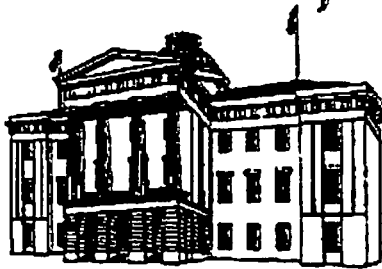


State of North Carolina



BEVERLY EAVES PERDUE
GOVERNOR

EXECUTIVE ORDER NO 2

REFORMING DEPARTMENT OF TRANSPORTATION

WHEREAS, the State, through the Office of the Governor, has an obligation to assure that highway construction plans are developed and that projects are awarded based on professional standards designed to meet the needs of citizens and communities across the State fairly, efficiently and effectively; and

WHEREAS, the present process for developing plans and approving projects needs to be reformed in order to assure that plans are developed and projects are awarded based on professional standards and not other considerations.

NOW, THEREFORE, pursuant to the authority vested in me as Governor by the Constitution and the laws of the State of North Carolina, **IT IS ORDERED**.

Section 1. Board of Transportation Reform

The State Board of Transportation shall exercise the authority conferred on it by G.S. § 143B-350(g) to delegate to the Secretary the authority to approve highway construction projects and construction plans and to award highway construction contracts. The Board shall retain those duties prescribed to it under G.S. § 143B-350 and carry them out in accordance with a professional approval process to be established by the Secretary pursuant to Section 2 of this Order.

Section 2. Department of Transportation.

- (a) The Secretary of the Department of Transportation shall implement throughout the Department a professional approval process for all highway construction programs, highway construction contracts, highway construction projects, and plans for the construction of projects.
- (b) The Secretary will implement this professional approval process within 60 days of the signing of this Order.

Section 3. Strengthen Board of Transportation Ethics Policy

- (a) In addition to the disclosure requirements of G.S. § 143B-350 and the ethics provisions of G.S. § 143B-350, board members shall sign sworn statements that they will abide by the disclosure and ethics standards as set forth by law. Board members shall swear as part of these statements that they will follow the standards set forth by the State Government Ethics Act and attend any ethics education programs developed for the Board as set forth in G.S. § 143B-350(m).
- (b) Following the convening of each State Board of Transportation meeting and prior to the conduct of business, each board member shall sign a sworn statement that he or she has no financial, professional, or other interest in any project being considered on the meeting agenda. To the extent any board member has such an interest, the Chair and member shall take all appropriate steps to ensure the interest is properly evaluated and addressed under the law and that no member is permitted to act on any matter in which he or she has a disqualifying conflict of interest.
- (c) Failure of any member of the State Board of Transportation to comply with the standards of conduct established by G.S. § 143B-350, by other laws of this State, or by the terms of this Executive Order will constitute grounds for removal from office.

Section 4. Implementation and Duration

This Executive Order shall be effective immediately and shall remain in effect until rescinded.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this twelfth day of January in the year of our Lord two thousand and nine, and of the Independence of the United States of America the two hundred and thirty-third.

Beverly Eaves Perdue
Governor

ATTEST:

Elaine F. Marshall
Secretary of State