

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 915

Short Title: Neighborhood Public Roads.

(Public)

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Sponsors: Senator Plyler.

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Referred to: Transportation

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May 1, 1995

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE LAW GOVERNING NEIGHBORHOOD PUBLIC  
ROADS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 136-67 reads as rewritten:

**"§ 136-67. Neighborhood public roads.**

All those portions of the public road system of the State which as of 1941 have not been taken over and placed under maintenance or which have been abandoned by the Department of Transportation, but which remain open and in general use since 1941 as a necessary means of ingress to and egress from the dwelling house of one or more families, and all those roads that have been laid out, constructed, or reconstructed with unemployment relief funds under the supervision of the Department of Human Resources, which were in existence in 1941 and have remained open and in general use since 1941, and all other roads or streets or portions of roads or streets whatsoever outside of the boundaries of any incorporated city or town in the State which serve a public use and as a means of ingress or egress for one or more families, as of 1941 and have remained open and in general use since 1941, regardless of whether the same have ever been a portion of any State or county road system, are hereby declared to be neighborhood public roads and they shall be subject to all of the provisions of G.S. 136-68, 136-69 and 136-70 with respect to the alteration, extension, or discontinuance thereof,

1 and any interested party is authorized to institute such proceeding, and in lieu of personal  
2 service with respect to this class of roads, notice by publication once a week in any  
3 newspaper published in said county, or in the event there is no such newspaper, by  
4 posting at the courthouse door and three other public places, shall be deemed sufficient:  
5 Provided, that this definition of neighborhood public roads shall not be construed to  
6 embrace any street, road or driveway that ~~serves~~served an essentially private ~~use,~~use as  
7 of 1941, and all those portions and segments of old roads, formerly a part of the public  
8 road system, which ~~have~~had not been taken over and placed under maintenance and  
9 which ~~have been~~were abandoned by the Department of ~~Transportation~~Transportation, as  
10 of 1941 and which ~~do~~did not in 1941 serve as a necessary means of ingress to and egress  
11 from an occupied dwelling house are hereby specifically excluded from the definition of  
12 neighborhood public roads, and the owner of the land, burdened with such portions and  
13 segments of such old roads, is hereby invested with the easement or right-of-way for such  
14 old roads heretofore ~~existing,~~existing: Provided, further, that if the road was in existence  
15 as a public road in 1941, and has been continually in use thereafter, any party seeking to  
16 establish a neighborhood public road in any proceeding shall not be required to prove the  
17 use of the road, or the nature of the use of the road, prior to 1941.

18 Upon request of the board of county commissioners of any county, the Department of  
19 Transportation is permitted, but is not required, to place such neighborhood public roads  
20 as above defined in a passable condition without incorporating the same into the State or  
21 county system, and without becoming obligated in any manner for the permanent  
22 maintenance thereof.

23 This section shall not authorize the reopening on abandoned roads of any railroad  
24 grade crossing that has been closed by order of the Department of Transportation in  
25 connection with the building of an overhead bridge or underpass to take the place of such  
26 grade crossing."

27 Sec. 2. This act is effective upon ratification.