

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001

S

1

SENATE BILL 731

Short Title: Transportation Planning.

(Public)

Sponsors: Senators Clodfelter; and Gulley.

Referred to: Transportation.

April 2, 2001

A BILL TO BE ENTITLED

AN ACT TO UPDATE AND MODIFY THE PROCESS FOR DEVELOPMENT OF  
COORDINATED TRANSPORTATION PLANS.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 136-66.2. reads as rewritten:

"§ 136-66.2. Development of a coordinated transportation street system and provisions for streets and highways in and around municipalities.

(a) Each municipality, not located within a metropolitan planning organization (MPO) as recognized in G.S. 136-200.1, with the cooperation of the Department of Transportation, shall develop a comprehensive transportation plan for a street system that will serve present and anticipated travel demand volumes of vehicular traffic in and around the municipality. The plan shall be based on the best information available including, but not limited to, population growth, economic conditions and prospects, and patterns of land development in and around the municipality, and shall provide for the safe and effective use of the transportation system, streets and highways through such means as parking regulations, signal systems, and traffic signs, markings, construction and other devices. The plan shall be considerate of all transportation modes including, but not limited to, the street system, transit alternatives, bicycle, pedestrian, and operating strategies. The Department of Transportation may provide financial and technical assistance in the preparation of such plans. Each MPO, with cooperation of the Department of Transportation, shall develop a comprehensive transportation plan in accordance with 23 U.S.C. § 134. In addition, an MPO may include projects in its transportation plan that are not included in a financially constrained plan or are anticipated to be needed beyond the horizon year as required by 23 U.S.C. § 134. For municipalities located within an MPO, the development of a comprehensive transportation plan will take place through the metropolitan planning organization. For purposes of transportation planning and programming, the MPO shall represent the municipality's interests to the Department of Transportation.

1 (b) After completion and analysis of the plan, the plan ~~shall~~ ~~may~~ be adopted by  
2 both the governing body of the municipality or MPO and the Department of  
3 Transportation as the basis for future transportation street and highway improvements in  
4 and around the municipality or within the MPO. ~~As a part of the plan, the~~ ~~The~~  
5 governing body of the municipality and the Department of Transportation shall reach  
6 agreement as to which of the existing and proposed streets and highways included in the  
7 adopted plan will be a part of the State highway system and which streets will be a part  
8 of the municipal street system. As used in this Article, the State highway system shall  
9 mean both the primary highway system of the State and the secondary road system of  
10 the State within municipalities.

11 (b1) The Department of Transportation may participate in the development and  
12 adoption of a transportation plan or updated transportation plan when all local  
13 governments within the area covered by the transportation plan have adopted land  
14 development plans within the previous five years. The Department of Transportation  
15 may participate in the development of a transportation plan if all the municipalities and  
16 counties within the area covered by the transportation plan are in the process of  
17 developing a land development plan. The Department may not adopt or update a  
18 transportation plan until such time as a local land development plan has been adopted.

19 (b2) The municipality or the MPO shall provide opportunity for public comments  
20 prior to adoption of the transportation plan.

21 (b3) Each county, with the cooperation of the Department of Transportation, may  
22 develop a comprehensive transportation plan utilizing the procedures specified for  
23 municipalities in subsection (a) of this section. This plan may be adopted by both the  
24 governing body of the county and the Department of Transportation. For portions of a  
25 county located within an MPO, the development of a comprehensive transportation plan  
26 will take place through the metropolitan planning organization.

27 (b4) To complement the roadway element of the transportation plan,  
28 municipalities and MPOs may develop a collector street plan to assist in developing the  
29 roadway network. The Department of Transportation may review and provide  
30 comments but will not provide approval of the collector street plan.

31 (c) From and after the date that the plan is adopted, the streets and highways  
32 designated in the plan as the responsibility of the Department of Transportation shall  
33 become a part of the State highway system and all such system streets shall be subject to  
34 the provisions of G.S. 136-93, and all streets designated in the plan as the responsibility  
35 of the municipality shall become a part of the municipal street system.

36 (d) For municipalities not located within an MPO, either ~~Either~~ the municipality  
37 or the Department of Transportation may propose changes in the plan at any time by  
38 giving notice to the other party, but no change shall be effective until it is adopted by  
39 both the Department of Transportation and the municipal governing board. For MPOs,  
40 either the MPO or the Department of Transportation may propose changes in the plan at  
41 any time by giving notice to the other party, but no change shall be effective until it is  
42 adopted by both the Department of Transportation and the MPO.

43 (e) Until the adoption of a comprehensive transportation plan that includes ~~for~~  
44 future development of the street system in and around municipalities, the Department of

1 Transportation and any municipality may reach an agreement as to which existing or  
2 proposed streets and highways within the municipal boundaries shall be added to or  
3 removed from the State highway system.

4 (f) Streets within municipalities which are on the State highway system as of  
5 July 1, 1959, shall continue to be on that system until changes are made as provided in  
6 this section.

7 (g) The street and highway elements of the plans developed pursuant to G.S.  
8 136-66.2 shall serve as the plan referenced in G.S. 136-66.10(a)."

9 **SECTION 2.** This act is effective when it becomes law and applies to plans  
10 adopted on or after the effective date.