GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

S 1

SENATE BILL 235*

Short Title: Parks Roads Under DOT.	(Public)
Sponsors: Senators Sherron, Cochrane, Shaw, Tally, Winner; Block, C Hardin, Hunt of Durham, Hunt of Moore, Kaplan, Marvin, Sands, and V	
Referred to: State Government.	

February 22, 1989

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO CONSTRUCT, REPAIR, AND MAINTAIN THE STATE PARKS ROADS SYSTEM.

The General Assembly of North Carolina enacts:

Section 1. G.S. 136-44.2 reads as rewritten:

"§ 136-44.2. Budget and appropriations.

The Director of the Budget shall include in the 'Budget Appropriations Bill' an enumeration of the purposes or objects of the proposed expenditures for each of the construction and maintenance programs for that budget period for the State primary, secondary, and urban, and State parks road systems. The State primary system shall include all portions of the State highway system located outside municipal corporate limits which are designated by N.C., U.S. or Interstate numbers. The State secondary system shall include all of the State highway system located outside municipal corporate limits that is not a part of the State primary system. The State urban system shall include all portions of the State highway system located within municipal corporate limits. The State parks system shall include all State parks roads which are not also part of the State highway system.

All construction and maintenance programs for which appropriations are requested shall be enumerated separately in the budget. Programs that are entirely State funded shall be listed separately from those programs involving the use of federal-aid funds. Proposed appropriations of State matching funds for each of the federal-aid construction programs shall be enumerated separately as well as the federal-aid funds anticipated for

 each program in order that the total construction requirements for each program may be provided for in the budget. Also, proposed State matching funds for the highway planning and research program shall be included separately along with the anticipated federal-aid funds for that purpose.

Other program categories for which appropriations are requested, such as, but not limited to, maintenance, channelization and traffic control, bridge maintenance, public service and access road construction, and ferry operations shall be enumerated in the budget.

The Department of Transportation shall have all powers necessary to comply fully with provisions of present and future federal-aid acts. No federally eligible construction project may be funded entirely with State funds unless the Department of Transportation has first consulted with the Joint Legislative Commission on Governmental Operations. For purposes of this section, 'federally eligible construction project' means any construction project except secondary road projects developed pursuant to G.S. 136-44.7 and 136-44.8 eligible for federal funds under any federal-aid act, whether or not federal funds are actually available.

The 'Budget Appropriations Bill' shall also contain the proposed appropriations of State funds for use in each county for maintenance and construction of secondary roads, to be allocated in accordance with G.S. 136-44.5 and 136-44.6. State funds appropriated for secondary roads shall not be transferred nor used except for the construction and maintenance of secondary roads in the county for which they are allocated pursuant to G.S. 136-44.5 and 136-44.6.

In the event receipts and increments to the State Highway Fund shall be more than the appropriations made for the preceding fiscal year, such excesses shall be allocated by the Director of the Budget to the Department of Transportation for school and industrial access roads and unforeseen happenings or state of affairs requiring prompt action, with fifty percent (50%) of the balance to be allocated to the State secondary roads program on the basis of need as determined by the Department of Transportation and the remaining fifty percent (50%) to be allocated in accordance with G.S. 136-44.5.

The Department of Transportation may provide for costs incurred or accrued for traffic control measures to be taken by the Department at major events which involve a high degree of traffic concentration on State highways, and which cannot be funded from regular budgeted items. This authorization applies only to events which are expected to generate 30,000 vehicles or more per day."

Sec. 2. G.S. 136-44.12 reads as rewritten:

"§ 136-44.12. Construction and maintenance of roads in areas administered by the Division of State Parks.

The Department of Transportation is authorized to shall construct and maintain all roads which are not part of the State Highway System, leading into and located within the boundaries of all areas administered by the Division of State Parks and Recreation of the Department of Natural Resources and Community Development.

All such roads shall be planned, designed, engineered and constructed through joint action between the Department of Transportation and the Division of State-Parks and Recreation of the Department of Natural Resources and Community Development. This

joint action shall encompass all accepted park planning and design principles. Particular concern shall be given to traffic counts and vehicle weight, minimal cutting into or through any natural and scenic areas, width of shoulders, the cutting of natural growth along roadways, and the reduction of any potential use of roads for any purpose other than by park users. All State park roads shall conform to the standards regarding width and other roadway specifications as agreed upon by the Division of State–Parks and Recreation of the Department of Natural Resources and Community Development and the Department of Transportation.

The State park road systems may be closed to the public in accordance with approved park practices that control the use of State areas so as to protect these areas from overuse and abuse and provide for functional use of the park areas, or for any other purpose considered in the best interest of the public by the Division of State-Parks and Recreation of the Department of Natural Resources and Community Development.

Nothing herein shall be construed to include the transfer to the Department of Transportation the powers now vested in the Division of State-Parks and Recreation of the Department of Natural Resources and Community Development relating to the patrol and safeguarding of State parks or parkway roads."

Sec. 3. This act is effective upon ratification.