

March 13, 2003

H 439. CARTWAYS. *TO AMEND THE LAWS RELATING TO THE OPENING OF CARTWAYS.*

GS 136-69(a) permits property owners without an easement or right-of-way to public road to use procedures set forth in GS 136-68 to establish cartways for the purpose of obtaining access to their property. Act amends GS 136-69(a) to add single-family homesteads of seven acres or more to the list of activities for which cartways may be obtained and to establish the size of all cartways that may be approved by courts to not more than 18 feet (was, not less than 18 feet) in width or other width requested and found necessary. Provides that existing private railroad crossings may be used as a cartway only where entity requesting cartway shares cost of maintaining crossing with other landowners using crossing and agrees to hold railroad harmless of all liability associated with crossing. Further states that except by agreement of railroad, no other railroad property shall be used as cartway and requires that upon request a railroad shall negotiate the location of new railroad crossings in good faith.

Intro. by Sexton.

Ref. to Transportation	GS 136
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April 30, 2003

H 439. CARTWAYS. Intro. 3/13/03. House committee substitute adopted 4/29/03 makes the following changes to 1st edition. Adds provision requiring the person seeking to use a private railroad crossing as part of a cartway to reimburse the railroad for the cost of maintaining the crossing. Deletes provision concerning establishment of a new railroad crossing as a cartway. Act to expire July 1, 2005.