

NORTH CAROLINA GENERAL ASSEMBLY



HOUSE SELECT COMMITTEE ON STRATEGIC TRANSPORTATION PLANNING AND LONG TERM FUNDING SOLUTIONS

REPORT TO THE 2019 SESSION of the 2019 GENERAL ASSEMBLY OF NORTH CAROLINA

JANUARY 7, 2019

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TRANSMITTAL LETTER

January 7, 2019

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TO THE MEMBERS OF THE 2019 REGULAR SESSION
OF THE 2019 GENERAL ASSEMBLY

The HOUSE SELECT COMMITTEE ON STRATEGIC TRANSPORTATION
PLANNING AND LONG TERM FUNDING SOLUTIONS, respectfully submits
the following report to the 2019 Regular Session of the 2019 General Assembly.



Rep. John A. Torbett (Chair)

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COMMITTEE PROCEEDINGS

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The House Select Committee on Strategic Transportation Planning and Long Term Funding Solutions met six times after the 2018 Regular Session. The following is a brief summary of the Committee's proceedings. Detailed minutes and information from each Committee meeting are available in the Legislative Library.

AUGUST 6, 2018

The August 6, 2018 meeting of the Committee was held at 1:00 p.m. in Room 544 of the Legislative Office Building, Raleigh, North Carolina. Representative Torbett presided over the meeting. The Committee heard the following presentations: 1) 2018 House Select Committee and Legislative Review (including Light Rail Funding Update), Howard Marsilio, Committee Counsel, Legislative Analysis Division, North Carolina General Assembly; 2) Micro-transit: Addressing Current and Future Mobility Challenges, Cat Kealey, Manager of Business Development, TransLoc, Inc. and Rodger Lentz, Chief Planning and Development Officer, The City of Wilson, North Carolina; 3) Working Together on the City of Tomorrow, Jessica Robinson, Director of City Solutions, Ford Smart Mobility; 4) Autonomous Shuttle Technology Review: Fort Bragg, NC and Greenville, SC Deployments, Jeff Bargout, CEO, Robocist, Inc.; 5) Connecting North Carolina Communities with Smart Mobility, Todd O'Boyle, Director, Lime and Dan Hemme, Regional Operations Manager, Lime.

AUGUST 27 & 28, 2018

The August 27 and 28, 2018 meeting of the Committee took place in Ocracoke, North Carolina and surrounding areas. On August 27, 2018 the Committee toured NC-12 sites and the ferry route connecting Hatteras Village and Ocracoke, along with a tour of River Class Ferry Operations. At 12:30 p.m. the Committee convened at the North Carolina Center for the Advancement of Teaching, Ocracoke, North Carolina. Representative Torbett presided over the meeting. The Committee heard the following presentations: 1) Ferry Operations on Ocracoke Island, Keith Stegall, Assistant Director for Vessel Asset Management, Ferry Division, North Carolina Department of Transportation; 2) Silver Lake Dredging, Navigation and Safety Issues, David Hilton, Chair, Hyde County Waterways Committee and Tom Pahl, Commissioner, Hyde County Waterways Committee. Additionally the Committee toured Ocracoke Island, including new tram service for future passenger ferry riders, NC-12, and Ferry Terminal Facilities at South Dock and Hatteras (NCDOT).

On August 28, 2018 the Committee convened at the Ferry Division, North Carolina Department of Transportation, shipyard in Manns Harbor, North Carolina. Representative Torbett presided over the meeting which included a facility tour and the following

House Select Committee on Strategic Transportation Planning and Long Term Funding Solutions

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presentations: 1) Harbor Town Project: Private Ferry Transportation in the Albemarle Sound, Nick Didow, Ph.D., Professor, Kenan-Flagler Business School, University of North Carolina and Peter Thomson, Chairman, Committee of 100, Elizabeth City; 2) Maintaining Shallow Draft Navigation Channels, Jim Tobin, Commissioner Dare County Board of Commissioners and Harry Schiffman, Vice Chair, Dare County Advisory Task Force on Oregon Inlet.

OCTOBER 3, 2018

The October 3, 2018 meeting of the Committee was held at 10:00 a.m. in Room 544 of the Legislative Office Building, Raleigh, North Carolina. Representative Torbett presided over the meeting. The Committee heard the following presentations: 1) Hurricane Florence's Impact on the NC Transportation Network, NCDOT Secretary James H. Trogdon; 2) Highway Division Assessments, Preston Hunter, Division Engineer, Highway Division 2, Greg Burns, Division Engineer, Highway Division 6, and Karen Collette, Division Engineer, Highway Division 3; 3) Traffic Management Update, Kevin Lacy, NCDOT State Traffic Engineer; 4) North Carolina State Ports Authority, Paul Cozza, Executive Director of NC State Ports Authority; 5) Ferry Update, Sterling Baker, Director of Facilities Management Unit & Acting Special Deputy Director for Ferry Division; 6) Update on Commercial and General Aviation Airports, Bobby Walston, NCDOT Aviation Division Director; 7) NCDOT Aviation Division Drone Program presentation, Bobby Walston, NCDOT Aviation Division Director; 8) Rail Update, Jason Orthner, NCDOT Rail Division Director.

NOVEMBER 8, 2018

The November 8, 2018 meeting of the Committee was held at 1:00 p.m. in Room 544 of the Legislative Office Building, Raleigh, North Carolina. Representative Torbett presided over the meeting. The Committee heard the following presentations: 1) State Transportation System Comparisons, Lisa Hollowell, Principal Fiscal Analyst, Fiscal Research Division; 2) Preconstruction Activities Update (Streamlining Environmental Regulations Process), Chris Werner, NCDOT Director of Technical Services; 3) Autonomous Vehicles/Platooning, Dennis Jernigan, Director of Highway Operations, North Carolina Turnpike Authority, Susan Alt, Senior Vice President of Public Affairs, Volvo, and Franklin Josey, Project Manager, Volvo.

DECEMBER 3, 2018

The December 3, 2018 meeting of the Committee was held at 8:30 a.m. at the North Carolina Global TransPark, Kinston, North Carolina. The Committee toured and heard about various aspects of the TransPark including: 1) Spirit Aerosystems; 2) GTP Terminal Building; 3) LGM Enterprises; 4) FedEx; and 5) NCDOT Aviation Division Drone Demo.

At 12:00 p.m. the Committee convened at the NCDOT Division 2 Building at the Global TransPark. Representative Torbett presided over the meeting. The Committee heard the following presentations: 1) GTP Overview and Progress Toward the Strategic Plan, Allen Thomas, Executive Director, Global TransPark; 2) Legislative proposals, Howard Marsilio, Legislative Analysis Division, North Carolina General Assembly; 3) Transportation of Forest Products in North Carolina, John Hatcher, Executive Vice President, North Carolina Forestry Association; 4) North Carolina Sweet Potatoes: State of the Industry, Jose Calderon, International Sales Manager, Farm Pak CoOperative; 5) North Carolina's Agricultural Exports, Peter Thornton, Assistant Director, International Marketing, NC Department of Agriculture.

JANUARY 7, 2019

The January 7, 2019 meeting of the Committee was held at 9:00 a.m. at the North Carolina Transportation Museum, Spencer, North Carolina. Representative Torbett presided over the meeting. The Committee heard the following presentations: 1) North Carolina Railroad: The Road to Long-Term Job Creation is More than Just a Road, Scott Saylor, Executive Director, North Carolina Railroad; 2) Andrews to Murphy Rail Corridor, Jason Orthner, NCDOT Rail Division Director; 3) Norfolk Southern and North Carolina, Tim Bentley, Resident Vice President, Norfolk Southern Corporation; 4) Short line Perspectives: Aberdeen Carolina and Western Railway, Ed Thum, Vice President of Transportation and Maintenance of Way, Aberdeen Carolina and Western Railway, and Paul Hoben, Director of Business Development, Aberdeen Carolina and Western Railway; 5) Discussion of the "How the West was Won" Rail Exhibit, Ray Rapp, Former Member, Historian and Co-chair of the Western North Carolina Rail Committee; 6) Great Smoky Mountains Railroad: The Economic Impacts of Operations and Visitor Expenditures, Al and John Harper, Great Smoky Mountains Railroad; 7) North Carolina Transportation Museum Tour, Kelly Alexander, North Carolina Transportation Museum Executive Director.

Following these presentations and consideration, the Committee approved this report.

RECOMMENDATIONS

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The Committee recommends the following legislative proposals, attached in Appendix C, for consideration in the 2019 Regular Session of the 2019 General Assembly.

- 2019-SU-1 -- Electric Standup Scooters.
- 2019-BG-1 -- Road Barrier Prohibition
- 2019-MWz-5 -- DOT Study/School Bus Shelters

COMMITTEE MEMBERSHIP

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2017-2018

Speaker of the House of Representatives Appointments:

Rep. John A. Torbett (Chair)

Rep. Frank Iler (Vice-Chair)

Rep. Michele D. Presnell (Vice-Chair)

Rep. Phil Shepard (Vice-Chair)

Rep. James L. Boles, Jr.

Rep. John R. Bradford, III

Rep. Dana Bumgardner

Rep. Becky Carney

Rep. Debra Conrad

Rep. Nelson Dollar

Rep. John Faircloth

Rep. John A. Fraley

Rep. Ken Goodman

Rep. George Graham

Rep. Holly Grange

Rep. Kelly E. Hastings

Rep. Yvonne Lewis Holley

Rep. Howard J. Hunter, III

Rep. Pat B. Hurley

Rep. Linda P. Johnson

Rep. Susan Martin

Rep. Chuck McGrady

Rep. Allen McNeill

Rep. Bobbie Richardson

Rep. Larry C. Strickland

Rep. Rena Turner

COMMITTEE CHARGE/STATUTORY AUTHORITY

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Office of the Speaker
North Carolina House of Representatives

TIM MOORE
SPEAKER

HOUSE SELECT COMMITTEE ON STRATEGIC TRANSPORTATION PLANNING AND LONG TERM FUNDING SOLUTIONS TO THE HONORABLE MEMBERS OF THE NORTH CAROLINA HOUSE OF REPRESENTATIVES

Section 1. The House Select Committee on Strategic Transportation Planning and Long Term Funding Solutions (hereinafter "Committee") is established by the Speaker of the House of Representatives pursuant to Rule 26(a) of the Rules of the House of Representatives of the 2017 General Assembly.

Section 2. The Committee consists of twenty six members appointed by the Speaker of the House of Representatives. The membership of the Committee shall include legislators as specified below. Members serve at the pleasure of the Speaker of the House of Representatives. The Speaker of the House of Representatives may dissolve the Committee at any time. Vacancies are filled by the Speaker of the House of Representatives. A Chair, Vice Chair, or other member of the Committee continues to serve until a successor is appointed.

Representative John Torbett, Chair	Representative Ken Goodman
Representative Phil Shepard, Vice Chair	Representative George Graham
Representative Frank Iler, Vice Chair	Representative Holly Grange
Representative Michele Presnell, Vice Chair	Representative Kelly Hastings
Representative Jamie Boles	Representative Howard Hunter II'
Representative John Bradford	Representative Pat Hurley
Representative Dana Bumgardner	Representative Linda Johnson
Representative Becky Carney	Representative Chuck McGrady
Representative Debra Conrad	Representative Allen McNeill
Representative Nelson Dollar	Representative Susan Martin
Representative John Faircloth	Representative Larry Strickland
Representative John Fraley	Representative Rena Turner
Representative Yvonne Lewis Holley	Representative Bobbie Richardson

Section 3. The Committee may study any of the following:

- (1) Corridor Development
- (2) The future of federal funding

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- (3) The future of State revenues
 - A. Demographic changes
 - B. New and changing revenue sources
 - C. Autonomous vehicles
 - D. Factors leading to consumption declines
- (4) Ports Authority (including Inland Ports)
- (5) Dredging
- (6) Multi-modal Connectivity
- (7) Technology Advancements
- (8) Any other transportation issue

Section 4. The Committee shall meet upon the call of the Chair. A quorum of the Committee shall be a majority of its members. No action may be taken except by majority vote at a meeting at which a quorum is present.

Section 5. The Committee, while in the discharge of its official duties, may exercise all powers provided for under G.S. 120-19 and Article 5A of Chapter 120 of the General Statutes. The Committee may contract for professional, clerical, or consultant services, as provided by G.S. 120-32.02.

Section 6. Members of the Committee shall receive per diem, subsistence, and travel allowance as provided in G.S. 120-3.1

Section 7. The expenses of the Committee including per diem, subsistence, travel allowances for Committee members, and contracts for professional or consultant services shall be paid upon the written approval of the Speaker of the House of Representatives pursuant to G.S. 120-32.02(c) and G.S. 120-35 from funds available to the House of Representatives for its operations.

Section 8. The Legislative Services Officer shall assign professional and clerical staff to assist the Committee in its work. The Director of Legislative Assistants of the House of Representatives shall assign clerical support staff to the Committee.

Section 9. The Committee may meet at various locations around the State in order to promote greater public participation in its deliberations.

Section 10. The Committee may submit an interim report on the results of the study, including any proposed legislation, to the members of the House of Representatives at any time. The Committee may submit a final report on the results of its study, including any proposed legislation, to the members of the House of Representatives prior to the convening of the 2019 General Assembly. Reports shall be submitted by filing a copy of the report with the Office of the Speaker of the House of Representatives, the House Principal Clerk, and the Legislative library. The Committee terminates upon the convening of the 2019 General Assembly, upon the filing of its final report, or by dissolution by the Speaker of the House of Representatives, whichever occurs first.

Effective this 19th day of September, 2017.

A handwritten signature in black ink, appearing to read "Tim Moore", written over a horizontal dashed line.

Tim Moore
Speaker

LEGISLATIVE PROPOSALS

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GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H

D

BILL DRAFT 2019-SU-1 [v.8]

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
11/30/2018 11:25:13 AM

Short Title: Electric Standup Scooters. (Public)

Sponsors: _____

Referred to: _____

1 A BILL TO BE ENTITLED
2 AN ACT TO DEFINE AND AUTHORIZE THE USE OF ELECTRIC STANDUP SCOOTERS.
3 The General Assembly of North Carolina enacts:

4 SECTION 1. G.S. 20-4.01 reads as rewritten:

5 "§ 20-4.01. Definitions.

6 Unless the context requires otherwise, the following definitions apply throughout this
7 Chapter to the defined words and phrases and their cognates:

8 ...
9 (7c) Electric Standup Scooter. – A device with no more than two twelve-inch or
10 smaller diameter wheels that has handlebars, is designed to be stood upon by
11 the user while riding, and is powered by an electric motor that is capable of
12 propelling the device with or without human propulsion at a speed no greater
13 than 20 miles per hour on a paved level surface.

14 (7e)(7d) Employer. – Any person who owns or leases a commercial motor vehicle
15 or assigns a person to drive a commercial motor vehicle and would be subject
16 to the alcohol and controlled substance testing provisions of 49 C.F.R. § 382
17 and also includes any consortium or third-party administrator administering
18 the alcohol and controlled substance testing program on behalf of
19 owner-operators subject to the provisions of 49 C.F.R. § 382.

20 ...
21 (23) Motor Vehicle. – Every vehicle which is self-propelled and every vehicle
22 designed to run upon the highways which is pulled by a self-propelled vehicle.
23 Except as specifically provided otherwise, this term shall not include mopeds
24 or mopeds, electric assisted bicycles, bicycles, or electric standup scooters.

25 ...
26 (27) Passenger Vehicles. –
27 ...
28 j. Moped. – A vehicle, other than a motor-driven bicycle or bicycle,
29 electric assisted bicycle, or electric standup scooter, that has two or
30 three wheels, no external shifting device, a motor that does not exceed
31 50 cubic centimeters piston displacement and cannot propel the
32 vehicle at a speed greater than 30 miles per hour on a level surface.

The motor may be powered by electricity, alternative fuel, motor fuel, or a combination of each.

- ...
- (49) Vehicle. – Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon fixed rails or tracks; provided, that for the purposes of this Chapter ~~bicycles and bicycles~~, electric assisted ~~bicycles bicycles, and electric standup scooters~~ shall be deemed vehicles and every rider of a ~~bicycle or bicycle~~, an electric assisted ~~bicycle-bicycle~~, or electric standup scooter upon a highway shall be subject to the provisions of this Chapter applicable to the driver of a vehicle except those which by their nature can have no application. This term shall not include a device which is designed for and intended to be used as a means of transportation for a person with a mobility impairment, or who uses the device for mobility enhancement, is suitable for use both inside and outside a building, including on sidewalks, and is limited by design to 15 miles per hour when the device is being operated by a person with a mobility impairment, or who uses the device for mobility enhancement. This term shall not include an electric personal assistive mobility device as defined in subdivision (7b) of this section. Unless the context requires otherwise, and except as provided under G.S. 20-109.2, 47-20.6, or 47-20.7, a manufactured home shall be deemed a vehicle.

..."

SECTION 2. G.S. 20-51 is amended by adding a new subdivision to read:

"(18) Electric standup scooters as defined in G.S. 20-4.01(7c)."

SECTION 3. G.S. 58-37-1(6) reads as rewritten:

- "(6) "Motor vehicle" means every self-propelled vehicle that is designed for use upon a highway, including trailers and semitrailers designed for use with such vehicles (except traction engines, road rollers, farm tractors, tractor cranes, power shovels, and well drillers). "Motor vehicle" also means a motorcycle, as defined in G.S. 20-4.01(27)h., and a moped, as defined in G.S. 20-4.01(27)j. "Motor vehicle" does not mean an electric assisted bicycle, as defined in ~~G.S. 20-4.01(7a)~~G.S. 20-4.01(7a), or an electric standup scooter, as defined in G.S. 20-4.01(7c)."

SECTION 4. Article 3 of Chapter 20 of the General Statutes is amended by adding a new Part to read:

"Part 11D. Electric Standup Scooters.

"§ 20-175.7. Electric standup scooters.

(a) Electric Standup Scooter. – As defined in G.S. 20-4.01(7c).

(b) Exempt from Registration. – As provided in G.S. 20-51(18).

(c) Use of Device. – An electric standup scooter may be operated on public highways with posted speeds of 35 miles per hour or less, sidewalks, and bicycle paths. A person operating an electric standup scooter on a sidewalk or bicycle path shall yield the right-of-way to pedestrians and other human-powered devices. A person operating an electric standup scooter on a roadway shall be subject to the provisions of this Chapter applicable to the rider of a bicycle. An electric standup scooter may be parked on a sidewalk provided it does not impede normal and reasonable pedestrian traffic.

(d) Municipal Regulation. – Municipalities may regulate electric standup scooters in the following ways:

- 1 (1) Use. – For the purpose of assuring the safety of persons using highways and
2 sidewalks, municipalities having jurisdiction over public streets, sidewalks,
3 alleys, bridges, and other ways of public passage may by ordinance regulate
4 the time, place, and manner of use, but not prohibit the operation or hiring, of
5 electric standup scooters. Municipalities may prohibit the use of electric
6 standup scooters on sidewalks and other ways of pedestrian passage within a
7 municipality to assure the safety of pedestrians.
8 (2) Licensing of persons offering scooters for hire. – Municipalities may require
9 persons offering electric standup scooters for hire to be licensed pursuant to
10 G.S. 160A-194; provided that, in the absence of any licensing ordinance or
11 regulation, a person may offer electric standup scooters for hire in compliance
12 with this Chapter and any applicable local ordinances.”

13 **SECTION 5.** Any and all ordinances in effect on the effective date of this act or
14 hereinafter adopted by a municipality that conflict with the provisions of this act shall be null
15 and void. Upon the effective date of this act, any municipality that has adopted an ordinance or
16 regulation affecting standup electric scooters shall conduct a review of those ordinances and
17 regulations to ensure compliance with this act.

18 **SECTION 6.** This act is effective when it becomes law and applies to offenses
19 committed on or after that date.
20

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H

D

BILL DRAFT 2019-BG-1 [v.6]

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
12/02/2018 12:56:38 PM

Short Title: Road Barrier Prohibition.

(Public)

Sponsors:

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO EXPAND THE PROHIBITION ON THE REMOVAL, DESTRUCTION, OR
3 DRIVING THROUGH ROADWAY CONSTRUCTION BARRIERS TO DANGEROUS
4 ROADWAY CONDITION CLOSURE BARRIERS AS RECOMMENDED BY THE
5 HOUSE SELECT COMMITTEE ON STRATEGIC TRANSPORTATION PLANNING
6 AND LONG TERM FUNDING SOLUTIONS.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 136-26 reads as rewritten:

9 **"§ 136-26. Closing of State transportation infrastructure during ~~construction;~~**
10 **construction or for dangerous conditions; driving through, removal, injury to**
11 **barriers, warning signs, etc.**

12 If it shall appear necessary to the Department of Transportation, its officers, or appropriate
13 employees, to close any transportation infrastructure coming under its jurisdiction so as to permit
14 proper completion of construction work which is being performed, or to prohibit traffic on
15 transportation infrastructure due to damage posing a danger to public safety, the Department of
16 Transportation, its officers or employees, may close, or cause to be closed, the whole or any
17 portion of transportation infrastructure deemed necessary to be excluded from public travel.
18 While any transportation infrastructure, or portion thereof, is so closed, or while any
19 transportation infrastructure, or portion thereof, is in process of construction or maintenance, the
20 Department of Transportation, its officers or appropriate employees, or its contractor, under
21 authority from the Department of Transportation, may erect, or cause to be erected, suitable
22 barriers or obstruction thereon; may post, or cause to be posted, conspicuous notices to the effect
23 that the transportation infrastructure, or portion thereof, is closed; and may place warning signs,
24 lights and lanterns on transportation infrastructure, or portions thereof. When infrastructure is
25 closed to the public ~~or in process of construction or maintenance,~~ as provided herein, any person
26 who willfully drives ~~into new construction work, breaks down, onto transportation infrastructure~~
27 closed pursuant to this section or removes, injures or destroys any such barrier or barriers or
28 obstructions on the road closed or being constructed, or tears down, removes or destroys any
29 such notices, or extinguishes, removes, injures or destroys any such warning signs, lights, lights
30 or lanterns so erected, posted or placed pursuant to this section, shall be guilty of a Class 1
31 misdemeanor.

1 This prohibition does not apply to law enforcement, first responders, emergency
2 management, or Department of Transportation personnel acting in the course of, and within the
3 scope of, their official duties."

4 **SECTION 2.** This act becomes effective December 1, 2019, and applies to offenses
5 committed on or after that date.
6

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H

D

BILL DRAFT 2019-MWz-5 [v.1]

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
11/15/2018 09:59:05 AM

Short Title: DOT Study/School Bus Shelters. (Public)

Sponsors:

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO STUDY THE
3 COST OF INSTALLING SCHOOL BUS STOP SAFETY SHELTERS, AS
4 RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON STRATEGIC
5 TRANSPORTATION PLANNING AND LONG TERM FUNDING SOLUTIONS.
6 The General Assembly of North Carolina enacts:
7 **SECTION 1.** School Bus Safety Shelters. – The Department of Transportation, in
8 consultation with the Department of Public Safety and the Department of Public Instruction, shall
9 study the cost to construct and maintain school bus safety shelters at all school bus stop locations
10 in North Carolina where five or more students wait for the bus.
11 **SECTION 2.** Report. – By December 1, 2019, the Department of Transportation
12 shall report its findings from the study required under Section 1 of this act, including any
13 legislative recommendations, to the chairs of the House Select Committee on Strategic
14 Transportation Planning and Long Term Funding Solutions.
15 **SECTION 3.** Effective Date. – This act is effective when it becomes law.
16
17
18

