

[MU-8] MAINTENANCE IN MUNICIPALITIES WITH POPULATIONS LESS THAN 5,000

[G.S. 136-41.3](#) sets forth that municipalities having a population of less than 5,000, the Department of Transportation shall upon the request of such municipality...undertake such street construction, maintenance or improvement on non-system streets as the municipality may request within the limits of the current or accrued payments made to the municipality under the provisions of [G.S. 136-41.1](#) (Powell Bill).

In computing costs for such activity, the NCDOT may use the same rate for equipment, rental, labor, materials, supervision, engineering and other items, which the Department of Transportation uses in making charges to one of its own departments or against its own department, or it may employ a contractor to do the work, in which case the charges will be the contract costs plus engineering and inspection. The municipality is to specify the location, extent, and type of the work to be done, and shall provide the necessary rights-of-way, authorization for the removal of such items as poles, trees, water, and sewer lines as necessary, holding the Department of Transportation free from any claim by virtue of such items of cost and from such damage or claims as may arise therefrom except from negligence on the part of the Department of Transportation, its agents, or employees.

If a municipality elects to bring itself under the provisions of the two preceding paragraphs, it shall enter into a two - year contract with the NCDOT. If it desires to dissolve the contract at the end of any two-year period, it shall notify the NCDOT of its desire to terminate said contract on or before April 1 of the year in which such contract shall expire; otherwise, said contract shall continue for an additional two-year period, and if the municipality elects to bring itself under the provisions of the preceding two paragraphs and thereafter fails to pay its account to the Department of Transportation for the fiscal year ending June 30 by August 1 following the fiscal year, then the NCDOT shall apply the said municipality's allocation under G.S. 136-41.1 to this account until said account is paid and the NCDOT shall not be obligated to do any further work provided for in the preceding two paragraphs until such account is paid.

[G.S. 136-41.3](#)