receipt of a sworn affidavit  
51 submitted under G.S. 136-89.212(b) identifying the person who had care, custody, and control

1 of the motor vehicle. If a bill is not sent within the required time, the Authority waives  
 2 collection of the toll. The Authority must establish a billing period for unpaid open road tolls  
 3 that is no shorter than 15 days. A bill for a billing period must include all unpaid tolls incurred  
 4 by the same person during the billing period.

5 (b) Information on Bill. – A bill sent under this section must include all of the following  
 6 information:

- 7 (1) The name and address of the registered owner of the motor vehicle that  
 8 traveled on the Turnpike ~~project~~ or of the person identified under  
 9 G.S. 136-89.212(b).
- 10 (2) The date the travel occurred, the approximate time the travel occurred, and  
 11 each segment of the Turnpike project on which the travel occurred.
- 12 (3) An image of the registration plate of the motor vehicle, if the Authority  
 13 captured an electronic image of the motor vehicle when it traveled on the  
 14 Turnpike project.
- 15 (4) The amount of the toll due and an explanation of how payment may be  
 16 made.
- 17 (5) The date by which the toll must be paid to avoid the imposition of a  
 18 processing fee under G.S. 136-89.215 and the amount of the processing fee.
- 19 (6) A statement that a vehicle owner who has unpaid tolls is subject to a civil  
 20 penalty and may not renew the vehicle's registration until the tolls and civil  
 21 penalties are paid.
- 22 (7) A clear and concise explanation of how to contest liability for the toll.
- 23 (8) If applicable, a copy of the affidavit submitted under G.S. 136-89.212(b)  
 24 identifying the person with care, custody, and control of the motor vehicle.

25 **"§ 136-89.215. Required action upon receiving bill for open road toll and processing fee**  
 26 **for unpaid toll.**

27 (a) Action Required. – A person who receives a bill from the Authority for an unpaid  
 28 open road toll must take one of the following actions within 30 days of the date of the bill:

- 29 (1) Pay the bill.
- 30 (2) Send a written request to the Authority for a review of the toll.

31 (b) Fee. – If a person does not take one of the actions required under subsection (a) of  
 32 this section within the required time, the Authority may add a processing fee to the amount the  
 33 person owes. The processing fee may not exceed six dollars (\$6.00). A person may not be  
 34 charged more than forty-eight dollars (\$48.00) in processing fees in a 12-month period.

35 The Authority must set the processing fee at an amount that does not exceed the costs of  
 36 ~~collecting the unpaid toll, identifying the owner of a motor vehicle that is subject to an unpaid~~  
 37 ~~toll and billing the owner for the unpaid toll. The fee is a receipt of the Authority and must be~~  
 38 ~~applied to these costs.~~

39 "...."

40  
 41 **TRANSITION STUDY AND REPORTING REQUIREMENTS**

42 **SECTION 6.1.** Formula Implementation Report. – The Department of  
 43 Transportation shall report to the Joint Legislative Transportation Oversight Committee and the  
 44 Fiscal Research Division no later than August 15, 2013, on the Department's recommended  
 45 formulas that will be used in the prioritization process to rank highway and nonhighway  
 46 projects. The Department of Transportation's Prioritization Office shall develop the  
 47 prioritization processes and formulas for all modes of transportation. The report will include a  
 48 statement on the process used by the Department to develop the formulas, include a listing of  
 49 external partners consulted during this process, and include feedback from its 3.0 workgroup  
 50 partners on the Department's proposed recommendations. The Department shall not finalize the  
 51 formula without consulting with the Joint Legislative Transportation Oversight Committee. The

1 Joint Legislative Transportation Oversight Committee has 30 days after the report is received to  
2 meet and consult on the Department's recommendations. If no meeting occurs within 30 days  
3 after the report is received, the consultation requirement will be met. If consultation occurs and  
4 a majority of members serving on the Committee request changes to the Department's  
5 recommended formulas for highway and nonhighway modes, the Department shall review the  
6 requests and provide to the Committee its response to the requested changes no later than  
7 October 1, 2013. A final report on the highway and intermodal formulas shall be submitted to  
8 the Joint Legislative Transportation Oversight Committee by January 1, 2014.

9 **SECTION 6.2.** State Transportation Improvement Program Transition Report. –  
10 The Department of Transportation shall submit transition reports to members of the Joint  
11 Legislative Transportation Oversight Committee, House Appropriations Subcommittee on  
12 Transportation and Senate Committee on Appropriations on Department of Transportation, and  
13 the Fiscal Research Division on March 1, 2014, and November 1, 2014. The reports shall  
14 include information on the Department's transition to Strategic Prioritization, overview changes  
15 to the State Transportation Improvement Program (STIP) and other internal and external  
16 processes that feed into the STIP, and offer statutory and policy recommendations or items for  
17 consideration to the General Assembly that will enhance the prioritization process. The March  
18 1, 2014, report shall also include an analysis of the distribution of tax and fee revenues between  
19 the Highway Fund and Highway Trust Fund and an analysis to determine if maintenance,  
20 construction, operations, administration, and capital expenditures are properly budgeted within  
21 the two funds and existing revenues are most effectively distributed between the two funds.  
22

#### 23 **EFFECTIVE DATE/APPLICABILITY**

24 **SECTION 7.1.** This act shall become effective and applies as follows:

- 25 (1) Sections 2.2(a), 2.3(a), 2.6(a), and 2.8(a) of this act become effective July 1,  
26 2013, and expire June 30, 2014.
- 27 (2) Sections 2.2(b), 2.3(b), 2.6(b), and 2.8(b) of this act become effective July 1,  
28 2014.
- 29 (3) Section 1.1(b) of this act becomes effective July 1, 2019.
- 30 (4) The remainder of this act becomes effective July 1, 2013.
- 31 (5) This act is effective only if the General Assembly appropriates funds in the  
32 Current Operations Appropriations Act of 2013 to implement this act.