



# POWELL BILL PROGRAM

## Participation Requirements

### ELIGIBILITY

General Statutes §136-41.1 through §136-41.4 require the North Carolina Department of Transportation to annually appropriate out of the Highway Fund, two allocations each fiscal year to all active and qualifying municipalities. The appropriated amount shall be allocated on or before October 1<sup>st</sup> and January 1<sup>st</sup> each year.

**\*\* All municipalities must maintain street mileage to participate in the Powell Bill Program. (G.S. §136-41.2B) \*\***

### MUNICIPALITIES INCORPORATED BEFORE JANUARY 1, 1945, THE ELIGIBILITY REQUIREMENTS ARE:

1. To have held an election for the purpose of electing municipal officials within the four years preceding the annual allocation of funds, and
2. Currently impose an ad valorem tax or provide other funds for the general operating expenses of the municipality

The General Statutes were amended in 1963 to provide different and somewhat higher eligibility requirements for municipalities incorporated since January 1, 1945. At that time, it was believed that some newly incorporated municipalities were possibly not functioning as bona fide towns.

### MUNICIPALITIES INCORPORATED AFTER JANUARY 1, 1945, THE ELIGIBILITY REQUIREMENTS ARE:

1. Have conducted the most recent election required by its charter or general law for the purpose of electing municipal officials.
2. Levied an ad valorem tax from the current fiscal year of at least five cents (\$.05) on a \$100 valuation upon all taxable property within its corporate limits.
3. At the time of its application for its second and succeeding allocations, it shall have collected at least 50 percent (50%) of the total ad valorem tax levied for the preceding fiscal year.
4. Have adopted a budget ordinance showing revenue received from all sources and showing that funds have been appropriated for at least **two** of the following services: water distribution; sewage collection or disposal; garbage and refuse collection or disposal; fire protection; police protection; street maintenance, construction, or right-of-way acquisition; or street lighting, or at least **four** of the following municipal services **if the municipality incorporated with an effective date of on or after January 1, 2000:** police protection; fire protection; solid waste collection or disposal; water distribution; street maintenance; street construction or right-of-way acquisition; street lighting; and zoning.



### **FUNDING:**

The total amount allocated is **seventy-five percent (75%)** on the basis of relative **population** and **twenty-five percent (25%)** on the basis of relative non-State System **local street mileage**. Each municipality is required to furnish its own certification of street mileage as of July 1 each year. The most recent annual estimate of population is furnished to the Department of Transportation by the State Demographer each September. Also, the participating municipality will attest that it meets all of the requirements set forth to qualify for the program on the Certified Statement of mileage.

### **COMPLIANCE:**

The General Statutes also require each municipality receiving a Powell Bill allocation to keep a separate record of accounts indicating in detail all receipts and expenditures of these funds. At the end of the year, each municipality is required to submit a financial statement to the Department of Transportation showing expenditures in detail and the balances on hand. A municipality may accumulate funds without penalty as long as its balance, at the end of the fiscal year, does not exceed the total of its most recent ten or twenty allocations, whichever applies. Any excess balance accumulated will be deducted from the allocation(s) and added to the Powell Bill amount to be allocated the following year.

The General Statutes have been amended by our General Assembly several times since 1951.

### **PURPOSE OF EXPENDITURE:**

These funds shall be expended **primarily for the resurfacing of streets within the corporate limits of the municipality** but may also be used for the purposes of maintaining, repairing, constructing, reconstructing or widening of any street or public thoroughfare including bridges, drainage, curb and gutter, and other necessary appurtenances within the corporate limits of the municipality, or for the planning, construction, and maintenance of bikeways, greenways, and sidewalks. Funds may also be spent for traffic control devices and regulatory signs and for the payment of principal and interest on municipal **street** bonds, and as shown on the Powell Bill Expenditure Guidance.

From July 1 through July 21, each municipality must submit a Certified Statement and Streets Listing (with attached certified Powell Bill map and Add/Delete sheet, if applicable) showing all claimed street mileage needed to establish its eligibility. The mileage is certified by the Mayor and attested by the Clerk, with any changes to the mileage data being certified by a registered Professional Engineer or a registered Professional Land Surveyor and should be reflected on the Streets Listing.

After all applications have been received and reviewed, and all **allocations computed**, the **allocation is electronically deposited on or before October 1<sup>st</sup> and January 1<sup>st</sup>**. In computing the allocation, the General Statutes permit the Department to withhold up to one percent (1%) of the amount to be allocated for the purpose of correcting errors in allocations.

On or before August 1, each municipality is required by G.S. 136-41.3 to furnish the department, in detail, the expenditures made during the preceding fiscal year and the balance on hand. Each year your Powell Bill Expenditures Report form can be accessed through Enterprise Business Systems, through the Powell Bill Reporting system.

**Please feel free to contact the Powell Bill Unit at [NCDOT\\_PowellBill@ncdot.gov](mailto:NCDOT_PowellBill@ncdot.gov)**