

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40434-MW-87

Short Title: Utility Forced Relocation Expenses. (Public)

Sponsors: Representative Miller.

Referred to:

A BILL TO BE ENTITLED
AN ACT TO MAKE THE STATE, CITY, OR PUBLIC AUTHORITY REQUIRING THE
RELOCATION OF UTILITY FACILITIES RESPONSIBLE FOR THE COST OF
RELOCATION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-18(10) reads as rewritten:

"(10) To make proper and reasonable rules, regulations, and ordinances for the placing or erection of telephone, telegraph, electric, and other lines, above or below ground, wireless facilities, signboards, fences, gas, water, sewerage, oil, or other pipelines, and other similar obstructions that may, in the opinion of the Department of Transportation, contribute to the hazard upon any of the highways or in any way interfere with the highways, and to make reasonable rules and regulations for the proper control thereof. And whenever the order of the Department of Transportation shall require the removal of, or changes in, the location of telephone, telegraph, electric, or other lines, wireless facilities, signboards, fences, gas, water, sewerage, oil, or other pipelines, or other similar obstructions, the owners thereof shall at their own expense, except as provided in ~~G.S. 136-19.5(c)~~, G.S. 136-19.5(c) or G.S. 136-19.5(c1), move or change them to conform to the order of the Department of Transportation. Any violation of these rules and regulations or noncompliance with these orders constitutes a Class 1 misdemeanor. For purposes of this subdivision, "wireless facilities" has the definition set forth in G.S. 160D-931."

SECTION 2. G.S. 136-19.5 is amended by adding a new subsection to read:

"(c1) If the relocation of utility facilities within the meaning of 23 U.S.C. § 123, and as applied by the U.S. Department of Transportation in 23 C.F.R. § 645.105, is necessitated by the construction of a project on the federal-aid interstate system, including extensions thereof within urban areas, and the cost of the project is eligible and approved for reimbursement by the federal government under the Federal-Aid Highway Act, or any amendment thereof, then in that event the owner or operator of the facilities shall perform any necessary work upon notice from the Department of Transportation, and the State shall pay the entire expense properly attributable to such work after deducting therefrom any increase in the value of the new facility and any salvage value derived from the old facility."

SECTION 3. Article 15 of Chapter 160A of the General Statutes is amended by adding a new section to read:

"§ 160A-296.2. Relocation of communications service facilities.



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Whenever a city requires or directs the removal or relocation of facilities installed or operated in the city's rights-of-way by an owner or operator of broadband services, video programming services pursuant to a franchise issued by the Secretary of State, telephone or telegraph lines, or a wireless facility, as defined in G.S. 160D-931(22), the owner or operator shall remove or relocate the facilities, and the city shall reimburse the owner or operator for the costs and expenses attributable thereto. This section shall not apply to a city with a population of less than 5,000 according to the most recent federal decennial census, unless the removal or relocation is required or directed by the city for a road improvement or construction project funded exclusively with federal funds."

SECTION 4. G.S. 160A-479.15 reads as rewritten:

"§ 160A-479.15. Removal and relocation of utility structures.

(a) An authority may require any public utility, railroad, or other public service corporation owning or operating any installations, structures, equipment, apparatus, appliances or facilities in, upon, under, over, across or along any land or facility where an authority has the right to own, construct, operate or maintain its facilities to remove or relocate such installation, structures, equipment, apparatus, appliances or facilities from their location. For purposes of this section, the term "public service corporation" includes an owner or operator of broadband services, video programming services pursuant to a franchise issued by the Secretary of State, telephone or telegraph lines, or a wireless facility, as that term is defined in G.S. 160D-931(22).

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SECTION 5. G.S. 160A-621 reads as rewritten:

"§ 160A-621. Removal and relocation of utility structures.

(a) The Authority shall have the power to require any public utility, railroad, or other public service corporation owning or operating any installations, structures, equipment, apparatus, appliances or facilities in, upon, under, over, across or along any ways on which the Authority has the right to own, construct, operate or maintain its public transportation system, to relocate such installation, structures, equipment, apparatus, appliances or facilities from their locations, or, in the sole discretion of the affected public utility, railroad, or other public service corporation, to remove such installations, structures, equipment, apparatus, appliances or facilities from their locations. For purposes of this section, the term "public service corporation" includes an owner or operator of broadband services, video programming services pursuant to a franchise issued by the Secretary of State, telephone or telegraph lines, or a wireless facility, as that term is defined in G.S. 160D-931(22).

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SECTION 6. G.S. 160A-651 reads as rewritten:

"§ 160A-651. Removal and relocation of utility structures.

(a) The Authority shall have the power to require any public utility, railroad, or other public service corporation owning or operating any installations, structures, equipment, apparatus, appliances, or facilities in, upon, under, over, across or along any ways on which the Authority has the right to own, construct, operate, or maintain its public transportation system, to relocate such installation, structures, equipment, apparatus, appliances, or facilities from their locations, or, in the sole discretion of the affected public utility, railroad, or other public service corporation, to remove such installations, structures, equipment, apparatus, appliances, or facilities from their locations. For purposes of this section, the term "public service corporation" includes an owner or operator of broadband services, video programming services pursuant to a franchise issued by the Secretary of State, telephone or telegraph lines, or a wireless facility, as that term is defined in G.S. 160D-931(22).

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SECTION 7. This act is effective when it becomes law.