

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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HOUSE BILL 824
Committee Substitute Favorable 4/3/03
Committee Substitute #2 Favorable 4/9/03
Senate Judiciary II Committee Substitute Adopted 6/9/03
Fifth Edition Engrossed 6/10/03

Short Title: DOT Bridge Encroachments.

(Public)

Sponsors:

Referred to:

April 1, 2003

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO
PERMIT ENCROACHMENT ON ITS RIGHTS-OF-WAY FOR THE
CONSTRUCTION OF PRIVATE BRIDGES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-18 is amended by adding a new subdivision to read:

"(37) To permit private use of and encroachment upon the right-of-way of a State highway or road for the purpose of construction and maintenance of a privately owned bridge for pedestrians or motor vehicles, if the bridge shall not unreasonably interfere with or obstruct the public use of the right-of-way. Any agreement for an encroachment authorized by this subdivision shall be approved by the Board of Transportation, upon a finding that the encroachment is necessary and appropriate, in the sole discretion of the Board. Locations, plans, and specifications for any pedestrian or vehicular bridge authorized by the Board for construction pursuant to this subdivision shall be approved by the Department of Transportation. For any bridge subject to this subdivision, the Department shall retain the right to reject any plans, specifications, or materials used or proposed to be used, inspect and approve all materials to be used, inspect the construction, maintenance, or repair, and require the replacement, reconstruction, repair, or demolition of any partially or wholly completed bridge that, in the sole discretion of the Department, is unsafe or substandard in design or construction. An encroachment agreement authorized by this subdivision may include a requirement to purchase and maintain liability insurance in an amount determined by the Department of

1 Transportation. The Department shall ensure that any bridge
2 constructed pursuant to this subdivision is regularly inspected for
3 safety. The owner shall have the bridge inspected every two years by a
4 qualified private engineering firm based on National Bridge Inspection
5 Standards and shall provide the Department copies of the Bridge
6 Inspection Reports where they shall be kept on file. Any bridge
7 authorized and constructed pursuant to this subdivision shall be subject
8 to all other rules and conditions of the Department of Transportation
9 for encroachments."

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