



2025-2026 General Assembly

# SENATE BILL 391:

## Department of Transportation Omnibus, Sec. 14: Codify Limits of Existing Rights-of-Way and Easements Maintained by the Department of Transportation to Provide Clarity and Consistency for Persons Impacted by Previous Property Transactions That Were Not Documented or Recorded in Accordance with Current Requirements

**Analysis of:** S.L. 2025-47, Sec. 14

**Date:** August 6, 2025

**Prepared by:** Legislative Analysis  
Division Staff

Section 14 of S.L. 2025-47 (Senate Bill 391) enacts a statutory provision defining the boundaries of rights-of-way and easements for roadways where the Department of Transportation (DOT) has responsibility for maintenance but there is no instrument of conveyance describing the boundaries.

When a developer is required by DOT to construct offsite improvements as a condition of receiving a permit, and by constructing offsite improvements there is a need for the developer to acquire a right-of-way or easement but the developer is unable to do so, DOT must coordinate with the developer to revise the project so that no right-of-way or easement is needed. DOT must act within a reasonable amount of time once the developer shows proof of a good-faith effort to get the land.

DOT is prohibited from requiring a Hold Harmless declaration from a developer, and DOT may not take any action that would constitute a taking of property in violation of the Constitution of this State or of the United States.

By October 1, 2025, DOT must submit a report to the Joint Legislative Transportation Oversight Committee describing the maintenance limits used by DOT and recommending any additional legislative changes that may further aid in defining the boundaries of rights-of-way and easements subject to this section.

DOT must adopt rules, or amend their rules, to be consistent with these provisions.

This section became effective July 1, 2025.

Kara McCraw  
Director



Legislative Analysis  
Division  
919-733-2578