

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015**

**SESSION LAW 2015-231  
HOUSE BILL 268**

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.

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

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

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

...

(b1) Based upon the findings of the Department's ~~2009~~2014 study entitled "~~Measuring Business Opportunity: A Disparity Study of NCDOT's State and Federal Programs~~" "North Carolina Department of Transportation Disparity Study, 2014," hereinafter referred to as "Study", the program design shall, to the extent reasonably practicable, incorporate narrowly tailored remedies identified in the Study, and the Department shall implement a comprehensive antidiscrimination enforcement policy. As appropriate, the program design shall be modified by rules adopted by the Department that are consistent with findings made in the Study and in subsequent studies conducted in accordance with subsection (b) of this section. As part of this program, the Department shall review its budget and establish aspirational goals every three



years, not mandatory goals, in percentages, for the overall participation in contracts by disadvantaged minority-owned and women-owned businesses. These aspirational goals for disadvantaged minority-owned and women-owned businesses shall be established consistent with federal methodology, and they shall not be applied rigidly on specific contracts or projects. Instead, the Department shall establish contract-specific goals or project-specific goals for the participation of such firms in a manner consistent with availability of disadvantaged minority-owned and women-owned businesses, as appropriately defined by its most recent Study, for each disadvantaged minority-owned and women-owned business category that has demonstrated significant disparity in contract utilization. Nothing in this section shall authorize the use of quotas. Any program implemented as a result of the Study conducted in accordance with this section shall be narrowly tailored to eliminate the effects of historical and continuing discrimination and its impacts on such disadvantaged minority-owned and women-owned businesses without any undue burden on other contractors. The Department shall give equal opportunity for contracts it lets without regard to race, religion, color, creed, national origin, sex, age, or handicapping condition, as defined in G.S. 168A-3, to all contractors and businesses otherwise qualified.

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

#### **EFFECTIVE DATE**

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

In the General Assembly read three times and ratified this the 19<sup>th</sup> day of August, 2015.

s/ Daniel J. Forest  
President of the Senate

s/ Tim Moore  
Speaker of the House of Representatives

s/ Pat McCrory  
Governor

Approved 10:08 a.m. this 25<sup>th</sup> day of August, 2015