

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H.B. 1080
May 22, 2012
HOUSE PRINCIPAL CLERK

H

D

HOUSE DRH80308-MEz-161* (05/10)

Short Title: Update Ch. 136 with Term "Chief Engineer."-AB (Public)

Sponsors: Representatives Frye and Mills (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO UPDATE CHAPTER 136 OF THE GENERAL STATUTES WITH THE TERM
3 "CHIEF ENGINEER," WHICH REPLACES THE TERM "STATE HIGHWAY
4 ADMINISTRATOR," AS RECOMMENDED BY THE JOINT LEGISLATIVE
5 TRANSPORTATION OVERSIGHT COMMITTEE.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 136-4 reads as rewritten:

8 "**§ 136-4. ~~State Highway Administrator.~~ Chief Engineer.**

9 There shall be a ~~State Highway Administrator,~~ Chief Engineer, who shall be a career
10 official and who shall be the administrative officer of the Department of Transportation for
11 highway matters. The ~~State Highway Administrator~~ Chief Engineer shall be appointed by the
12 Secretary of Transportation and he may be removed at any time by the Secretary of
13 Transportation. He shall be paid a salary to be set in accordance with Chapter 126 of the
14 General Statutes, the State Personnel Act. The ~~State Highway Administrator~~ Chief Engineer
15 shall have such powers and perform such duties as the Secretary of Transportation shall
16 prescribe."

17 **SECTION 2.** G.S. 136-18.3(a) reads as rewritten:

18 "(a) The Department of Transportation is authorized to issue permits to counties and
19 municipalities for the location of containers on rights-of-way of state-maintained highways for
20 the collection of garbage. Such containers may be located on highway rights-of-way only when
21 authorized in writing by the ~~State Highway Administrator~~ Chief Engineer in accordance with
22 rules and regulations promulgated by the Department of Transportation. Such rules and
23 regulations shall take into consideration the safety of travelers on the highway and the
24 elimination of unsightly conditions and health hazards. Such containers shall not be located on
25 fully controlled-access highways."

26 **SECTION 3.** G.S. 136-64.1(d) reads as rewritten:

27 "(d) The Department of Transportation shall have the discretion to deny any application
28 submitted pursuant to this section, or it may grant a permit on any condition it deems
29 warranted. The Department, however, shall consider the use of alternate routes available during
30 flooding of the roads, and any inconvenience to the public or temporary loss of access to
31 business, homes and property. The Department shall have the authority to promulgate
32 regulations for the issuance of permits under this section and it may delegate the authority for
33 the consideration, issuance or denial of such permits to the ~~State Highway Administrator.~~ Chief
34 Engineer. Any applicant granted a permit pursuant to this section shall cause suitable markers



* D R H 8 0 3 0 8 - M E Z - 1 6 1 *

1 to be installed on the secondary road to advise the general public of the intermittent closing of
2 the road or roads involved. Such markers shall be located and approved by the ~~State Highway~~
3 ~~Administrator.~~ Chief Engineer."

4 **SECTION 4.** G.S. 136-89.59(1) reads as rewritten:

5 "(1) Thirty-day permits shall be issued without cost by the Highway Division
6 Engineer. Permits shall be subject to revocation by the ~~State Highway~~
7 ~~Administrator~~ Chief Engineer for violations of this section. The applicant
8 must be a nonprofit organization showing a record of concern for
9 automotive, highway, or driver safety."

10 **SECTION 5.** G.S. 136-89.194(f) reads as rewritten:

11 **"§ 136-89.194. Laws applicable to the Authority; exceptions.**

12 (f) Construction Claims. – G.S. 136-29 applies to the adjustment and resolution of
13 Turnpike project construction claims. In applying G.S. 136-29 to the Turnpike Authority,
14 references to the 'Department of Transportation,' the '~~State Highway Administrator,~~' 'Chief
15 Engineer,' and a 'State highway' are considered references to the 'Turnpike Authority,' the 'chief
16 engineer of the Turnpike Authority,' and a 'Turnpike project.'"

17 **SECTION 6.** This act is effective when it becomes law.