

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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HOUSE DRH50363-MA-293 (3/11)

Short Title: Allow DOT to Provide Direct Funding.

(Public)

Sponsors: Representatives Carney and Cole (Primary Sponsors).

Referred to:

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.

