

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

3

HOUSE BILL 824
Committee Substitute Favorable 4/3/03
Committee Substitute #2 Favorable 4/9/03

Short Title: DOT Bridge Encroachments.

(Public)

Sponsors:

Referred to:

April 1, 2003

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO
3 PERMIT ENCROACHMENT ON ITS RIGHTS-OF-WAY FOR THE
4 CONSTRUCTION OF PRIVATE BRIDGES.

5 The General Assembly of North Carolina enacts:

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

7 "(36) To permit private use of and encroachment upon the right-of-way of a
8 State highway or road for the purpose of construction and maintenance
9 of a privately owned bridge for pedestrians or motor vehicles, if the
10 bridge shall not unreasonably interfere with or obstruct the public use
11 of the right-of-way. Any encroachment authorized by this subdivision
12 shall be approved by the Board of Transportation, upon a finding that
13 the encroachment is necessary and appropriate, in the sole discretion of
14 the Board. Locations, plans, and specifications for any pedestrian or
15 vehicular bridge authorized by the Board for construction pursuant to
16 this subdivision shall be approved by the Department of
17 Transportation. For any bridge subject to this subdivision, the
18 Department shall retain the right to reject any plans, specifications, or
19 materials used or proposed to be used, inspect and approve all
20 materials to be used, supervise the construction, and require the
21 replacement, reconstruction, repair, or demolition of any partially or
22 wholly completed bridge that, in the sole discretion of the Department,
23 is unsafe or substandard in design or construction. The Department
24 shall ensure that any bridge constructed pursuant to this subdivision is
25 regularly inspected for safety. Any bridge authorized and constructed
26 pursuant to this subdivision shall be subject to all other rules and
27 conditions of the Department of Transportation for encroachments."

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