

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007**

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**HOUSE BILL 2412**

Short Title: DOT/Fiber Optic Cable. (Public)

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Sponsors: Representatives Faison and Bryant (Primary Sponsors).

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Referred to: Agribusiness and Agricultural Economy, if favorable, Transportation.

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May 26, 2008

A BILL TO BE ENTITLED

1 AN ACT TO EXPAND THE AUTHORITY OF THE NORTH CAROLINA  
2 DEPARTMENT OF TRANSPORTATION TO LOCATE AND ACQUIRE  
3 RIGHT-OF-WAY FOR THE LOCATION, ABOVE OR BELOW GROUND, OF  
4 FIBER OPTIC CABLE.  
5

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 136-18(2) reads as rewritten:

8 "**§ 136-18. Powers of Department of Transportation.**

9 The said Department of Transportation is vested with the following powers:

10 ...

- 11 (2) To take over and assume exclusive control for the benefit of the State  
12 of any existing county or township roads, and to locate and acquire  
13 rights-of-way for any new roads that may be necessary for a State  
14 highway system, and subject to the provisions of G.S. 136-19.5(a) and  
15 (b) also locate and acquire such additional rights-of-way as may be  
16 necessary for the present or future relocation or initial location, above  
17 or below ground, of telephone, telegraph, broadband communications,  
18 electric and other lines, as well as gas, water, sewerage, oil and other  
19 pipelines, to be operated by public utilities as defined in G.S. 62-3(23)  
20 and which are regulated under Chapter 62 of the General Statutes, or  
21 by municipalities, counties, any entity created by one or more political  
22 subdivisions for the purpose of supplying any such utility services,  
23 electric membership corporations, telephone membership corporations,  
24 or any combination thereof, with full power to widen, relocate, change  
25 or alter the grade or location thereof and to change or relocate any  
26 existing roads that the Department of Transportation may now own or  
27 may acquire; to acquire by gift, purchase, or otherwise, any road or  
28 highway, or tract of land or other property whatsoever that may be  
29 necessary for a State highway system and adjacent utility

1 rights-of-way: Provided, all changes or alterations authorized by this  
2 subdivision shall be subject to the provisions of G.S. 136-54 to 136-63,  
3 to the extent that said sections are applicable: Provided, that nothing in  
4 this Chapter shall be construed to authorize or permit the Department  
5 of Transportation to allow or pay anything to any county, township,  
6 city or town, or to any board of commissioners or governing body  
7 thereof, for any existing road or part of any road heretofore  
8 constructed by any such county, township, city or town, unless a  
9 contract has already been entered into with the Department of  
10 Transportation."

11 ...

12 **SECTION 2.** This act is effective when it becomes law.