

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

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SENATE BILL 599\*

Short Title: DOT Utility Relocation.-AB

(Public)

Sponsors: Senator Jenkins.

Referred to: Transportation.

March 16, 2005

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

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

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

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

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