

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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HOUSE BILL 667*

Short Title: DOT Utility Relocation.-AB

(Public)

Sponsors: Representative Cole.

Referred to: Public Utilities.

March 16, 2005

A BILL TO BE ENTITLED

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

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.