

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003

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SENATE BILL 864

Short Title: MPO/RTO Transportation Planning Funding.

(Public)

Sponsors: Senators Clodfelter; and Gulley.

Referred to: Transportation.

April 3, 2003

A BILL TO BE ENTITLED

AN ACT TO APPROPRIATE FUNDS FOR THE PLANNING ACTIVITIES OF  
RECENTLY CREATED RURAL TRANSPORTATION PLANNING  
ORGANIZATIONS, TO AUTHORIZE METROPOLITAN PLANNING  
ORGANIZATIONS IN NONATTAINMENT AREAS TO APPLY FOR STATE  
FUNDS TO AVOID AIR QUALITY CONFORMITY LAPSES AND TO  
APPROPRIATE FUNDS FOR THAT PURPOSE, AND TO AUTHORIZE LOCAL  
GOVERNMENTS IN NONATTAINMENT AREAS TO APPLY FOR PLANNING  
FUNDS AND TO APPROPRIATE FUNDS FOR THAT PURPOSE.

Whereas, air quality in the State continues to worsen; and

Whereas, improved transportation strategies are vital to improving air quality  
in the State; and

Whereas, several regions of the State risk losing federal-aid highway funds  
due to their inability to address air quality concerns; and

Whereas, well-funded local transportation planning efforts are needed to  
partner with the State Department of Transportation in developing plans and strategies  
to avoid the loss of federal-aid highway funds; Now, therefore,

The General Assembly of North Carolina enacts:

**SECTION 1.** There is appropriated one million dollars (\$1,000,000) in fiscal  
year 2003-2004 from the Highway Fund to the Department of Transportation to fund  
the activities of Rural Transportation Planning Organizations created pursuant to Article  
17 of Chapter 136 of the General Statutes.

**SECTION 2.** Article 16 of Chapter 136 of the General Statutes is amended  
by adding a new section to read:

**"§ 136-200.5. Matching funds for Metropolitan Planning Organizations located in  
nonattainment areas or maintenance areas.**

(a) Application. – The lead planning agency for any Metropolitan Planning  
Organization located in an area designated as a nonattainment or maintenance area

1 under the federal Clean Air Act (42 U.S.C. § 7401, et seq.) may apply to the  
2 Department of Transportation for funds to avoid a plan conformity lapse.

3 (b) Matching Required. – Funds provided under this section shall be matched one  
4 for one by the local applicant agency.

5 (c) Use of Funds. – Funds provided under this section shall be used by the local  
6 applicant agency only to avoid a plan conformity lapse.

7 (d) Limit on Funds. – The Department shall not provide more than one million  
8 dollars (\$1,000,000) per fiscal year to any lead planning organization of a Metropolitan  
9 Planning Organization pursuant to this section.

10 (e) Payback Required. – Any funds provided to a lead planning organization of a  
11 Metropolitan Planning Organization under this section shall be repaid within five years,  
12 either from local sources or as an offset against planning funds that might otherwise  
13 have been made available from the Department to the lead planning organization."

14 **SECTION 3.** There is appropriated two million dollars (\$2,000,000) in fiscal  
15 year 2003-2004 from the Highway Fund to the Department of Transportation to  
16 implement the provisions of Section 2 of this act.

17 **SECTION 4.** Article 16 of Chapter 136 of the General Statues is amended by  
18 adding a new section to read:

19 **§ 136-200.6. Funds for local transportation planning efforts in areas designated**  
20 **nonattainment areas or maintenance areas.**

21 (a) Application. – A regional transportation planning agency in an area  
22 designated as a nonattainment or maintenance area under the federal Clean Air Act (42  
23 U.S.C. § 7401, et seq.) that has policy-setting authority for the entire designated area  
24 and that is representative of all local governments within the area, may apply to the  
25 Department of Transportation for funds to support local transportation planning efforts  
26 in that local government's region.

27 (b) Matching Required. – Funds provided under this section shall be matched one  
28 for one by the applicant agency.

29 (c) Use of Funds. – Funds provided under this section shall only be used by the  
30 local applicant agency to support regional transportation planning within the designated  
31 area.

32 (d) Local Staff Required. – Funds shall be provided under this section only if  
33 local governments in the designated area support and supply staff to the regional  
34 transportation planning agency.

35 (e) Limit on Funds. – The Department shall not provide more than one million  
36 dollars (\$1,000,000) in any fiscal year to any agency pursuant to this section."

37 **SECTION 5.** There is appropriated three million dollars (\$3,000,000) in  
38 fiscal year 2003-2004 from the Highway Fund to the Department of Transportation to  
39 implement the provisions of Section 4 of this act.

40 **SECTION 6.** This act becomes effective July 1, 2003.