

§ 136-44.3A. Highway Maintenance Improvement Program.

(a) Definitions. – The following definitions apply in this Article:

- (1) Repealed by Session Laws 2021-180, s. 41.55(b), effective July 1, 2021.
- (2) Repealed by Session Laws 2021-180, s. 41.55(b), effective July 1, 2021.
- (3) Highway Maintenance Improvement Program. – The schedule of State highway maintenance projects required under G.S. 143B-350(f)(4a).
- (4) Highway Maintenance Improvement Program Needs Assessment. – A report of the amount of funds needed and the quantity of work to be accomplished to meet and sustain the performance standards for the State highway system in each of the maintenance program categories.
- (5) Repealed by Session Laws 2021-180, s. 41.55(b), effective July 1, 2021.
- (6) Pavement preservation treatment. – A pavement preservation treatment is a roadway improvement practice that improves roadway quality and extends or renews the pavement life. Types of pavement preservation treatment include hot-mixed asphalt overlays, cape seal treatment, chip seal treatment, microsurfacing, crack sealing, slurry seal, and fog seal.
- (7) Rehabilitation. – A contract resurfacing maintenance program that involves applying multiple layers of pavement that exceed two inches.
- (8) Resurfacing. – A contract resurfacing program that involves applying one layer that does not exceed two inches of pavement.
- (9) Repealed by Session Laws 2021-180, s. 41.55(b), effective July 1, 2021.

(b) Road Quality Improvement of Pavement Preservation Treatments. – It is the intent of the General Assembly that (i) the Department use asphalt pavement preservation treatments that are high-quality, long-lasting, and provide a smooth road surface and (ii) the Department increase its contractual use of pavement preservation treatments.

(c) Highway Maintenance Improvement Program. – After the annual inspection of roads within the State highway system, all of the following shall occur:

- (1) The Chief Engineer shall establish the annual cost to meet and sustain the performance standards for pavement, bridge, and general maintenance activities for the State highway system.
- (2) The Division Engineer for each highway division shall determine and report to the Chief Engineer a five-year improvement schedule, sorted by county, for pavement, bridge, and general maintenance activities within each highway division. The schedule shall be based on the amount of funds appropriated to the pavement, bridge, and general maintenance programs in the fiscal year preceding the issuance of the Highway Maintenance Improvement Program for all five years of the Highway Maintenance Improvement Program. State funding for the Highway Maintenance Improvement Program shall be limited to funds appropriated from the State Highway Fund.

(d) Repealed by Session Laws 2015-241, s. 29.17C(b), effective July 1, 2015.

(d1) Restriction and Encumbrance Schedule. – Notwithstanding any other provision of law, funds appropriated for the contract maintenance resurfacing program may not be transferred to another account to be used for another purpose. Beginning in the 2015-2016 fiscal year, the Department of Transportation shall spend or encumber all funds appropriated for the contract maintenance resurfacing program by June 30 of the fiscal year in which the funds were appropriated.

(e) Single Chip Seal Treatment Prohibited on Access Routes. – Except as authorized in subsection (f) of this section, and unless used in combination with a slurry seal, microsurfacing, or resurfacing treatment, the Department shall not use single chip seal treatment on access routes for Surface Transportation Assistance Act Dimensioned Vehicles.

(f) Authorized Use of Single Chip Seal Treatment on Secondary Roads. – The Department may use single chip seal treatments on secondary roads only under any of the following conditions:

- (1) The secondary road has a daily traffic volume of less than 15,000 vehicles. Single chip treatments used under this subdivision shall be capped with a final riding surface of sand or material of equivalent size to fill voids to create a smooth riding surface.
- (2) The single chip seal treatment is used in combination with a slurry seal, microsurfacing, or resurfacing treatment.
- (3) The condition of the secondary road requires a rough surface to improve traction, such as a secondary road in a mountainous community or another area with low skid resistance.

(f1) Chip Seal Treatment Prohibited on Subdivision Streets. – Unless used in combination with a fog seal, the Department shall not use chip seal treatment on subdivision streets.

(g) Report. – The Department shall submit the Highway Maintenance Improvement Program and Highway Maintenance Improvement Program Needs Assessment to the General Assembly by June 1 of each year. If the General Assembly is in session, the Department shall report to the House of Representatives Appropriations Subcommittee on Transportation, the Senate Appropriations Committee on Transportation, and the Fiscal Research Division. If the General Assembly is not in session, the Department shall report to the Joint Legislative Transportation Oversight Committee and the Fiscal Research Division. (2014-100, s. 34.11(b); 2015-241, s. 29.17C(b); 2016-94, s. 35.23; 2017-57, s. 34.11(a), (b); 2021-180, s. 41.55(b).)