



Draft Legislative Agenda
Joint Transportation Legislative Oversight Committee

Chief Deputy Secretary Nick Tennyson

February 7, 2014

Short Session Draft Legislative Agenda

After careful consideration and consultation with the Chairs, central, and key staff, NCDOT submits the following package of legislative items for consideration by the JTLOC.

Draft Legislative Agenda Items

- Amendments to STI
- Contract Title Closing
- Partnership with Private Developers
- Minority-Owned/Woman-Owned Businesses
- Driver's License Card Technical Corrections
- Turnpike Authority Reporting
- Mobility and Safety-AGTOURISM

Draft Legislative Agenda Items Continued

- Defining an Intersection
- Removing the Requirement to Report Annually on Right Turn on Red Pedestrian Crashes
- Map-21 Compliance (State Safety Program)

Draft Division of Motor Vehicles (DMV) Legislative Agenda Items

- Commercial Driver License (CDL) Appointment Reservation Fee
- Single Registration Sticker
- Electronic Lien Title-Related Fees
- Alcohol Hearings
- Inspection/Emission Continuances

Draft Division of Motor Vehicles (DMV) Reform Items Continued

- Serve Hearing Order to Motor Vehicle Dealer or Salesman
- Updates to Medical Review Program

Draft NCDOT Legislative Agenda Items

Amendments to STI

Excluding Federal Lands Access Program (FLAP funds)

- FLAP funds have a very narrow eligibility and a short window of time to obligate those funds. The dollar amounts are small in comparison to the entire federal program. Given these restrictions, the department needs to act in a timely manner to make use of available federal funds.

Amendments to STI continued

Exclusion of Federal disaster funds

- Congress authorized a special program in the Federal Highway Trust fund for repair and reconstruction of Federal-aid highways and roads on Federal Lands which have suffered serious damage as a result of 1) natural disasters or 2) catastrophic failures from an external cause.
- The purpose of putting the funds in this section is to allow for the most efficient use of any state funds that may be allocated in connection with the repair.

Contract Title Closings

Partnership with Private Developers

The Department is seeking to enter into partnerships with private developers as a tool to expedite delivery of small transportation improvements in conjunction with private development.

Example:

If the department had approved and was planning to install a signal in the same area as a private developer was required to install a turn-lane, the department would be allowed to contract with the private developer to install the signal as part of the planned improvement.

Minority-Owned/Woman-Owned Business

The Department is seeking an extension of the sunset date.

- The DBE Disparity Study is currently underway and will be complete in early 2014. The current law sunsets in August 2014.
- Extension will provide enough time to determine next steps with regards to this policy after the submission of the study.
- This has no effect on federally funded projects, on which we are required to have a DBE policy.

Driver License Card Technical Correction

The Division is seeking a technical change on the type of material used for Next Generation Driver License (NGDL).

- New materials available for the NGDL are more durable and tamper resistant.

Turnpike Authority Reporting

The Department is seeking to align the reporting date and the audit to give a more complete report to the General Assembly.

- Current legislation requires an annual report at end of fiscal year in July; the annual audit is not complete until October.

AGTOURISM Legislation Revision

- Current law is more restrictive than NCDOT signing programs such as the Logo and TODS. Under TODS, the distance from the intersection to the attraction is up to five miles, while AGTOURISM is only one mile.
- Aligning AGTOURISM more closely to NCDOT signing programs will allow more agricultural facilities to participate.

Defining an Intersection

The Department is asking the General Assembly to draw a clear distinction between a ramp meter and a traffic signal at a traditional intersection.

- Definition of a ramp meter and the expected behavior of a driver when encountering a ramp meter will help law enforcement distinguish between a violation at a traffic signal at an intersection versus a traffic signal at a ramp meter.

Remove Requirement for Red Light Report

- Required when legislation was under consideration for left turn on red.
- Report routinely shows 3 or fewer incidents.

Map-21 Compliance (State Safety Oversight)

- The Federal Transit Administration (FTA) has indicated that NCDOT's Rail State Safety Program is out of compliance with federal standards.
- The Department is asking for rule making authority to establish rules/policies that will aid in meeting the federal standards.

Draft DMV Legislative Items

CDL Appointment Reservation Fee

- DMV requests a reservation fee of \$25.00 for scheduled CDL skills tests.
- Currently, DMV has a backlog of CDL Skills Tests and an approximate 30% no show rate. The fee would help decrease this rate and the backlog.
- The customer will be advised of the fee and the window for cancelling an appointment at the time the appointment is made.

Single Registration Sticker

- DMV is seeking statutory authority to use a single registration sticker, and that discretion be given to the Commissioner for placement on the NC License Plate.

Electronic Lien Title-Related Fees

- The Department is seeking the statutory authority to charge a conversion fee at the request of the primary lien holder.
- Six states currently charge a similar fee, ranging from \$0.50 to \$20, with the average fee of \$8.00 from the responsive states surveyed.

DMV Alcohol Hearings

- DMV is seeking an amendment to allow the Division to hold alcohol hearings in the county the petitioner resides.
- This would allow DMV to distribute work based on the petitioner's zip code and control factors that drive caseloads.
- Provides better customer service to petitioners.

Inspection/Emissions Station Case Continuances

- DMV is seeking the ability to grant continuances in inspection/emissions station cases.
- This would provide time for customers to hire legal representation, as well as allow for scheduling conflicts, illnesses or emergencies experienced by the hearing participants (both customer and agency).

Serve Hearing Order to Motor Vehicle Dealer/Salesman

- The Department is seeking the authority to serve hearing orders in a variety of ways as set out in Rule 4 of the NC Rules of Civil Procedure.
- Currently, DMV must send notices via certified mail and send License and Theft inspectors to collect dealer/salesman licenses, dealer plates and temporary 30-day plates. This change will streamline operations and provide flexibility to adopt new service methods and integrate technological advances.

Updates to Medical Review Program

DMV is seeking statutory authority to improve its medical review process and board hearings.

- 1) Clarify the Division's ability to hold hearings for restrictions and cancellations.
- 2) Currently, any pending action is stayed when a hearing is requested. However, it is a danger for some of our customers to continue to drive while a hearing is pending; therefore the Division requests that pending action not be stayed while waiting for a Medical Review Board hearing.

Updates to Medical Review Program Continued

3) Currently, the Commission for Public Health is required to be involved in the appointment and compensation of the physicians for the Review Board. However, the Commission has not been actively involved in that process for a number of years.

The changes requested clarify the ownership of the program, expand the pool of medical professionals and eliminate the discussion of a quorum. These changes will not impact the way hearings are conducted.

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DEPARTMENT OF TRANSPORTATION
