

**North Carolina General Assembly
Select Transportation Related Bills as July 05, 2017**

	Bill	Description
1	H81	STI/REGIONAL & DIVISION WEIGHTING.
2	H92	BLUE RIBBON COMMITTEE/TRANSPORTATION FUNDING.
3	H110	DOT/DMV CHANGES - MEGAPROJECT FUNDING.
4	H141, S92	MAINTENANCE BOND FOR SUBDIVISION ROADS.
5	H219	TRANSPORTATION MEGAPROJECT FUNDING.
6	H220	STATE INFRASTRUCTURE BANK REVISIONS.
7	H246	FORSYTH TECH MULTICAMPUS FUNDS.
8	H349, S281	CURRITUCK-DEVELOPER FUNDS FOR ROAD CONSTR.
9	H468	DOT/FUNDING FOR PRELIMINARY ENGINEERING.
10	H501	DOT/SURVEYING INFORMATION IN PLANS.
11	H507, S575	LAND-USE REGULATORY CHANGES.
12	H528	TRAFFIC IMPACT ANALYSIS TIME FRAME.
13	H558	STUDY/TEXTING WHILE DRIVING ENFORCEMENT.
14	H596	STUDY/MPO VOTING POWER DISTRIBUTION.
15	H606, S640	STUDY 64 BYPASS EFFECT & TRANSFER FUNDS.
16	H792	2017 APPROPRIATIONS ACT.
17	H844	DOT/TRAFFIC SIGNAL OVERSIGHT.
18	S172	REMOVE LIMITS ON LIGHT RAIL FUNDING.
19	S240	APPROPRIATIONS ACT OF 2017.
20	S296	ROAD IMPROVEMENTS ADJACENT TO SCHOOLS.
21	S419	PLANNING/DEVELOPMENT CHANGES.
22	S558	SCHOOL ROAD IMPROVEMENT GRANT PROGRAM.

Note: a bill listed on this website is not law until passed by the House and the Senate, ratified, and, if required, signed by the Governor.

New

<http://ncleg.net/>

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HOUSE BILL 81: STI/Regional & Division Weighting.

2017-2018 General Assembly

Committee: House Transportation	Date: February 26, 2017
Introduced by: Rep. Torbett	Prepared by: Giles Perry
Analysis of: First Edition	Staff Attorney

OVERVIEW: *House Bill 81 amends the weighting of scores of transportation projects under the Strategic Transportation Investments Act (STI) Transportation Investment Strategy Formula to specify the scoring share of Division Engineers and MPOs/RPOs for Regional and Divisional category projects.*

CURRENT LAW: In 2013, the General Assembly enacted the Strategic Transportation Investments Act, known as STI, which created a Transportation Investment Strategy Formula for funding State transportation projects. The Act funds projects in three categories: Statewide, Regional, and Divisional.

- Statewide category projects are ranked based 100% on data from multiple criteria.
- Regional category projects are ranked based 70% on data from multiple criteria, and 30% on local input (Division Engineer, MPO and RPO input).
- Divisional category projects are ranked based 50% on data, and 50% on local input (Division Engineer, MPO and RPO input).

BILL ANALYSIS: House Bill 81 amends the STI Transportation Investment Strategy Formula as follows:

- In Section 1 of the bill, for Regional category project scoring, by adjusting the weighting of scores by replacing the 30% local input score with 10% Division Engineer scoring, and 20% MPO/RPO scoring.
- In Section 2 of the bill, for Divisional category scoring, by adjusting the weighting of scores by replacing the 50% local input score with 15% Division Engineer scoring, and 35% MPO/RPO scoring.
- In addition, Section 3 of the bill makes a technical correction.

EFFECTIVE DATE: This act is effective when it becomes law.

BACKGROUND: This bill was recommended by the House Select Committee on Strategic Transportation Planning and Long Term Funding Solutions.

Karen Cochrane-Brown
Director

H81-SMRW-6(e1)-v-3

Legislative Analysis
Division
919-733-2578

North Carolina House of Representatives

Tim Moore
Speaker

Sarah Stevens
Speaker Pro Tem

James White, House Principal Clerk

ROLL CALL (1 Votes)
Legislative Session Day 22 (03-01-2017)

46 **HB 81**

Strategic Transportation Investments/Regional and Division Weighting.
Sponsor: TORBETT
Second Reading

Outcome: PASS
Time: Mar 1 2017 4:12PM

Total Votes: 117 Ayes: 110 Noes: 7 Not: 2 Exc. Absent: 1 Exc. Vote: 0

Democrat

Ayes: Representative(s): Adcock; Ager; Alexander; Autry; Ball; Beasley; Belk; L. Bell; Black; Brisson; Brockman; Butler; Carney; Cunningham; Duane Hall; Earle; Farmer-Butterfield; Fisher; Floyd; Garrison; Gill; Goodman; C. Graham; G. Graham; Hanes; Harrison; Holley; Hunter; Insko; Jackson; John; Lehman; Lucas; G. Martin; Meyer; Michaux; R. Moore; Pierce; Quick; Reives; B. Richardson; W. Richardson; Terry; B. Turner; Willingham; Wray

Noes: Representative(s): *None*

Not Voting: Representative(s): *None*

Exc. Absence: Representative(s): *None*

Republican

Representative(s): Adams; Arp; J. Bell; Bert Jones; Blackwell; Blust; Boles; Boswell; Brawley; Brenden Jones; Brody; Burr; Clampitt; Cleveland; Conrad; Corbin; Davis; Destin Hall; Dixon; Dobson; Dollar; Dulin; Elmore; Faircloth; Ford; Fraley; Grange; K. Hall; Hardister; Henson; Horn; Howard; Hurley; Iler; Johnson; Jordan; Lambeth; Lewis; Malone; S. Martin; McElraft; McGrady; McNeill; Murphy; Pittman; Potts; Presnell; Riddell; Rogers; Ross; Saine; Sauls; Setzer; Shepard; Steinburg; Stone; Szoka; Torbett; R. Turner; Warren; Watford; Williams; Yarborough; Zachary

Representative(s): Bradford; Bumgardner; Collins; Hastings; Millis; Strickland; White

Representative(s): T. Moore (SPEAKER); Stevens (CHAIR)

Representative(s): Speciale

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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1

HOUSE BILL 219

Short Title: Transportation Megaproject Funding. (Public)

Sponsors: Representative Torbett.

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Transportation, if favorable, Finance

March 2, 2017

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A MEGAPROJECT FUND TO FUND HIGHER-COST AND LARGER-SCALE TRANSPORTATION PROJECTS, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON STRATEGIC TRANSPORTATION PLANNING AND LONG TERM FUNDING SOLUTIONS.

The General Assembly of North Carolina enacts:

SECTION 1. Establishment of the Megaproject Fund. – Chapter 136 of the General Statutes is amended by adding a new Article to read:

"Article 14C.

"Megaproject Fund.

"§ 136-189.12. Creation of the Megaproject Fund.

(a) An account designated as the Megaproject Fund is hereby created within the Highway Trust Fund. The Megaproject Fund consists of revenue from appropriations or transfers by the General Assembly.

(b) The amounts deposited to the Megaproject Fund shall be used as provided in this Article, notwithstanding any provision of Article 14B of this Chapter to the contrary. The provisions of Article 14B of this Chapter shall not apply to the application of the Megaproject Fund.

"§ 136-189.13. Use of the Megaproject Fund.

The Department of Transportation shall use the Megaproject Fund to fund transportation projects, selected by a workgroup overseen by the Department, of statewide or regional significance that exceed two hundred million dollars (\$200,000,000) in total project cost. The workgroup selecting projects under this section shall establish project selection criteria based on the provisions of this Article.

"§ 136-189.14. Reports by the Department of Transportation.

The Department of Transportation shall develop, and update annually, a report containing a completion schedule for all projects to be funded from the Megaproject Fund, including the selection criteria and reasoning used for each project. The annual update shall indicate the projects, or portions thereof, that were completed during the preceding fiscal year, any changes in the original completion schedules, and the reasons for the changes. The report shall also include the Department's anticipated schedule for future projects. The Department shall submit the report and the annual updates to the Joint Legislative Transportation Oversight Committee by November 1 of each year."

SECTION 2. Exclusion from Transportation Investment Strategy Formula. – G.S. 136-189.11(b) is amended by adding a new subdivision to read:



1 "(b) Funds Excluded From Formula. – The following funds are not subject to this section:

2 ...

3 (11) Funds appropriated or transferred to the Megaproject Fund, in accordance with
4 Article 14C of this Chapter."

5 **SECTION 3.(a)** Establishment of Workgroup and Megaproject Selection Criteria. –
6 The Department of Transportation shall establish a workgroup for the purposes of developing
7 megaproject selection criteria and selecting projects in accordance with G.S. 136-189.13, as
8 enacted by Section 1 of this act. The megaproject selection criteria shall:

- 9 (1) Address large-scale, significant transportation needs of the State.
- 10 (2) Provide for interstate and intrastate connectivity between urban and rural areas
11 and between rural areas.
- 12 (3) Encourage economic development in both urban and rural areas of the State.
- 13 (4) Improve existing major highway corridors by increasing capacity and relieving
14 congestion.
- 15 (5) Provide for infrastructure improvements and rail and highway connectivity to
16 the State ports.
- 17 (6) Encourage delivery of projects in the most effective, efficient, and expeditious
18 manner.

19 **SECTION 3.(b)** Membership. – The workgroup shall consist of the following
20 members:

- 21 (1) A representative from the workgroup established under G.S. 136-189.11(h).
- 22 (2) A representative from the North Carolina Association of Municipal Planning
23 Organizations.
- 24 (3) A representative from the North Carolina Association of Rural Planning
25 Organizations.
- 26 (4) A representative from the North Carolina League of Municipalities.
- 27 (5) A representative from the North Carolina Association of County
28 Commissioners.
- 29 (6) A representative from the North Carolina Metropolitan Mayors Coalition.
- 30 (7) A representative from the North Carolina Council of Regional Governments.

31 **SECTION 3.(c)** Selection of Members; Cochairs. – The Department of Transportation
32 shall select the members listed in subsection (b) of this section. The cochairs of the workgroup
33 shall be the members listed in subdivisions (2) and (3) of subsection (b) of this section.

34 **SECTION 3.(d)** Meetings. – The Department of Transportation shall establish and
35 convene the workgroup required under this section within 30 days of the effective date of this
36 section. Within the three-month period from the date the workgroup is convened, the workgroup
37 shall hold at least three meetings. One meeting shall set forth the goals and objectives of the
38 workgroup, a second meeting shall discuss the progress made in meeting its goals and objectives,
39 and a third meeting shall present the outcomes achieved from the workgroup process, including a
40 presentation on the selection criteria established by the workgroup. Additional meetings shall be
41 on the call of the cochairs. Each member may be represented by a designee, who shall have the
42 same voting powers as the member. The workgroup shall meet in offices provided by the
43 Department of Transportation. In addition, the Department of Transportation shall provide the
44 necessary secretarial and clerical staff and supplies to help the workgroup accomplish its goals and
45 objectives.

46 **SECTION 3.(e)** Quorum. – A quorum of the workgroup shall consist of a majority of
47 the workgroup's total membership.

48 **SECTION 3.(f)** Reports. – No later than 45 days from the date the workgroup is
49 convened, the workgroup shall provide a report to the Joint Legislative Transportation Oversight
50 Committee on its progress in creating the megaproject selection criteria. Prior to the end of the
51 three-month period from the date the workgroup is convened, the workgroup shall provide a report

1 to the Joint Legislative Transportation Oversight Committee on the megaproject selection criteria
2 created by the workgroup.

3 **SECTION 4.** Effective Date. – Sections 3 and 4 of this act are effective when they
4 become law. The remainder of this act becomes effective July 1, 2017.



HOUSE BILL 596: Study/MPO Voting Power Distribution.

2017-2018 General Assembly

Committee:	House State and Local Government II	Date:	April 19, 2017
Introduced by:	Reps. Bradford, Millis	Prepared by:	Nicholas Giddings Committee Counsel
Analysis of:	First Edition		

OVERVIEW: *House Bill 596 would create the Study Committee on the Distribution of Voting Power in Metropolitan Planning Organizations.*

CURRENT LAW: Metropolitan Planning Organizations (MPOs) work with the Department of Transportation in developing transportation plans. Areas designated by the federal census as being urban in nature and having a population of 50,000 or more are required by federal law to have a continuing, cooperative, and comprehensive transportation planning process in order to qualify for federal funds. This process is carried out in North Carolina by MPOs.

BILL ANALYSIS: House Bill 596 would create the Study Committee on the Distribution of Voting Power in Metropolitan Planning Organizations, to consist of five members of the House appointed by the Speaker and five members of the Senate appointed by the President Pro Tempore. The committee would be directed to study the process used and the guidelines followed by MPOs in determining how to distribute voting power among their voting members. The study must include an examination of other state laws to determine if and how other states regulate the distribution of voting power among the voting members of MPOs.

The Committee would be required to report its findings, including any proposed legislation, to the 2018 Regular Session of the 2017 General Assembly and would terminate upon the filing of its report or the convening of the 2018 Regular Session, whichever occurs first.

EFFECTIVE DATE: The act would be effective when it becomes law.

Karen Cochran-Brown
Director



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Legislative Analysis
Division
919-733-2578

North Carolina House of Representatives

Tim Moore
Speaker

Sarah Stevens
Speaker Pro Tem

James White, House Principal Clerk

ROLL CALL (1 Votes)
Legislative Session Day 51 (04-24-2017)

283 **HB 596**

Metropolitan Planning Organizations Voting Power Distribution/Study. Outcome: PASS
Sponsor: BRADFORD **Time: Apr 24 2017 5:54PM**
Third Reading

Total Votes: 116 Ayes: 113 Noes: 3 Not: 1 Exc. Absent: 3 Exc. Vote: 0

Ayes:
Democrat
Representative(s): Adcock; Ager; Alexander; Ball; Beasley; Belk; L. Bell; Black; Brisson; Brockman; Butler; Carney; Cunningham; Duane Hall; Earle; Fisher; Floyd; Garrison; Gill; Goodman; C. Graham; G. Graham; Hanes; Harrison; Holley; Hunter; Insko; Jackson; Lucas; G. Martin; Meyer; Michaux; Morey; Pierce; Quick; Reives; B. Richardson; W. Richardson; Terry; B. Turner; Willingham; Wray

Noes: Representative(s): Autry; John
Not Voting: Representative(s): R. Moore
Exc. Absence: Representative(s): Farmer-Butterfield

Republican
Representative(s): Adams; Arp; J. Bell; Blackwell; Blust; Boles; Boswell; Bradford; Brawley; Brenden Jones; Brody; Bumgardner; Burr; Clampitt; Cleveland; Collins; Conrad; Corbin; Davis; Destin Hall; Dixon; Dobson; Dollar; Dulin; Elmore; Faircloth; Ford; Fraley; Grange; K. Hall; Hardister; Hastings; Henson; Horn; Howard; Hurley; Iler; Johnson; Jordan; Lambeth; Malone; S. Martin; McElraft; McGrady; McNeill; Millis; T. Moore (SPEAKER); Murphy; Pittman; Potts; Presnell; Riddell; Rogers; Ross; Saine; Sauls; Setzer; Shepard; Speciale; Steinburg; Stevens; Strickland; Szoka; Torbett; R. Turner; Warren; Watford; White; Williams; Yarborough; Zachary
Representative(s): Stone
Representative(s): None
Representative(s): Bert Jones; Lewis



SENATE BILL 419: Planning/Development Changes.

2017-2018 General Assembly

Committee:	Senate Rules and Operations of the Senate	Date:	June 27, 2017
Introduced by:	Sens. Lee, McKissick	Prepared by:	Cindy Avrette Staff Attorney
Analysis of:	Third Edition		

OVERVIEW: *Senate Bill 419 would reorganize and consolidate statutes governing the regulation of land use planning and development by cities and counties. The bill repeals current fee authority, and authorizes the same fee authority in a different statute; the fee authority remains substantively the same.*

CURRENT LAW: Counties and cities are authorized to adopt ordinances regulating land use to govern the development of property within their jurisdiction. In most instances, the authority granted to cities under Article 18 of Chapter 153A is substantially the same as that granted to counties under Article 19 of Chapter 160A, but there are some variances.

Land use regulations may involve any of the following:

- Extraterritorial jurisdiction (cities only)
- Subdivision ordinances
- Zoning ordinances
- Zoning regulation for manufactured homes
- Historical districts
- Building inspections and minimum housing codes
- Blighted areas
- Development agreements
- Cell towers
- Acquisition of open space
- Stormwater management

BILL ANALYSIS: Senate Bill 419 would repeal Article 18 of Chapter 153A and Article 19 of Chapter 160A and replace them with a new Chapter 160D governing all local planning and development regulation.

In addition to consolidating and reorganizing existing planning and development regulations, Chapter 160D would make the following substantive changes:

- G.S. 160D-1-5 would permit zoning maps to incorporate by reference floodplain rate maps and watershed boundary maps officially adopted by State and federal agencies, including updates to those maps.
- G.S. 160D-1-9 would limit participation by board members and staff in decisions when the applicant or other person affected by the decision is a person with whom the board member or staff has a close familial, business, or other associational relationship. If an objection is raised to

Karen Cochrane-Brown
Director



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Senate Bill 419

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a board member's participation and that member does not recuse himself or herself, the remaining members of the board shall by majority vote rule on the objection.

- G.S. 160D-2-3 would permit multiple local governments sharing jurisdiction over a single parcel to agree to assign exclusive jurisdiction to one unit of government, with landowner approval.
- G.S. 160D-2-4 would provide that, when a change in local government jurisdiction has been proposed, the local government that would potentially receive jurisdiction under the proposal can receive and process an application for development approval, provided that no final decision could be made until jurisdiction is actually transferred.
- G.S. 160D-5-1 would require a local government to have a comprehensive development plan in place before adopting and applying zoning regulations. The plan would have to set forth goals, policies and programs intended to guide the jurisdiction's physical, social and economic development. (Under Section 8 of the bill, local governments without such a plan in place would have until January 1, 2019 to adopt one.)
- G.S. 160D-6-5 would limit the required board statement of reasonableness to zoning map amendments (dispensing with this requirement for zoning text amendments).
- G.S. 160D-7-3 would establish uniform terminology for zoning districts and would authorize administrative review and approval of minor modifications in conditional district standards that do not change permitted uses or the density of overall permitted development.
- G.S. 160D-10-6 would shorten the list of mandated contents in development agreements and would authorize the parties to the agreements to negotiate terms for providing public facilities and other amenities and sharing in their costs.
- G.S. 160D-10-8 would provide that any party to a development agreement may enforce it by an action for injunctive relief.

Section 9.4 declares the legislative intent that any changes enacted this session to the local land use planning and zoning laws be incorporated into the reorganization and consolidation of those laws contained in SB 419, and directs the General Statutes Commission to recommend to the 2018 General Assembly any changes needed to accomplish this intent.

Sections 9.1 through 9.3 incorporate into the reorganization and consolidation of the local land use planning and zoning laws, enacted by Section 3 of this act, the changes that have been enacted by the General Assembly this session in SL 2017-10.

EFFECTIVE DATE: This act becomes effective January 1, 2019, and applies to local government development regulation decisions made on or after that date.

BACKGROUND: Senate Bill 419 is the product of a multi-year effort of the Zoning, Planning, and Land Use Law Section of the North Carolina Bar Association.

Bill Patterson, counsel to Senate Judiciary, and David Owens, Professor of Public Law and Government at the UNC School of Government, substantially contributed to this summary.

North Carolina Senate

ROLL CALL (1 Votes)
Legislative Session Day 91 (06-28-2017)

444 **SB 419**

Planning/Development Changes.
Sponsor: Lee
Second Reading

Outcome: PASS
Time: Jun 28 2017 9:04PM

Total Votes: 45 Ayes: 45 Noes: 0 Not: 1 Exc. Absent: 4 Exc. Vote: 0

Democrat

Ayes: Senator(s): Blue; Bryant; Clark; D. Davis; Foushee; J. Jackson; Lowe; McKissick; Smith-Ingram; Van Duyn; Waddell

Not Voting: Senator(s): *None*

Exc. Absence: Senator(s): Chaudhuri; Ford; Robinson; Woodard

Republican

Senator(s): Alexander; Ballard; Barefoot; Barringer; Berger; Bishop; Britt; Brown; Cook; Curtis; Daniel; J. Davis; Dunn; Edwards; Gunn; Harrington; Hise; Horner; B. Jackson; Krawiec; Lee; McInnis; Meredith; Newton; Pate; Rabin; Rabon; Randleman; Sanderson; Tarte; Tillman; Tucker; Wade; Wells

Senator(s): Brock

Senator(s): *None*