

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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SENATE BILL 731
House Committee Substitute Favorable 5/21/01

Short Title: Transportation Planning.

(Public)

Sponsors:

Referred to:

April 2, 2001

1 A BILL TO BE ENTITLED
2 AN ACT TO UPDATE AND MODIFY THE PROCESS FOR DEVELOPMENT OF
3 COORDINATED TRANSPORTATION PLANS.

4 The General Assembly of North Carolina enacts:

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

6 "**§ 136-66.2. Development of a coordinated transportation street system and**
7 **provisions for streets and highways in and around municipalities.**

8 (a) Each municipality, not located within a metropolitan planning organization
9 (MPO) as recognized in G.S. 136-200.1, with the cooperation of the Department of
10 Transportation, shall develop a comprehensive transportation plan for a street system
11 that will serve present and anticipated travel demand volumes of vehicular traffic in and
12 around the municipality. The plan shall be based on the best information available
13 including, but not limited to, population growth, economic conditions and prospects,
14 and patterns of land development in and around the municipality, and shall provide for
15 the safe and effective use of the transportation system, streets and highways through
16 such means as parking regulations, signal systems, and traffic signs, markings,
17 construction and other devices. In the development of the plan, consideration shall be
18 given to all transportation modes including, but not limited to, the street system, transit
19 alternatives, bicycle, pedestrian, and operating strategies. The Department of
20 Transportation may provide financial and technical assistance in the preparation of such
21 plans. Each MPO, with cooperation of the Department of Transportation, shall develop
22 a comprehensive transportation plan in accordance with 23 U.S.C. § 134. In addition, an
23 MPO may include projects in its transportation plan that are not included in a financially
24 constrained plan or are anticipated to be needed beyond the horizon year as required by
25 23 U.S.C. § 134. For municipalities located within an MPO, the development of a
26 comprehensive transportation plan will take place through the metropolitan planning
27 organization. For purposes of transportation planning and programming, the MPO shall
28 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 of Transportation may not adopt
18 or update a transportation plan until a local land development plan has been adopted. A
19 qualifying land development plan may be a comprehensive plan, land use plan, master
20 plan, strategic plan, or any type of plan or policy document that expresses a
21 jurisdiction's goals and objectives for the development of land within that jurisdiction.
22 At the request of the local jurisdiction, the Department may review and provide
23 comments on the plan but shall not provide approval of the land development plan.

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

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

32 (b4) To complement the roadway element of the transportation plan,
33 municipalities and MPOs may develop a collector street plan to assist in developing the
34 roadway network. The Department of Transportation may review and provide
35 comments but is not required to provide approval of the collector street plan.

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

41 (d) For municipalities not located within an MPO, either ~~Either~~ the municipality
42 or the Department of Transportation may propose changes in the plan at any time by

1 giving notice to the other party, but no change shall be effective until it is adopted by
2 both the Department of Transportation and the municipal governing board. For MPOs,
3 either the MPO or the Department of Transportation may propose changes in the plan at
4 any time by giving notice to the other party, but no change shall be effective until it is
5 adopted by both the Department of Transportation and the MPO.

6 (e) Until the adoption of a comprehensive transportation plan that includes ~~for~~
7 future development of the street system in and around municipalities, the Department of
8 Transportation and any municipality may reach an agreement as to which existing or
9 proposed streets and highways within the municipal boundaries shall be added to or
10 removed from the State highway system.

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

14 (g) The street and highway elements of the plans developed pursuant to G.S.
15 136-66.2 shall serve as the plan referenced in G.S. 136-66.10(a)."

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