

February 8, 1999

H 41. CARTWAY AMENDMENT. TO BROADEN THE LAW PROVIDING FOR THE ESTABLISHMENT OF CARTWAYS. Amends GS 136-69 to provide that single-family homesteads of seven or more acres that lack access to public roads can institute cartway proceedings to create road access. Limits cartways to a maximum of 18 feet of travel surface and 30 feet in width for cuts, fills and ditches. Permits use of private railroad crossings as part of cartways, provided the person seeking the cartway shares the cost of maintaining the private crossing and agrees to indemnify the railroad against liability associated with the crossing. Requires railroads to negotiate in good faith with persons seeking a cartway that requires a new railroad crossing. Removes permissive use of a right of way or easement as a bar to the establishment of a cartway. Requires cartway juries to give priority to the location of previously used easements or cartways. Amends GS 136-70 to remove the five-year termination period for cartways established for the removal of timber, providing instead that all cartways terminate at the time specified in the cartway petition as found by the court.

Intro. by Brown.

Ref. to Rules

GS 136