

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

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HOUSE DRH10145-LK-121\* (3/9)

Short Title: Defining State Roads.-AB

(Public)

Sponsors: Representative Cole.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE DEFINITIONS OF THE STATE ROAD SYSTEMS.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 136-44.2 reads as rewritten:

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

The Director of the Budget shall include in the "Current Operations Appropriations Bill" an enumeration of the purposes or objects of the proposed expenditures for each of the construction and maintenance programs for that budget period for the State primary, secondary, ~~urban,~~ and State parks road systems. The State primary system shall include all portions of the State highway system ~~located outside municipal corporate limits which~~ that are designated by N.C., U.S. or Interstate numbers. The State secondary system shall include all of the State highway system ~~located outside municipal corporate limits~~ that is not a part of the State primary system. ~~The State urban system shall include all portions of the State highway system located within municipal corporate limits.~~ The State parks system shall include all State parks roads and parking lots ~~which~~ that are not also part of the State highway system.

All construction and maintenance programs for which appropriations are requested shall be enumerated separately in the budget. Programs that are entirely State funded shall be listed separately from those programs involving the use of federal-aid funds. Proposed appropriations of State matching funds for each of the federal-aid construction programs shall be enumerated separately as well as the federal-aid funds anticipated for each program in order that the total construction requirements for each program may be provided for in the budget. Also, proposed State matching funds for the highway planning and research program shall be included separately along with the anticipated federal-aid funds for that purpose.

Other program categories for which appropriations are requested, such as, but not limited to, maintenance, channelization and traffic control, bridge maintenance, public

1 service and access road construction, and ferry operations shall be enumerated in the  
2 budget.

3 The Department of Transportation shall have all powers necessary to comply fully  
4 with provisions of present and future federal-aid acts. No federally eligible construction  
5 project may be funded entirely with State funds unless the Department of Transportation  
6 has first consulted with the Joint Legislative Commission on Governmental Operations.  
7 For purposes of this section, "federally eligible construction project" means any  
8 construction project except secondary road projects developed pursuant to  
9 G.S. 136-44.7 and 136-44.8 eligible for federal funds under any federal-aid act, whether  
10 or not federal funds are actually available.

11 The "Current Operations Appropriations Bill" shall also contain the proposed  
12 appropriations of State funds for use in each county for maintenance and construction of  
13 secondary roads, to be allocated in accordance with G.S. 136-44.5 and 136-44.6. State  
14 funds appropriated for secondary roads shall not be transferred nor used except for the  
15 construction and maintenance of secondary roads in the county for which they are  
16 allocated pursuant to G.S. 136-44.5 and 136-44.6.

17 If the unreserved credit balance in the Highway Fund on the last day of a fiscal year  
18 is greater than the amount estimated for that date in the Current Operations  
19 Appropriations Act for the following fiscal year, the excess shall be used in accordance  
20 with this paragraph. The Director of the Budget may allocate part or all of the excess  
21 among reserves for access and public roads, for unforeseen events requiring prompt  
22 action, or for other urgent needs. The amount not allocated to any of these reserves by  
23 the Director of the Budget shall be credited to a reserve for maintenance. The Board of  
24 Transportation shall report monthly to the Joint Legislative Transportation Oversight  
25 Committee and the Fiscal Research Division on the use of funds in the maintenance  
26 reserve.

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

36 **SECTION 2.** This act becomes effective July 1, 2005.