

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 430

Short Title: DOT/Reactivate ROW. (Public)

Sponsors: Representative Brody (Primary Sponsor).

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Transportation.

March 27, 2013

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT, UPON MOTION FROM THE BOARD OF COUNTY COMMISSIONERS, THE DEPARTMENT OF TRANSPORTATION SHALL EVALUATE CERTAIN RIGHT-OF-WAY HOLDINGS FOR ADDITION TO THE SECONDARY ROAD SYSTEM.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-44.10 reads as rewritten:

"§ 136-44.10. **Additions to secondary road system; petitions for reactivation.**

(a) The Board of Transportation shall adopt uniform statewide or regional standards and criteria which the Department of Transportation shall follow for additions to the secondary road system. These standards and criteria shall be promulgated and copies made available for free distribution.

(b) Notwithstanding subsection (a) of this section, or the Department of Transportation's official inventory of secondary roads, upon adoption and notice to the Department of Transportation of a resolution by any board of county commissioners that includes findings by the board that (i) an issue of fact exists with respect to whether a roadway or a portion of a roadway that is abandoned or no longer maintained by the Department of Transportation was dedicated to the Department in the past and (ii) as a result of that issue of fact, one or more landowners or the public have been denied use of the roadway, the Department shall:

- (1) Investigate and determine whether the roadway, in fact, is located on right-of-way dedicated to and accepted by the Department of Transportation.
- (2) If the right-of-way of the roadway is owned by the Department of Transportation, the Department shall add the roadway or portion of roadway to the secondary road system."

SECTION 2. This act is effective when it becomes law.

