



# SENATE BILL 581: Study/Subdivision Street Maintenance

2015-2016 General Assembly

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<b>Committee:</b>	House Transportation	<b>Date:</b>	July 28, 2015
<b>Introduced by:</b>	Sen. Pate	<b>Prepared by:</b>	Wendy Graf Ray
<b>Analysis of:</b>	PCS to First Edition S581-CSSU-33		Committee Counsel

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**SUMMARY:** *Senate Bill 581 would direct the Department of Transportation to study the process and requirements for the Department to accept subdivision streets into the State highway system for maintenance and report its findings by February 1, 2016. The bill would also amend a provision allowing certain subdivisions to install traffic calming devices by lowering the percentage of property owners needed to approve a device.*

**CURRENT LAW:** G.S. 136-102.6 governs how/when subdivision streets will be taken into the State highway system for maintenance. The statute provides that any street on land subdivided on or after October 1, 1975 must be built to the minimum right of way and construction standards established by the Department of Transportation, or it will not be accepted into the State system. In addition, it requires a disclosure statement by the developer and seller to inform a buyer that the road is either public and meets requirements for acceptance into the State system, or that it is private along with an explanation of the consequences and responsibilities as to maintenance. The statute states its purpose to ensure that, from October 1, 1975, forward, new subdivision roads are to be built to State standards or full and accurate disclosure of the responsibility for those roads must be made.

G.S. 136-102.8 authorizes the Department of Transportation to establish procedures for the installation of traffic calming devices on State-maintained subdivision streets if:

- A traffic engineering study has been approved by the Department.
- Installation is in a subdivision with a homeowners association or in a neighborhood where property owners have an agreement outlining responsibility for the devices.
- Devices are paid for and maintained by the neighborhood.
- Devices have been approved by at least 70% of property owners.
- The neighborhood posts a performance bond with the Department to cover maintenance or removal if the subdivision fails to maintain the devices.

**BILL ANALYSIS:** *Section 1 of Senate Bill 581 would direct the Department of Transportation to study requirements for accepting subdivision streets into the State highway system for maintenance, including:*

- Whether the process is efficient and timely.
- Whether the standards for acceptance are reasonable.
- Financial impact to the State and homeowners.
- Any other matters the Department deems relevant.

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The Department would be required to report its findings and recommendations to the Joint Legislative Transportation Oversight Committee by February 1, 2016.

*Section 2* of the bill would amend G.S. 136-102.8 to reduce the percentage of property owners whose approval is needed to install a neighborhood traffic calming device from 70% to 60%.

**EFFECTIVE DATE:** The act would be effective when it becomes law.