

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 1004

Short Title: Allow DOT to Provide Direct Funding. (Public)

Sponsors: Representatives Carney, Cole (Primary Sponsors); Faison, Hughes, Lucas, and Wray.

Referred to: Transportation, if favorable, Appropriations.

April 2, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW THE DEPARTMENT OF TRANSPORTATION TO PARTNER WITH
3 PRIVATE DEVELOPERS ON TRANSPORTATION IMPROVEMENT PROJECTS AND
4 PROVIDE FUNDING DIRECTLY TO THE PRIVATE DEVELOPER.

5 The General Assembly of North Carolina enacts:

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

8 "**§ 136-28.6A. Partnerships with private developers.**

9 (a) When in the best interest of the State, the Department may enter into a contract with
10 a private developer to accomplish the engineering, design, or construction of improvements to
11 the State Highway System.

12 (b) The Department is authorized to establish policies and promulgate rules providing
13 for its participation in contracts for projects performed on or abutting a State highway or on a
14 facility planned to be added to the State Highway System for purposes of completing incidental
15 work on the State Highway System.

16 (c) Any project funded or constructed under this section shall be subject to the
17 following restrictions:

18 (1) The Department's participation shall be limited to the lesser of ten percent
19 (10%) of the amount of the engineering contract and any construction
20 contract let by the developer for the project or two hundred fifty thousand
21 dollars (\$250,000). However, under no circumstances shall participation in
22 the contracts by the Department exceed costs associated with normal
23 practices of the Department.

24 (3) Plans for the project must meet established standards and shall be approved
25 by the Department.

26 (4) Projects shall be constructed in accordance with the plans and specifications
27 approved by the Department.

28 (d) The Secretary shall report annually, not later than March 1, in writing to the Joint
29 Legislative Commission on Governmental Operations and the Joint Legislative Transportation
30 Oversight Committee on all agreements entered into between the Department and a private
31 developer for participation in private engineering and construction contracts under this section."

32 **SECTION 2.** This act is effective when it becomes law. This act expires on
33 December 31, 2011.

