

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

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HOUSE BILL 1005*
Committee Substitute Favorable 5/17/07
Senate Finance Committee Substitute Adopted 8/1/07
Senate Appropriations/Base Budget Committee Substitute Adopted 8/1/07

Short Title: Various Transportation Changes/Study. (Public)

Sponsors:

Referred to:

March 26, 2007

A BILL TO BE ENTITLED

1
2 AN ACT TO REQUIRE THAT RECOMMENDATIONS ON DEBT CAPACITY
3 INCLUDE RECOMMENDATIONS RELATED TO DEBT SUPPORTED BY THE
4 GENERAL FUND, THE HIGHWAY FUND, AND THE HIGHWAY TRUST
5 FUND; TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO
6 REVIEW THE STIP PLANNING AND DEVELOPMENT PROCESS; TO
7 DIRECT THE OFFICE OF STATE BUDGET AND MANAGEMENT TO STUDY
8 LONG-TERM ECONOMIC, MOBILITY, AND INFRASTRUCTURE NEEDS; TO
9 ENACT CERTAIN BRIDGE CONSTRUCTION GUIDELINES; AND TO
10 REQUIRE COMPLIANCE WITH CERTAIN FEDERAL GUIDELINES FOR
11 TRANSPORTATION PROJECTS.

12 The General Assembly of North Carolina enacts:

13 **SECTION 1.** G.S. 142-101(d) reads as rewritten:

14 "(d) Duties. – The Debt Affordability Advisory Committee shall annually advise
15 the Governor and the General Assembly on the estimated debt capacity of the State for
16 the upcoming 10 fiscal years. The Committee shall oversee the undertaking of an annual
17 debt affordability study and the establishment of guidelines for evaluating the State's
18 debt burden. The guidelines should include target and ceiling ratios of net tax-supported
19 debt to personal income and debt service to revenues, target and floor percentages for
20 the 10-year payout ratio, and target and floor percentages for the unreserved General
21 Fund balance. The Committee's recommendations shall include recommendations on
22 debt capacities for debt supported by the General Fund, the Highway Fund, and the
23 Highway Trust Fund. The Committee shall also recommend any other debt management
24 policies it considers desirable and consistent with sound management of the State's
25 debt."

26 **SECTION 2.** The Department shall review the State Transportation
27 Improvement Program (STIP) project planning, development, and prioritization process

1 to determine any needed legislation to address congestion, mobility, and transportation
2 infrastructure needs to meet established transportation network performance targets, and
3 shall study alternative funding sources. The Department shall report its findings and
4 recommendations to the Joint Legislative Transportation Oversight Committee by
5 October 1, 2007.

6 **SECTION 3.** The Office of State Budget and Management shall conduct a
7 study to develop a statewide logistics plan to address long-term economic, mobility, and
8 infrastructure needs. The study shall include, but not be limited to, all of the following:

- 9 (1) Identification of priority commerce needs.
- 10 (2) Transportation infrastructure, including multimodal solutions, to
11 support key industries vital to the State's long-term economic growth.
- 12 (3) Input from State agencies and the private sector.
- 13 (4) A timetable for meeting any identified needs.

14 The Office of State Budget and Management shall report its findings to the
15 Joint Legislative Transportation Oversight Committee not later than April 1, 2008. Of
16 the funds appropriated to the Department of Transportation from the Highway Fund, the
17 Department may use up to one million dollars (\$1,000,000) to pay for this study.

18 **SECTION 4.** Article 2A of Chapter 136 of the General Statutes is amended
19 by adding a new section to read:

20 "**§ 136-44.7D. Bridge construction guidelines.**

21 A bridge crossing rivers and streams in watersheds shall be constructed to
22 accommodate the hydraulics of a flood water level equal to the water level projected for
23 a 100-year flood for the region in which the bridge is built. The bridge shall be built
24 without regard for the riparian buffer zones as designated by the Department of
25 Environment and Natural Resources, Division of Water Quality. No Memorandums of
26 Agreement may be made between Departments to bypass this construction mandate. No
27 agency rules shall be enacted contrary to this section."

28 **SECTION 5.** Article 2A of Chapter 136 of the General Statutes is amended
29 by adding a new section to read:

30 "**§ 136-44.7E. Compliance with federal guidelines for transportation projects.**

31 The Department may continue to use the Merger '01 process provided the relevant
32 portions of P.L. 109-59, Section 6002, (SAFETEA-LU) are incorporated to ensure the
33 Department as the recipient agency is the co-lead agency with the United States
34 Department of Transportation, delegating all other federal, state, or local agencies as
35 participating or cooperating agencies. The Department's designation as a co-lead agency
36 shall inure to the Department the authority to determine the purpose and need of a
37 project and to determine viable alternatives. Any conflict between cooperating or
38 participating agencies and the Department shall be resolved by the Department in favor
39 of the completion of the project in conflict."

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