

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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SENATE BILL 38*
House Committee Substitute Favorable 5/22/03

Short Title: DOT Safety and Logo Signs.

(Public)

Sponsors:

Referred to:

February 13, 2003

A BILL TO BE ENTITLED

AN ACT TO DESIGNATE THE DEPARTMENT OF TRANSPORTATION AS THE STATE AGENCY RESPONSIBLE FOR FIXED GUIDEWAY TRANSIT SAFETY, TO AMEND THE DEPARTMENT OF TRANSPORTATION LOGO SIGNS PROGRAM TO AUTHORIZE ATTRACTION LOGO SIGNS, TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO ADOPT TEMPORARY RULES CONCERNING LOGO SIGNS, TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO AUTOMATE ITS 511 TRAVELER INFORMATION PHONE SYSTEM, AND TO REVISE THE LAW CONCERNING HIGH OCCUPANCY VEHICLE (HOV) LANES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-18 is amended by adding a new subdivision to read:

"(36) To oversee the safety of fixed guideway transit systems in the State not regulated by the Federal Railroad Administration, pursuant to the Intermodal Surface Transportation Efficiency Act of 1991 (49 U.S.C. § 5330). The Department shall adopt rules in conformance with 49 U.S.C. § 5330 concerning its oversight of the safety of fixed guideway transit systems."

SECTION 2. G.S. 136-89.56 reads as rewritten:

"§ 136-89.56. Commercial enterprises.

No commercial enterprises or activities shall be authorized or conducted by the Department of Transportation, or the governing body of any city or town, within or on the property acquired for or designated as a controlled-access facility, as defined in this Article, except for:

- (1) Materials displayed at welcome centers which shall be directly related to travel, accommodations, tourist-related activities, tourist-related services, and attractions. The Department of Transportation shall issue rules regulating the display of these materials. These materials may contain advertisements for real estate; and

1 (2) Vending machines permitted by the Department of Transportation and
2 placed by the Division of Services for the Blind, Department of Health
3 and Human Services, as the State licensing agency designated pursuant
4 to Section 2(a)(5) of the Randolph-Sheppard Act (20 USC 107a(a)(5)).
5 The Department of Transportation shall regulate the placing of the
6 vending machines in highway rest areas and shall regulate the articles
7 to be dispensed. In order to permit the establishment of adequate fuel
8 and other service facilities by private owners or their lessees for the
9 users of a controlled-access facility, the Department of Transportation
10 shall permit access to service or frontage roads within the publicly
11 owned right-of-way of any controlled-access facility established or
12 designated as provided in this Article, at points which, in the opinion
13 of the Department of Transportation, will best serve the public interest.
14 The location of such fuel and other service facilities may be indicated
15 to the users of the controlled-access facilities by appropriate signs, the
16 size, style, and specifications of which shall be determined by the
17 Department of Transportation.

18 The location of ~~fuel and other service~~ fuel, gas, food, lodging, camping, and
19 attraction facilities may be indicated to the users of the ~~controlled-access~~
20 controlled-access facilities by appropriate logos placed on signs owned, controlled, and
21 erected by the Department of Transportation. The owners, operators or lessees of ~~fuel~~
22 and other service fuel, gas, food, lodging, camping, and attraction facilities who wish to
23 place a logo identifying their business or service on a sign shall furnish a logo meeting
24 the size, style and specifications determined by the Department of Transportation and
25 shall pay the Department for the costs of initial installation and subsequent
26 maintenance. The fees for logo sign installation and maintenance shall be set by the
27 Board of Transportation based on cost."

28 **SECTION 3.** G.S. 150B-21.1 is amended by adding a new subsection to
29 read:

30 "(a11) Notwithstanding the provisions of subsection (a) of this section, the
31 Department of Transportation may adopt temporary rules concerning logo signs
32 pursuant to G.S. 136-89.56. After having the proposed temporary rule published in the
33 North Carolina Register and at least 30 days prior to adopting a temporary rule pursuant
34 to this subsection, the Department shall:

- 35 (1) Notify persons on its mailing list maintained pursuant to G.S.
36 150B-21.2(d) and any other interested parties of its intent to adopt a
37 temporary rule.
38 (2) Accept oral and written comments on the proposed temporary rule.
39 (3) Hold at least one public hearing on the proposed temporary rule.

40 When the Department adopts a temporary rule pursuant to this subsection, the
41 Department shall submit a reference to this subsection as the Department's statement of
42 need to the Codifier of Rules.

1 Notwithstanding any other provision of this Chapter, the Codifier of Rules shall
2 publish in the North Carolina Register a proposed temporary rule received from the
3 Department in accordance with this subsection."

4 **SECTION 4.** G.S. 143-162.1 reads as rewritten:

5 **"§ 143-162.1. First menu operator access.**

6 (a) The General Assembly finds that:

- 7 (1) Some telephone systems operated by State government agencies
8 require callers to proceed through several menus to finally reach an
9 individual extension, an arrangement that can be intimidating to the
10 caller;
11 (2) Many State telephone systems also make it difficult to reach an
12 attendant or operator at the agency; and
13 (3) While automated telephone systems and voice mail are intended to
14 improve the efficiency of government, the first duty of government is
15 to serve the people, and efficiency should not impede the average
16 citizen in attempting to contact a State agency for service or
17 information.

18 (b) State agency telephone systems routing calls to multiple extensions shall be
19 reprogrammed by September 1, 1997, to minimize the number of menus that a caller
20 must go through to reach the desired extension, and to allow the caller to reach an
21 attendant or operator after accessing not more than two menus from the first menu when
22 calling during normal business hours. As used in this section, the term "menu" refers to
23 the first point in the call at which the caller is asked to choose from two or more
24 options, regardless of whether that choice is referred to as a menu, router, or other term
25 within the telephone industry itself.

26 This act shall be implemented by State agencies with existing personnel at no
27 additional cost to the State.

28 (c) All State agencies shall include the agency's telephone number or numbers in
29 a prominent place on all agency letterhead.

30 (d) The provisions of subsection (b) of this section shall not apply to any '511'
31 traveler information system operated by the Department of Transportation."

32 **SECTION 5.** G.S. 20-146.2 reads as rewritten:

33 **"§ 20-146.2. Rush hour traffic lanes authorized.**

34 (a) HOV Lanes. – The Department of Transportation may designate one or more
35 travel lanes as high occupancy vehicle (HOV) lanes on streets and highways on the
36 State Highway System and cities may designate one or more travel lanes as high
37 occupancy vehicle (HOV) lanes on streets on the Municipal Street System. HOV lanes
38 shall be reserved for vehicles with a specified number of passengers as determined by
39 the Department of Transportation or the city having jurisdiction over the street or
40 highway. When HOV lanes have been designated, and have been appropriately marked
41 with signs or other markers, they shall be reserved for privately or publicly operated
42 buses, and automobiles or other vehicles containing the specified number of persons.
43 Where access restrictions are applied on HOV lanes through designated signing and
44 pavement markings, vehicles shall only cross into or out of an HOV lane at designated

1 openings. A motor vehicle shall not travel in a designated HOV lane if the motor
2 vehicle has more than three axles, regardless of the number of occupants. HOV lane
3 restrictions shall not apply to motorcycles or vehicles designed to transport 15 or more
4 passengers, regardless of the actual number of occupants. HOV lane restrictions shall
5 not apply to emergency vehicles. As used in this subsection, the term 'emergency
6 vehicle' means any law enforcement, fire, police, or other government vehicle, and any
7 public and privately owned ambulance or emergency service vehicle, when responding
8 to an emergency.

9 (a1) Transitway Lanes. – The Department of Transportation may designate one or
10 more travel lanes as a transitway on streets and highways on the State Highway System
11 and cities may designate one or more travel lanes as a transitway on streets on the
12 Municipal Street System. Transitways shall be reserved for public transportation
13 vehicles as determined by the Department of Transportation or the city having
14 jurisdiction over the street or highway. When transitways have been designated, and
15 they have been appropriately marked with signs or other markers, they shall be reserved
16 for privately or publicly operated transportation vehicles as determined by the
17 Department or the city having jurisdiction.

18 (b) Temporary Peak Traffic Shoulder Lanes. – The Department of Transportation
19 may modify, upgrade, and designate shoulders of controlled access facilities and
20 partially controlled access facilities as temporary travel lanes during peak traffic
21 periods. When these shoulders have been appropriately marked, it shall be unlawful to
22 use these shoulders for stopping or emergency parking. Emergency parking areas shall
23 be designated at other appropriate areas, off these shoulders, when available.

24 (c) Directional Flow Peak Traffic Lanes. – The Department of Transportation
25 may designate travel lanes for the directional flow of peak traffic on streets and
26 highways on the State Highway System and cities may designate travel lanes for the
27 directional flow of peak traffic on streets on the Municipal Street System. These travel
28 lanes may be designated for time periods by the agency controlling the streets and
29 highways."

30 **SECTION 6.** Section 5 of this act becomes effective December 1, 2003, and
31 applies to violations that occur on or after that date. The remainder of this act is
32 effective when it becomes law. Section 3 of this act expires July 1, 2005.