

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 1661

Short Title: Powell Funds Used for Sidewalks.

(Public)

Sponsors: Representatives Smith; Bowman, Hall, Ives, and McLawhorn.

Referred to: Appropriations.

May 26, 1994

1 A BILL TO BE ENTITLED
2 AN ACT TO PERMIT THE USE OF POWELL BILL FUNDS FOR THE
3 CONSTRUCTION OF SIDEWALKS.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 136-66.1 reads as rewritten:

6 **"§ 136-66.1. Responsibility for streets inside municipalities.**

7 Responsibility for streets and highways inside the corporate limits of municipalities
8 is hereby defined as follows:

9 (1) The State Highway System. – The State highway system inside the
10 corporate limits of municipalities shall consist of a system of major
11 streets and highways necessary to move volumes of traffic efficiently
12 and effectively from points beyond the corporate limits of the
13 municipalities through the municipalities and to major business,
14 industrial, governmental and institutional destinations located inside
15 the municipalities. The Department of Transportation shall be
16 responsible for the maintenance, repair, improvement, widening,
17 construction and reconstruction of this system. These streets and
18 highways within corporate limits are of primary benefit to the State in
19 developing a statewide coordinated system of primary and secondary
20 streets and highways.

21 (2) The Municipal Street System. – In each municipality the municipal
22 street system shall consist of those streets and highways accepted by
23 the municipality which are not a part of the State highway system. The

1 municipality shall be responsible for the maintenance, construction,
2 reconstruction, and right-of-way acquisition for this system.

- 3 (3) Maintenance of State Highway System by Municipalities. – Any city
4 or town, by written contract with the Department of Transportation,
5 may undertake to maintain, repair, improve, construct, reconstruct or
6 widen those streets within municipal limits which form a part of the
7 State highway system, and may also, by written contract with the
8 Department of Transportation, undertake to install, repair and maintain
9 highway signs and markings, electric traffic signals and other traffic-
10 control devices on such streets. All work to be performed by the city or
11 town under such contract or contracts shall be in accordance with
12 Department of Transportation standards, and the consideration to be
13 paid by the Department of Transportation to the city or town for such
14 work, whether in money or in services, shall be adequate to reimburse
15 the city or town for all costs and expenses, direct or indirect, incurred
16 by it in the performance of such work.

- 17 (4) If the governing body of any municipality shall determine that it is in
18 the best interest of its citizens to do so, it may expend its funds for the
19 purpose of making the following improvements on streets within its
20 corporate limits which form a part of the State highway system:

- 21 a. Construction of curbing and guttering;
22 b. Adding of lanes for automobile parking;
23 c. Constructing street drainage facilities which may by reasonable
24 engineering estimates be attributable to that amount of surface
25 water collected upon and flowing from municipal streets which
26 do not form a part of the State highway system;
27 d. ~~Constructing sidewalks; provided, that no part of the funds~~
28 ~~allocated to the municipality by G.S. 136-41.1 may be~~
29 ~~expended for sidewalk purposes.~~ sidewalks.
30 e. Intersection improvements, if the governing body determines
31 that such improvements will decrease traffic congestion,
32 improve safety conditions, and improve air quality.

33 In exercising the authority granted herein, the municipality may,
34 with the consent of the Department of Transportation, perform the
35 work itself, or it may enter into a contract with the Department of
36 Transportation to perform such work. Any work authorized by this
37 subdivision shall be financed entirely by the municipality and be
38 approved by the Department of Transportation.

39 The cost of any work financed by a municipality pursuant to this
40 subdivision may be assessed against the properties abutting the street
41 or highway upon which such work was performed in accordance with
42 the procedures of either Article 10 of Chapter 160A of the General
43 Statutes or any charter provisions or local acts applicable to the
44 particular municipality."

1 Sec. 2. This act is effective upon ratification.