

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H.B. 430
Mar 26, 2013
HOUSE PRINCIPAL CLERK

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HOUSE DRH30233-MH-118 (03/19)

Short Title: DOT/Reactivate ROW.

(Public)

Sponsors: Representative Brody.

Referred to:

- 1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT, UPON MOTION FROM THE BOARD OF COUNTY
3 COMMISSIONERS, THE DEPARTMENT OF TRANSPORTATION SHALL
4 EVALUATE CERTAIN RIGHT-OF-WAY HOLDINGS FOR ADDITION TO THE
5 SECONDARY ROAD SYSTEM.
6 The General Assembly of North Carolina enacts:
7 **SECTION 1.** G.S. 136-44.10 reads as rewritten:
8 "**§ 136-44.10. Additions to secondary road system; petitions for reactivation.**
9 (a) The Board of Transportation shall adopt uniform statewide or regional standards
10 and criteria which the Department of Transportation shall follow for additions to the secondary
11 road system. These standards and criteria shall be promulgated and copies made available for
12 free distribution.
13 (b) Notwithstanding subsection (a) of this section, or the Department of
14 Transportation's official inventory of secondary roads, upon adoption and notice to the
15 Department of Transportation of a resolution by any board of county commissioners that
16 includes findings by the board that (i) an issue of fact exists with respect to whether a roadway
17 or a portion of a roadway that is abandoned or no longer maintained by the Department of
18 Transportation was dedicated to the Department in the past and (ii) as a result of that issue of
19 fact, one or more landowners or the public have been denied use of the roadway, the
20 Department shall:
21 (1) Investigate and determine whether the roadway, in fact, is located on
22 right-of-way dedicated to and accepted by the Department of Transportation.
23 (2) If the right-of-way of the roadway is owned by the Department of
24 Transportation, the Department shall add the roadway or portion of roadway
25 to the secondary road system."
26 **SECTION 2.** This act is effective when it becomes law.

