

ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 348

AMENDMENT NO. A2
(to be filled in by
Principal Clerk)

H348-ARW-96 [v.2]

Page 1 of 2

Comm. Sub. [NO]
Amends Title [NO]
Second Edition

Date _____, 2014

Senator Gunn

1 moves to amend the bill on page 1, lines 9-17, by rewriting those lines to read:

2
3 "(44) For purposes of this subdivision, the term "public utility" means any of the
4 following: a public utility, as defined in G.S. 62-3(23); an electric
5 membership corporation; telephone membership corporation; a joint
6 municipal power agency; a city or county engaged in producing, generating,
7 transmitting, delivering, or furnishing electricity for private or public use.

8 a. To enter into agreements with municipalities, counties, and other
9 governmental entities for the use of and encroachment upon the
10 right-of-way of any road designated as part of the State highway
11 system for the installation and use of aboveground law enforcement,
12 fire suppression service, emergency medical response service, and
13 related public safety technology; provided that (i) such agreements
14 do not unreasonably interfere with the use of such right-of-way by a
15 public utility with facilities already located within said right-of-way,
16 (ii) such use shall immediately be terminated and any public safety
17 technology and related equipment removed upon request by any
18 affected public utility, and (iii) any entity installing such public
19 safety technology complies with the provisions of the Article 8A of
20 Chapter 87 of the General Statutes.

21 b. To approve requests by municipalities, counties, and other
22 governmental entities to use land or right-of-way owned by the
23 Department of Transportation that is encumbered by utility
24 easements, or otherwise being lawfully occupied by a public utility,
25 for the installation and use of aboveground law enforcement, fire
26 suppression service, emergency medical response service, and related
27 public safety technology, provided that (i) such use of the land or
28 right-of-way is temporary in nature, (ii) all public safety technology
29 permitted hereunder shall be completely aboveground, easily
30 moveable, and contain no combustible fuel, (iii) such use shall not
31 unreasonably interfere with the operation and maintenance of said
32 utility facilities or cause said utility facilities to fail to comply with



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all applicable laws, codes, and regulatory requirements, (iv) such use shall immediately be terminated and any public safety technology and related equipment removed upon request by any affected public utility, and (v) such use shall comply with provisions of the Article 8A of Chapter 87 of the General Statutes. The affected public utility shall have the right to move the public safety technology in the event that said public utility needs immediate access to its utility facilities and, in such event, shall only be liable for damages to said public safety technology caused solely by its gross negligence or willful misconduct.

c. Nothing in the subdivision shall relieve any entity, public or private, of its obligation to comply with the provisions of the Article 8A of Chapter 87 of the General Statutes."

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

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