

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 1150

Short Title: DOT Road Abandonment Limited.

(Public)

Sponsors: Representative Richardson.

Referred to: Transportation.

April 19, 1993

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT THE DEPARTMENT OF TRANSPORTATION FROM CLOSING OR ABANDONING A STATE ROAD WITHIN ONE MILE OF A MUNICIPALITY WITHOUT THAT MUNICIPALITY'S CONSENT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 136-54 reads as rewritten:

"§ 136-54. Power to make changes.

The Board of Transportation shall be authorized, when in its judgment the public good requires it, to change, alter, add to, or abandon and substitute new sections for, any portion of the State highway system. Provided, however, the Board of Transportation shall not abandon any portion of the State highway system within one mile of the corporate limits of a municipality without the approval of that governing board of that municipality."

Sec. 2. G.S. 136-55.1 reads as rewritten:

"§ 136-55.1. Notice of abandonment.

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.

1 Provided, however, that at least 60 days prior to any action by the Department of
2 Transportation abandoning a segment of road, within one mile of the corporate limits of
3 a municipality and removing the same from the State highway system for maintenance,
4 the Department of Transportation shall notify that municipality and shall not abandon or
5 remove the road from the State highway system for maintenance without the consent of
6 the governing board of that municipality."

7 Sec. 3. G.S. 136-63 reads as rewritten:

8 **"§ 136-63. Change or abandonment of roads.**

9 The board of county commissioners of any county may, on its own motion or on
10 petition of a group of citizens, request the Board of Transportation to change or abandon
11 any road in the secondary system when the best interest of the people of the county will
12 be served thereby. The Board of Transportation shall thereupon make inquiry into the
13 proposed change or abandonment, and if in its opinion the public interest demands it,
14 shall make such change or abandonment. If the change or abandonment shall affect a
15 road connecting with any street of a city or town, the change or abandonment shall not
16 be made until the street-governing body of the city or town shall have been duly notified
17 and given opportunity to be heard on the question. If the abandonment shall affect a
18 road within one mile of the corporate limits of a city or town, the abandonment shall not
19 be made until the governing body of the city or town has been duly notified and has
20 given consent for the abandonment. Any request by a board of county commissioners
21 or street-governing body of a city refused by the Board of Transportation may be
22 presented again upon the expiration of 12 months."

23 Sec. 4. This act is effective upon ratification.