

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 1158\*  
Second Edition Engrossed 6/17/92

Short Title: Amend State Park Laws.

(Public)

Sponsors: Senators Sherron, Cochrane, Seymour, Speed, Winner; and Carpenter.

Referred to: Environment and Natural Resources.

June 3, 1992

A BILL TO BE ENTITLED

AN ACT TO PERMIT THE STATE OF NORTH CAROLINA TO GRANT A  
UTILITY EASEMENT TO CAROLINA POWER AND LIGHT COMPANY  
ACROSS UMSTEAD PARK AND TO REQUIRE THE DEPARTMENT OF  
TRANSPORTATION TO MAINTAIN PARKING LOTS IN THE STATE PARKS  
AND RECREATION AREAS.

The General Assembly of North Carolina enacts:

Section 1. Article 25B of Chapter 143 of the General Statutes is amended by  
adding the following new section to read:

**"§ 143-260.10E. Utility easement at William B. Umstead State Park.**

(a) The State of North Carolina may grant a utility easement to Carolina Power and Light Company across a tract of land within William B. Umstead State Park. The easement shall be 100 feet wide, extending 50 feet on each side of the following-described survey line: Lying and being in Leesville township, Wake County, North Carolina; BEGINNING at point B2 as shown on the Drawing hereinafter referred to, the point B2 being located in a southern property line of Raleigh Durham Airport Authority (formerly Continental Mortgage Investors) and a northern property line of the State of North Carolina; the point B2 also being located North 87 degrees 01 minute 31 seconds West 834.04 feet from a concrete monument making a southeastern corner of Raleigh Durham Airport Authority (formerly Continental Mortgage Investors); and runs thence South 02 degrees 01 minute 53 seconds East 3508.00 feet to point A2 on the Drawing, the location of Point A2 having North Carolina Coordinates Y=773,193.769 and X=2,069,162.420, the Point A2 being located at the terminus of Carolina Power and

1 Light Company's existing 100 foot wide right-of-way strip, as shown and described on  
2 Carolina Power and Light Company Drawing No. RW-A-5246, dated September 1977,  
3 which Drawing also shows the respective complementing sidelines going to make up  
4 the easement.

5 (b) The State of North Carolina may only use the proceeds from the easement  
6 described in subsection (a) of this section to acquire property at William B. Umstead  
7 State Park.

8 (c) The grant of the easement within William B. Umstead State Park to Carolina  
9 Power and Light Company under this section constitutes authorization by the General  
10 Assembly that the described tract of land may be used for a utility easement, which is a  
11 purpose other than the public purposes as specified in Article XIV, Section 5, of the  
12 Constitution, Article 25B of Chapter 143 of the General Statutes, and Article 2C of  
13 Chapter 113 of the General Statutes."

14 Sec. 2. G.S. 136-44.2 reads as rewritten:

15 **"§ 136-44.2. Budget and appropriations.**

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

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

36 Other program categories for which appropriations are requested, such as, but not  
37 limited to, maintenance, channelization and traffic control, bridge maintenance, public  
38 service and access road construction, and ferry operations shall be enumerated in the  
39 budget.

40 The Department of Transportation shall have all powers necessary to comply fully  
41 with provisions of present and future federal-aid acts. No federally eligible construction  
42 project may be funded entirely with State funds unless the Department of Transportation  
43 has first consulted with the Joint Legislative Commission on Governmental Operations.  
44 For purposes of this section, 'federally eligible construction project' means any

1 construction project except secondary road projects developed pursuant to G.S. 136-  
2 44.7 and 136-44.8 eligible for federal funds under any federal-aid act, whether or not  
3 federal funds are actually available.

4 The 'Current Operations Appropriations Bill' shall also contain the proposed  
5 appropriations of State funds for use in each county for maintenance and construction of  
6 secondary roads, to be allocated in accordance with G.S. 136-44.5 and 136-44.6. State  
7 funds appropriated for secondary roads shall not be transferred nor used except for the  
8 construction and maintenance of secondary roads in the county for which they are  
9 allocated pursuant to G.S. 136-44.5 and 136-44.6.

10 In the event receipts and increments to the State Highway Fund shall be more than  
11 the appropriations made for the preceding fiscal year, such excesses shall be allocated  
12 by the Director of the Budget to the Department of Transportation for school and  
13 industrial access roads and unforeseen happenings or state of affairs requiring prompt  
14 action, with fifty percent (50%) of the balance to be allocated to the State secondary  
15 roads program on the basis of need as determined by the Department of Transportation  
16 and the remaining fifty percent (50%) to be allocated in accordance with G.S. 136-44.5.

17 The Department of Transportation may provide for costs incurred or accrued for  
18 traffic control measures to be taken by the Department at major events which involve a  
19 high degree of traffic concentration on State highways, and which cannot be funded  
20 from regular budgeted items. This authorization applies only to events which are  
21 expected to generate 30,000 vehicles or more per day."

22 Sec. 3. G.S. 136-44.12 reads as rewritten:

23 "**§ 136-44.12. Maintenance of roads and parking lots in areas administered by the**  
24 **Division of Parks and Recreation.**

25 The Department of Transportation shall maintain all roads and parking lots which  
26 are not part of the State Highway System, leading into and located within the  
27 boundaries of all areas administered by the Division of Parks and Recreation of the  
28 Department of Environment, Health, and Natural Resources.

29 All such roads and parking lots shall be planned, designed, and engineered through  
30 joint action between the Department of Transportation and the Division of Parks and  
31 Recreation of the Department of Environment, Health, and Natural Resources. This  
32 joint action shall encompass all accepted park planning and design principles.  
33 Particular concern shall be given to traffic counts and vehicle weight, minimal cutting  
34 into or through any natural and scenic areas, width of shoulders, the cutting of natural  
35 growth along roadways, and the reduction of any potential use of roads or parking lots  
36 for any purpose other than by park users. All State park roads and parking lots shall  
37 conform to the standards regarding width and other roadway specifications as agreed  
38 upon by the Division of Parks and Recreation of the Department of Environment,  
39 Health, and Natural Resources and the Department of Transportation.

40 The State park road systems may be closed to the public in accordance with  
41 approved park practices that control the use of State areas so as to protect these areas  
42 from overuse and abuse and provide for functional use of the park areas, or for any  
43 other purpose considered in the best interest of the public by the Division of Parks and  
44 Recreation of the Department of Environment, Health, and Natural Resources.

1        Nothing herein shall be construed to include the transfer to the Department of  
2        Transportation the powers now vested in the Division of Parks and Recreation of the  
3        Department of Environment, Health, and Natural Resources relating to the patrol and  
4        safeguarding of State ~~parks or parkway~~ park roads or State park parking lots."

5                Sec. 4. This act is effective upon ratification.