

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

**SESSION LAW 2002-170
HOUSE BILL 1516**

AN ACT TO AMEND THE LAW GOVERNING PLANNING BY THE DEPARTMENT OF TRANSPORTATION, AND TO REQUIRE THE BOARD OF TRANSPORTATION TO REDESIGNATE NC 136 IN IREDELL AND CABARRUS COUNTIES AS NC 3 TO HONOR DALE EARNHARDT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-28.6 reads as rewritten:

"§ 136-28.6. Private contract participation by the Department of Transportation.

(a) The Department of Transportation may participate in private engineering and construction contracts for State highways.

(b) In order to qualify for State participation, the project must be:

- (1) The construction of a street or highway on the Transportation Improvement Plan adopted by the Department of Transportation; or
- (2) The construction of a street or highway on a mutually adopted ~~thoroughfare plan~~ transportation plan that is designated a Department of Transportation responsibility.

(c) Only those projects in which the developer furnishes the right-of-way without cost to the Department of Transportation are eligible.

(d) The Department's participation shall be limited to fifty percent (50%) of the amount of any engineering contract and/or any construction contract let by the developer for the project.

(e) Participation in the contracts shall be limited to cost associated with normal practices of the Department of Transportation.

(f) Plans for the project must meet Department of Transportation standards and shall be approved by the Department of Transportation.

(g) Projects shall be constructed in accordance with the plans and specifications approved by the Department of Transportation.

(h) The Secretary shall report in writing, on a quarterly basis, to the Joint Legislative Commission on Governmental Operations on all agreements entered into between a private developer and the Department of Transportation for participation in private engineering and construction contracts under this section.

(i) Municipalities may participate financially in private engineering and construction contracts for projects pertaining to streets or highways which are on a mutually adopted ~~thoroughfare plan~~ transportation plan for said municipality."

SECTION 2. G.S. 136-211 reads as rewritten:

"§ 136-211. Department authorized to establish Rural Transportation Planning Organizations.

(a) Authorization. – The Department of Transportation is authorized to form Rural Transportation Planning Organizations.

(b) Area Represented. – Rural Transportation Planning Organizations shall include representatives from contiguous areas in three to fifteen counties, with a total population of the entire area represented of at least 50,000 persons according to the latest population estimate of the Office of State Planning. Noncontiguous counties adjacent to the same Metropolitan Planning Organization may form a Rural Transportation Planning Organization. Areas already included in a Metropolitan

Planning Organization shall not be included in the area represented by a Rural Transportation Planning Organization.

(c) Membership. – The Rural Transportation Planning Organization shall consist of local elected officials or their designees and representatives of local transportation systems in the area as agreed to by all parties in a memorandum of understanding.

(d) Formation; Memorandum of Understanding. – The Department shall notify local elected officials and representatives of local transportation systems around the State of the opportunity to form Rural Transportation Planning Organizations. The Department shall work cooperatively with interested local elected officials, their designees, and representatives of local transportation systems to develop a proposed area, membership, functions, and responsibilities of a Rural Transportation Planning Organization. The agreement of all parties shall be included in a memorandum of understanding approved by the membership of a proposed Rural Transportation Planning Organization and the Secretary of the Department of Transportation."

SECTION 3. G.S. 136-213 reads as rewritten:

"§ 136-213. Administration and staff.

(a) Administrative Entity. – Each Rural Transportation Planning Organization, working in cooperation with the Department, shall select an appropriate administrative entity for the organization. Eligible administrative entities include, but are not limited to, regional economic development agencies, regional councils of government, chambers of commerce, and local governments.

(b) Professional Staff. – The Department, each Rural Transportation Planning Organization, and any adjacent Metropolitan Planning Organization shall cooperatively determine the appropriate professional planning staff needs of the organization.

(c) Funding. – If funds are appropriated for that purpose, the Department may make grants to Rural Transportation Planning Organizations ~~for professional planning staff.~~ to carry out the duties listed in G.S. 136-212. The members of the Rural Transportation Planning Organization shall contribute at least twenty percent (20%) of the cost of any staff resources employed by the ~~organization.~~ organization to carry out the duties listed in G.S. 136-212. The Department may make additional planning grants to economically distressed counties, as designated by the North Carolina Department of Commerce."

SECTION 4. Chapter 136 of the General Statutes is amended by adding a new section to read:

"§ 136-18.5.1. Dale Earnhardt Highway.

The Board of Transportation shall designate State Highway 136 in Iredell and Cabarrus counties as State Highway 3, which shall be known as the 'Dale Earnhardt Highway'."

SECTION 5. State Highway 3 in Currituck County shall be designated as State Highway 136.

SECTION 6. G.S. 105-164.3(22) reads as rewritten:

"(22) Moped. – A vehicle that has two or three wheels, no external shifting device, and a motor that does not exceed 50 cubic centimeters piston displacement and cannot propel the vehicle at a speed greater than ~~20~~ 30 miles per hour on a level surface."

SECTION 7. The Joint Legislative Transportation Oversight Committee shall study the creation of a moped identification tag program administered by a third-party contractor approved by the Commissioner of Motor Vehicles. The Committee shall report its findings and recommendations on this issue to the General Assembly by March 1, 2003.

SECTION 8. This act is effective when it becomes law.
In the General Assembly read three times and ratified this the 3rd day of
October, 2002.

s/ Marc Basnight
President Pro Tempore of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 3:43 p.m. this 23rd day of October, 2002