

GENERAL ASSEMBLY OF NORTH CAROLINA
1987 SESSION

CHAPTER 860
SENATE BILL 401

AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO
PARTICIPATE IN ENGINEERING AND CONSTRUCTION CONTRACTS
WITH PRIVATE DEVELOPERS FOR PROPOSED STATE HIGHWAYS.

The General Assembly of North Carolina enacts:

Section 1. Chapter 136 of the General Statutes is amended by adding a new section to read:

"§ 136-28.5. Private contract participation by the Department of Transportation.—

(a) The Department of Transportation may participate in private engineering and construction contracts for State highways.

(b) In order to qualify for State participation, the project must be:

- (1) The construction of a street or highway on the Transportation Improvement Plan adopted by the Department of Transportation; or
- (2) The construction of a street or highway on a mutually adopted thoroughfare plan that is designated a Department of Transportation responsibility.

(c) Only those projects in which the developer furnishes the right-of-way without cost to the Department of Transportation are eligible.

(d) The Department's participation shall be limited to fifty percent (50%) of the amount of any engineering contract and/or any construction contract let by the developer for the project.

(e) Participation in the contracts shall be limited to cost associated with normal practices of the Department of Transportation.

(f) Plans for the project must meet Department of Transportation standards and shall be approved by the Department of Transportation.

(g) Projects shall be constructed in accordance with the plans and specifications approved by the Department of Transportation.

(h) The Secretary shall report in writing, on a quarterly basis, to the Joint Legislative Commission on Governmental Operations on all agreements entered into between a private developer and the Department of Transportation for participation in private engineering and construction contracts under this section."

Sec. 2. This act is effective upon ratification, and shall expire June 30, 1989.

In the General Assembly read three times and ratified this the 14th day of August, 1987.