

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 1150
Committee Substitute Favorable 6/7/93

Short Title: DOT Road Abandonment Limited.

(Public)

Sponsors:

Referred to:

April 19, 1993

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO OBTAIN THE CONSENT OF A MUNICIPALITY BEFORE A STATE HIGHWAY SYSTEM ROAD WITHIN ONE MILE OF THE MUNICIPALITY'S LIMITS IS ABANDONED, CLOSED, OR MADE PRIVATE; AND TO AUTHORIZE THE MUNICIPALITY TO ASSUME MAINTENANCE OF THE ROAD.

The General Assembly of North Carolina enacts:

Section 1. G.S. 136-55.1 reads as rewritten:

"§ 136-55.1. Notice of abandonment.

(a) At least 60 days prior to any action by the Department of Transportation abandoning a segment of road and removing the same from the State highway system for maintenance, except roads abandoned on request of the county commissioners under G.S. 136-63, the Department of Transportation shall notify by registered mail or personal delivery all owners of property adjoining the section of road to be abandoned whose whereabouts can be ascertained by due diligence. Said notice shall describe the section of road which is proposed to be abandoned and shall give the date, place and time of the Department of Transportation meeting at which the action abandoning said section of road is to be taken.

(b) State highway system roads within one mile of the corporate limits of a municipality shall not be abandoned, closed, or made private without the consent of the municipality. A municipality may assume responsibility for maintenance of a State highway system road abandoned or closed within one mile of its corporate limits."

Sec. 2. G.S. 136-63 reads as rewritten:

1 "§ 136-63. Change or abandonment of roads.

2 (a) The board of county commissioners of any county may, on its own motion or
3 on petition of a group of citizens, request the Board of Transportation to change or
4 abandon any road in the secondary system when the best interest of the people of the
5 county will be served thereby. The Board of Transportation shall thereupon make
6 inquiry into the proposed change or abandonment, and if in its opinion the public
7 interest demands it, shall make such change or abandonment. If the change or
8 abandonment shall affect a road connecting with any street of a city or town, the change
9 or abandonment shall not be made until the street-governing body of the city or town
10 shall have been duly notified and given opportunity to be heard on the question. Any
11 request by a board of county commissioners or street-governing body of a city refused
12 by the Board of Transportation may be presented again upon the expiration of 12
13 months.

14 (b) State highway system roads within one mile of the corporate limits of a
15 municipality shall not be abandoned, closed, or made private without the consent of the
16 municipality. A municipality may assume responsibility for maintenance of a State
17 highway system road abandoned or closed within one mile of its corporate limits."

18 Sec. 3. This act is effective upon ratification.