

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

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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.