

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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HOUSE DRH30050-RFz-3 (01/26)

Short Title: DOT/Fiber-Optic Cable.

(Public)

Sponsors: Representatives Faison; Tolson, Bryant, and West.

Referred to:

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

5 The General Assembly of North Carolina enacts:

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

7 **"§ 136-18. Powers of Department of Transportation.**

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

9 ...

10 (2) To take over and assume exclusive control for the benefit of the State of any  
11 existing county or township roads, and to locate and acquire rights-of-way  
12 for any new roads that may be necessary for a State highway system, and  
13 subject to the provisions of G.S. 136-19.5(a) and (b) also locate and acquire  
14 such additional rights-of-way as may be necessary for the present or future  
15 relocation or initial location, above or below ground, of telephone, telegraph,  
16 broadband communications, electric and other lines, as well as gas, water,  
17 sewerage, oil and other pipelines, to be operated by public utilities as defined  
18 in G.S. 62-3(23) and which are regulated under Chapter 62 of the General  
19 Statutes, or by other providers of broadband communications, or by  
20 municipalities, counties, any entity created by one or more political  
21 subdivisions for the purpose of supplying any such utility services, electric  
22 membership corporations, telephone membership corporations, or any  
23 combination thereof, with full power to widen, relocate, change or alter the  
24 grade or location thereof and to change or relocate any existing roads that  
25 the Department of Transportation may now own or may acquire; to acquire  
26 by gift, purchase, or otherwise, any road or highway, or tract of land or other  
27 property whatsoever that may be necessary for a State highway system and  
28 adjacent utility rights-of-way: Provided, all changes or alterations authorized  
29 by this subdivision shall be subject to the provisions of G.S. 136-54 to  
30 136-63, to the extent that said sections are applicable: Provided, that nothing  
31 in this Chapter shall be construed to authorize or permit the Department of  
32 Transportation to allow or pay anything to any county, township, city or  
33 town, or to any board of commissioners or governing body thereof, for any  
34 existing road or part of any road heretofore constructed by any such county,



1 township, city or town, unless a contract has already been entered into with  
2 the Department of Transportation.

3 ...."

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