

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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HOUSE BILL 601

Short Title: Substandard Subdivision Road Study.

(Public)

Sponsors: Representatives Brubaker; Culp and Sexton.

Referred to: Rules, Calendar, and Operations of the House.

March 14, 2001

A BILL TO BE ENTITLED

1
2 AN ACT TO PROVIDE FOR A STUDY OF SUBSTANDARD SUBDIVISION
3 ROADS WITH A DETERMINATION OF THE COST FOR THE DEPARTMENT
4 OF TRANSPORTATION TO MINIMALLY UPGRADE AND MAINTAIN
5 THOSE ROADS.

6 Whereas, pursuant to G.S. 136-102.6, all subdivision plats filed with the
7 Registers of Deeds on or after October 1, 1975, were required to be reviewed by
8 Department of Transportation Division Engineers and the status of the streets on the
9 map were to be clearly indicated as 'public' or 'private'; and

10 Whereas, pursuant to that same statute, in subsection (f), all developers or
11 sellers of property were to notify all prospective buyers, in a separate written
12 declaration, of the status of the roads on which the house or lot fronted before entering
13 into any sales agreement; and

14 Whereas, the requirement for the subdivision streets disclosure statement was
15 not always met, leading to subsequent owners of homes in a subdivision either
16 incorrectly believing that their streets were on the State system and would be
17 maintained by the Department of Transportation or not receiving any notice at all; and

18 Whereas, the cost of bringing subdivision streets up to State standards is often
19 prohibitive for the adjacent homeowners leading to streets that are broken and in serious
20 need of repair, often impassable by emergency vehicles; Now, therefore,
21 The General Assembly of North Carolina enacts:

22 **SECTION 1.** The Department of Transportation shall undertake a study to
23 investigate subdivision roads that do not meet the standards for acceptance onto the
24 State highway system. As part of this study, the Department shall:

- 25 (1) Establish new standards for subdivision roads that do not meet the
26 requirements for acceptance onto the State highway system for limited
27 upgrading and scheduled maintenance by the Department.

1 (2) In each Highway Division, select one subdivision and upgrade the
2 substandard subdivision roads in accordance with the minimum
3 maintenance standards adopted pursuant to subdivision (1) of this
4 section to establish an actual cost for the minimal maintenance.

5 (3) In conjunction with the Department of Justice and the North Carolina
6 Association of County Commissioners determine a procedure by
7 which:

8 a. The counties can pay for the cost of the upgrading and minimal
9 maintenance by the Department, and the owners of the adjacent
10 land can repay to the County the costs over a reasonable period
11 of time as an assessment running with the land.

12 b. The requirement for the subdivision streets disclosure statement
13 can be strictly enforced for all new subdivisions.

14 **SECTION 2.** The Department of Transportation shall report the results of
15 this study to the 2002 Regular Session of the 2001 General Assembly with any
16 legislation necessary to provide the upgrading and minimal maintenance for all
17 substandard subdivision roads in this State.

18 **SECTION 3.** This act is effective when it becomes law.