

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

**SESSION LAW 2007-439
HOUSE BILL 802**

AN ACT TO PROVIDE THE DEPARTMENT OF TRANSPORTATION CONTRACTING AUTHORITY TO PROVIDE FOR TRANSPORTATION INFRASTRUCTURE, LITTER REMOVAL FROM STATE RIGHTS-OF-WAY, AND TRAVEL INFORMATION AT STATE-OWNED REST AREAS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-18(39) reads as rewritten:

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

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

...

(39) To enter into partnership agreements with the North Carolina Turnpike Authority, private entities, and authorized political subdivisions to finance, by ~~tolls~~tolls, contracts, and other financing methods authorized by law, the cost of acquiring, constructing, equipping, maintaining, and operating ~~highways, roads, streets, and bridges~~transportation infrastructure in this ~~State~~State, with priority given to highways, roads, streets, and bridges. An agreement entered into under this subdivision requires the concurrence of the Board of Transportation. The Department shall report to the Chairs of the Joint Legislative Transportation Oversight Committee, the Chairs of the House of Representatives Appropriations Subcommittee on Transportation, and the Chairs of the Senate Appropriations Committee on the Department of Transportation, at the same time it notifies the Board of Transportation of any proposed agreement under this subdivision."

SECTION 2. G.S. 143B-350(f)(12a) reads as rewritten:

"(12a) To approve partnership agreements with the North Carolina Turnpike Authority, private entities, and authorized political subdivisions to finance, by ~~tolls~~tolls, contracts, and other financing methods authorized by law, the cost of acquiring, constructing, equipping, maintaining, and operating ~~highways, roads, streets, and bridges~~transportation infrastructure in this ~~State~~State, with priority given to highways, roads, streets, and bridges."

SECTION 3. G.S. 136-28.1 is amended by adding a new subsection to read:

"§ 136-28.1. Letting of contracts to bidders after advertisement; exceptions.

...

(l) The Department of Transportation may enter into as many as two pilot contracts for public private participation in providing litter removal from State right-of-way. Selection of firms to perform this work shall be made using a best value procurement process and shall be without regard to other provisions of law regarding the Adopt-A-Highway Program administered by the Department. Acknowledgement of sponsors may be indicated by appropriate signs that shall be owned by the Department of Transportation. The size, style, specifications, and content of the signs shall be determined in the sole discretion of the Department of Transportation. The Department of Transportation may issue rules and policies necessary to implement this section."

SECTION 4. G.S. 136-28.1 is amended by adding a new subsection to read:
"§ 136-28.1. Letting of contracts to bidders after advertisement; exceptions.

...
(m) The Department of Transportation may enter into as many as two pilot contracts for public-private participation in providing real-time traveler information at State-owned rest areas. Selection of firms to perform this work shall be made using a best value procurement process. Recognition of sponsors in the program may be indicated by appropriate acknowledgment for any services provided. The size, style, specifications, and content of the acknowledgment shall be determined in the sole discretion of the Department. Revenues generated pursuant to a contract initiated under this subsection shall be shared with Department of Transportation at a predetermined percentage or rate, and shall be earmarked by the Department to maintain the State owned rest areas from which the revenues are generated. The Department of Transportation may issue guidelines, rules, and policies necessary to administer a pilot program initiated under this subsection."

SECTION 5. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 1st day of August, 2007.

s/ Beverly E. Perdue
President of the Senate

s/ Joe Hackney
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 11:14 a.m. this 23rd day of August, 2007