

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 136

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

Sponsors: Representatives Faison, Tolson, Bryant, West (Primary Sponsors);
K. Alexander, M. Alexander, Allred, E. Floyd, Hurley, Jones, Lucas, Mobley,
Tarleton, and Wray.

Referred to: Ways & Means/Broadband Connectivity, if favorable, Transportation.

February 12, 2009

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

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

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

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

...

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