

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 268
Committee Substitute Favorable 4/21/15
Senate Transportation Committee Substitute Adopted 7/1/15
Proposed Conference Committee Substitute H268-PCCS10430-RW-2

Short Title: Amend Transportation Laws.-AB

(Public)

Sponsors:

Referred to:

March 18, 2015

A BILL TO BE ENTITLED

AN ACT TO MAKE VARIOUS CHANGES TO THE TRANSPORTATION LAWS OF THE
STATE.

The General Assembly of North Carolina enacts:

AMEND HIGHWAY OBSTRUCTION QUICK CLEARANCE REQUIREMENTS

SECTION 1. G.S. 20-161(f) reads as rewritten:

"(f) ~~Any~~An investigating law enforcement officer, with the concurrence of the Department of Transportation, or the Department of Transportation, with the concurrence of an investigating law enforcement officer, may immediately remove or cause to be removed from the State highway system any wrecked, abandoned, disabled, unattended, burned, or partially dismantled vehicle, cargo, or other personal property interfering with the regular flow of traffic or which otherwise constitutes a hazard. In the event of a motor vehicle crash involving serious personal injury or death, no removal shall occur until the investigating law enforcement officer determines that adequate information has been obtained for preparation of a crash report. No state or local law enforcement officer, Department of Transportation employee, or person or firm contracting or assisting in the removal or disposition of any such vehicle, cargo, or other personal property shall be held criminally or civilly liable for any damage or economic injury related to carrying out or enforcing the provisions of this section."

**AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO PERMIT
ENCROACHMENT OF AIR SPACE ABOVE STATE ROAD 1347**

SECTION 2. The Department of Transportation is hereby authorized to permit private use and encroachment upon the air space above State Road 1347, Nevada Boulevard, in the City of Charlotte, for the purpose of construction of a material conveyance system; provided, in the opinion of the Department of Transportation, the material conveyance system will not unreasonably interfere with or impair the property rights or easements of abutting owners nor unreasonably interfere with or obstruct the public use of Nevada Boulevard. This encroachment shall be subject to all other rules, regulations, and conditions of the Department of Transportation for encroachments. The location, plans, and specifications for the material conveyance system shall be approved by the Department.



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2 **DELAY FOR TWO YEARS THE SUNSET ON THE DEPARTMENT OF**
3 **TRANSPORTATION'S PROGRAM FOR PARTICIPATION BY DISADVANTAGED**
4 **MINORITY-OWNED AND WOMEN-OWNED BUSINESSES**

5 **SECTION 3.** G.S. 136-28.4 reads as rewritten:

6 **"§ 136-28.4. State policy concerning participation by disadvantaged minority-owned and**
7 **women-owned businesses in transportation contracts.**

8 ...
9 (b1) Based upon the findings of the Department's ~~2009~~2014 study entitled "~~Measuring~~
10 ~~Business Opportunity: A Disparity Study of NCDOT's State and Federal Programs~~" "North
11 Carolina Department of Transportation Disparity Study, 2014," hereinafter referred to as
12 "Study", the program design shall, to the extent reasonably practicable, incorporate narrowly
13 tailored remedies identified in the Study, and the Department shall implement a comprehensive
14 antidiscrimination enforcement policy. As appropriate, the program design shall be modified by
15 rules adopted by the Department that are consistent with findings made in the Study and in
16 subsequent studies conducted in accordance with subsection (b) of this section. As part of this
17 program, the Department shall review its budget and establish aspirational goals every three
18 years, not mandatory goals, in percentages, for the overall participation in contracts by
19 disadvantaged minority-owned and women-owned businesses. These aspirational goals for
20 disadvantaged minority-owned and women-owned businesses shall be established consistent
21 with federal methodology, and they shall not be applied rigidly on specific contracts or
22 projects. Instead, the Department shall establish contract-specific goals or project-specific goals
23 for the participation of such firms in a manner consistent with availability of disadvantaged
24 minority-owned and women-owned businesses, as appropriately defined by its most recent
25 Study, for each disadvantaged minority-owned and women-owned business category that has
26 demonstrated significant disparity in contract utilization. Nothing in this section shall authorize
27 the use of quotas. Any program implemented as a result of the Study conducted in accordance
28 with this section shall be narrowly tailored to eliminate the effects of historical and continuing
29 discrimination and its impacts on such disadvantaged minority-owned and women-owned
30 businesses without any undue burden on other contractors. The Department shall give equal
31 opportunity for contracts it lets without regard to race, religion, color, creed, national origin,
32 sex, age, or handicapping condition, as defined in G.S. 168A-3, to all contractors and
33 businesses otherwise qualified.

34 ...
35 (e) This section expires ~~August 31, 2015.~~August 31, 2017."

36
37 **EFFECTIVE DATE**

38 **SECTION 4.** Section 1 of this act is effective when this act becomes law and
39 applies to any obstructions to traffic arising on or after 12:01 A.M. of the day following that
40 date. The remainder of this act is effective when it becomes law.