

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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SENATE BILL 1205*

Short Title: DOT Planning.

(Public)

Sponsors: Senator Gulley.

Referred to: Transportation.

June 5, 2002

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE LAW GOVERNING PLANNING BY THE
3 DEPARTMENT OF TRANSPORTATION.

4 The General Assembly of North Carolina enacts:

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

6 "§ 136-28.6. Private contract participation by the Department of Transportation.

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

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

10 (1) The construction of a street or highway on the Transportation
11 Improvement Plan adopted by the Department of Transportation; or

12 (2) The construction of a street or highway on a mutually adopted
13 ~~thoroughfare plan~~ transportation plan that is designated a Department
14 of Transportation responsibility.

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

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

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

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

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

26 (h) The Secretary shall report in writing, on a quarterly basis, to the Joint
27 Legislative Commission on Governmental Operations on all agreements entered into

1 between a private developer and the Department of Transportation for participation in
2 private engineering and construction contracts under this section.

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

6 **SECTION 2.** G.S. 136-203 is repealed.

7 **SECTION 3.** G.S. 136-211 reads as written:

8 "**§ 136-211. Department authorized to establish Rural Transportation Planning**
9 **Organizations.**

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

12 (b) Area Represented. – Rural Transportation Planning Organizations shall
13 include representatives from contiguous areas in three to fifteen counties, with a total
14 population of the entire area represented of at least 50,000 persons according to the
15 latest population estimate of the Office of State Planning. Noncontiguous counties
16 adjacent to the same Metropolitan Planning Organization may form a Rural
17 Transportation Planning Organization. Areas already included in a Metropolitan
18 Planning Organization shall not be included in the area represented by a Rural
19 Transportation Planning Organization.

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

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

32 **SECTION 4.** G.S. 136-213 reads as rewritten:

33 "**§ 136-213. Administration and staff.**

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

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

42 (c) Funding. – If funds are appropriated for that purpose, the Department may
43 make grants to Rural Transportation Planning Organizations ~~for professional planning~~

1 ~~staff.~~ to carry out the duties listed in G.S. 136-212. The members of the Rural
2 Transportation Planning Organization shall contribute at least twenty percent (20%) of
3 the cost of any staff resources employed by the organization. The Department may
4 make additional planning grants to economically distressed counties, as designated by
5 the North Carolina Department of Commerce."

6 **SECTION 5.** This act is effective when it becomes law.