

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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SENATE BILL DRS35139-MQ-60

Short Title: Expand Cartway Path Law.

(Public)

Sponsors: Senators McInnis, Gunn, and Wells (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW FOR THE LAYING OFF OF A CARTWAY OF UP TO THIRTY FEET
3 IF GOOD CAUSE IS DEMONSTRATED.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 136-69 reads as rewritten:

6 "§ 136-69. Cartways, tramways, etc., laid out; procedure.

7 (a) If any person, firm, association, or corporation shall be engaged in the cultivation of
8 any land or the cutting and removing of any standing timber, or the working of any quarries,
9 mines, or minerals, or the operating of any industrial or manufacturing plants, or public or private
10 cemetery, or taking action preparatory to the operation of any such enterprises, to which there is
11 leading no public road or other adequate means of transportation, other than a navigable
12 waterway, affording necessary and proper means of ingress thereto and egress therefrom, such
13 person, firm, association, or corporation may institute a special proceeding as set out in the
14 preceding section (G.S. 136-68), and if it shall be made to appear to the court necessary,
15 reasonable and just that such person shall have a private way to a public road or watercourse or
16 railroad over the lands of other persons, the court shall appoint a jury of view of three
17 disinterested freeholders to view the premises and lay off a cartway, tramway, or railway of not
18 less than 18 feet in width, or cableways, chutes, and flumes, and assess the damages the owner
19 or owners of the land crossed may sustain thereby, and make report of their findings in writing
20 to the clerk of the superior court. The jury of view may lay off a cartway, tramway, or railway of
21 greater than 18 feet in width, but no more than 30 feet in width, if it determines there exists
22 necessity or good cause. Exceptions to said report may be filed by any interested party and such
23 exceptions shall be heard and determined by the clerk of the superior court. The clerk of the
24 superior court may affirm or modify said report, or set the same aside and order a new jury of
25 view. All damages assessed by a judgment of the clerk, together with the cost of the proceeding,
26 shall be paid into the clerk's office before the petitioners shall acquire any rights under said
27 proceeding.

28 ...

29 (c) Where a tract of land lies partly in one county and partly in an adjoining county, or
30 where a tract of land lies wholly within one county and the public road nearest or from which the
31 most practical roadway to said land would run, lies in an adjoining county and the practical way
32 for a cartway to said land would lead over lands in an adjoining county, then and in that event
33 the proceeding for the laying out and establishing of a cartway may be commenced in either the
34 county in which the land is located or the adjoining county through which said cartway would
35 extend to the public road, and upon the filing of such petition in either county the clerk of the
36 court shall have jurisdiction to proceed for the appointment of a jury from the county in which



1 the petition is filed and proceed for the laying out and establishing of a cartway as if the tract of
2 land to be reached by the cartway and the entire length of the cartway are all located within the
3 bounds of said county in which the petition may be filed."

4 **SECTION 2.** This act is effective when it becomes law and applies to special
5 proceedings filed on or after that date.