

# ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 481

AMENDMENT NO. A1  
(to be filled in by  
Principal Clerk)

S481-ATM-44 [v.1]

Page 1 of 2

Amends Title [NO]  
Fourth Edition

Date \_\_\_\_\_, 2016

Representative Saine

1 moves to amend the bill on page 8, lines 21-49, by rewriting the lines to read:  
2 **"PART III. PROHIBIT CITIES FROM CHARGING FEES FOR UTILITY USE OF**  
3 **RIGHT-OF-WAY**

4 **SECTION 9.(a)** G.S. 160A-296 reads as rewritten:

5 **"§ 160A-296. Establishment and control of streets; center and edge lines.**

6 (a) A city shall have general authority and control over all public streets, sidewalks, alleys,  
7 bridges, and other ways of public passage within its corporate limits except to the extent that  
8 authority and control over certain streets and bridges is vested in the Board of Transportation.  
9 General authority and control includes but is not limited to all of the following:

10 ...  
11 (6) The power to regulate, license, and prohibit digging in the streets, sidewalks, or  
12 alleys, or placing therein or thereon any pipes, poles, wires, fixtures, or  
13 appliances of any kind either on, above, or below the surface. To the extent a  
14 municipality is authorized under applicable law to impose a fee or charge with  
15 respect to activities conducted in its rights-of-way, the fee or charge must apply  
16 uniformly and on a competitively neutral and nondiscriminatory basis to all  
17 comparable activities by similarly situated users of the rights-of-way. No fee or  
18 charge for activities conducted in the right-of-way shall be assessed on  
19 businesses listed in G.S. 160A-206(b), except the following:

20 a. Fees to recover any difference between a city's right-of-way  
21 management expenses related to the activities of businesses listed in  
22 G.S. 160A-206(b) and distributions under Article 5 of Chapter 105 of  
23 the General Statutes.

24 b. Payments under agreements subject to G.S. 62-350.

25 ...."

26 **SECTION 9.(b)** Subsection (a) of this section becomes effective July 1, 2017.

27 **SECTION 9.(c)** A city may not impose a fee or charge on businesses listed in  
28 G.S. 160A-206(b) for activities conducted in the city's right-of-way, except fees or charges not  
29 exceeding those in effect as of June 1, 2016 or payments under agreements subject to G.S. 62-350.

30 **SECTION 9.(d)** Subsection (c) of this section is effective when it becomes law and is  
31 repealed effective July 1, 2017.  
32



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1 **PART IV. EFFECTIVE DATE**

2 **SECTION 10.** Except as otherwise provided, this act is effective when it becomes  
3 law."  
4

SIGNED \_\_\_\_\_  
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED \_\_\_\_\_ FAILED \_\_\_\_\_ TABLED \_\_\_\_\_

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and vote information, is available in the  
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