

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

S

2

SENATE BILL 1513
Commerce, Small Business and Entrepreneurship Committee Substitute Adopted
5/21/07

Short Title: County Financing/Highway and Bridge Projects. (Public)

Sponsors:

Referred to:

March 28, 2007

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW COUNTIES TO PARTICIPATE IN FINANCING
3 IMPROVEMENTS TO PUBLIC STREETS, HIGHWAYS, AND BRIDGES.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 136-18(29a) reads as rewritten:

6 "(29a) To coordinate with all public and private entities planning schools to
7 provide written recommendations and evaluations of driveway access
8 and traffic operational and safety impacts on the State highway system
9 resulting from the development of the proposed sites. All public and
10 private entities shall, upon acquiring land for a new school or prior to
11 beginning construction of a new school, relocating a school, or
12 expanding an existing school, request from the Department a written
13 evaluation and written recommendations to ensure that all proposed
14 access points comply with the criteria in the current North Carolina
15 Department of Transportation "Policy on Street and Driveway
16 Access". The Department shall provide the written evaluation and
17 recommendations within a reasonable time, which shall not exceed 60
18 days. This subdivision shall not be construed to require the public or
19 private entities planning schools to meet the recommendations made
20 by the ~~Department~~.Department, except those highway improvements
21 that are required for safe ingress and egress to the State highway
22 system."

23 **SECTION 2.** G.S. 136-45 reads as rewritten:

24 "§ 136-45. **General purpose of law; control, repair and maintenance of highways.**

25 The general purpose of the laws creating the Department of Transportation is that
26 said Department of Transportation shall take over, establish, construct, and maintain a
27 statewide system of hard-surfaced and other dependable highways running to all county
28 seats, and to all principal towns, State parks, and principal State institutions, and linking

1 up with state highways of adjoining states and with national highways into national
2 forest reserves by the most practical routes, with special view of development of
3 agriculture, commercial and natural resources of the State, ~~and~~ and, except as otherwise
4 provided by law, for the further purpose of permitting the State to assume control of the
5 State highways, repair, construct, and reconstruct and maintain said highways at the
6 expense of the entire State, and to relieve the counties and cities and towns of the State
7 of this burden."

8 **SECTION 3.** G.S. 136-51 reads as rewritten:

9 **"§ 136-51. Maintenance of county public roads vested in Department of**
10 **Transportation.**

11 From and after July 1, 1931, the exclusive control and management and
12 responsibility for all public roads in the several counties shall be vested in the
13 Department of Transportation as hereinafter provided, and all county, district, and
14 township highway or road commissioners, by whatever name designated, and whether
15 created under public, public-local, or private acts, shall be abolished:

16 Provided, that for the purpose of providing for the payment of any bonded or other
17 indebtedness, and for the interest thereon, that may be outstanding as an obligation of
18 any county, district, or township commission herein abolished, the boards of county
19 commissioners of the respective counties are hereby constituted fiscal agents, and are
20 vested with authority and it shall be their duty to levy such taxes on the taxable property
21 or persons within the respective county, district, or township by or for which said bonds
22 or other indebtedness were issued or incurred and as are now authorized by law to the
23 extent that the same may be necessary to provide for the payment of such obligations;
24 and the respective commissions herein abolished shall on or before July 1, 1931, turn
25 over to said boards of county commissioners any moneys on hand or evidences of
26 indebtedness properly applicable to the discharge of any such indebtedness (except such
27 moneys as are mentioned in paragraph (a) above); and all uncollected special road taxes
28 shall be payable to said boards of county commissioners, and the portion of said taxes
29 applicable to indebtedness shall be applied by said commissioners to said indebtedness,
30 or invested in a sinking fund according to law. All that portion of said taxes or other
31 funds coming into the hands of said county commissioners and properly applicable to
32 the maintenance or improvement of the public roads of the county shall be held by them
33 as a special road fund and disbursed upon proper orders of the Department of
34 Transportation.

35 Provided, further, that in order to fully carry out the provisions of this section the
36 respective boards of county commissioners are vested with full authority to prosecute all
37 suitable legal actions.

38 Nothing in this section shall prevent a county from participating in the cost of
39 rights-of-way, construction, reconstruction, improvement, or maintenance of a road on
40 the State highway system under agreement with the Department of Transportation. A
41 county is authorized and empowered to acquire land by dedication and acceptance,
42 purchase, or eminent domain and make improvements to portions of the State highway
43 system lying within or outside the county limits utilizing local funds that have been
44 authorized for that purpose. The provisions of G.S. 153A-15 apply to any county

1 attempting to acquire property outside its limits. All improvements to the State highway
2 system shall be done in accordance with the specifications and requirements of the
3 Department of Transportation."

4 **SECTION 4.** G.S. 136-98 reads as rewritten:

5 "**§ 136-98. Prohibition of local road taxes and bonds and construction of roads by**
6 **local authorities; existing contracts. Counties authorized to participate in**
7 **costs of road construction and maintenance.**

8 (a) ~~From and after the first day of July, 1931, no county or road district by~~
9 ~~authority of any public, public local, or private act shall levy any taxes for the~~
10 ~~maintenance, improvement, reconstruction, or construction of any of the public roads in~~
11 ~~the various and several counties of the State, nor shall any county, through the board of~~
12 ~~commissioners thereof or the highway commission, nor shall any district or township~~
13 ~~highway commission, issue or sell or enter into any contract to issue or sell any bonds~~
14 ~~heretofore authorized to be issued and sold, but unissued and unsold, for the purpose of~~
15 ~~obtaining money with which to improve, maintain, reconstruct, or construct roads,~~
16 ~~except for the purpose of discharging obligations entered into prior to the ratification of~~
17 ~~this section, and all acts authorizing the board of county commissioners, the county~~
18 ~~highway commissions, district highway or township commissions, to issue and sell~~
19 ~~bonds for the purpose aforesaid, are hereby amended so as to conform to this section.~~
20 ~~No board of county commissioners nor county highway commission, nor district nor~~
21 ~~township highway commission from and after the passage of this section shall enter into~~
22 ~~any contract to build or construct roads in the various and several counties except for~~
23 ~~such projects as can be completed and paid for prior to July 1, 1931. All contracts~~
24 ~~heretofore entered into by any county through the board of county commissioners,~~
25 ~~county highway commission, and all contracts heretofore entered into by any district or~~
26 ~~township highway commission which shall be incomplete on July 1, 1931, shall be~~
27 ~~taken over by the Department of Transportation and completed by the Department of~~
28 ~~Transportation by the use of money and funds applicable thereto, by the terms of the~~
29 ~~said contracts. Nothing in this section or in any section of Chapter 145 of the Public~~
30 ~~Laws of 1931 that may appear in this Code shall be construed to prohibit the levying of~~
31 ~~taxes authorized by law for the payment of interest or principal on outstanding bonds or~~
32 ~~other evidences of debt lawfully issued. Any county or road district which has~~
33 ~~heretofore issued bonds or other evidences of debt by authority of law for road~~
34 ~~improvement purposes may refund said bonds or other evidences of debt under and~~
35 ~~pursuant to the laws of the State of North Carolina relative thereto.~~

36 (b) Nothing in this Article prohibits counties from establishing service districts
37 for road maintenance under Part 1, Article 16 of Chapter 153A of the General Statutes.

38 (c) A county is authorized to participate in the cost of rights-of-way,
39 construction, reconstruction, improvement, or maintenance of a road on the State
40 highway system under agreement with the Department of Transportation."

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