

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 158

Short Title: DOT Reporting Changes.-AB (Public)

Sponsors: Representative Presnell.

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Transportation, if favorable, Rules, Calendar, and Operations of the House

February 26, 2019

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE CHANGES TO VARIOUS DEPARTMENT OF TRANSPORTATION
3 REPORTING REQUIREMENTS.

4 The General Assembly of North Carolina enacts:

5
6 **REPEAL DMV HEARINGS REPORT**

7 SECTION 1. G.S. 20-4.03(c) is repealed.

8
9 **DRIVERS LICENSE TECHNOLOGY FUND**

10 SECTION 2.(a) G.S. 20-37.01 is repealed.

11 SECTION 2.(b) G.S. 20-37.02(e) is repealed.

12
13 **REPEAL PRIVATE AND FICTITIOUS LICENSES AND PLATE REPORT**

14 SECTION 3. G.S. 20-39.1(i) reads as rewritten:

15 "(i) The Commissioner shall administer the issuance of private plates for publicly owned
16 vehicles under the provisions of this section to ensure strict compliance with those provisions.
17 ~~The Division shall report to the Joint Legislative Commission on Governmental Operations by~~
18 ~~January 1 and July 1 of each year on the total number of private plates issued to each agency,~~
19 ~~and the total number of fictitious licenses and plates issued by the Division."~~

20
21 **MAINTENANCE AND CONSTRUCTION REPORT/TRANSPORTATION**
22 **IMPROVEMENT PROGRAM AMENDMENTS**

23 SECTION 4. G.S. 136-12 reads as rewritten:

24 "~~§ 136-12. Reports to General Assembly; Transportation Improvement Program~~
25 ~~submitted to members and staff of General Assembly, posted to Web site.~~

26 (a) ~~The Department of Transportation shall report to the Joint Legislative Transportation~~
27 ~~Oversight Committee by March 1 of each year on how the previous fiscal year's funds for~~
28 ~~maintenance and construction were allocated and expended. The report shall include~~
29 ~~expenditures of both State and federal funds and shall be in sufficient detail that the county can~~
30 ~~be identified. A full account of each road project shall be kept by and under the direction of the~~
31 ~~Department of Transportation or its representatives, to ascertain at any time the expenditures and~~
32 ~~the liabilities against all projects; also records of contracts and force account work. The account~~
33 ~~records, together with all supporting documents, shall be open at all times to the inspection of~~
34 ~~the Governor or road authorities of any county, or their authorized representatives, and copies~~
35 ~~thereof shall be furnished such officials upon request.~~



1 (a1) Repealed by Session Laws 2011-145, s. 28.35(a), effective July 1, 2011.

2 (b) At least 30 days before it approves a Transportation Improvement Program in
3 accordance with G.S. 143B-350(f)(4) or approves interim changes to a Transportation
4 Improvement Program, the Department shall ~~submit~~post the proposed Transportation
5 Improvement Program or proposed interim changes to a Transportation Improvement Program
6 to ~~the following members and staff of the General Assembly:~~ its Web site.

7 (1) ~~The Speaker and the Speaker Pro Tempore of the House of Representatives;~~

8 (2) ~~The Lieutenant Governor and the President Pro Tempore of the Senate;~~

9 (3) ~~The Chairs of the House and Senate Appropriations Committees;~~

10 (4) ~~Each member of the Joint Legislative Transportation Oversight Committee;~~
11 ~~and~~

12 (5) ~~The Fiscal Research Division of the Legislative Services Commission."~~

13 14 **OUTSIDE COUNSEL REPORT**

15 **SECTION 5.** G.S. 136-18.03(d) reads as rewritten:

16 "(d) Report. – The Department shall provide ~~a semiannual~~an annual report to the Joint
17 Legislative Transportation Oversight Committee and the Joint Legislative Justice and Public
18 Safety Oversight Committee on the performance metrics set forth in subsection (c) of this
19 section."
20

21 **BASELINE UNIT COST REPORT/JOB SATISFACTION AND CITIZEN** 22 **SATISFACTION SURVEYS AND REPORTS/COST ESCALATION REPORT**

23 **SECTION 6.** G.S. 136-18.05 reads as rewritten:

24 **"§ 136-18.05. Establishment of "DOT Report" Program.**

25 (a) Intent. – It is the intent of the General Assembly that North Carolina's reputation as
26 the "Good Roads State" is restored, which requires a partnership between the Governor, the
27 Department of Transportation, the General Assembly, and all North Carolina citizens. Further,
28 the General Assembly finds that improving the condition of North Carolina's roads requires
29 increased oversight, accountability, innovation, and efficiency. It is the belief of the General
30 Assembly that, through increased transparency and responsiveness to the public, the condition of
31 the roads in this State will be the best in the nation within 10 years.

32 (b) Establishment and Components. – To achieve the intent set forth in subsection (a) of
33 this section, the Department shall establish and implement the "DOT Report" Program
34 (Program). The Program shall include the following components:

35 (1) Responsiveness. – The Department shall structure the Program to gather
36 citizen input and shall commit to quickly addressing structural problems and
37 other road hazards on State-maintained roads. Citizens may report potholes,
38 drainage issues, culvert blockages, guardrail repairs, damaged or missing
39 signs, malfunctioning traffic lights, highway debris, or shoulder damage to the
40 Department of Transportation by calling a toll-free telephone number
41 designated by the Department or submitting an online work request through a
42 Web site link designated by the Department. Beginning January 1, 2016, upon
43 receiving a citizen report in accordance with this subdivision, the Department
44 shall either address the reported problem or identify a solution to the reported
45 problem. Excluding potholes, which shall be repaired within two business
46 days of the date the report is received, the Department of Transportation shall
47 properly address (i) safety-related citizen reports no later than 10 business
48 days after the date the report is received and (ii) non-safety-related citizen
49 reports no later than 15 business days after the date the report is received. The
50 Department shall determine, in its discretion, whether a citizen report is
51 safety-related or non-safety-related. The Department shall transmit

1 information received about potholes or other problems on roads not
2 maintained by the State to the appropriate locality within two business days
3 of receiving the citizen report. The Department shall post a monthly report to
4 the Department's performance dashboard Web site on the number of citizen
5 reports received under this subdivision for the month immediately preceding
6 the monthly report, the number of citizen reports fully addressed within the
7 time frames set forth in this subdivision for the month immediately preceding
8 the monthly report, the number of citizen reports addressed outside of the time
9 frames set forth in this subdivision for the month immediately preceding the
10 monthly report, and the number of citizen reports not fully addressed for the
11 month immediately preceding the report.

12 (1a) Efficiency. – The Department shall adopt procedures in all stages of the
13 construction process to streamline project delivery, including consolidating
14 environmental review processes, expediting multiagency reviews,
15 accelerating right-of-way acquisitions, and pursuing design build and other
16 processes to collapse project stages. By December 1, 2015, the Department
17 shall establish a baseline unit pricing structure for transportation goods used
18 in highway maintenance and construction projects and set annual targets for
19 three years based on its unit pricing. In forming the baseline unit prices and
20 future targets, the Department shall collect data from each Highway Division
21 on its expenditures on transportation goods during the 2015-2016 fiscal year.
22 Beginning January 1, 2016, no Highway Division shall exceed a ten percent
23 (10%) variance over a baseline unit price set for that year in accordance with
24 this subdivision. The Department of Transportation shall institute annual
25 tracking to monitor pricing variances. The ten percent (10%) maximum
26 variance set under this subdivision is intended to account for regional
27 differences requiring varying product mixes. ~~If a Highway Division exceeds~~
28 ~~the unit pricing threshold, the Department shall submit a report to the Joint~~
29 ~~Legislative Transportation Oversight Committee, the Fiscal Research~~
30 ~~Division of the General Assembly, the chairs of the House of Representatives~~
31 ~~Appropriations Committee on Transportation, and the chairs of the Senate~~
32 ~~Appropriations Committee on the Department of Transportation no later than~~
33 ~~the fifteenth day of February following the end of the calendar year on why~~
34 ~~the variance occurred and what steps are being taken to bring the Highway~~
35 ~~Division back into compliance. In order to drive savings, unit pricing may be~~
36 reduced annually as efficiencies are achieved.

37 (2) Performance. – Beginning December 1, 2015, the Secretary of the Department
38 of Transportation shall conduct ~~an annual~~ a biennial job satisfaction survey of
39 all Department personnel that shall address relationships among all levels of
40 leadership, work environment, issues impacting job performance, and
41 leadership performance in creating the dynamic work environment necessary
42 to meet new performance outcomes. In addition, the Department shall conduct
43 ~~an annual~~ a biennial survey of North Carolina citizens to measure the level of
44 citizen satisfaction with the condition of the roads and highways of this State.
45 ~~Within 30 days of compiling the information received from surveys conducted~~
46 ~~in accordance with this subdivision, the results of these surveys shall be~~
47 ~~reported to the Joint Legislative Transportation Oversight Committee and the~~
48 ~~Fiscal Research Division.~~

49 (e) ~~Quarterly Cost Escalation Report. — Within 30 days of the end of each quarter, the~~
50 ~~Department of Transportation shall submit to the chairs of the Joint Legislative Transportation~~
51 ~~Oversight Committee and to the Fiscal Research Division of the General Assembly a quarterly~~

1 ~~report containing summaries by month of a report for resurfacing projects and a report for~~
2 ~~contracts let centrally and by the highway divisions. Both reports shall contain all of the following~~
3 ~~information itemized by highway division:~~

- 4 (1) ~~Total number of projects.~~
- 5 (2) ~~Number of awarded projects.~~
- 6 (3) ~~Number of bidders.~~
- 7 (4) ~~Average number of bidders per project.~~
- 8 (5) ~~Number of single bids.~~
- 9 (6) ~~Number of contracts not awarded.~~
- 10 (7) ~~Total cost estimate for projects.~~
- 11 (8) ~~Total low bid amount.~~
- 12 (9) ~~Percentage above or below estimate."~~

13
14 **REPEAL RESIDUE PROPERTY DISPOSAL REPORT**

15 SECTION 7. G.S. 136-19.7(l) is repealed.

16
17 **REPEAL SMALL PROJECT BIDDING REPORT**

18 SECTION 8. G.S. 136-28.10(c) is repealed.

19
20 **REPEAL PUBLIC SERVICE FEES REPORT**

21 SECTION 9. G.S. 136-44.2B is repealed.

22
23 **REPEAL MAINTENANCE OPERATIONS AND PERFORMANCE ANALYSIS**
24 **REPORT**

25 SECTION 10. G.S. 136-44.3 is repealed.

26
27 **HIGHWAY MAINTENANCE IMPROVEMENT PROGRAM REPORT**

28 SECTION 11. G.S. 136-44.3A(a)(4) reads as rewritten:

- 29 "(4) Highway Maintenance Improvement Program Needs Assessment. – A report
30 of the amount of funds ~~needed,~~ needed for all maintenance and bridge
31 replacement activities, the number of affected lane miles, and the percentage
32 of the primary and secondary system roads that are rated to need a resurfacing
33 or pavement preservation treatment within the Highway Maintenance
34 Improvement Program's five-year time period but are not programmed due to
35 funding constraints."

36
37 **ELIMINATE PUBLIC TRANSPORTATION SYSTEM CONSOLIDATION AND**
38 **COORDINATION REPORTING REQUIREMENT**

39 SECTION 12. G.S. 136-44.20(e) reads as rewritten:

40 "(e) The Department of Transportation is authorized to annually allocate funds to
41 qualifying public transportation systems to be used to consolidate or coordinate with other public
42 transportation systems to maximize resources, gain efficiencies, and increase access to public
43 transportation. In order to be eligible for funding under this subsection, a public transportation
44 system must submit a plan for consolidation or coordination with another public transportation
45 system. The plan must include a time line for completion and an estimated cost for completion.
46 The Department is not required to provide the full amount of the estimated cost identified in the
47 plan. The Department shall disburse the funds no later than 30 days from the date it approves the
48 plan. The amount allocated under this subsection to a public transportation system shall not
49 exceed two hundred thousand dollars (\$200,000) annually. ~~Beginning December 1, 2017, the~~
50 ~~Department shall provide an annual report to the Joint Legislative Transportation Oversight~~
51 ~~Committee identifying for the year preceding the report (i) each public transportation system~~

1 ~~provided funding under this subsection, (ii) the amount of funds disbursed to each public~~
2 ~~transportation system, and (iii) the purpose or purposes for which each public transportation~~
3 ~~system has used the funds."~~
4

5 **MID-CURRITUCK BRIDGE**

6 **SECTION 13.** G.S. 136-89.183A is repealed.
7

8 **BONNER BRIDGE**

9 **SECTION 14.** G.S. 136-89.183B is repealed.
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11 **STATE PORTS AUTHORITY CONTRACTS REPORT**

12 **SECTION 15.** G.S. 136-273(c) reads as rewritten:

13 "(c) Notwithstanding subsections (a) and (b) of this section, if the North Carolina State
14 Ports Authority finds that the delivery of a particular port facility must be expedited for good
15 cause, the Authority shall be exempt from the following statutes, and rules implementing those
16 statutes, to the extent necessary to expedite delivery: G.S. 133-1.1(g), G.S. 143-128(a) through
17 (e), G.S. 143-132, and G.S. 143-135.26. Prior to exercising an exemption authorized under this
18 subsection, the North Carolina State Ports Authority, through its Executive Director, shall give
19 notice in writing of the Authority's intent to exercise the exemption to the Secretary of
20 Administration. The notice shall contain, at a minimum, the following information: (i) the
21 specific statutory requirement or requirements from which the Authority intends to exercise an
22 exemption; (ii) the reason the exemption is necessary to expedite delivery of a port facility; and
23 (iii) the way the Authority anticipates the exemption will expedite the delivery of a port facility.
24 The Authority shall report ~~quarterly~~ to the Joint Legislative Commission on Governmental
25 Operations on any building contracts exceeding two hundred fifty thousand dollars (\$250,000)
26 to which an exemption authorized by this subsection is ~~applied~~ applied within 60 days of signing
27 the contract."
28

29 **ELIMINATE REPORTING REQUIREMENT ON PROJECTS LET WITHOUT A** 30 **PERFORMANCE BOND**

31 **SECTION 16.** Section 1.2 of S.L. 2010-148 reads as rewritten:

32 **"SECTION 1.2.** The Department of Transportation ("DOT"), The University of North
33 Carolina and its constituent institutions ("UNC"), and the Department of Administration
34 ("DOA") shall monitor all projects in those agencies and institutions that are let without a
35 performance or payment bond to determine the number of defaults on those projects, the cost to
36 complete each defaulted project, and each project's contract price. ~~Beginning March 1, 2011,~~
37 ~~and annually thereafter, DOT, UNC, and DOA shall report this information to the Joint~~
38 ~~Legislative Committee on Governmental Operations."~~
39

40 **REPEAL BID THRESHOLD INCREASE REPORT**

41 **SECTION 17.** Section 35.5(b) of S.L. 2016-94 is repealed.
42

43 **EFFECTIVE DATE**

44 **SECTION 18.** Except as otherwise provided, this act is effective when it becomes
45 law.