

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

H

D

HOUSE DRH10134-RW-30\* (3/14)

Short Title: DOT Utility Relocation.-AB

(Public)

---

Sponsors: Representative Cole.

---

Referred to:

---

A BILL TO BE ENTITLED

1  
2 AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO USE  
3 INCENTIVES, DISINCENTIVES, AND RELATED CONTRACTUAL  
4 MEASURES TO EXPEDITE RELOCATION OF PUBLIC AND PRIVATE  
5 TELECOMMUNICATIONS, GAS, OR ELECTRIC UTILITIES THAT ARE  
6 REQUIRED TO BE RELOCATED FOR A HIGHWAY CONSTRUCTION  
7 PROJECT.

8 The General Assembly of North Carolina enacts:

9       **SECTION 1.** Chapter 136 of the General Statutes is amended by adding a  
10 new section to read:

11 **"§ 136-27.3. Utility relocation incentives.**

12       Upon a determination by the Department that is in the best interest of the public to  
13 expedite a highway construction project, the Department may enter into an agreement  
14 with a public or private owner of a telecommunication, gas, or electric utility, located on  
15 or adjacent to a Department of Transportation right-of-way, that is required to be  
16 relocated due to a highway construction project, for the use of financial incentives,  
17 disincentives, or other contractual measures in order to meet the Department's schedule  
18 for construction. The determination of the Department of the appropriateness of any  
19 contractual measures authorized by this section shall be final. This section shall not  
20 impair or limit valid agreements between encroaching utility owners and the  
21 Department in existence prior to the effective date of this section."

22       **SECTION 2.** This act becomes effective July 1, 2005.