

February 11, 2009

S 151. CONGESTION RELIEF/INTERMODAL TRANSPORTATION FUND. Filed 2/11/09. *TO ESTABLISH A CONGESTION RELIEF AND INTERMODAL TRANSPORTATION 21ST CENTURY FUND, TO PROVIDE FOR ALLOCATION OF THOSE FUNDS TO: (1) LOCAL GOVERNMENTS AND TRANSPORTATION AUTHORITIES FOR PUBLIC TRANSPORTATION PURPOSES, (2) SHORT-LINE RAILROADS, FOR ASSISTANCE IN MAINTAINING AND EXPANDING FREIGHT SERVICE STATEWIDE, (3) RAILROADS FOR INTERMODAL FACILITIES, MULTIMODAL FACILITIES, AND INLAND PORTS, (4) MAKE CAPITAL IMPROVEMENTS ON RAIL LINES TO ALLOW IMPROVED FREIGHT SERVICE TO THE PORTS AND MILITARY INSTALLATIONS, (5) EXPAND INTERCITY PASSENGER RAIL SERVICE, TO EXTEND LEVELS OF LOCAL TRANSIT FUNDING AUTHORIZATION TO THREE URBAN REGIONS, AND ALLOW OTHER LOCAL GOVERNMENTS OPTIONS FOR LOCAL TRANSIT FUNDING.*

I. Congestion Relief and Intermodal 21st Century Transportation Fund

Enacts new GS Chapter 136, Article 19, to create the Congestion Relief and Intermodal 21st Century Transportation Fund and authorizes the fund to provide grants to cities, counties, regional public transportation authorities, and regional transportation authorities for public transportation purposes, including planning and engineering. Establishes the following requirements for grant approval: (1) the grant application be approved by all metropolitan planning organizations whose jurisdiction includes any of the service area of the grant applicant, (2) the applicant must have approved a transit plan that includes local planning policies that included specific provisions, (3) the applicant must have approved a housing needs assessment and plan that includes specified elements, and (4) the applicant must have an adequate and sustainable source of funding for its share of project costs. Provides that no grant under this section may exceed 25% of the cost of the project, and requires grants to be matched by an equal or greater amount of funds. Also allows grants to be committed for a multiyear basis and requires the Board of Transportation to approve and amend a rolling multiyear projection of up to 15 years for allocation of funds. Provides that applicants eligible under the 15-year plan projection are not eligible to receive more than one-third of the total funds to be granted during that 15 year period.

Also authorizes the fund to provide grants to state agencies and railroads for the following specified purposes. (1) Short line railroad grants: Provides that grants may be made for assistance to short line railroads to assist in economic development and access to ports and military installations. Such grants may not exceed 50% of the nonfederal share of the project, and must be matched by an equal or greater amount of funds. The total amount of grants providing assistance to short line railroads may not exceed \$5 million per fiscal year. (2) Railroad grants: Provides that grants may be made for assistance to any railroad in construction of (i) rail improvements and restorations and intermodal or multimodal facilities to serve ports and military installations, and (ii) inland ports to reduce truck traffic on highways. Such grants may not exceed 50% of the nonfederal share of the project, and must be matched by an equal or greater amount of funds. The total amount of grants providing assistance to railroads for these purposes may not exceed \$10 million per fiscal year. (3) State ports railroad grants: Provides that grants may be made for assistance to the state ports in terminal railroad facilities and operations, and to improve access to military installations, and to the North Carolina International Terminal. Such grants may not exceed 50% of the nonfederal share of the project, and must be matched by an equal or greater amount of funds. The total amount of state ports railroad grants may not exceed \$10 million per fiscal year. (4) Intercity passenger rail services: Provides that grants may be made for expansion of intercity passenger rail service. There is no matching requirement or cap on the amount of these grants. Provides that grants may also be made to state agencies, railroads, transportation authorities under GS Chapter 160A Article 25, regional public transportation authorities under GS Chapter 160A Article 26, and regional transportation authorities under GS Chapter 160A Article 27 for introduction of commuter rail service.

Provides that all grants are subject to approval of the Secretary of Transportation, after consultation with the Board of Transportation.

II. Public Transportation Sales Tax

Recodifies and makes technical corrections to the Mecklenburg county transit tax.

Allows Wake, Durham, and Orange counties to levy a ½% sales tax for public transportation purposes after the approval of a financial plan by the applicable board or boards of commissioners and the board of the Triangle Transit Authority, and approval of the tax by the voters in a referendum.

Allows Forsyth and Guilford counties to levy a ½% sales tax for public transportation purposes, with the approval of a financial plan by the applicable board or boards of commissioners, the board of the Piedmont Authority for Regional Transportation, and approval of the tax by the voters in a referendum.

Provides that the net proceeds of the tax are to be allocated to each transportation authority within the special tax district and that the authority must expend the proceeds in accordance with its financial plan.

Allows Alamance, Davidson, Davie, Randolph, Rockingham, Surry, Stokes, and Yadkin counties to levy a ¼% sales tax for public transportation purposes, with the approval of the applicable board or boards of commissioners, the board of the Piedmont Authority for Regional Transportation, and the voters in a referendum.

Provides that in any multi-county referendum all counties in the district are considered one unit, but also must receive a majority vote in each county. If a tax is levied after a favorable referendum in less than all the eligible counties, other eligible counties can be added later with approval of the applicable board of commissioners, the applicable transportation authority, and the voters of the county being added.

Allows a single-county ¼% sales tax to be levied for public transportation services after a favorable referendum in counties other than Durham, Forsyth, Guilford, Mecklenburg, Orange or Wake.

Makes technical and conforming changes to SL 1997-417, Section 3.1.

III. Local Vehicle Registration Charge Adjusted for Inflation'

Raises the cap on the vehicle registration fee that may be levied by Triangle Transit Authority, the Piedmont Authority for Regional Transportation, and Mecklenburg County from \$5.00 to \$7.00.

IV. Vehicle Registration Charge

Enacts new GS 105-557, County Vehicle Tax. Extends the authority to levy a motor vehicle registration fee of up to \$7.00 to any city located wholly within a county that is considered an authority under Article 51 (Regional Transit Authority Registration Tax) of GS Chapter 105 and that does not levy the full \$7.00 amount. The total gross levy of the county and city may not exceed the \$7.00 maximum. Provides for the collection of the tax and the use of the tax proceeds.

Intro. by Stevens.

GS 105, 136

February 12, 2009

S 151. CONGESTION RELIEF/INTERMODAL TRANSPORTATION FUND. Filed 2/11/09.

Yesterday's digest read:

Allows Alamance, Davidson, Davie, Randolph, Rockingham, Surry, Stokes, and Yadkin counties to levy a ¼% sales tax for public transportation purposes, with the approval of the applicable board or boards of commissioners, the board of the Piedmont Authority for Regional Transportation, and the voters in a referendum.

Provides that in any multi-county referendum all counties in the district are considered one unit, but also must receive a majority vote in each county. If a tax is levied after a favorable referendum in less than all the eligible counties, other eligible counties can be added later with approval of the applicable board of commissioners, the applicable transportation authority, and the voters of the county being added.

Allows a single-county ¼% sales tax to be levied for public transportation services after a favorable referendum in counties other than Durham, Forsyth, Guilford, Mecklenburg, Orange or Wake.

Correction:

Alamance, Davidson, Davie, Randolph, Rockingham, Surry, Stokes, and Yadkin counties are *not explicitly* authorized to levy a ¼% sales tax for public transportation purposes and should not have appeared in the digest.

S 163. CLAY COUNTY LOCAL SALES TAX MODIFICATION. Filed 2/12/09. *TO ENABLE CLAY COUNTY TO MEET ITS PUBLIC SCHOOL CAPITAL NEEDS BY AUTHORIZING THE COUNTY TO IMPOSE A ONE-CENT SALES TAX DEDICATED TO THESE NEEDS.*

Amends Article 46 of Subchapter VIII of GS Chapter 105 to allow Clay County to impose up to a one-cent sales and use tax rather than the currently authorized one-quarter cent sales and use tax. Permits levy of tax only upon approval in voter referendum and restricts use of proceeds to public school capital outlay or retirement of indebtedness for public school capital outlay.

Intro. by Snow.

CLAY