

April 16, 2007

**H 1508. BROADEN LAW PROVIDING FOR CARTWAYS.** Filed 4/16/07. *TO BROADEN THE LAW PROVIDING FOR THE ESTABLISHMENT OF CARTWAYS.*

Amends GS 136-69 as follows. Includes the use of land as a single-family homestead in those uses for which a special proceeding to establish a cartway is allowed. Includes a deeded or documented easement or a right-of-way to a public road in the means of transportation that must be absent before instituting a special proceeding. Changes the dimensions of the cartway that may be allowed from no less than 18 feet in width to no more than 18 feet of travel surface or other minimum width requested in the petition and found necessary, and not more than 30 feet in width for cuts, fills, and ditches, or flumes. Requires priority to be given to the location of a previous cartway or easement when determining the path of a granted cartway. If a cartway is granted for use by one or more single-family homesteads, each homestead must consist of at least seven acres of land. Establishes when a private railroad crossing may be used as part of a cartway. Also provides that a permissive use right-of-way or easement across another's land does not bar the establishment of a cartway. Amends GS 136-70 to provide that a cartway does not terminate until the time specified in the petition. Current law automatically terminates cartways established for removing timber after five years unless a greater time is set in the petition. Expires July 1, 2012.

**Intro. by Haire.**

GS 136