

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011**

**SESSION LAW 2012-84
SENATE BILL 890**

AN ACT TO CODIFY THE PROVISIONS OF EXECUTIVE ORDER NO. 2 THAT DELEGATE TO THE SECRETARY OF TRANSPORTATION THE AUTHORITY TO APPROVE HIGHWAY CONSTRUCTION PROJECTS AND CONSTRUCTION PLANS AND TO AWARD HIGHWAY CONSTRUCTION CONTRACTS, REQUIRE THE DEPARTMENT OF TRANSPORTATION TO DEVELOP AND UTILIZE A STRATEGIC PRIORITIZATION PROCESS FOR SELECTION OF TRANSPORTATION PROJECTS, AND STRENGTHEN THE BOARD OF TRANSPORTATION ETHICS POLICY, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143B-350(g) reads as rewritten:

"(g) Delegation of Board Duties. – The Board of Transportation ~~may, in its discretion, shall~~ delegate to the Secretary of Transportation the ~~authority~~authority under subdivisions (1) and (2) of this subsection, and may delegate the authority under subdivision (3) of this subsection:

- (1) To approve all highway construction projects and construction plans for the construction of projects;
- (2) To award all highway construction contracts;
- (3) To promulgate rules, regulations, and ordinances concerning all transportation functions assigned to the Department.

The Secretary may, in turn, subdelegate these duties and powers."

SECTION 2. G.S. 136-18 is amended by adding a new subdivision to read:

"(42) The Department shall develop and utilize a process for selection of transportation projects that is based on professional standards in order to most efficiently use limited resources to benefit all citizens of the State. The strategic prioritization process should be a systematic, data-driven process that includes a combination of quantitative data, qualitative input, and multimodal characteristics, and should include local input. The Department shall develop a process for standardizing or approving local methodology used in Metropolitan Planning Organization and Rural Transportation Planning Organization prioritization."

SECTION 3. G.S. 143B-350 is amended by adding a new subsection to read:

"(o) Additional Ethics Requirements. – Board members shall sign a sworn statement that they will abide by the disclosure, ethics, and education requirements of this section and of Chapter 138A of the General Statutes. Following the convening of each Board of Transportation meeting, and prior to the conduct of business, each Board member shall sign a sworn statement that the member has no financial, professional, or other interest in any project being considered on the meeting agenda. To the extent the Board member has such an interest, the chair and member shall take all appropriate steps to ensure that the interest is properly evaluated and addressed in accordance with law and that the member is not permitted to act on any matter in which the member has a disqualifying conflict of interest."



SECTION 4. This act is effective when it becomes law.
In the General Assembly read three times and ratified this the 19th day of June,
2012.

s/ Walter H. Dalton
President of the Senate

s/ Thom Tillis
Speaker of the House of Representatives

s/ Beverly E. Perdue
Governor

Approved 4:42 p.m. this 26th day of June, 2012